



**Londonderry Conservation Commission**

**Tuesday, November 25, 2008**

**Minutes**

**Page 1 of 4**

**Present: Deb Lievens, Gene Harrington, Mike Considine, Mark Oswald and George Herrmann (late)**

Call to order; 7:35 P.M.

D. Lievens appointed M. Oswald to vote for the empty seat.

Membership- The five members whose terms expire on December 31, 2008, i.e. D. Lievens, M. Considine, Ken Henault, Paul Nickerson and M. Oswald, will all be interviewed by the Town Council at either their December 1<sup>st</sup> or December 15<sup>th</sup> meetings per the Council's new policy. At that time, D. Lievens will also address filling the full member position recently vacated by Stephen Fassi. Three Londonderry residents have expressed interest in serving on the LCC but Commissioners did not feel they presently had enough information or interaction with any of them to take a formal stance on any one in particular. The Council will be interviewing the three at one of the aforementioned meetings. Since there is no emergency on the LCC's part in terms of maintaining a quorum at meetings, if the issue is not resolved by the Council themselves at the time of the interviews, the LCC can discuss it again in the near future.

SNHPC NRAC- D. Lievens, an alternate representative from Londonderry to the Southern New Hampshire Planning Commission, announced she will be looking for a volunteer from the LCC to act as their representative for the SNHPC's Natural Resources Advisory Committee. The group meets only four times a year. Once the remaining Commissioners are informed of her request, the topic will be reexamined.

Merrill easement (17-6)- Ken Merrill had asked D. Lievens if the LCC would support the Department of Environmental Services' proposal to place a temporary air quality station on map and lot 17-6 which is subject to a conservation easement. She had replied that since the Rockingham County Conservation District actually holds the interest in that easement, he would need to seek their permission. RCCD has since been contacted and has deferred to the Natural Resources Conservation Service. DES will be presenting a Memorandum of Agreement to all parties involved (i.e. the Merrills, the LCC, RCCD and DES). They are apparently hopeful that if an agreement is reached, construction can begin as early as April 2009.

Chase Road complaint- At the September 9<sup>th</sup> meeting, D. Lievens spoke about a resident's complaint concerning possible hydrology issues caused by a property owner on Chase Road. After working with the Town's Code Enforcement Officer, no violations were substantiated. A second complaint has since been made concerning the same location. Assistant Building Inspector John Gilcreast visited the site and reported that piles of gravel, sand and loam were observed but did not seem to be near any wetlands. After reviewing aerial maps of the property, D. Lievens remains uncertain whether all of the materials are at a sufficient distance from water and will follow through with the Code Enforcement Officer.

Plummer easement- Since 2006, the LCC has tried to determine the exact boundary line between the Plummer easement on map and lot 8-1 and a parcel on Chandler Drive where a horseshoe ring may possibly infringe on the easement. Despite various attempts to locate a boundary pin or make an exact determination of the line, there has been no definitive resolution to the issue. A decision was made in August of this year to ask the engineer of the original subdivision plan (Eric Mitchell Associates) if they could install a new pin where the line is believed to have originated.

E. Mitchell has since agreed to install a monument. He estimates the cost will be approximately \$350. Seeing the monumentation as a function of the Town's stewardship of the easement, the LCC will vote on the expenditure of the necessary funds when the invoice is submitted.



Londonderry Conservation Commission

Tuesday, November 25, 2008

Minutes

Page 2 of 4

Hunting in the Musquash- An inquiry was made recently as to whether hunting is permitted in the Musquash Conservation Area. Since it is, D. Lievens created two signs to post in the Musquash and inform the public about the specifics. She passed the signs along to M. Considine who will post them on the Musquash kiosks.

Non-public minutes- In October of 2007, the LCC voted on a policy regarding their non-public minutes. A review is to take place annually to determine whether circumstances warrant these minutes retain their non-public status. As long as no information of a personal nature regarding the property owner is released, nor negotiating methods employed by the Town and/or information regarding potential or ongoing transactions, the minutes will be made public. The annual review for 2008 will take place in the near future.

George Herrmann arrived.

DRC's (2)-

1. Londonderry Commons subdivision, 10-1-1

Comments: No wetlands scientist stamp.

We require an additional note be put on the plan that Bldg. E and part of its parking lot, including the dumpster, are in the buffer.

We would recommend agreement on a non-precedent setting basis.

2. Londonderry Commons condo conversion, 10-1-1

Comments: Where is snow storage?

What does the term "convertible land" mean?

October 28, 2008 minutes- **G. Harrington made a motion to approve the minutes of the October 28, 2008 meeting as written. M. Considine seconded. The motion was approved, 4-0-1 (G. Herrmann abstained as he had not attended the meeting).**

Merrimack Valley watershed trail- The New Hampshire Fish and Game Department has asked that Londonderry consider allowing a trail being developed to traverse through the Merrimack Valley watershed to cross through the Musquash. The consensus was it would be worth investigating. Since the request includes posting signage in the Musquash at the Town's expense and creating a link on the Town's website, D. Lievens will research the details and report back to the LCC.

Pittore CUP- The LCC has worked with engineers regarding this project since August of this year (see August 12<sup>th</sup>, 26<sup>th</sup> and September 9<sup>th</sup> minutes). Upon reviewing the application for the Conditional Use Permit, the LCC agreed that rather than purely advocating approval of the CUP, they would recommend the Planning Board grant it because of the improvements being made to the site overall. **G. Harrington made a motion to recommend approval of the CUP to the Planning Board which is not intended to set a precedent but to acknowledge the unique problems and natural characteristics associated with this site. M. Oswald seconded. The motion was approved, 5-0-0.**

Reed subdivision, Pillsbury Road- D. Lievens informed LCC members that the Reeds were granted their variance request made to the Zoning Board of Adjustment to reduce parts of the Conservation Overlay District buffer from 100 feet to 50 feet on map and lot 9-63 (see October 28<sup>th</sup> minutes). The LCC had recommended the ZBA grant the variance request but only if it were contingent upon a deed restriction being placed on approximately two acres surrounding Indian Brook as shown on the applicant's plan and that other no cut zones



Londonderry Conservation Commission

Tuesday, November 25, 2008

Minutes

Page 3 of 4

be monumented per the agreement with the LCC. The ZBA's approval was made with these specific conditions stated in their motion to approve.

Trapping on Town owned land- Richard Christman, a resident of Hudson, recently inquired as to whether the Town would allow him to "trap fisher cats" on the Town owned property on map and lot 5-12. The Town Manager had deferred to the LCC who had decided there was not enough information provided to approve the request.

Since the last meeting, R. Christman forwarded his specifics to the Commission, stating he would only use a single "Hav a Heart" trap placed near the water line in the woods of said parcel and that it would be checked on a daily basis "per trapping guidelines". He specified that "any animal caught not wanted will be released unharmed". A NH Fish and Game permit would need to be signed by the LCC to allow the activity during fisher season which occurs between December 1<sup>st</sup> and 31<sup>st</sup>.

Because of these statements and specifically since no pets of nearby residential properties would be harmed, **G. Harrington made a motion to authorize the Chair (or the LCC Secretary in the Chair's absence) to sign the Fish and Game Department trapping permit. M. Oswald seconded. The motion was approved, 5-0-0.**

Monitoring- The annual monitoring of the Ingersoll property and all three pieces of the Mack easements have been completed with no reports of any issues or concerns.

Higgins easement- D. Lievens reported that Dick Higgins will be moving forward with a variance request to allow him to create a lot without road frontage on a subdivision he has proposed for his property on map and lot 9-85. Because of the conservation easement on that property, D. Higgins had presented a conceptual plan to the LCC on October 14<sup>th</sup> outlining his rationale for the subdivision, namely to protect the value of his adjacent lot 9-85-1 without impacting any wetlands on 9-85.

SB 381- Under the new law created this year by NH Senate bill 381, conservation commissions in NH are allowed to expend funds via a land trust or another "qualified organization" to either purchase land in their own towns or in other towns without having to retain any executory interest in the property. All NH conservation commissions would need a warrant article passed in their towns after January, 2009 to adopt the provisions of RSA 36-A:4-a, I(b). If passed, a conservation commission would still need approval from their governing body (i.e. the Town Council), to expend funds on projects *outside of their town* but would no longer need such permission for land purchased *within their municipal boundaries*.

The LCC had agreed previously that they would rather add language to the warrant article whereby the Town Council would still have the final say on expenditure of funds for the purchase of land within Londonderry's boundaries. Town Counsel has advised that the language associated with the bill cannot be changed in any way, however, D. Lievens has also learned that counsel for another NH town stated just the opposite. She will continue to try and obtain clarification on the matter.

**G. Harrington made a motion to adjourn the meeting. M. Oswald seconded. The motion was approved, 5-0-0.**

The meeting adjourned at 8:55 PM.

Respectfully submitted,



**Londonderry Conservation Commission**

**Tuesday, November 25, 2008**

**Minutes**

**Page 4 of 4**

Jaye Trottier  
Secretary