



Londonderry Conservation Commission  
Tuesday, January 12, 2021  
Minutes

**Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Bob Maxwell, member; Mike Byerly, member; Deb Lievens, member; Mike Noone, member; Mike Speltz, alternate member; and Jocelyn Demas, alternate member

**Absent:** Susan Malouin, member; and George Hermann, alternate member.

**Also present:** Amy Kizak, GIS Manager/Comprehensive Planner; Michael Malaguti, Town Solicitor; 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 S Malouin.

**Public hearing – Purchase of Moose Hill Orchard property – Map 9, Lot 49-0:** M Byerly made a motion to open the public hearing regarding the purchase of parcel Map 9, Lot 49-0, which is 23 acres and being sold by Moose Hill Orchards. G Harrington seconded the motion. The motion passed, 7-0-0.

M Badois informed the public that the hearing has started and after the presentation they will be allowed to speak. M Speltz started the hearing referring to a power point presentation (Exhibit 1) that is attached hereto. He noted that the parcel is 28 acres by deed stating they will be having a survey performed to find out the exact acreage. He reviewed the parcel on the screen noting that it really is in the center of Londonderry. He said that they are proposing to conserve this parcel for several reasons, one of which is because it will protect wells serving Century Village and Southview Condominiums, which is over 900 residents. He noted another reason to conserve this parcel is that it has prime agricultural soils, which are the best in the state of New Hampshire. He went on to note that they want to maintain the orchard in agricultural production, and maintain a corridor for open field wildlife habitat. He told them that the parcel is rated habitat of this type in the coastal plain bioregion in New Hampshire. He stated that there is a trail that runs through the property and this could be connected to other trails nearby. He added that people come to Londonderry to pick apples, specifically Mack's apples. He illustrated the well head protection areas for the public. He pointed out that they will be doing soil testing on the parcel, which will alleviate any concerns regarding possible contamination. He pointed out that the proposal is to subdivide the land into two parcels, calling one the Conservation parcel consisting of approximately 23 acres and the Municipal parcel consisting of five acres. He added that the Town would acquire their parcel through a warrant article that the voters would have to approve at the March town meeting. He stated that if the Town does not want to acquire this land, the purchase and sale agreement that has been drafted allows for the Town to acquire the additional five acres for conservation, but this would be a separate decision that is not being discussed this evening. He mentioned that the purchase price for the entire parcel is \$1,350,000 from the current owner and the appraisal of the development value of the parcel is \$1,100,000. He said that the Commission/Town does



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not want to spend more than the development value of the parcel, but the appraisal is not a conservation appraisal, but rather designed to inform someone what a developer might pay to buy the parcel. He remarked that they also applied for a grant from the Drinking Water & Groundwater Trust Fund, of which they received \$400,000. He commented that with this grant the amount that would come from the Londonderry Conservation Fund would be \$700,000. He mentioned that if residents are concerned about losing tax revenue for this parcel, the amount paid in taxes for this parcel is roughly \$178, which is not a lot in the big picture. He said that the Commission would be responsible for the control and management for the 23 acres and the deed will have conservation restrictions in it. He noted that the conservation restrictions would limit uses to agriculture, forestry and outdoor recreation. He stated that because of the money from the grant, the state of New Hampshire would have the right to enforce the conservation restrictions. He also noted that Moose Hill Orchards has stated that they will continue to farm the property, subject to a lease.

Stephen Coonrod, 3 King Richard Drive, addressed the Commission. S Coonrod asked if the \$700,000 was already money that had been raised. M Speltz replied that was correct. S Coonrod asked if that meant there would be no impact to the taxes. M Speltz answered that was correct. S Coonrod asked if the easement on the land south of Pillsbury would eventually run out. M Speltz replied the easement is a conservation easement, which means it runs in perpetuity. S Coonrod expressed his opinion that he fully supports this and asked what the next steps are. M Speltz replied that the next step would be for the Commission to recommend to the Town Council to sign the purchase and sale agreement. He added that this is on the Town Council meeting agenda of January 18, 2021.

Dan Watson, Londonderry resident, addressed the Commission. D Watson asked if a vote was required for the whole parcel or just for the five acres. M Speltz replied that a vote was only required for the five acres. D Watson asked what would happen if the warrant article for the five acres is voted down. M Speltz responded that if it is voted down, Moose Hill Orchards would retain ownership, but in the purchase and sale for the five acres, they have agreed to give the Commission the right of first refusal. He noted that the Commission could consider purchasing the five acres with conservation funds, or if the Commission passes, Moose Hill Orchards could sell it to someone else or continue farming it. D Watson asked if the lease to Moose Hill Orchards to continue farming would generate income. M Speltz answered that they still have to negotiate the terms of the lease. D Watson asked if the \$400,000 from the grant could be used to help people dealing with PFOAs in their wells. M Speltz replied that would be a good question to ask the Department of Environmental Services, as there are restrictions on how the funds can be used. Michael Malaguti, Town Solicitor, said that the \$400,000 was awarded for this specific project and are not fungible, meaning they cannot be given to combat PFOAs. He noted that the Town is in the process of pursuing funds from the Drinking Water & Groundwater Trust Fund to address PFOAs.

M Malaguti informed the Commission that he and the Planning Department have had a number of conversations with a resident over the past week or so with concerns, who was unable to attend the night's meeting. He commented that she is asking what the property was used for before it was an



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75 orchard and he does not have an answer for this. He went on stating that another concern was  
76 regarding contamination, which he pointed out was addressed in the purchase and sale agreement. He  
77 said the last concern was regarding the tax revenue, which has been addressed this evening. A Kizak  
78 noted that another concern was regarding the acreage, which will be addressed with the survey. M  
79 Speltz mentioned that Department of Environmental Services was concerned about contamination and  
80 they took a hard look at the well testing results from Century Village and Southview Condominiums,  
81 which came up clean. M Malaguti clarified that the Town does not currently have the development  
82 rights to this property, as he heard this was another concern. M Speltz made a motion to close the  
83 public hearing. G Harrington seconded the motion. The motion passed, 7-0-0.

84 M Speltz made a motion to recommend the Town Council enter into the purchase and sale agreement  
85 for parcel Map 9 Lot 49-0. G Harrington seconded the motion. The motion passed, 7-0-0.

86 A Kizak asked if the Commission was also going to be voting on the survey and soil testing this evening.  
87 M Badois asked if there were proposals for this. M Malaguti replied that they are working to secure a  
88 quote on the surveying work. He noted that he believes this could occur without a deposit given that  
89 Town is a municipality. He added that the anticipated cost of the soil testing is approximately \$2,500. M  
90 Speltz commented that the Commission has agreed to split the cost with the Town's General Fund. M  
91 Malaguti stated that was correct.

92 M Speltz made a motion to obligate up to \$1,250 for the purposes of conducting soil testing on parcel  
93 Map 9 Lot 49-0 from the Conservation Fund. M Byerly seconded the motion. The motion passed, 7-0-0.

94 M Badois asked if there was an estimate for the survey work. Malaguti replied that his recommendation  
95 would be to defer the vote on the survey work because it cannot begin any sooner than January 18,  
96 2021, as that is when the Town Council has the opportunity to finalize the contract. M Speltz asked if  
97 there is a reason why the Commission should wait to have the soil testing done. M Malaguti responded  
98 that would be up to the Commission. M Speltz noted that the ground is not going to be getting softer in  
99 the upcoming weeks and said that he would contact the person for the soil testing. M Byerly asked how  
100 long the Commission has to get the soil testing done. M Malaguti answered that there is a 60-day  
101 contingency from the effective date of the contract. M Byerly stated that this appears as though it could  
102 wait until the next Conservation meeting later in the month. M Malaguti pointed out that the  
103 Commission could approve it tonight subject to the Town Council approving the agreement on Monday,  
104 which would effectively save a week. M Speltz said that the Department of Public Works and  
105 Engineering might have to support this as they did not include any money to dig the holes. He noted  
106 that he spoke to Steven Cotton, Administrative Support Coordinator, who said that he believed it would  
107 not be a problem to get an excavator to do the digging. The Commissioners consensus was that they felt  
108 comfortable reaching out to schedule the soil testing, as the Town Council was most likely going to  
109 approve the purchase and sale on January 18, 2021.



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110 **DRC – Greeley Rd Subdivision – Map 003, Lots 163-0 & 163-1 – Bill Gregsak:** Bill Gregsak, P.E., from  
111 Gregsak & Sons, Inc., P.O. Box 271, Chester, NH addressed the Commission. B Gregsak told the  
112 Commission that they are proposing a three-lot subdivision off Greeley Road in Londonderry. He noted  
113 that there are two existing lots, Map 3 Lot 163 and Map 3 Lot 163-1. He went on to note that Map 3 Lot  
114 163 is 7.79 acres and Map 3 Lot 163-1 is 2.96 acres. He said that the proposal is to re-subdivide these  
115 two lots into three lots and noted the approximate acres of the parcels. He said that the new lot would  
116 have a single-family house towards the back of the lot. He pointed out that all construction is a  
117 minimum of 50 feet from the existing wetlands on the property. He added that there is no dredge and  
118 fill required for this project. He said that they have a drainage treatment plan and the study was  
119 submitted to the Town. Timothy Ferwerda, wetland scientist from Ferwerda Mapping, LLC, 43 Bartlett  
120 Hill Road, Deering, NH informed the Commission that the wetlands are all in the rear of the property and  
121 flow in an easterly direction off the property. He noted that there is a manmade pond at the back  
122 western section of the property, which is very poorly drained and the rest of the wetlands are poorly  
123 drained. M Badois asked if the Commission reviewed the plans at home. The Commissioners stated they  
124 had, but would like the plans on the screen. A Kizak pulled up the plan set for the Commission. M Speltz  
125 asked where the conservation marker buffer signs would be placed, as he did not see any on the plan. B  
126 Gregsak replied that would be something they would need to add. M Badois commented that these  
127 markers need to be placed before construction starts. M Speltz asked how many test pits are  
128 determined. B Gregsak responded that you need one for any 4K area, noting all three test pits were all  
129 fairly similar. M Byerly asked if they are planting anything new on the property. B Gregsak replied that  
130 he would need to leave this up to the home owner, but assumed there would be some landscaping  
131 around the house. M Speltz asked if they would use the existing driveway. B Gregsak replied that was  
132 correct. The Commissioners commented that the developer needs to place Conservation Overlay District  
133 signs along the edge of the buffer on all three parcels prior to construction.

134 **Unfinished Business**

135 **WRMPP :** M Speltz informed the Commission that A Kizak would be sending out the plan that Town  
136 Planner Mailloux presented to the Town Council to implement the various water quality actions. He  
137 noted that M Badois challenged the Commissioners to look for low hanging fruit, which can be done  
138 with minimal resources or minimal funds.

139 **New Business**

140 **Musquash Field Day:** M Badois asked the Commissioners about their opinions on whether or not to  
141 have this event this year. She noted that the date would be February 13, 2021. B Maxwell mentioned  
142 that at the last meeting there were reservations about an event like this and thought guided walks were  
143 suggested. M Speltz commented that he believes movement is key rather than standing around the fire  
144 roasting marshmallows. D Lievens suggested limiting group size or having people register ahead of time  
145 for the walks. M Speltz added the idea of staggered start times. D Paul mentioned that the Millennium  
146 Mile running race held in Londonderry on January 1, 2021, had staggered start times for about 400



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147 people with no problems. M Byerly suggested having guided walks in other properties like Kendall Pond,  
148 Ingersoll, etc. J Demas stated that she liked that idea. M Speltz pointed out that if there is snow fall the  
149 night before there would have to be some careful planning. M Byerly voiced his opinion, that he likes  
150 the idea of a registration for this, in case they needed to cancel due to weather. J Demas mentioned that  
151 the school uses Sign Up Genius for events and is free to use. M Byerly asked who would volunteer to do  
152 these walks on February 13, 2021. J Demas, M Badois, G Harrington, B Maxwell, M Speltz and D Lievens  
153 said they definitely could lead a walk. A Kizak reminded the Commission when using email to not reply  
154 all. M Byerly asked why the Commissioners had to abide by this. M Speltz stated that he believed the  
155 rule regarding email communication was that the Commission cannot deliberate. A Kizak stated that she  
156 would look into this and get back to the Commission.

157 **Election of Officers:** M Badois told the Commission that the officers need to be elected for this year.

158 B Maxwell made a motion to keep the current officers for Chair, Vice Chair and Treasurer in place for the  
159 upcoming year. M Noone seconded the motion. The motion passed, 7-0-0.

160 **Loose ends:** M Badois told the Commission that she believes there might be things that fell through the  
161 cracks due to COVID. She asked the Commission to email her with any outstanding issues.

162 **Monitoring:** M Noone informed the Commission that there were 151 properties reviewed on aerial  
163 imagery with 26 potential encroachments, noting four are still being investigated. He pointed out that of  
164 the 26 encroachments, four were structural, where someone had built something on the property and  
165 the deeds are needed to verify the exact property lines. He said that the other encroachments were  
166 primarily turf grass, fire pits and smaller things. He noted that he met with Officer Aprile and Mike  
167 Malaguti who will send letters or rectify the encroachment. M Badois asked if the Commission was going  
168 out to the property or if Officer Aprile would be doing this. M Noone replied that Officer Aprile is  
169 welcome to attend, but the Commission would be going out to the properties to verify the location of  
170 the monuments.

171 **Other Business**

172 **Minutes:** The Commissioners went over the public minutes of December 8, 2020. B Maxwell made a  
173 motion to approve the minutes as presented. D Lievens seconded the motion. The motion passed, 6-0-1,  
174 with M Noone abstaining.

175 **Adjournment:** M Byerly made a motion to adjourn the meeting at 8:55 p.m. B Maxwell seconded the  
176 motion. The motion passed, 7-0-0, by a unanimous roll call vote.

177 Respectfully Submitted,  
178 Beth Morrison  
179 Recording secretary  
180



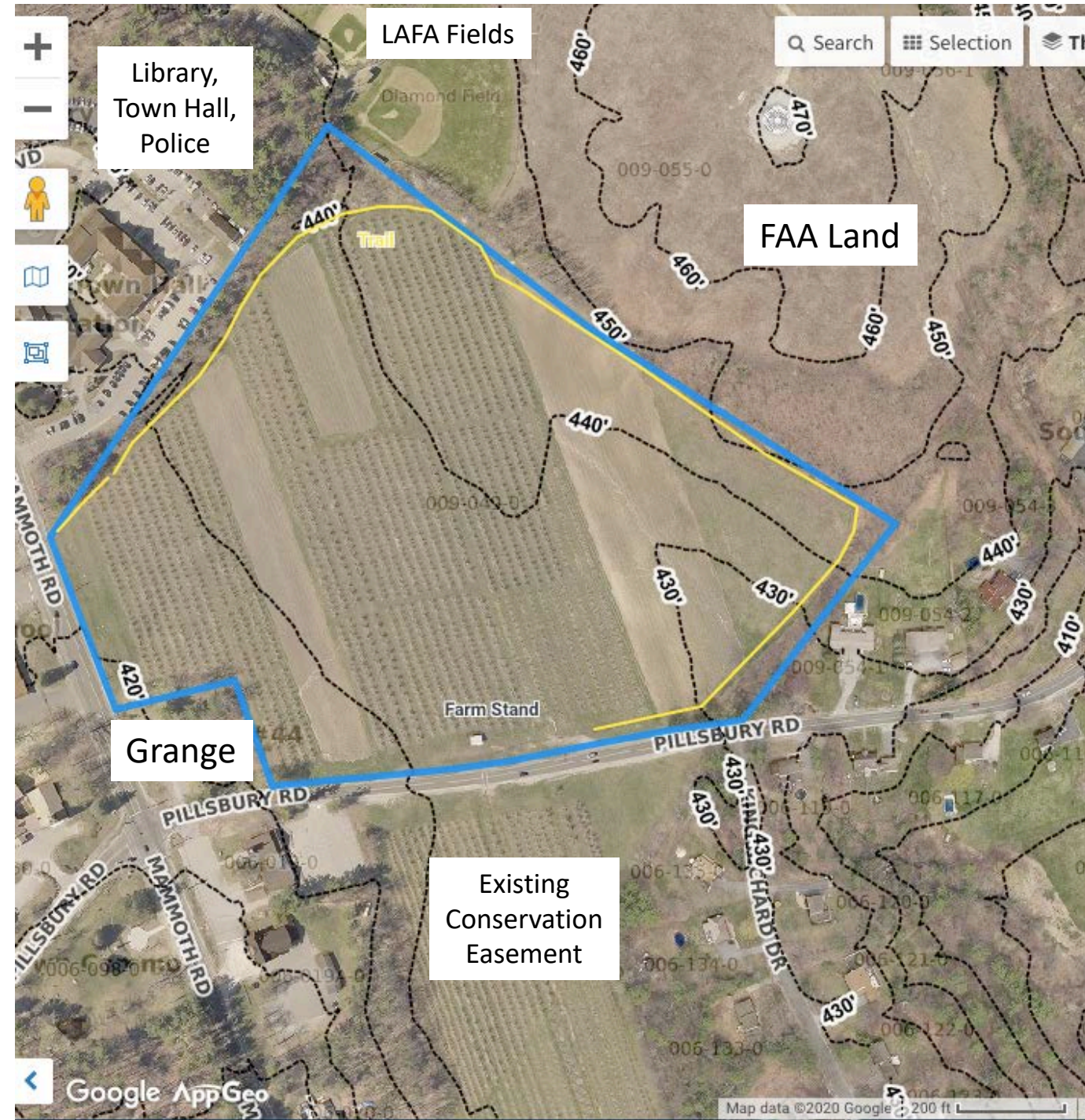
A photograph of a long, straight path in an orchard, flanked by rows of green trees under a clear blue sky. The path is made of dry grass and dirt, leading into the distance. The trees are lush green and form a canopy over the path. The sky is a clear, bright blue.

# Public Hearing on a Proposed Conservation Purchase

Moose Hill Orchard, Lot 9-49



# Aerial View of Lot 9- 49



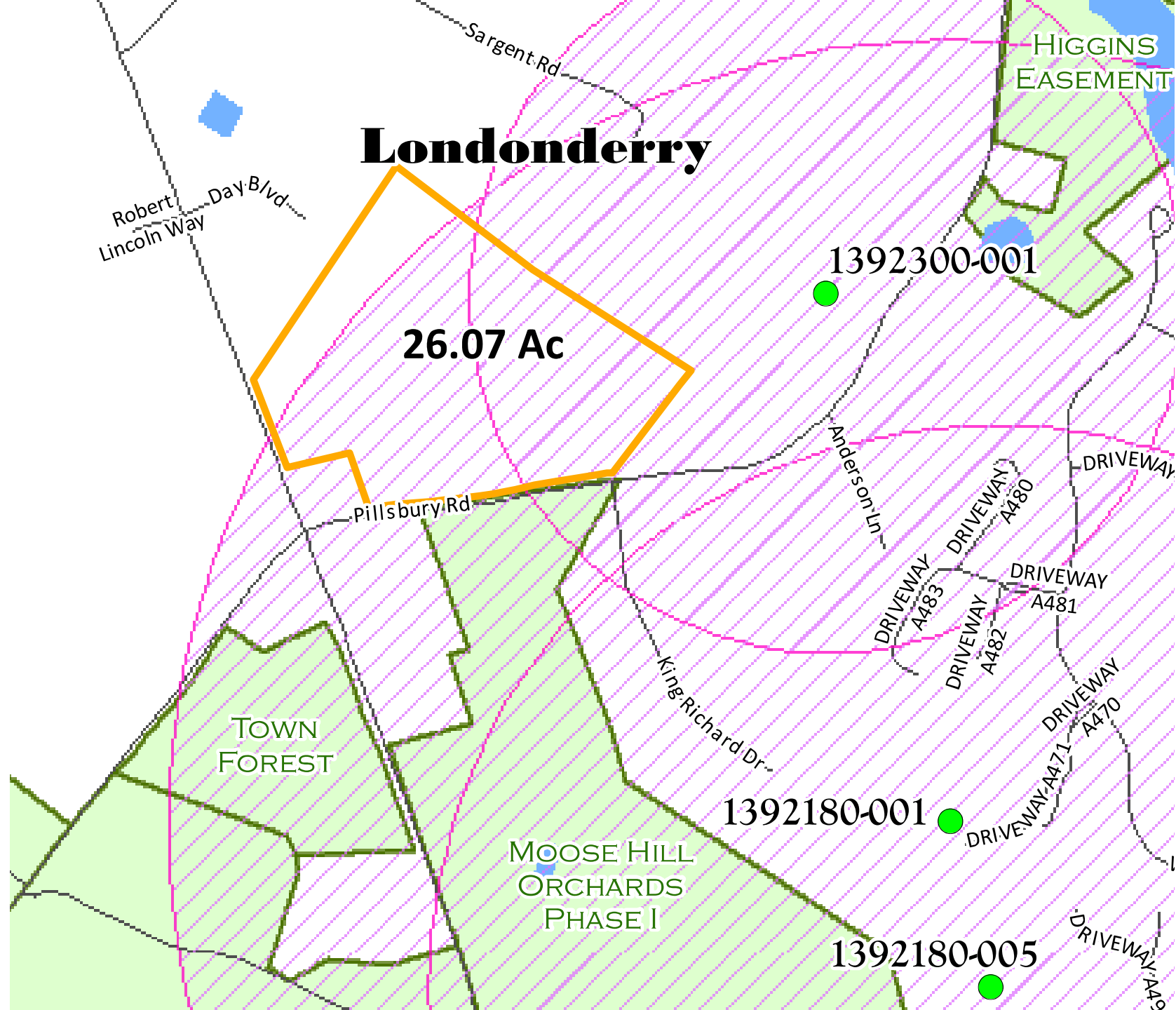
# Project Objectives

- Protect wells serving Century Village and Southview Condominiums, over 900 residents, plus private wells
- Preserve prime agricultural soils, best in the state of NH
- Maintain the orchard in agricultural production
- Maintain open wildlife habitat, rated best in NH coastal plain bioregion
- Expand the town center trail network
- Maintain Londonderry's status as a go-to place for U-Pick, benefitting many businesses
- Keep Londonderry...Londonderry

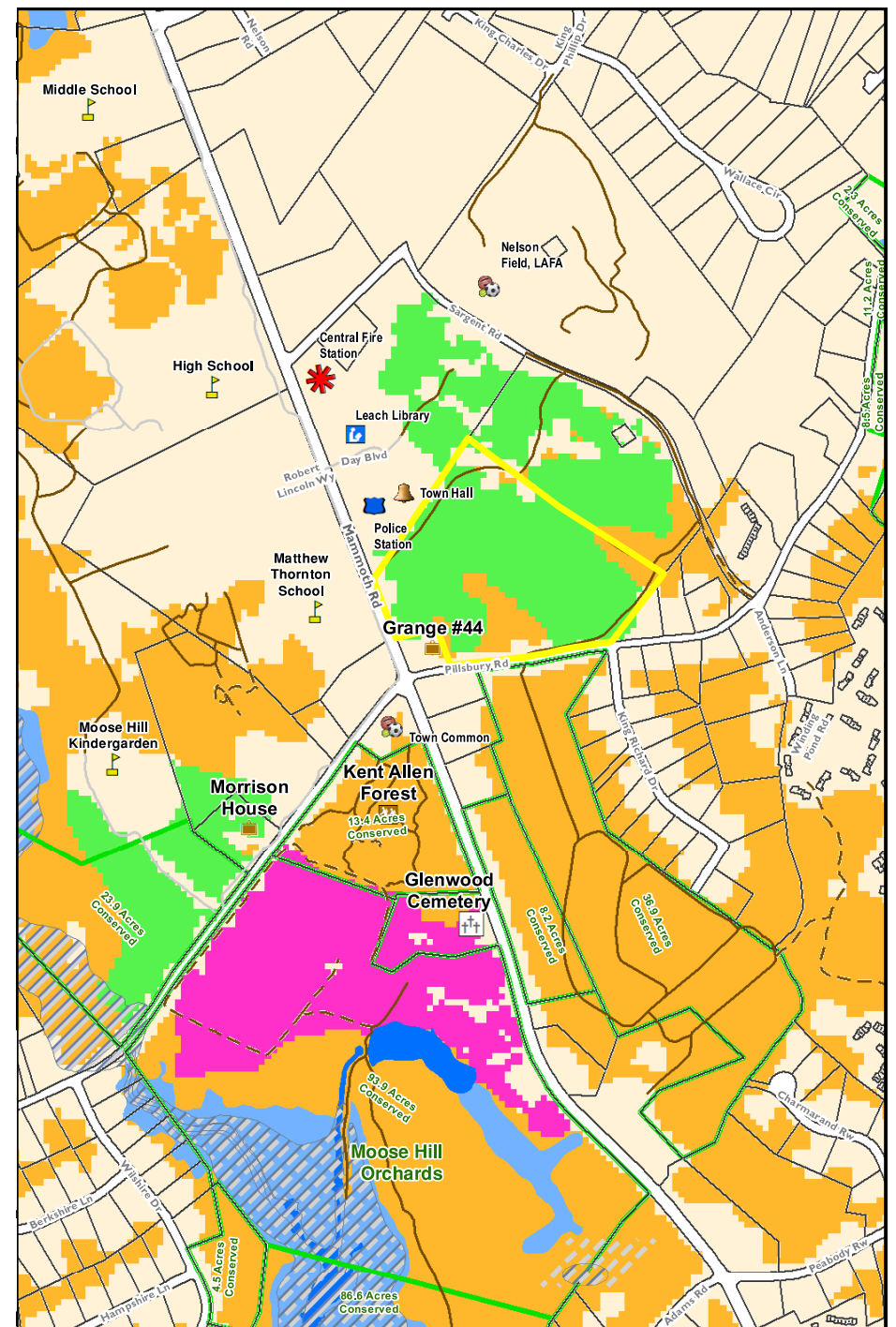




# Wellhead Protection Areas for Century Village and Southview Condo- miniums



# Agricultural Soils & Wildlife Habitat





# Connecting Trails

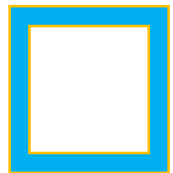




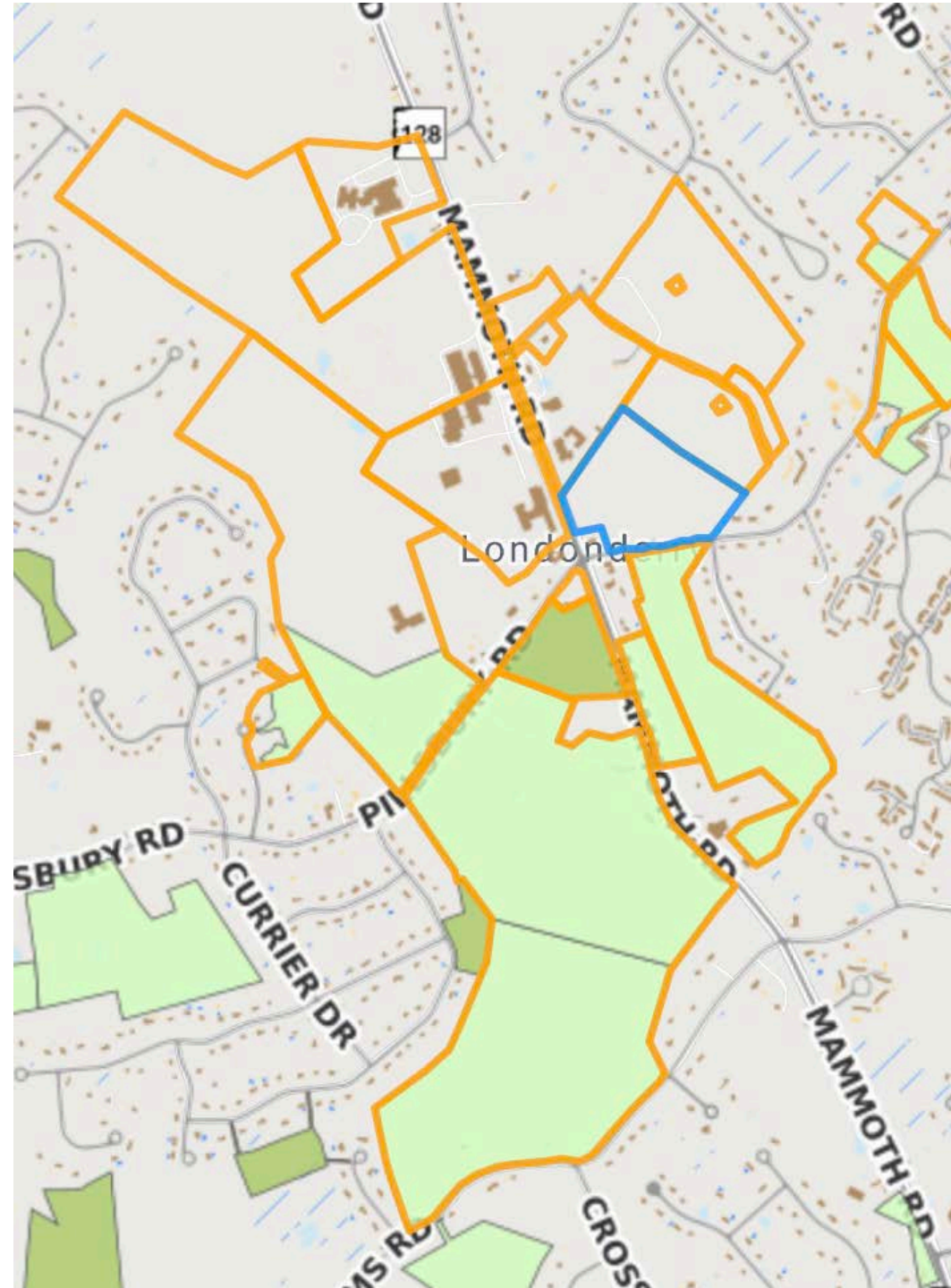
# Filling in The Donut Hole



Town-owned parcel or  
Town held conservation easement



Orchard parcel



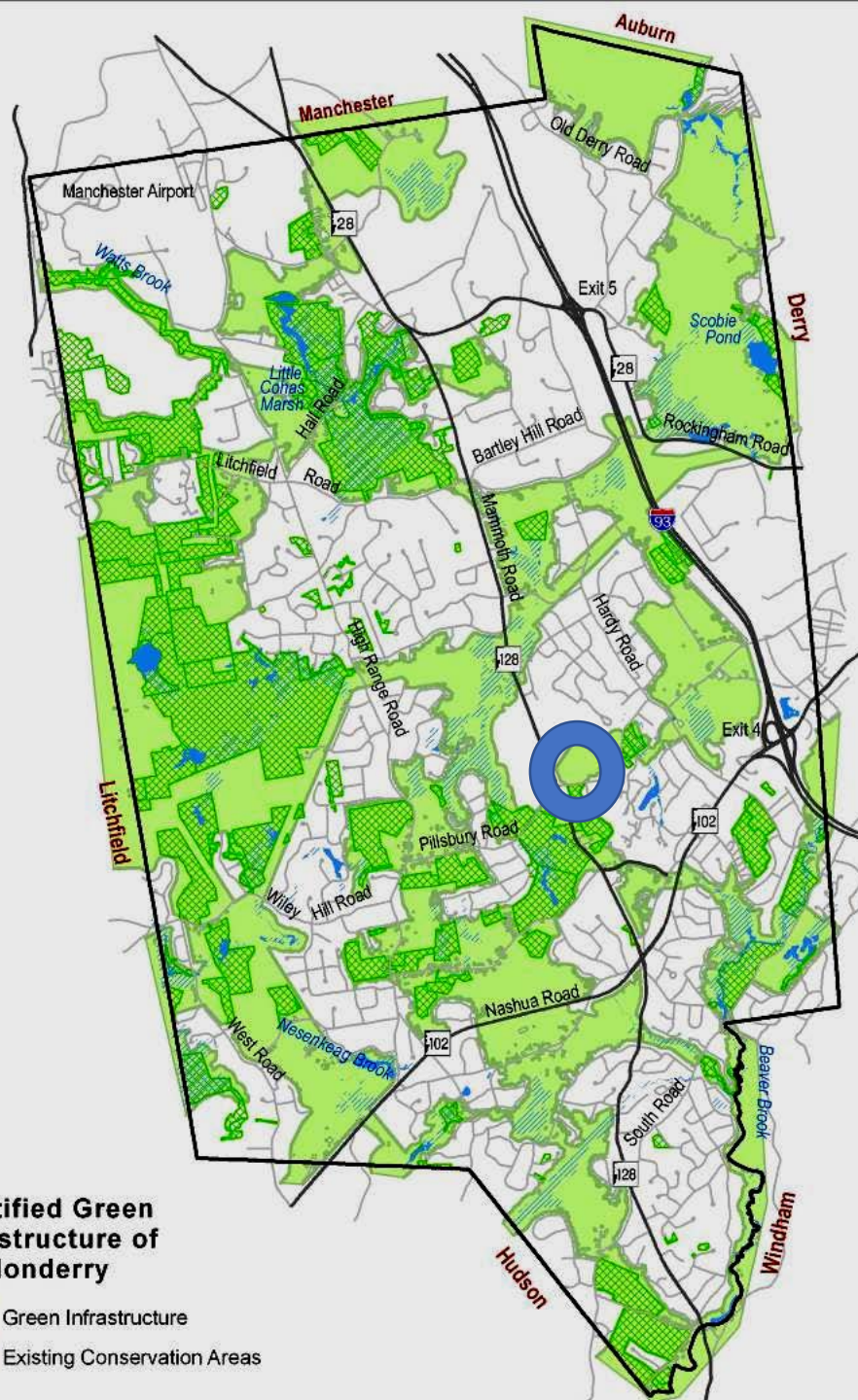


# The Bigger Picture

- Not all land is created equal
- Not all resources are created equal
- The whole is greater than the sum of the parts

**Identified Green Infrastructure of Londonderry**

- Green Infrastructure
- Existing Conservation Areas





# The Green Infrastructure

- ✓ Protect the land with the most resources
- ✓ Protect the best of the best resources
- ✓ Link the open spaces into a network



# Proposed Subdivision

- Conservation Land, ~21-23 acres\* 
- Municipal Land, ~5 acres\* to be used for general municipal purposes, if approved by voters at 2021 Town Meeting 

\*Exact acreage to be determined by the subdivision plan survey





# Purchase Price

Proposed purchase price of entire parcel (28 acres):	\$1,350,000
Development value of entire parcel (28 acres), per appraisal:	<u>\$1,100,000</u>
Value/cost to Town in excess of development value:	\$ 250,000
Proposed purchase price of area to be conserved (~23 acres):	\$1,100,000
Drinking Water & Groundwater Trust Fund grant:	<u>\$ 400,000</u>
Amount to be paid from the Londonderry Conservation Fund:	\$ 700,000
Current assessed value of property:	\$ 8,863
2020 tax rate per \$1,000 valuation:	<u>\$ 20.11</u>
Foregone annual real estate tax revenue:	\$ 178.23

# Future Management

- The Conservation Commission will control and manage the property...
- Subject to conservation restrictions that limit use to agriculture, forestry, and outdoor recreation.
- The State of NH will have the right to enforce the conservation restrictions.
- Moose Hill Orchards has stated they will continue to farm the property, subject to a lease.



Photo 1, Peace Pole trailhead



Photo 2, Eastern pumpkin patch



# Questions? Comments?

