



Londonderry Conservation Commission  
Tuesday, February 23, 2021  
Minutes

**Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Bob Maxwell, member; Deb Lievens, member; Mike Byerly, member; Mike Noone, member; and Susan Malouin, member

**Absent:** Mike Speltz, alternate member; Jocelyn Demas, alternate member; and George Herrmann, alternate member

**Also present:** Amy Kizak, GIS Manager/Comprehensive Planner; Deb Paul, Town Council Liaison; and Beth Morrison, Recording Secretary

Marge Badois called the meeting to order at 7:30 pm with a roll call vote.

**Unfinished Business**

**Musquash Field Day recap:** M Badois told the Commission that it turned out to be a nice day, noting the trails were in fabulous condition. G Harrington noted that at Kendall Pond there were two residents. M Badois commented that there were eight residents for her hike and some were new to Musquash. B Maxwell pointed out that there was someone from Derry Conservation Commission as well.

**Cross Farm staff update:** A Kizak told the Commission that in their October 13, 2020, meeting during the DRC for Cross Farm they asked if the commitment to use green-pro and fertilizer without phosphate would be in the condominium documents. She noted that the condominium documents were already written and would need a vote of 67% of the unit owners to pass an addendum to be recorded, which would be difficult to do. She commented that a suggestion was that they could put this restriction on the site plan, which would memorialize it. She read from the Commission's Conditional Use Permit (CUP) recommendation stating: "D Lievens made a motion to approve the Conditional Use Permit with the conditions that there will be no phosphorus used in fertilizer applications and the salt truck operators will be certified as presented on the plan dated October 6, 2020. M Byerly seconded the motion. The motion passed, 6-0-0." She mentioned that the Planning Board included these items as conditions of approval for the Cross Farm CUP and site plan. She explained that to address these conditions, Benchmark Engineering added note #30 to the plan which states: "Units within phases 4, 5 & 6 shall not utilize fertilizers or lawn care products containing phosphorus. All winter salt maintenance in these phases shall be conducted by a green snopro certified applicator." She asked if this note was satisfactory for Cross Farm to meet the conditions of approval from the October 13, 2020, meeting. She noted that this will be recorded at the registry of deeds. B Maxwell commented that the Commission can enforce it when they violate it. M Badois stated that they will have a contract with their landscaper and the Commission could ask to see it and possibly add it as part of the monitoring responsibilities. M Byerly said he was okay with the note on the plan and the Commission could send a letter to the homeowners telling them that this is a condition of their property and the Commission will be monitoring it. The Commissions consensus was that they are okay with the note on the plan.



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37 **New Business**

38 **Trail map/sign:** M Badois noted that someone told Mike Byerly that the signs in the Musquash do not  
39 match the map and that a sign post was backwards. M Byerly told the Commission that he went and  
40 took a look at the Faucher post, noting the post is correct and the post matches the map, but the map  
41 on the kiosk is out of date. A Kizak commented that she can replace the map on the kiosk and would do  
42 so when she was back from vacation. M Noone asked if it was the map on the trailhead or the metal  
43 map on the sign post. M Byerly replied that it was the map at the trailhead. M Noone said the post maps  
44 are metal, noting they were made by Trailways and may be old as well. M Byerly suggested the  
45 Commission might want to perform an audit every spring of the posts and maps to make sure that there  
46 are no errors.

47 **Bills:** M Badois informed the Commission that there have been quite a few bills presented at the state  
48 that are up for a vote, which she thought were important. She said that HB82 would allow a governing  
49 body to renegotiate a conservation easement to be able to make changes, HB158 is expanding the  
50 definition of prime wetlands, HB199 is adding soil health to RSA 432:3, SB48 is stating that the formula  
51 for calculating land use change tax can be made public as apparently it is confidential now and lastly  
52 HB108 refers to requirements of the minutes on non-public meetings being sealed or unsealed. M Byerly  
53 asked if these bills were under consideration or have passed. M Badois replied that most are under  
54 consideration, but HB108 regarding non-public minutes passed because it goes into effect January of  
55 2022. M Badois pointed out that she received an email today stating that New Hampshire Department  
56 of Environmental Services (NHDES) has filed a law suit against Saint-Gobain for not complying with the  
57 requirement of its emissions, which could shut them down until they comply.

58 **Encroachments:** M Noone told the Commission that he has been working with Mike Malaguti, Town  
59 Solicitor, and Officer Aprile on potential conservation area encroachments. He noted that one such  
60 encroachment identified was a permanent structure where a variance was granted in 2009. He asked if  
61 anyone in the Commission had any knowledge or history on variances being granted where the  
62 conservation land was an abutting property. M Byerly commented that if standard practice is followed,  
63 the abutting neighbors would be notified that a variance was being requested and can go to the meeting  
64 to speak for or against it. M Noone mentioned that the town owns all the conservation property and  
65 thought that there is a by-law that all conservation properties in town are under the stewardship of the  
66 Commission. He inferred that it would make sense that the Commission should be notified if a variance  
67 is requested with conservation land as an abutting property. G Harrington said that in his experience it  
68 has varied quite a bit, but the Commission should be notified in a situation like this. M Noone said that  
69 through all these potential encroachments, they hope to amend the building permit process. He noted  
70 that if there is a building permit where the conservation property is the abutting property, this should  
71 be inspected.

72 **Other Business**



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73 **Minutes:** The Commissioners went over the public minutes of February 9, 2021. B Maxwell made a  
74 motion to approve the minutes as presented. M Noone seconded the motion. The motion passed, 7-0-0  
75 by a roll call vote.

76 **Adjournment:** M Byerly made a motion to adjourn the meeting at 7:53 p.m. G Harrington seconded  
77 the motion. The motion passed, 7-0-0, by a unanimous roll call vote.

78 Respectfully Submitted,  
79 Beth Morrison  
80 Recording secretary  
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