



Londonderry Conservation Commission
Tuesday, January 28, 2020
Minutes

1 **Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Bob Maxwell, member; Deb Lievens,
2 member; Mike Byerly, member; Mike Noone, member; Richard Floyd, member; Mike Speltz, alternate
3 member; and Susan Malouin, alternate member

4
5 **Absent:** Jocelyn Demas, alternate member; and Town Council liaison member

6
7 **Also present:** Amy Kizak, GIS Manager/Comprehensive Planner; Officer Aprile; Conservation Officer;
8 Beth Morrison, Recording Secretary; Heidi Holman, Wildlife Diversity Biologist, NH Fish & Game; Tom
9 Brighton, Biologist, NH Fish & Game; and Michael Malynowski, P.E. from Allen Major & Associates

10
11 Marge Badois called the meeting to order at 7:30 pm.

12 **NHF&G:** Heidi Holman, Wildlife Diversity Biologist and lead on the New England Cottontail recovery;
13 and Tom Brighton, Habitat Biologist from NH F&G introduced themselves to the Commission. T Brighton
14 asked the Commission specifically what they are seeing on the trails, as he did not see any ATV tracks on
15 the trails he walked. B Maxwell said there are ATV tracks in the north end of the Musquash all the time,
16 as well as the NEC 3 landing that abuts directly into the Granite Ridge right-of-way, as there is no way to
17 block it. He noted that NH F&G put sand in the NEC 3 landing and the ATVs do donuts in it. He
18 commented that the ATVs come down the Eversource power line to another sand pit at Faucher Road.
19 M Noone told them that he put signs and branches where the rabbit habitat cut went across the Blue
20 Trail and asked if B Maxwell saw ATV tracks there anymore. B Maxwell said there were no track on the
21 Blue Trail this week, but the barrier M Noone built was torn down and dragged off the trail. He added
22 that a lot of walkers are using the cut. He stated that the "No ATV" signs they put up have been stolen
23 and in his opinion the cuts are making the ATV problem worse. M Badois commented that the
24 Commission has been working with Eversource for a parking lot at Hickory Hill, but Eversource is
25 hesitant to potentially provide another point of access, because of all the trouble with the ATVs. She
26 said that she believes the ATV problem is a state-wide problem. H Holman told the Commission that
27 they reached out to their law enforcement officer, Robert McDermott, who offered to come this
28 evening, but she told him she would gather information for him tonight and determine the next steps.
29 She commented that NH F&G is willing to step up to patrol the areas of concern as well and provide
30 assistance as needed. M Byerly asked for the Commission's biggest area of concern. B Maxwell
31 responded that he believes it would be NEC 3. M Badois asked if logs could be left randomly as obstacles
32 when a cut was done to make it harder for ATVs to access. B Maxwell said that the people are very
33 aggressive who ride the ATVs, stating they have removed jersey barriers before. He asked what the final
34 cut would look like, as of right now 10% of the Musquash has been removed, and in his opinion, it is



Londonderry Conservation Commission
Tuesday, January 28, 2020
Minutes

35 enough. M Speltz expressed his concern with any more cuts taking place until the ATV problem is solved.
36 B Maxwell said the earliest cut, the White Trail, has grown back with enough brush that it is not an ATV
37 problem. Officer Aprile said that he patrols the Musquash and there are so many areas that a person
38 could access it from with ATVs. He said that there are four to five pictures of people on ATVs from the
39 last thirty days in the Faucher area from the camera. M Badois asked if NH F&G could send out a mass
40 mailing letting people know this is an enforcement issue and you will be ticketed if caught riding an ATV
41 where you are not allowed. H Holman asked if they thought it was local traffic. B Maxwell answered that
42 it is mostly local traffic. H Holman said that she would ask their public affairs department if there has
43 been any history of this type of problem and how it was handled in the past. Officer Aprile suggested
44 that perhaps there could be a picture of himself and Rob McDermott from NH F&G in the paper stating
45 that there is no legal place in Londonderry to ride ATVs. T Brighton asked if the photos of people on
46 ATVs were from the same time every day. B Maxwell said there is not. H Holman told the Commission
47 that they are absolutely committed to work with them on this issue and address it before moving
48 forward; therefore, talking about the rabbits and their biological needs can be done at a later date. She
49 said they could do follow up and ask the forester why the new cuts were not blocked like the previous
50 cuts have been. She added that they would like to do more research, such as speak to Continental
51 Paving about the jersey barriers and to get quotes on equipment that they might need, to help the
52 Commission. She said that she would speak to the officer from NH F&G and brief him on the issue and
53 suggested that the NH F&G officer come to a Commission meeting in the future. She said that she would
54 respond to M Badois by email to arrange follow up.

55 M Byerly asked what the expected time frame would be for the public to start observing rabbits. H
56 Holman informed the Commission that they have been working with UNH on a population assessment
57 of the area in Londonderry, which illustrated the rabbits are existing on a very small level of 50 to 80
58 rabbits. She said that the properties are a little too far apart for a natural distribution of the rabbits. She
59 explained that the power lines are cut every three to four years, and right before these cuts take place
60 they start to see rabbits moving south from an occupied area at the airport, but they retreat back to the
61 area at the airport. She said they have not done any releases, as they are concerned the areas are not
62 ready yet. She commented that the first cut, which was the original 20 acres opening in the north
63 section of the Musquash occurred in April of 2013, and was re-cut in the winter of 2018 because the
64 stem density was not thick enough. She added that she would still be hesitant to release a rabbit out
65 there at the moment and suggested giving it another year or so. She said the areas that have been cut,
66 which were part of the New Hampshire Department of Transportation (NHDOT) properties along the
67 Cohas in 2016 and 2017, are already occupied with rabbits because they are so close to the existing
68 population. She told the Commission that the rabbits do not like to move unless they feel really safe,
69 adding that she does not think the Musquash will become populated without physically placing the



Londonderry Conservation Commission
Tuesday, January 28, 2020
Minutes

70 rabbits in there. M Badois asked if creating connections from existing locations of rabbits would help
71 them relocate. H Holman said even with the connections, she does not think they will move on their
72 own and it would be manual relocations and releases. She said the first cut's build out would be about
73 10 years at least, as it is a very slow process. She commented that the reason the NHDOT properties
74 responded so well is because they had been cut more recently and were able to regenerate easily. She
75 explained that the Musquash is an older forest and will need more help. B Maxwell told H Holman that
76 he went through the first cut recently and there was only one set of deer tracks and one set of squirrel
77 tracks and he did not hear any birds, which he does not think is right. H Holman said that they should do
78 some monitoring out there for the Commission to make sure that they are on the right track. She
79 suggested doing a bird walk in the spring and offered up her time to come speak to the public at
80 Musquash field day. M Speltz asked if they have been receiving the same concerns from the cuts in
81 Durham. H Holman said they have done about 100 acres in Durham and there have been mixed reviews
82 at times. M Speltz specifically asked about ATVs. H Holman stated they did not have any ATV issues
83 there. She said that she feels the power line corridor is the main connection piece that lends to the ATV
84 traffic. B Maxwell said that he has no plans to stop the ATVs on the power lines, but would love to block
85 off the openings to the Musquash. B Maxwell said that the NEC 3 landing area, the Eversource power
86 line and sandpit are the biggest concerns. M Speltz asked if they have ever spoken to Eversource about
87 the ATV problem. H Holman commented that she does not know if the Off-Highway Recreational
88 Vehicles (OHRV) program is engaged in a conversation and would have to ask her enforcement officer.
89 M Badois added that Eversource was having a meeting mid-January regarding ATVs and she suggested
90 having a joint effort between Conservation Commissions in NH, Eversource and NH F&G to try and come
91 up with a solution to the ATV problem. S Malouin asked H Holman to explain why they picked the areas
92 for rabbit cuts. H Holman told the Commission that there is a long history on why they ended up with
93 the chosen areas in Londonderry. She explained that there has been a lot of coordination with the Town,
94 Town Manager, NH F&G, Army Corps of Engineers and New Hampshire Department of Environmental
95 Services (NHDES) regarding the development of roads in the airport area, where it was deemed to be
96 economically important to Londonderry. She said they now have a current Memorandum Of
97 Understanding (MOU) between NH F&G and the town of Londonderry that offered the opportunity for
98 NH F&G to move conservation work onto conservation lands, in the name of developing the economic
99 areas that are important to Londonderry. She noted that the areas have been reviewed by the forester
100 for the best locations to cut in the Musquash. She said that they have tried to get grants, but the cost is
101 very high. She stated that they recently acquired the NHDOT land through mitigation. D Lievens
102 commented that this is a long-range project and believes it is difficult for the public to understand. H
103 Holman agreed that they first thought 5-10 years, but are anticipating longer. H Holman showed the
104 Commission on the map where they have seen rabbits and pointed out the wildlife corridor. S Malouin
105 asked about litter size of the rabbits. H Holman said that is a bit unknown at this point in time, but it



Londonderry Conservation Commission
Tuesday, January 28, 2020
Minutes

seems like two young per female per year. She said that they are replacing, but there is an issue with eastern cottontails that move into the New England cottontail territory and possibly reduce reproduction. She concluded the discussion stating she would follow up with M Badois by email.

DRC - Commercial Warehouse Expansion - 11 Ricker Ave- Map 28 Lot 22-29 - Michael Malynowski:

Michael Malynowski P.E., Senior Project Manager from Allen & Major Associates, Inc., AirPark Executive Center, 400 Harvey Rd Suite D, Manchester, NH, introduced himself to the Commission. M Malynowski told the Commission he is here tonight for a proposal to add a 64,000 SF addition to an already existing warehouse on Ricker Ave. He said the property is 29 acres. He said there is a small portion of wetlands along the riprap channel from the Cohas Brook as it passes by the airport. He passed out an existing conditions map for the Commission to review. He told the Commission that there is a new set of loading docks that will be added in the back as well. M Byerly asked if this addition would block the flow of Cohas Brook. M Malynowski said they will not and reviewed where the wetland is on the map with the Commission. S Malouin asked about tree planting. M Malynowski explained that there is a culvert that drains through the property, so they cannot plant there. He said that they are going to reconstruct the swale, so it will run around the property out to the woods toward the airport. He told the Commission that they had to do a natural heritage check and have spoken to Kim Tuttle from NH F&G regarding the potential for the eastern hognose snake. He said that they have changed all of the erosion control _____ logs to a cotton based biodegradable material and they have pictures of the snake on the plans with a telephone number to call if they are seen. The Commissioners had no comment for the DRC.

Unfinished Business

Conservation Officer: M Byerly asked if the photos the Commission has on ATVs could be posted on the Police Department page or something else to get the word out. Officer Aprile told the Commission that that he would go speak to Captain Eastman from NH F&G and see if they have signs to put up and to coordinate outreach. He noted that he has issued five or six violations since he has been in his position and they have been resolved within a week. M Noone asked about Kendall Pond. Officer Aprile said that Kendall Pond has been much cleaner. He commented that the Department of Public Works and Engineering (DPW) told him that they will not plow the Kendall pond parking lot because it is too much of a liability. M Speltz explained that if your land is open, with no posting, and someone where to get hurt on it not due to the owner's gross negligence, the land owner is protected. He stated he did not know if this would apply to a municipality.

Hickory Hill/Eversource: M Badois informed the Commission that she has no new update at this time.

DOT land: S Malouin told the Commission that they received a letter from NHDOT regarding their inquiry to Stephen LaBonte regarding the possible transfer of land off south road. She explained that



Londonderry Conservation Commission
Tuesday, January 28, 2020
Minutes

139 NHDOT is initiating the disposal process, which can take approximately one and a half years for the
140 process to be completed, depending on the requirements of the individual parcel. She asked how the
141 land was originally funded. G Harrington told her that the land was funded from the Route 93 mitigation
142 site. M Speltz said that he has been through this process with another piece of land and the Commission
143 should draft a letter from the Town Manager to NHDOT expressing the Commissions' interest in the
144 parcel.

145 **Gilcreast Road - Orchard Soil Testing:** M Speltz told the Commission that he found out through an email
146 exchange with Steve Cotton, Administrator Support Coordinator, that NHDES has not looked at the
147 report yet. He pointed out that it depends on who owns the land to determine exactly what will get
148 done. He added that there are some liability issues if the Town/Commission were to assume ownership
149 and Dieldrin was found in the soil because then the Town/Commission would potentially have to
150 perform mitigation.

151 **Monitoring:** M Badois told the Commission that there was nothing new to report at this time.

152 **WRMPP:** M Speltz told the Commission that he has added a narrative section to the draft he sent out to
153 the Commission previously. He pointed out that A Kizak and Town Planner Mailloux have added another
154 column called Responsible Department/Board. He commented that his proposal put the Planning
155 Department at the head of an ad hoc working group, but A Kizak and Town Planner Mailloux have
156 suggested dividing up the tasks between the Departments/Boards. He stated that he believes it would
157 be more efficient to coordinate and perform these tasks together, as it might be complicated to figure
158 out how tasks would be budgeted. He said the next step would be meeting with himself, A Kizak and
159 Town Planner Mailloux to form a more cohesive group or committee to make sure the
160 recommendations are followed through.

161 **Articles:** D Lievens told the Commission that she is very grateful for Jocelyn writing 3 articles. She
162 explained that Solid Waste posts the articles on their website and asked if the Commission should also
163 do this. A Kizak said if D Lievens sends her the articles, she will put them up on the website.

164 **Musquash Field Day:** M Badois informed the Commission that B Maxwell took pictures of the Mike
165 Considine trail signs that were put up in the Musquash and she will make a poster for the dedication at
166 the landing, as walking the trail is too far. She asked the Commission what they would like H Holman to
167 speak about. D Lievens said that anything to engage the children would be great. M Byerly suggested
168 doing the dedication at 11 a.m. before the walk. M Byerly suggested starting the walk at 10 a.m. from
169 the parking lot to the landing before the dedication. M Badois said that H Holman would talk at 12:30
170 p.m. She reviewed the shopping list with the Commission.



Londonderry Conservation Commission
Tuesday, January 28, 2020
Minutes

171 **New Business**

172 **Saving Special Places - April 4, 2020:** M Badois told the Commission that it would be held on April 4,
173 2020, and look out for a postcard.

174 **Education - Conservation Overlay District:** M Badois informed the Commission that this is part of the
175 Town's zoning ordinance. She reviewed the Conservation Overlay District (CO) zoning ordinance with the
176 Commission. She added that the CO District it is an additional zone that would overlap other zones
177 noting the most restrictive zone is what governs the parcel. She pointed out that the determination of a
178 wetland needs to be performed by a NH certified wetland scientist. She stated that if a developer would
179 like to do something in CO District, they will have to apply for a Conditional Use Permit (CUP). D Lievens
180 added that there should be a note in the ordinance to update the new stream nomenclature from the
181 Water Resource Management Plan.

182 **Right to know:** M Badois told the Commission that this training will be sometime in June.

183 **Pollinator Pathway Project:** S Malouin told the Commission that she saw this program on the NHACC
184 website and suggested having someone in this project come to a meeting to do a presentation.

185 **E-bike:** B Maxwell suggested to talk about this at the next meeting, as the state is looking at changing
186 legislation. M Badois said this would be a topic for the next agenda.

187 **Minutes:** The Commissioners went over the public minutes of January 14, 2020. B Maxwell made a
188 motion to approve the minutes as amended. G Harrington seconded the motion. The motion passed, 6-
189 0-1, with R Floyd abstaining.

190 **Adjournment:** M Byerly made a motion to adjourn the meeting at 9: 58 p.m. G Harrington seconded
191 the motion. The motion passed, 7-0-0.

192 Respectfully Submitted,
193 Beth Morrison
194 Recording secretary
195