



Londonderry Conservation Commission
Tuesday, May 22, 2018
Minutes

1 **Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Deb Lievens, member; Bob Maxwell,
2 member; Mike Noone, member; Mike Speltz, alternate member; Julie Christenson-Collins, alternate
3 member

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5 **Absent:** Mike Byerly, member; Roger Fillio, member; Richard Floyd, alternate member and Ted Combes,
6 Town Council member

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8 **Also present:** Amy Kizak, GIS Manager/Comprehensive Planner, Bruce Gilday, wetland scientist, Fire
9 Chief, Darren O'Brien; and Beth Morrison, Recording Secretary

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11 Marge Badois called the meeting to order at 7:30 pm. She appointed M Speltz to vote for M Byerly, J
12 and Christenson-Collins to vote for R Fillio.

13 **Central Fire Station Improvements - Bruce Gilday, Fire Chief Darren O'Brien** - Bruce Gilday introduced
14 himself and Fire Chief Darren O'Brien to the Commission. He went over a map with the Commission of
15 the current fire station. Fire Chief O'Brien stated that the new design of the fire station eliminates the
16 parking spots out in front now and will use the access road behind the library as a one way entrance
17 allowing the school staff, DPW, and police departments to fuel up at the fire station. He noted that they
18 are going from 4 bays to 6 bays, with 5 of the new bays being drive-thru bays. He stated that the new
19 design will help traffic flow in and out of the fire station better. B Gilday stated that he flagged the
20 boundaries of the pond himself and the total impact was 10,480 SF, which means that compensatory
21 mitigation will be done. He passed out a description of the wetland to the Commission, noted as Exhibit
22 1. He stated that the plan will be to drain the pond, remove all the invasive species and then perform
23 excavation. He passed out copies of the meeting minutes from the New Hampshire Department of
24 Environmental Services (NHDES) pre-application meeting for the Commissioners to review, noted as
25 Exhibit 2. He stated that the suggestion was to find 20:1 compensatory mitigation. He stated that they
26 are interested in a parcel of land that the town owns at 15 Wilshire Boulevard that abuts Moose Hill
27 orchard, which is 4.57 acres of land for mitigation. He noted that there is 51-52% of uplands and 48% of
28 wetlands, which are poorly drained, on this parcel of land. He stated that he has talked to Southeast
29 Land Trust (SELT) and they might be interested in ownership of the land. M Speltz asked if an easement
30 would be created or they would sell the land directly. B Gilday stated they would not sell the land
31 directly, but would hold an easement, and the town would be responsible for a title search, survey of
32 property lines, deed language and any stewardship costs. He stated that he is open to other parcel
33 suggestions at this time from the Commission, while still trying to work out the 15 Wilshire. M Speltz
34 asked if Lori Sommer, NHDES, is satisfied with the Wilshire parcel. B Gilday stated that she is satisfied
35 area wise, with the natural features of the parcel and most importantly if SELT assumed ownership. M
36 Speltz stated that he is unsure what added value this parcel would have for the Commission and asked
37 where the money would come from to pay for this parcel. B Gilday stated that he did not get into



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38 definitive costs with SELT and was hoping that the Commission could offer some suggestions of land in
39 town that might be of more benefit. M Speltz asked if Lori Sommer would be okay with the town
40 contributing toward a parcel that might be too big, as he put in a pre-application with Lori Sommer
41 regarding a parcel like this, but does not have a firm commitment from the owner. He asked about the 2
42 detention ponds on the plan. Fire Chief O'Brien stated that the first one is going to be a swale and the
43 other one will be a detention pond. M Speltz asked if this was going to be a lot line adjustment between
44 the Fire Department and the Library. B Gilday stated that was correct. Fire Chief O'Brien stated he was
45 going before the Planning Board at the June 6, 2018, meeting for this. He also stated that he has lived in
46 Londonderry his whole life and will make the new fire station look as traditional as possible. M Speltz
47 asked when they would need an answer from the Commission. Fire Chief O'Brien stated as soon as
48 possible. B Gilday stated that he is pursuing the application and would come before the Commission
49 again with a standard dredge and fill application. M Speltz again reiterated that his concern is there
50 would be no conservation to be added with this particular parcel as it is already protected. D Lievens
51 stated that the Commission's long-term goal is to get already protected land even more protected. M
52 Speltz stated that he thought it would be reasonable to ask NHDES to grant a Conservation Commission
53 restriction, which is similar to an easement, and give NHDES right of enforcement. B Gilday stated he
54 would present that to NHDES tomorrow. M Badois noted she thought it made sense economically. M
55 Speltz pointed out it would set a precedent for other areas in town. The Commission's consensus was
56 the plan is a reasonable one and the Commission will work with them to find the most cost effective
57 solution.

58 **Evans Family Limited Partnership - Bruce Gilday** - B Gilday stated that he was here last month before
59 the Commission presenting the compensatory mitigation proposed for the impact at 14 Page Road. He
60 stated that he did not bring a copy of the minutes from the meeting with NHDES, but he was told NHDES
61 received the Commission's letter and also wanted him to shrink the big building. He stated that the
62 mitigation land has 50% of uplands now, as the Commission requested, and a 15-foot conservation
63 access easement that runs right along the property line. He noted that a vernal pool was found on the
64 land that was confirmed with salamander eggs. He stated that he is looking for the town to take
65 ownership of this land and the owner will take on the cost of the survey, title search, deed language, any
66 stewardship costs and any monumentation. D Lievens asked how much undeveloped land is
67 developable. B Gilday went over the map stating that he did not think it could be developed as there is
68 no real access. M Speltz asked if B Gilday could further explain the new boundaries of the mitigation
69 land to the Commission. B Gilday referenced the map and reviewed the proposed mitigation land. M
70 Speltz asked why the power lines were not used as a boundary. B Gilday stated that they did not go all
71 the way to the power lines because they want to save that land for possible future mitigation use. M
72 Badois asked if there would be a conservation easement. B Gilday stated that there would be an
73 easement, but would have to find a different owner. D Lievens asked who owns the land. B Gilday stated



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74 a private citizen would own the land. D Lievens stated the town could own the easement then. B Gilday
75 stated that if the Commission takes ownership, the citizen will give them then land. D Lievens stated
76 that would be a different scenario. G Harrington asked if the private citizen would still pay property tax
77 on the land. B Gilday answered that he would. G Harrington stated he is concerned about the 15-foot
78 access easement along the property line because someone could contest it and then the access is gone.
79 B Gilday stated it would have to be a deed restriction. G Harrington voiced his opinion that Conservation
80 signs should be required along the 15-foot easement to properly delineate for a future land owner. M
81 Speltz voiced his opinion, he thinks it is still appropriate to use the power lines as a boundary as it would
82 not comprise any future plans. M Speltz stated the options from the Commission would be:

- 83 1. To transfer the fee interest of the land to the town, which might require a waiver.
- 84 2. To grant a conservation easement to someone else.
- 85 3. To grant a conservation easement to the town.

86 B Gilday stated he would take all the input from the Commission back to NHDES.

87 **Old Business**

88 **Kendall Pond gate and sign:** M Badois informed the Commission that again in her opinion, a gate is not
89 going to work here and reviewed the reasons why she thought that with the Commission. She explained
90 that she added no camping to the draft sign and asked the Commission if she could order them. The
91 Commission stated she could. She stated her current proposal is to use the ordinance, place the signs,
92 place the camera, remove the logs and the trash barrels and enlist the police to patrol the parking lot. B
93 Maxwell stated that camera placement will be determined if or when they move the logs. J Christenson-
94 Collins asked what the plan would be for reviewing the camera. M Badois stated she thought the camera
95 should be reviewed minimally monthly, unless there is a reported incident to investigate. B Maxwell
96 stated that the pictures from the camera will have a time and date stamp. M Badois noted this current
97 proposal will be presented to Lisa Drabik, Assistant Town Manager/Personnel Director and hopefully for
98 the Town Council meeting on June 6, 2018.

99 **Surveyor-** M Speltz stated he worked with the surveyor for two days and put in monuments. He stated
100 that encroachments were found and he met with Richard Canuel, Chief Building Inspector, Health
101 Officer, Zoning Administrator & Code Enforcement Officer, today to discuss options. He stated that the
102 Commission should send the standard encroachment letter and give him thirty days to make
103 corrections. He stated that the current landowner was not aware of these encroachments and he
104 bought it this way. M Badois asked what other properties were surveyed. M Speltz stated no other



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105 properties were surveyed. M Badois stated there were two more properties that needed surveying,
106 Wilshire and Granite Ridge.

107 **Cooper encroachments:** M Noone stated he reached out to Richard Canuel to update him on the
108 situation and ask what should be done. He stated that he had not heard back from Richard yet and sent
109 him another email about this again. M Speltz asked if a surveyor is needed here. M Noone stated he
110 thought it would be a good idea to help clearly delineate the land. M Badois agreed and also thought the
111 Commission could put up signs to help clearly delineate the land as well.

112 **New Business:**

113 **Orchard cleanup:** M Speltz stated that this came about as a part of the Town Councils' negotiation with
114 the owner of Cross Farm. He stated that an offer was made to clean up a piece of an orchard on
115 Gilcreast. He noted that he talked to Rich Welch about bittersweet and how to dispose of it, and Rick is
116 making a good faith offer to try and clean it up. D Lievens asked what their plan would be. M Speltz
117 stated he is waiting for a response. He stated that he believes the first step would be for the owners of
118 the land to complete a Brownfield's Assessment.

119 **LCHIP monitoring reports:** M Badois informed the Commission that she received an email stating the
120 LCHIP funded properties in Londonderry are: Bockes, Doyle and Mathes. M Speltz stated that the only
121 LCHIP property is the Ingersoll addition, not Bockes, Dolye or Mathes. D Lievens stated she received an
122 estimate for Ingersoll from RCDD and it is \$650. M Speltz made a motion to contract RCDD for the
123 Ingersoll monitoring from the line item budget. D Lievens seconded the motion. The motion passed, 7-0-
124 0.

125 **Girl Scouts:** M Badois informed the Commission that the Girl Scouts have made blue bird houses and
126 are asking if the Commission would be interested in any. G Harrington suggested the bunny cut to put
127 up the bird houses. M Badois stated she would order 6-8 bird houses. She also informed the Commission
128 that the Girl Scouts want to camp in the Musquash to obtain their primitive camping badge the weekend
129 of June 22-24, 2018. She stated they requested both days so they can pick the better weather day, but
130 will only be camping one night. G Harrington asked how many people will be there. M Badois stated 7
131 girls and 4 adults. M Badois stated she would write a permission letter and let the fire department and
132 police department know.

133 **Minutes:** The Commissioners went over the public minutes from May 8, 2018. M Speltz made a motion
134 to accept the minutes as presented. D Lievens seconded the motion. The motion passed, 4-0-3 with G
135 Harrington, M Noone and B Maxwell abstaining.



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136 **DRC: Weymouth Road Condo Conversion (Map 15 Lot 187):** The Commissioners reviewed the DRC for
137 the Weymouth Road Condo Conversion and commented that the vegetation should be
138 maintained/encouraged to help screen the rail trail.

139 **Non-Public Session**

140 M Speltz made a motion to go into non-public session per RSA 91-A:3 for the purpose of discussing a
141 matter related to property acquisition. The motion was seconded by G Harrington. The motion was
142 passed by M Badois, D Lievens, G Harrington, B Maxwell, M Noone, M Speltz and J Christenson-Collins
143 with a unanimous roll call vote. M Speltz made a motion to leave non-public session and to seal the
144 minutes of the non-public session indefinitely per RSA 91-A:3. G Harrington seconded the motion. The
145 motion passed, 7-0-0.

146 **Adjournment:** G Harrington made a motion to adjourn the meeting at 10:00 p.m. B Maxwell seconded
147 the motion. The motion passed, 7-0-0.

148 Respectfully Submitted,
149 Beth Morrison
150 Recording Secretary