



Londonderry Conservation Commission
Tuesday, December 14, 2021
Minutes

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

Absent: None

Also present: Michael Malaguti; Town Solicitor; Officer Aprile; and Beth Morrison, Recording Secretary

Marge Badois called the meeting to order at 7:32 pm.

Exit 4A Takings – Non-Binding Review and Recommendation (RSA 41:14-a) – Michael Malaguti, Esq. Assistant Town Solicitor, told the Commission that he is here to talk about two properties near Trolley Car Lane that the New Hampshire Department of Transportation (NHDOT) has proposed to take by eminent domain for the Exit 4A project. He started with the first parcel, 51 Rear Trolley Car Lane, (Map 13 Lot 4) noting it is 9.9 acres and the state wants to take just about half an acre along with a 725 SF drainage easement. He stated that he gave the Commission the appraisal report for them to review. He noted that the property is mostly wet, has one access point and is a substandard lot on a Class VI Road. He told them the appraised value of the lot was \$718.74 and \$16.31 for the drainage easement. He went on to the other parcel, Four Trolley Car Lane, (Map 10 Lot 34), which is a much smaller parcel of 0.2 acres in total. He added that NHDOT is proposing to take .04 acres. He pointed out that the parcel is land locked and is not buildable. He said that NHDOT has offered to pay \$500 for the parcel to be taken and \$400 for the remnant. He commented that he is here tonight before the Commission for a recommendation to the Town Council. He reviewed the process with the Commission, noting that the Planning Board will also be making a recommendation and then the Town Council will conduct two public hearings and vote on the matter. M Badois asked who owns the property. M Malaguti replied that the Town owns the parcels that the NHDOT is proposing to take. He added that the Town Council wants to notify the abutters to get their input on the possible impact to their properties that the takings might have. He mentioned that his opinion is not to contest the eminent domain proceeding and cooperate, so the residents on Trolley Car Lane get their sound wall as soon as possible. M Badois asked about the wetlands. M Malaguti replied that the first parcel he discussed is wet, but as far as permission, he does not think it factors in the eminent domain proceedings. M Badois asked what they are proposing to do. M Malaguti replied that they are proposing to install a sound wall 45-feet to the east of the parcel. He said that in reading the report, the portions that are wet would be minimal. He read from the report that the work on the second parcel is as follows: "the purpose of the proposed acquisition is for realignment of I-93 and the construction of the proposed Exit 4A. Slope work performed in this area is necessary to allow for adequate drainage of the right-of-way. It does appear the natural trees and shrubs within the area of take will be cleared." M Speltz commented that he has suspected this was part of NHDOT's plan all along, stating that it has been a long process to go through to get the wetlands



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permit for the project. He said that this impact, if there is one, was probably covered when the initially started the project. M Badois commented that the residents of Trolley Car Lane need the sound wall as soon as possible. M Speltz voiced his opinion that he would recommend approval with no comment. M Badois stated that the wetland issues have already been approved. She added that it would be more focused on the change in ownership versus a wetland issue. M Malaguti replied that was correct, but the decision before the Town is whether or not to contest the states' evaluation or to incorporate on the taking of the parcels. M Speltz mentioned that the Commission has to decide if the dollar amount NHDOT has given is appropriate. He said that he read through both evaluations, and does not like the way they treat the animals, but the fact is there is little value with both of the parcels. M Byerly asked if this was a vote or comments. M Malaguti replied that he is looking for a consensus from the Commission.

Ray Breslin, Three Gary Drive, addressed the Commission. R Breslin stated that he has a concern about the impact. He said that at one point they were going to put a sound wall up and relocate the brook that runs parallel to Trolley Car Lane. He asked if they are going to relocate the brook, which would be a wetland impact. He voiced his opinion that he would like the Boards or Commissions to look at everything in great detail. He thanked the Commission for their time and work.

M Badois asked for the Commission members opinion. The Commissioners consensus was to not contest the taking.

Unfinished Business

Wetland Council update: D Lievens informed the Council that that an update they received at the last meeting was they are working on maps with lidar and should be available on the web in January.

NHDES Grant award: M Speltz asked if M Malaguti heard any news on the grant award. M Malaguti replied that he has not but would check into this and get back to the Commission.

New Business

Conservation Ranger: Officer Aprile informed the Commission that his hours have changed. He reviewed the hours he worked in the first year and the second year on the job, stating that he is now going to work 24 hours versus 26 hours. He reviewed an incident at Kendall Pond with the Commission. He said that on Friday at 9:30 a.m. Ariana from the Rockingham County Conservation District (RCCD) will be monitoring Ingersoll and that Ariana would like someone from the Commission to be there. D Lievens asked if this was a decision from RCCD or the Commission. M Badois replied it arose from one of the monitoring reports when they simply wrote encroachments, but did not specify where they were. M Speltz mentioned that if they can give the Commission the GPS coordinates of the encroachments, then the Commission can go out and review it later. J Demas noted that this information should be relayed to the RCCD representative before Friday. Officer Aprile said that he would email Ariana tomorrow and let the Commission know. He said that the Plummer property still needs to be monitored, but now the



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executor of the estate does not have to be there. M Speltz asked if they need this done before the end of the year. M Badois replied that is correct. M Byerly offered to do the Plummer monitoring on Sunday. M Badois and D Heafey said that they are also free on Sunday to help out with the monitoring.

Field Day: M Badois noted that they usually do this event around Valentines' day and asked for a date. M Byerly suggested February 12, 2021. M Badois asked for ideas with entertainment/education. She said that she would check with New Hampshire Fish & Game (NHFG) to see if they have any topics to cover. Officer Aprile suggested that he could speak on the topic of his role as the Conservation Ranger. B Maxwell pointed out that their wood pile has been diminished and they would need to replace that. J Demas mentioned that there are many down trees on the Heron Trail and offered to help. B Maxwell suggested having someone speak about the rabbit habitat is always a good idea as the landscape has changed.

Deb Paul, 118 Hardy Road, addressed the Commission. D Paul told them that someone from the state sets up very large telescopes to view constellations in other towns and thought that this might be a good idea. She said that the Hampstead Conservation Commission has an art day where they allow residents to set up easels in the middle of conservation land.

Musquash: Officer Aprile informed the Commission that they recently searched for a woman that was lost in the Musquash and she was successfully rescued.

Mack parcel: M Speltz said that he believes that this needs to be monitored before the end of the year. M Badois asked who needs this information. M Speltz replied that the New Hampshire Department of Environmental Services (NHDES) would need it. M Byerly offered to fill out this form as he walks this area frequently.

December 28, 2021, meeting: The Commission pointed out that they will not meet on December 28, 2021. Their next meeting is January 11, 2022.

Other Business

Minutes: The Commissioners went over the public minutes of November 23, 2021. M Byerly made a motion to approve the minutes as presented. G Harrington seconded the motion. The motion passed, 6-0-1, with S Malouin abstaining.

Adjournment: M Byerly made a motion to adjourn the meeting at 8:23 p.m. D Lievens seconded the motion. The motion passed, 7-0-0.

Respectfully Submitted,
Beth Morrison
Recording Secretary