



Londonderry Conservation Commission
Tuesday, March 26, 2019
Minutes

1 **Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Deb Lievens, member; Richard Floyd,
2 member; Mike Noone, member; Bob Maxwell, member; Mike Byerly, member; Jocelyn Demas, alternate
3 member and Mike Speltz, alternate member
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5 **Absent:** Raymond Brown, alternate member, and Town Council liaison member
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7 **Also present:** Amy Kizak, GIS Manager/Comprehensive Planner
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9 Marge Badois called the meeting to order at 7:30 pm.

10 **Unfinished Business**

11 **Kendall Pond projects:** M Noone informed the Commission that they have a 12 X 10 observation
12 platform for which a shoreland permit is needed before the platform can be started. M Speltz said he
13 read the application instructions and he suggested being more specific about the fact that no trees are
14 being cut, so a timber inventory would not have to be done. M Speltz said that shoreline law allows the
15 pruning, which will be all that is needed. M Speltz asked if M Badois was comfortable with the draft form
16 so she could sign it with the understanding that he would update it a little to include the photography.
17 He added that he felt the Commission would obtain approval for this as they have seven pictures to
18 present even though only one was required and they put up flagging where the platform is proposed.

19 **Parking at Hickory Hill:** M Badois informed the Commission that John Trottier, P.E., Assistant Director of
20 Public Works and Engineering, told her that contacting an engineer would be the next step in the
21 process. She told the Commission she spoke to Liz LaRocca from Eversource who will help M Badois
22 connect with the right person to work with on this. She said she also received an email from someone
23 asking about the Deer Trail connector being blocked off and asked if the loggers had done this on
24 purpose. A resident at the meeting said that there is a lot of blow downs on the trail, as he bikes there
25 often. M Badois explained that the Commission is trying to get people to stay on the real trails and
26 discourage the use of unauthorized trails. B Maxwell said that there are two legit connectors and one
27 that has just sort of come about that is closest to the loggers. M Badois asked if the loggers would have
28 blocked it for a reason. B Maxwell said he did not think so and thought it was from blow downs stating
29 he would go take a look tomorrow. M Badois passed around copies of what Stantec estimated for the
30 parking lot, which was about \$130,000. She said she thought they would not have as much clearing and
31 grubbing, excavation and crushed gravel as is on the estimate. D Lievens asked if the Commission would
32 be putting this project out for bid. M Badois said she thought that would be the next step. M Byerly
33 asked if the town was going to plow the parking lot. M Badois asked if the town plows Kendall Pond. B
34 Maxwell said they do not. M Badois noted that Hickory Hill is going to be a bigger space and would be
35 used by more people. M Byerly said that the town is not going to plow a dirt parking lot, so it might need



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36 to be paved. M Badois asked how the Commission goes about getting this project out for bid. M Noone
37 suggested talking to Steve Cotton, Administrative Support Coordinator.

38 **Cross Farm:** M Badois asked M Speltz what he thought of the wording. M Speltz said he was happy with
39 the wording stating that the attorney for Cross Farm is continuing to work with New Hampshire
40 Department of Environmental Services (NHDES) on the conservation restrictions to protect the three
41 wetlands in Cross Farm. He explained that a whereas clause was added in the beginning stating
42 Londonderry has a right to monitor the property, but it is at the town's discretion, which were the key
43 words in his point of view. He noted that at the end of the document there will be an acknowledgment
44 from Londonderry stating the town knows about the land and is prepared to monitor it as well. M Byerly
45 made a motion to approve the Cross Farm conservation restrictions as amended on March 20, 2019 in a
46 submission to NHDES by Cross Farm subject to the condition that no further changes are made without
47 Conservation Commission review. D Lievens seconded the motion. The motion passed, 7-0-0.

48 **Conservation Officer:** M Badois said she corresponded with Chief Hart asking if it was too soon to start
49 looking for someone for the position and he said that it was because they are still drafting the job
50 description. She asked the Commission what night would be good to meet with Chief Hart to review the
51 job description. M Speltz asked for the draft ahead of time to compare it to the first one. D Lievens said
52 that she had a question for the legal department regarding the use of the Conservation Funds paying for
53 the first year and how that would relate to any police duties the officer does. M Speltz noted that the
54 Assistant Town Attorney reviewed the first job description and said the use of the Conservation Funds
55 would be allowed for this position. D Lievens asked to have the Assistant Town Attorney put that in
56 writing for the Commission. M Speltz said he had an email. Both D Lievens and M Speltz said they were
57 free on Tuesday and Friday of next week to meet with Chief Hart.

58 **Brownfields Grant:** M Badois asked if there was an update on this. M Speltz stated there was not and
59 he would check on this.

60 **New Business**

61 **Fish & Game:** M Badois read the Commission a letter (Exhibit 1) that she received from Jim Oehler at
62 Fish & Game regarding the Piper Trail on the former Mathes property. She noted that she forwarded the
63 letter to a member of the mountain biking community.

64 **Four Wheelers:** A resident asked if four wheelers are allowed in the Musquash. M Badois stated they
65 are not allowed. The resident stated that there are regulars who use four wheelers on these trails
66 frequently and asked what can be done. M Speltz said that four wheeling is a violation of a town
67 ordinance. B Maxwell noted that this would be a great assignment for the new Conservation Ranger.
68 The resident said he had pictures of this offense and would get them to the Commission.



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69 **Finances:** M Badois informed the Commission that the Conservation Fund has \$1.5 million dollars in it
70 right now. She noted that the balance is before the Commission pays for the Ranger, Water Resource
71 Study, Hickory Hill parking and the Kendall Pond projects. She said that the Line Item budget has \$300 in
72 it now. She said she has no idea what will be coming in for future land projects. The Commissioners
73 reviewed putting land into current use and land use change tax. A Kizak said that she needs to speak
74 with Assessing regarding what developments are paying land use change tax. D Lievens said she has
75 been reviewing the bank statements and Lorden Commons, School House Road and Woodmont are
76 some of the developments that are in current use. She said that she is compiling a list of properties and
77 the amount of money in current use as well as extra money the Commission spent to make the
78 purchases happen, such as surveys and appraisals. She asked G Harrington if the Musquash or Kendall
79 Pond were town forests. G Harrington said that they were not. He said that back in approximately 1985
80 there was an ordinance that states all timber cut in town would go to Conservation. M Badois asked if
81 that ordinance has an expiration. G Harrington stated it did not. M Badois explained to the Commission
82 that the Conservation Fund has three accounts within it with the first called escrow expenses, the
83 second called other miscellaneous supplies and the third called land property. D Lievens said she was
84 going to schedule a meeting with Justin Campo, Finance Director, who took over for Doug Smith.

85 **Dues:** M Speltz asked if M Badois had authorized the payment for the Saving Special Places Conference,
86 if anyone wishes to attend. M Badois said she had not and would check on that.

87 **Massachusetts commercial landscaping:** G Harrington informed the Commission that Massachusetts
88 has a big push on commercial landscaping sites to consider landscaping for wildlife and had some notes
89 for the Commission on this.

90 **Articles:** D Lievens said that she was looking for a volunteer to write an article for the summer.

91 **Minutes:** The Commissioners went over the public minutes from March 12, 2019. B Maxwell made a
92 motion to accept the minutes as amended. M Noone seconded the motion. The motion passed, 4-0-4,
93 with M Speltz, D Lievens, G Harrington and R Floyd abstaining.

94 **DRC**

95 **Rockingham Rd Bank/Gas Station CUP (Map 15 Lots 61, 61-7, & 61-8):** The Commissioners reviewed
96 the DRC for Rockingham Road Bank/Gas Station. A Kizak informed the Commission that CUP is for the
97 use only, not the site plan. She said if they receive the CUP the Commission will receive another DRC The
98 Commissioners commented that the concept as proposed is too intense for the property due to the
99 wetland impact; therefore, it does not make sense to grant the CUP for the use.



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100 **Adjournment:** M Byerly made a motion to adjourn the meeting at 8:45 p.m. D Lievens seconded the
101 motion. The motion passed, 7-0-0.

102 Respectfully Submitted,
103 Beth Morrison
104 Recording Secretary

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141 **Exhibit 1**

142 **From:** Oehler, James <James.Oehler@wildlife.nh.gov>

143 **Sent:** Wednesday, March 20, 2019 1:44 PM

144 **To:** Marge Badois; 'michael.noone@medtronic.com'

145 **Subject:** Mountain biking on the Musquash WMA

146 Hello Marge and Michael,

147 As Melissa Doperalski mentioned in her recent email, I'm charged with managing the Fish and Game-
148 owned Wildlife Management Areas including the Musquash WMA in Londonderry. Please feel free to
149 reach out to me with any questions or concerns regarding the management of that property.

150 I also understand that some in the local mountain biking community would like to see the Piper Trail on
151 the former Mathes land (now Musquash WMA) be reinstated. I just wanted to give you a heads up that
152 the focus on Fish and Game lands is first, wildlife and habitat conservation and second, to provide access
153 for hunters, anglers, and other wildlife related recreationalists. The federal US Fish and Wildlife Service
154 funds that were used to purchase this property dictates those two objectives, which are consistent with
155 Fish and Game's mission and the reasons we pursued the purchase of the property. As such, we need to
156 be careful about how the Musquash WMA is used by the public so that it will continue to meet those
157 primary purposes. High recreational use of any sort can have impacts on wildlife presence, abundance,
158 and reproduction. It can also preclude use by hunters and other wildlife related recreationalists. These
159 are issues that we keep in mind as we manage Fish and Game-owned WMAs and are the primary
160 reasons why the Piper Trail was closed once the property was purchased by Fish and Game and cannot
161 be reinstated. However, the very small section of the Porcupine Trail that comes onto the WMA in the
162 may remain.

163 Would you be able to inform others in the mountain biking community about this or do you have
164 contact info for the leaders of the local club?

165 Please let me know if you have any questions.

166 Best Regards,

167 Jim Oehler
168 State Lands Habitat Biologist
169 NH Fish and Game Department
170 11 Hazen Dr
171 Concord, NH 03301
172 603-271-0453