



Londonderry Conservation Commission
Tuesday, February 13, 2018
Minutes

1 **Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Deb Lievens, member; Mike Byerly, member;
2 Bob Maxwell, member; Julie Christenson-Collins, alternate member; Richard Floyd, alternate member,
3 Roger Fillio, member (arrived at 8:00 p.m.)
4

5 **Absent:** Mike Noone, member; Mike Speltz, alternate member and Ted Combes, Town Council member
6

7 **Also present:** Jeff Merritt, Mike Ross, Luke Hurley, John Kalantzakos, Rich Welch, David Ellis and Beth
8 Morrison, Recording Secretary
9

10 Marge Badois called the meeting to order at 7:30 pm. She appointed R Floyd to vote for M Noone and J
11 Christenson-Collins to vote for R Fillio until he arrived.

12 **Jeff Merritt, Engineer with Keach-Nordstrom Associates, Mike Ross, Liberty, and Luke Hurley, Liberty**
13 **Utilities & Pennichuck Water Works dredge and fill:** J Merritt presented the Commission with the gas
14 and water line extension. He passed out packets for the Commission to review while he presented. He
15 stated that the gas extension would start at Buttrick Road/Route 102 intersection and extend southwest
16 to Cross Farm development site. He noted that the water extension would start at Young Road and go
17 to the Cross Farm development. He stated that all of the proposed work to be done is in the Route 102
18 New Hampshire Department of Transportation (NHDOT) right-of-way. He informed the Commission that
19 there are a number of temporary wetland impacts, totaling 16, 400 SF. He stated that all the companies
20 are trying to minimize wetland impacts as much as possible for the project. J Merritt stated that the
21 dredge and fill application had been submitted to the state. He concluded his presentation. D Lievens
22 made a motion that the Commission recommend the dredge and fill application. M Byerly seconded the
23 motion. The motion passed, 7-0-0.

24 **Old Business**

25 **Musquash Field Day - February 17, 2018:** M Badois informed the Commission that she thought the
26 snowshoes would be a waste of time, as the conditions are very messy and slushy with not much snow
27 left. D Ellis stated that most of the Musquash was ice when he was last out there. J Christenson-Collins
28 stated she would be emailing R Fillio with the shopping list. M Badois stated that she had the 2-gallon
29 thermos for coffee and 2 pump jugs for cider. D Lievens mentioned that Andy Mack will be having an
30 apple pie contest that morning at 10 a.m. M Badois stated she put up the sign for the field day on High
31 Range Road. R Floyd commented that he had a utility cart with wheels that might be easier than using a
32 sled. M Badois stated that she would pick up the first aid kit and asked if the letter from Kevin Smith,
33 Town Manager, had been received for the fire permit. The Commissioners agreed that they should
34 arrive at 9:30 a.m. to set up for the event.



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35 **Kendall Pond:** M Badois informed the Commission that the gate would have a timer, which could be
36 controlled by a cell phone, have an electric eye, and will require Eversource to put in a pole for
37 electricity. She stated that the grand total would be just under \$21,000. B Maxwell asked if the Town or
38 Conservation Commission would be paying for this. M Badois stated it would be the Conservation
39 Commission. M Badois asked if there should be insurance on the surveillance equipment in case of
40 vandalism. D Lievens made a motion that the Commission go ahead with the gate at Kendall Pond with
41 the budget not to exceed \$21,000, including the surveillance camera. G Harrington seconded the
42 motion. M Byerly stated for the record, he thought the Town should be paying for this, not the
43 Conservation Commission, as he does not want to put a gate in there and make it harder for people to
44 use Kendall Pond. He stated the gate is to prevent people from committing crime, which he does not
45 think is a charter of the Conservation Commission. D Lievens asked if M Badois had asked the Town to
46 pay for it. M Badois stated that she had not. M Byerly commented that the gate was not part of the
47 Kendall Pond improvement plan that the Commission had created and stated M Badois should ask the
48 Town to pay for it. D Lievens struck her first motion. She asked who paid for the gate at Musquash. M
49 Badois stated the Commission did. M Byerly stated the gates are at the Musquash to keep out all-terrain
50 vehicles. D Lievens asked who M Badois had spoken with. M Badois stated Lisa Drabik. B Maxwell stated
51 in his opinion, he thought the Commission should approve the plan, but have the Town fund it, as they
52 are already the land owner. B Maxwell made a motion to approve the plan and ask the Town to fund it
53 as it is not a Conservation Commission issue, but rather a property owner/crime issue. G Harrington
54 seconded the motion. The motion passed, 7-0-0.

55 **Open Space Task Force:** M Badois asked if anyone had looked at it. D Lievens stated that she had and
56 could not find her file, which was a 3 page document, on what the Commission could do with short-term
57 and long-term goals. B Maxwell stated he thought it was time to redo this and try to engage the
58 community. He stated he did not understand why the Commission cannot get approval for a bond if
59 property were to become available. M Byerly stated that he had been thinking about a warrant article
60 that designated a percentage of the unassigned fund balance every year to go to the Conservation Fund.
61 J Christenson-Collins asked what other Conservation Commissions in the area do. G Harrington stated
62 that a lot of other towns do not have the pressure of open space that Londonderry has right now.

63 **John Wilson, Londonderry resident:** John Wilson, a resident of Londonderry, stated that he had never
64 been to a Conservation Commission meeting before, and had been following the Griffin Road parcel
65 with the Town Council meetings. He stated that in his opinion, he thought the Town would by 67-68
66 acres of land, of which 38 acres are protected because of wetlands. He noted that left 30 acres and if the
67 data on the Town website is correct, could lead to maybe a dozen single family lots to build. He stated
68 that from a practical point of view, for the Town to spend \$750,000 to stop the building of those 12
69 single family lots, seems very expensive. He stated that the question in his mind is what the Town could



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70 do with the \$750,000 if the Town did not purchase the land. He stated that he would like to see the
71 Conservation Commission buy more land that would prevent the kind of buildup on 101A from Nashua
72 to Milford. He stated he would like to protect, Route 102, Route 28 and Mammoth Road from becoming
73 that. He stated that no one can stop the development, but it can be broken up with green space, open
74 space or conservation space. M Badois asked if he had looked at the master plan, because the areas that
75 he spoke about, are the areas that are planned for commercial development. He stated that he had, and
76 he is not saying to stop the development, but to break it up with green space. M Badois stated that
77 comes up more with zoning and planning as the developer is required to keep a certain percentage
78 green. He stated that he did not think the purchasing of the Griffin land would have as much impact as
79 breaking up the developments along Route 102 and Route 28 for generations to come. B Maxwell stated
80 that his question is valid and aesthetics is a small piece of the Conservation Commission's charter. He
81 noted that every 100 SF of land in Londonderry has been rated for Conservation Land and Griffin Road is
82 rated pretty high, as it is a combination of upland which feeds into wetland. He stated that a big part of
83 the Conservation Commission's charter is to protect the wetlands. He stated that Griffin land is a large
84 contiguous block of land, and there are not many left in town, that has upland and protects wetlands in
85 a chunk that is big enough for potential Conservation recreational value. G Harrington stated that the
86 town does not really look favorably on the Conservation Commission purchasing land that is tax positive,
87 which would be industrial commercial land. J Wilson stated that he has read the master plan and in his
88 opinion it is almost worthless, as the town has not done anything that was written in it, as no
89 fundamental change to zoning has occurred. M Badois stated that J Wilson might want to look at the
90 open space plan on the Conservation Commission's webpage that explains how the Commission
91 evaluates properties. M Byerly stated that there is still an opportunity to make the zoning different on
92 Route 102 coming from Hudson, to try and make commercial have more green space. G Harrington
93 stated that would be under the Planning Boards discretion. J Wilson thanked the Commission for letting
94 him speak tonight.

95 **David Ellis:** D Ellis handed M Badois a booklet stating that replaces all previous booklets. He stated he
96 would be at the Musquash Field Day this Saturday, February 17, 2018.

97 **Griffin Road:** J Christenson-Collins asked what had transpired at the last Town Council meeting. M
98 Badois stated that it was continued again. She stated that the Town wants to lower the price, but did
99 not make a lower bid on the property, and questioned how the Town Council could be in negotiation if it
100 appears as if no one is talking with each other. She stated that the land owner's attorney stated they
101 were not interested in lower the price. M Badois stated she was told that once it goes to the Town
102 Council it is out of the hands of the Joint Negotiating Committee (JNC) or the Conservation Commission,
103 and it is the Town Council's prerogative to negotiate. R Fillio stated that usually one does not go to the
104 person selling it and ask them to lower the price, usually one would make them an offer. M Badois



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105 stated that was exactly the land owner's point, as they would be negotiating against themselves. M
106 Badois wondered why the Town Council was deviating from the standard procedure that had been in
107 place for so long and hoped the deal would not fall through. J Christenson-Collins asked if M Badois had
108 talked to anyone to express her frustration. M Badois stated she has met with Kevin Smith, Town
109 Manager, and Tom Dolan, Town Council. B Maxwell stated maybe she should speak with Rick Brideau,
110 Town Assessor, for an evaluation. M Badois stated that was her idea to have the assessor come in to
111 speak with the Town Council, as she thought they might not understand the appraisal report. G
112 Harrington stated that if anyone from the Commission sees a Town Council on Saturday at the
113 Musquash Field Day, to ask them about Griffin Road.

114 **Water Extraction Ordinance:** M Badois stated that she had sent Ted Combes an email asking for the
115 status and has received no response.

116 **New Business:**

117 **Turtle monitoring:** M Badois informed the Commission that New Hampshire Fish and Game wants to do
118 a Blanding and spotted turtle survey this season, but a representative could not make it to tonight's
119 meeting. She stated that someone will be presenting on March 13, 2018 from New Hampshire Fish and
120 Game about turtle monitoring.

121 **Revisions to Env-Wt 100-900 wetland rules:** M Badois asked if everyone had received the email she
122 sent out regarding the proposed draft about the revisions. D Lievens stated that there is an open
123 meeting in Concord regarding this and this is still the first draft. She stated the draft will go to JLCAR
124 (Joint Legislative Committee on Administrative Rules) where the final draft will be executed. She
125 recommended the Commission look over the draft. She stated that the goal is to make it simpler.

126 **Deliberative:** M Badois informed the Commission that at the deliberative session on Saturday, Peter
127 Curro's warrant article was reduced to \$250,000 and he kept emphasizing it was to prevent
128 developments. B Maxwell stated that there seemed to be confusion over what type of land the
129 Conservation Commission can buy and what the Commission can do with land it purchases and
130 suggested that the Commission should try to educate the residents about this information.

131 **Email from ARM:** M Badois stated she received an email from ARM stating pre-proposal applications
132 are due April 30, 2018 and the application itself is due August 31, 2018. She stated there is \$2.6 million
133 available in the Merrimack River Watershed. M Badois stated they are interested in culvert projects. M
134 Badois stated that she thought M Speltz asked someone for a list of culverts crossed with Conservation
135 land. J Christenson-Collins asked what the next step was. B Maxwell stated that the Commission needs
136 to come up with a list of requests because if the Commission does not put in a request the money will go



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137 to the other towns. D Lievens suggested contacting Colleen Mailloux, Town Planner or John Trottier,
138 P.E., Assistant Director of Public Works and Engineering.

139 **DRC**

140 **Enviro Totes (Map 28 Lot 20-1A):** The Commissioners reviewed the DRC for Enviro totes commenting
141 that it is not clear enough to determine as to what if anything is changing beyond the change of use.

142 **Minutes:** The Commissioners went over the non-public minutes from January 23, 2018. G Harrington
143 made a motion to accept the minutes as amended. D Lievens seconded the motion. The motion passed,
144 7-0-0.

145 The Commissioners went over the public minutes from February 10, 2018. B Maxwell made a motion to
146 accept the minutes as amended. R Fillio seconded the motion. The motion passed, 4-0-3, with D Lievens,
147 G Harrington, and R Fillio abstaining.

148 The Commissioners went over the public minutes from January 23, 2018. G Harrington made a motion
149 to accept the minutes as amended. R Fillio seconded the motion. The motion passed, 7-0-0.

150 **Adjournment:** G Harrington made a motion to adjourn the meeting at 9:38 p.m. R Fillio seconded the
151 motion. The motion passed, 7-0-0.

152 Respectfully Submitted,
153 Beth Morrison
154 Recording Secretary