



Londonderry Conservation Commission

Tuesday, August 28, 2007

Minutes

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Present: Deb Lievens; Mike Speltz Mike Considine; Ken Henault; Paul Nickerson and Mark Oswald, Town Council Liaison and voting alternate

Call to order

D. Lievens appointed M. Oswald to vote for Gene Harrington.

PSNH D+F- Public Service of New Hampshire applied for a Minimum Impact Dredge and Fill permit regarding installation of new utility poles and guy wires along a seven and a half mile portion of their easement in Londonderry (see August 14th minutes). M. Considine and P. Nickerson had volunteered to perform separate site walks to inspect wet areas that will be disturbed. Hutton Snow and Don DeBono of PSNH were joined by Dan Rukakoski or Tighe and Bond to respond to any questions or issues that arose as a result.

P. Nickerson covered a majority of the area and commented favorably on the variety of wildlife, the lack of trash and the proper signage delineating the wetlands. He relayed there was one spot near their location identified as 'LW23' where tires have been dumped in the wet area and that silt fencing from previous projects were still in place. H. Snow made note of the observations and D. DeBono stated that the old silt fencing will be removed. Along with verifying that the LCC will receive a copy of the ensuing environmental monitoring report, P. Nickerson also confirmed that the poles will go in during the colder part of the winter when the wetlands are frozen.

Mike Considine walked the entire distance from the Scobie Pond Road substation to the Hudson town line, examining not only whether the poles were placed according to the submitted plan but also whether a better installation point could have been selected. The only issue he noted was what appeared to be disassembled segments a large deck along the forest edge near proposed pole 22. H. Snow said it would be investigated.

D. Lievens asked if PSNH would notify abutters before beginning such a project since she and M. Considine have both received word from a resident on Bancroft Road asking why she had not been informed PSNH would be on her property. H. Snow said a letter to all abutters was in the process of being sent. D. DeBono added that the New Hampshire Department of Environmental Services does not require abutter notification for utility line projects.

P. Nickerson and M. Considine then signed the five copies of the D+F application.

Musquash access at Hickory Hill Road- While PSNH representatives were present, D. Lievens inquired as to the possibility of creating a parking area on their easement at the end of Hickory Hill Road to prevent on-street parking at this popular entrance to the Musquash Conservation Area. M. Considine thought 20 to 25 spaces should be adequate since as many as 20 cars can be parked there on any weekend day. M. Speltz suggested that a design should take into account that an increased parking area will draw even more visitors to that access point. The added benefit would be not only to encourage more people to experience and enjoy the conserved land but to have a larger public presence which would discourage prohibited activities.

ATV use- Following the first two items above, the LCC inquired about PSNH's stance on ATV use in their easements. D. DeBono replied that PSNH is willing to work with any landowner interested in restricting ATV access onto their private property. Merely being the easement holder and not the landowner, however, their policy is that it is not up to them to prohibit the



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presence of such things. D. Lievens pointed out that PSNH is actually the owner of 8-6A (where the above mentioned parking lot would go). In that event, D. DeBono said PSNH would have a legal right and could implement measures to restrict ATV use as part of the parking lot project.

Conservation land locations- Trent Spiner of the Union Leader contacted D. Lievens for her comment on an upcoming story based on an “anonymous” source’s research showing that conservation lands purchased by the Town were near several Commissioners properties.

With regard to the recently acquired George property on Wiley Hill Road, she explained that although K. Henault is an abutter on Preserve Drive, he specifically recused himself from taking part of any aspect of that acquisition as an LCC member. K. Henault himself added that the George property had been on the Open Space Plan list before he ever became a commissioner. Concerning pieces obtained near the homes of M. Speltz and M. Considine, she informed T. Spiner that the former was taken by the Town for failure to pay taxes and the latter was a result of the open space requirement for that subdivision, therefore Town funds were not spent on either.

When the Union Leader asked the Town Manager for comment, he stated it would follow that conservation-minded people would choose to have homes in less developed areas. M. Speltz noted that the LCC is charged with implementing the Town’s Open Space Plan but the majority of the group responsible for its creation are not LCC members. In addition, one of its main goals is the “ten to ten” ideal which is designed to put as many residents as possible within a ten minute walk of at least 10 acres of conservation land.

Non public minutes- D. Lievens received an email from resident Glenn Douglas asking why the minutes of non public sessions are sealed. She explained that because possible land acquisitions are discussed in non public sessions, the minutes are sealed to respect the privacy of the potential seller’s finances as well as to avoid jeopardizing the Town’s bargaining position. G. Douglas replied that although he understood that position, he felt the public should have access to that information at some point.

The consensus of the Commission was to get the Town Manager’s opinion on creating a policy, perhaps initiating a review of non public minutes after a certain time period to determine whether the circumstances still warranted they be sealed. A five year period was suggested since it would ensure that the information is no longer timely without having to review each set of minutes.

AES easement- M. Speltz reported that this 80+ acre easement under the AES power lines has been finalized with Granite Ridge. While he was unable to convince their attorneys to include the actual corridor in the easement, they did reach the agreement that the corridor can only be for electrical transmission lines. A provision was also secured allowing the crossing and re-crossing of the corridor to build, maintain and use walking trails. M. Speltz had also attempted to convince Granite Ridge to keep the five individual parcels that comprise the corridor under common ownership. They would not consent to that request but agreed to keep the line itself under common ownership and to not further subdivide those parcels.

D. Lievens entertained a motion to recommend approval of the easement to the Town Council. P. Nickerson so moved. K. Henault seconded. The motion was approved, 5-0-1 with M. Oswald abstaining.



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Unicast; Permit by Notification- The LCC had previously discussed Unicast's Permit by Notification regarding maintenance in a detention pond at the August 14th meeting and had voted to authorize the Chair to sign it after informing the applicant how to properly dispose of invasive purple loosestrife. Having done that, D. Lievens stated that Unicast is also asking for the LCC's opinion on the placement of conservation boundary markers they are placing on their property at map and lot 28-21-1. Using the aerial photography in the Town's GIS systems, the LCC believed Unicast was essentially asking if they needed to place the signs on the roadway of the cul de sac since the buffer runs through it. It was decided to inform them that signs only needed to be located along the propane tank shown in the photo just north to the cul de sac and then just along the edge of the roadway but not within the cul de sac itself.

Musquash map- D. Lievens provided a copy of the updated Musquash map put together by the Town GIS Manager.

Potential land acquisition #1- D. Lievens reported that she and the property owner who is interested in selling land to the Town both received estimates from their respective choices for appraisers. Don Spring, an appraiser the LCC has used in the past, said he would charge approximately \$3,800.00 for an appraisal, whereas the landowner's choice estimated a cost of \$2,500.00. Considering that the engineering work has already been prepared for a possible subdivision on the land, the consensus was to move ahead with the landowner's choice. In formally requesting a fair market value appraisal, it was decided to confirm that it could be done in a timely fashion and that the LCC receive their own copies of the report and a separate bill for half of the cost.

Potential land acquisition #2- The LCC has been in contact with the owner of another piece of land, seeking results of a second appraisal that had been arranged. Although the owner gave her verbal results, she asked that it be put in writing for purposes of proper procedure.

Brewster Road D+F- D. Lievens and M. Oswald performed a site walk of map and lot 13-125 where the property owner applied for a Minimum Impact D+F permit to create a small beach area between his house and the edge of Scobie Pond (see August 14th minutes). There were no issues or concerns to report.

Bridges in the Musquash- The LCC had previously voted \$800.00 to build bridges in the Musquash. D. Lievens asked M. Considine if they were scheduled to be completed this year. He replied that the lumber will be purchased in October and the projects finished soon thereafter.

Budget- The Town Council has requested that all budgets be reduced by 1.5%. This would amount to \$43.75 for the LCC budget.

Purple Loosestrife- D. Lievens announced that it appears there has been some success this year in cutting back the purple loosestrife in the flax field wetland, although she is unsure of the direct cause. Beetles bred to eradicate the plant were released two years ago and she plans to release another batch next year. They may be the reason for the decrease but, in any event, she said it may be worth the funds to arrange for Student Conservation Association members to make a concentrated effort of proper removal at some future point.



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Pillsbury Road sidewalk- At this time last year, the LCC had several meetings with Town staff regarding the impact a drainage structure associated with this sidewalk project would have on the buffer to a unique wetland on Pillsbury Road. D. Lievens reported that because the project has gone over budget, the sidewalk will now actually end at the Kindergarten, before the buffer/wetland. There may still be some drainage work done in the area, but at this time it was unclear of any potential impact.

Moose Hill easement- Town Attorney Bart Mayer is still researching the history of this easement to verify its ownership.

Town Forest- The Fire Department is looking for an opportunity for firemen to gain experience in emergency tree removal. M. Oswald suggested working in the Town Forest since the Fire Department would not want the liability involved working on private property and the Town Common could use some extra space if some trees were removed. He offered to speak to the LCC about it as they are responsible for the maintenance and welfare of the forest. He proposed cutting a 30 to 40 foot wide swath along the stone wall that separates the forest from the common, starting at the bandstand and moving back towards Mammoth Road. A section could perhaps be cut along that line in order to see if that provides enough extra space while still blocking the view from Mammoth Road. Any cutting would avoid hardwood trees and bird nesting sites.

August 14, 2007 minutes- **M. Considine made a motion to approve the minutes of the August 14, 2007 public session as written. P. Nickerson seconded. The motion was approved 5-0-1 (M. Speltz abstained as he had not attended the meeting).**

K. Henault made a motion to approve the minutes of the August 14, 2007 non public session as written. M. Oswald seconded. The motion was approved 5-0-1 (M. Speltz abstained as he had not attended the meeting).

Respectfully submitted,

Jaye Trottier
Secretary