



Londonderry Conservation Commission
Tuesday, December 8, 2020
Minutes

Present: Marge Badois, Chair; Gene Harrington, Vice Chair; Bob Maxwell, member; Mike Byerly, member; Deb Lievens, member; Mike Speltz, alternate member; Susan Malouin, alternate member

Absent: Mike Noone, member; Joselyn Demas, alternate member; and Richard Floyd, member (open position)

Also present: Amy Kizak, GIS Manager/Comprehensive Planner; and Beth Morrison, Recording Secretary

Marge Badois called the meeting to order at 7:30 pm with a roll call vote. M Badois appointed M Speltz to vote for M Noone and S Malouin to vote for R Floyd (open position)

DRC – Button Woods II Condo Conversion – Map 7, Lot 132-3 – George Chadwick: George Chadwick, P.E. from DHB Homes introduced himself to the Commission. G Chadwick reviewed the project with the Commission noting that in 2016 they were approved for a seven duplex rental project at the intersection of Button Drive and Horizon Drive. He commented that all the buildings are in some form of construction at this point. He noted that the conservation signs along the buffer have been installed. He explained that the project being proposed is an ownership change, so instead of having a rental project, they would like to sell the individual units. He told the Commission that there will be 14 units in total and condominium documents have been submitted to the Planning Department. He mentioned that all the septic systems have been installed and they have approval from New Hampshire Department of Environmental Services (NHDES) as well. M Badois asked why the project was not a condominium project to start with. G Chadwick replied that the developer really wanted to rent these units, but due to COVID they are taking another look at their portfolio plan. M Badois stated that unfortunately, the town needs rentals. G Chadwick replied that he understood. D Lievens asked if it would be the same price as the rental units. G Chadwick responded that he did not know that answer, but would get the answer and provide the Planning Board an answer. G Harrington asked why there are conservation signs on the east side of the brook, but not the west side. G Chadwick replied that was where the signs were shown on the approved plan and stated that there is no activity on the other side of the brook, just abutting neighbors. G Harrington stated that was what he is concerned about and would like to see a couple of signs there to delineate this for the neighbors. G Harrington mentioned that usually when there is wetlands delineation, there is a wetland scientist stamp, but pointed out that there is not one on this plan. G Chadwick commented that there is a note on the plan that states who did it, but could get a stamp. He pointed out that this was not one of the checklist items for a condominium conversion. G Harrington said it would be great in case there are any change to the wetlands over the year. M Badois asked if the units would be sharing septic systems. G Chadwick replied that each duplex shares a septic system. M Speltz voiced his concern about the small number of units, which in turn would mean a small association, and asked what happens if they were to become lax in maintaining the storm water feature and septic systems. He noted that he read through the condominium documents and could not find



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anything stating what would happen if the association fails to follow its own documents. G Chadwick replied that is tough to answer, but thought it would be the same as a single-family house not maintaining the septic system. He said that he would hope that the other owners in the association would require the whole association to repair a damaged tank. M Speltz mentioned that the condominium documents suggest having a third-party vendor, and asked if this is required. G Chadwick responded that a third-party vendor is not required. S Malouin asked about the existing tree line on the plan. G Chadwick reviewed where the existing tree line is on the plan with the Commission. S Malouin asked about street trees, as she did not see them when she drove by last. G Chadwick responded that there is a plan to plant the trees or trees to be saved as part of the original plan set, noting this was another checklist item that was not needed for the condominium conversion. M Speltz asked if the Town had any recourse if the condominium association failed to maintain their common area. A Kizak replied that she did not have an answer tonight, but she would find out and get back to him. M Badois said that she believed that a resident would have to sue the homeowner's association. M Badois reviewed the comments the Commission had on the DRC noting they want the applicant to add conservation signs on the west side of the brook, have the plan stamped by a wetland scientist and explain how the association is going to be held responsible to follow the septic system management plan.

Charlie Moreno – Tree Farm management plan: Charlie Moreno told the Commission that he spoke to M Badois about coming up with a very detailed comprehensive management plan for the Musquash. M Speltz voiced his concern that they have had this conversation about two times before and do not have a plan, which jeopardized the status with the tree farm system. C Moreno replied that is a valid concern and told him that he has more people to help and would create a schedule with a time frame for accomplishing tasks. He presented his plan via a slide show with the Commission, which is attached hereto. He explained that in 2004, along with D Lievens, he completed a forest inventory and a detailed physical features map of the Musquash. He went on to note that in 2014 through a grant with New Hampshire Fish & Game, he wrote and prepared a detailed plan for how their work on the New England Cottontail rabbit could be done in the Musquash. He pointed out that now the Musquash is about 1,000 acres, for which he is proposing to complete a comprehensive forest management plan starting in 2021 and finishing in 2022. He noted that a key component to the plan would be maps and told the Commission that his assistant, Nick Lancer, is a GIS specialist. He read from his presentation to the Commission stating the first step of the plan would be forest inventory, which might take about 60 hours. He went on to note the second step would be forest plan fieldwork, which is a comprehensive property walk-thru analysis, which he estimated would take about 72 hours. He commented that the third step would be GIS mapping estimating that would take about 72 hours. He mentioned that he estimates the cost of the plan to be around \$30,000. M Badois asked if he knew about any grant programs that might be available for this. C Moreno replied that he was not sure, but thought that New Hampshire Fish & Game might be of help, as they are using the Musquash for the rabbit habitats. M Badois asked if he anticipates starting this in the spring. C Moreno replied that was correct. M Speltz commented that he believed the town GIS could help take some hours out of the estimate and he encouraged C Moreno to reach out to A Kizak and discuss this. C Moreno stated that he would work



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79 closely with A Kizak on this. M Byerly asked if the inventory would look for invasive species and point out
80 any problems in the Musquash. C Moreno replied that was correct. M Byerly asked if the objective was
81 just to inventory the trees and nothing else, how much of the project might be eliminated. He expressed
82 his opinion, that this was what he was thinking a forest management plan would be. C Moreno stated
83 that he agrees with M Byerly on maintaining a diverse mix of new trees and old trees is the very
84 important. A Kizak stated that she would reach out and discuss what GIS mapping she has. M Speltz said
85 that when the Commission refines the plan, he would like a schedule with interim deliverables and
86 dates. He added that he likes the idea of invoicing as the job is completed as well. He asked the
87 Commission to take a close look at the objectives that C Moreno discussed this evening and have
88 comments or suggestions for the next meeting. C Moreno mentioned that he would send out the pdf
89 version of the forest management plan to the Commission for their review. D Lievens asked where
90 Londonderry's tree farm status/certification fits into this plan as they are behind. C Moreno replied that
91 he recertified the forest management plan with notes that they are updating the management plan. M
92 Badois thanked him for his work and told him that the next meeting would be in January. M Speltz
93 stated that they are in the process of updating the hazard mitigation plan and he wondered if he could
94 combine work on emergency access into the property. He asked if there might be a way to task C
95 Moreno to support the hazard mitigation plan. A Kizak replied that she would talk with Town Planner
96 Mailloux regarding this.

97 **Unfinished Business**

98 **Water Resource update:** M Badois informed the Commission that last Monday Town Planner Mailloux
99 gave an update to the Town Council. She said that unfortunately, the Town Council minutes stated that
100 the list of items had already been completed when instead they are items that need to be completed.
101 She pointed out that Town Planner Mailloux suggested getting cost estimates by the time of the next CIP
102 or before the next budget season starts. She commented that she thinks that is a long time to wait and
103 asked the Commission to go through the list to see if there was anything to initiate themselves.

104 **Turtle sign:** M Badois told the Commission that she found the sign that she thought was stolen off Hall
105 Road. She said that it would be reinstalled in the spring.

106 **Member approval:** M Badois asked if anyone knew when the Town Council would make the
107 appointments. D Paul replied that it was put off until after the elections. M Badois told the Commission
108 that she emailed Kirby for a list of member term expirations and is still waiting. She said that typically
109 the Town Council reappoints in December so that the new year starts appropriately. A Kizak noted that
110 M Badois, D Lievens and M Byerly terms expire in December. M Badois commented that come January,
111 the Commission could have three full time members that will not be able to vote if they are not
112 reappointed. B Maxwell said that it sounds like their terms would have to be extended due to time
113 factors. D Lievens mentioned that she received an email from Kirby stating the reappointments will be
114 done December 21, 2020, at the Town Council meeting.



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115 **Input Letter to DOT:** M Badois asked for the Commission's feedback on this. She asked if the letter has
116 gone out yet. A Kizak replied that it has not. M Speltz asked if the way the letter was written would serve
117 the Planning Department's purpose. A Kizak responded that she would let Town Planner Mailloux look
118 the letter over and get back to the Commission.

119 **Online presentation:** D Lieven said that next Monday there is a presentation about how to get money
120 from ARM that is not necessarily for land. M Badois told the Commission that she would send the link
121 out to everyone if they wish to attend.

122 **New Business**

123 **DES website:** M Badois informed the Commission that the DES website has been completely
124 reorganized. She encouraged the Commission to check it out and take a look.

125 **Liaisons:** M Badois commented that there is a lot of overlap between the Commission, Planning Board
126 and the Zoning Board of Adjustment. She said that she has attended these meetings, and is glad that she
127 did, as she learned important information there. She noted that sometimes presenters say different
128 things to the Planning Board versus the Commission in her experience in attending the meetings. D Paul
129 agreed with her and said she is in favor of cross education among the Boards. M Badois asked if DRC
130 comments should be available from different Boards and Commissions to review. She added that when
131 dealing with encroachments, there are notes from the Commission that go in the conservation file, but
132 asked if the notes should go into the file of the person/property as well to be able to flag repeat
133 offenders. A Kizak encouraged M Badois to check with Officer Aprile on this.

134 **Mack's land purchase and sale:** M Badois told the Commission that Councilor Farrell pulled her aside
135 and told her that Andy Mack agreed to allow the five-acre plot to go for a warrant article with the
136 Commission receiving first right of refusal, if for some reason the warrant article does not pass. She said
137 that she sent the purchase and sale to the Commission this afternoon and asked if anyone had reviewed
138 it or had questions. She read from the document stating: "The Property will be held perpetually in the
139 name of the Buyer for conservation, agricultural, and/or recreational purposes under the control and
140 management of the Funding Party " and asked the difference between the buyer and funding party. M
141 Byerly replied that the funding party is the Commission and the Town is the buyer, as it is defined in the
142 opening paragraph. He commented specifically about the language "recreational purposes" and thought
143 the Commission might want to eliminate that language, as they do not want a baseball field there. M
144 Badois asked when the Commission should negotiate the lease. M Speltz asked if the Town Council
145 agreed to one or two purchase and sale agreements. M Badois replied that she believed it would be two
146 purchase and sale agreements. M Speltz suggested inserting "outdoor passive recreation" instead of
147 "recreational purposes" to avoid something such as a baseball field there. D Lievens asked if there was
148 something in the purchase and sale to address the concerns of how things would be handled in the
149 future regarding this property. She commented that she may have to vote against this, as she does not
150 feel as if her questions have been answered. M Badois said that this property does not have to be a
151 farm, if that is what D Lievens is most concerned about. M Speltz asked if the Town Council disclosed to



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the public that there are two parcels and two purchase and sale agreements. M Badois replied that they mentioned that there are two potential warrant articles related to this property. D Paul mentioned that it was very brief with little detail. M Speltz explained that there are two purchase and sale agreements, stating one of which covers the five acres, which would go to the town meeting and the conservation parcel does not need a town meeting. M Badois asked if the Commission needs a public meeting for this. M Speltz replied that they did. M Badois said that this needs to be done as soon as possible and might need a special meeting. M Byerly suggested the Commission read through the purchase and sale right now. D Lievens expressed her opinion that she did not want to be rushed through this and vote. M Badois commented that there is no vote required, just feedback. M Speltz clarified that the first step would be for the Commission to schedule a public hearing, as the Commission cannot make a recommendation before that. D Lievens asked what the Commissions' responsibility would be in all of this. M Speltz replied that the Commission would manage the property. D Lievens asked if the Commission would run this as an orchard. M Byerly replied that the Commission can do whatever they want with the property by statute. M Speltz asked if there was a discussion about leasing the property back to Andy Mack. M Badois responded that she did not think so and asked where the terms of the lease should be inserted in the purchase and sale. M Speltz mentioned that the Town Manager, Town Council and Commission need to come together and manage expectations. He did not think it would inhibit the purchase, but it would be nice to have this ironed out first. A Kizak informed the Commission that they can wait until the January meeting to have the public hearing. M Speltz asked if a public meeting can be held via Zoom. A Kizak responded that she would find out. M Byerly asked if A Kizak knew when the Commission needs to have feedback. A Kizak replied that she checked with Mike Malaguti and it can wait until January, but if the Commission would like to hold a special meeting, this can be arranged as well. M Byerly said he would prefer to hold a special meeting. A Kizak stated that she would start working on this tomorrow. M Badois suggested having Mike Malaguti and Town Manager, Kevin Smith, be a part of the special meeting and suggested December 15, 2020, for the date.

Other Business

Minutes: The Commissioners went over the public minutes of November 24, 2020. B Maxwell made a motion to approve the minutes as written. G Harrington seconded the motion. The motion passed by a unanimous roll call vote, 7-0-0.

Adjournment: M Byerly made a motion to adjourn the meeting at 9:37 p.m. G Harrington seconded the motion. The motion passed, 7-0-0, by a unanimous roll call vote.

Respectfully Submitted,
Beth Morrison
Recording secretary

December 8, 2020

Landowner:

Town of Londonderry, NH

c/o Londonderry Conservation Commission

Project: Forest Management Plan

Location: 1000± acre Musquash Conservation Area
Londonderry, NH.

Project Task Description: Fieldwork, mapping, preparation of comprehensive forest management plan.

I. FOREST INVENTORY: Statistical analysis of forest. 100 to 120 plots, data calculations and compilation, analysis, and summary. Establish baseline forest data. **Estimate: 60± hours**

II. FOREST PLAN FIELDWORK: Comprehensive property walk-thru analysis. Field delineation/organization of forest types and variants. Forest type analysis and data collection. Natural resource mapping. Study access logistics. Ascertain natural resource issues/concerns/potentials. **Estimate: 72± hours**

III. GIS MAPPING **Estimate: 72± hours**

- a) Gather and consolidate map content, followed by cartography.
- b) Proposed Maps:
 - Physical and Natural Features Maps
 - Trails, management access
 - Hydrology: Vernal pools, wetland (including beaver ponds), streams
 - Hardscape/Forest Features: Stonewalls, cellar holes, boulder fields, significant trees, etc.
 - Forest Type Map
 - Management Area and Scheduling Map
 - Recommendations Map
 - Soils Map
 - Locus/Topography Map
- c) Maps superimposed on various backgrounds including aerial photo, LIDAR, etc.

IV. PLAN PREPARATION—Tasks, Proposed Plan Content **Estimate: 120± hours**

- a) **Research**
- b) **Introduction**
 - Abstract, reference information, geography, acreages, acquisition history (optional)
- c) **Management Objectives, Management Template, and Recommendations Summary**
 - Meeting(s) w/ LCC to discuss objectives, management needs, opportunities
 - Interface w/ NH F&G, possible field meetings
 - Management Areas
 - Recommendations—consolidate by area, summarize
 - Project scheduling
- d) **Natural Resource Assessment**
 - **Surface water resources**, watershed
 - **Soils:** Terrain, soil types
 - **Forest:** The nature of the forest
 - Natural history, structure, species composition
 - Forest health, future.
 - Forest inventory data
 - **Wildlife Habitat**
 - Core habitats, features
 - Interface w/ NH Wildlife Action Plan



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- Threatened and endangered species

e) **Forest Management**

- **Forest and Habitat Management Recommendations**
- **Forest Types:** Data, descriptions, prescriptions, photos
- **Logistics:** Access routes, Upgrades/Projected costs, BMP's, Permitting
- **Public Recreation Management**

f) **Appendices**

- NH Natural Heritage Bureau report, Inventory specifications, Tree species list, etc.

g) **Plan Draft Review, Revisions**

- Submit draft copy
- Revisions/Edits
- Final submission

V. ADDITIONAL MAPPING Optional -- *Estimate: 4 to 10± hours per map*

- Management Template**
- Wildlife Habitats**
- Sensitive Habitats**
- Parcel map of the property**

Estimated Cost: \$30,000±

Other

- Deliverables: E-copy of plan. Map shapefiles. 5 bound plan hardcopies.
- Incremental project invoicing.



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