



Londonderry Conservation Commission

Tuesday, March 25, 2008

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Present: Deb Lievens, Gene Harrington, Mike Considine, Ken Henault (late), Truda Bloom, Mike Speltz and Mark Oswald (late)

Call to order; 7:30 P.M.

West Road/Nesenkeag- Duane Besso, owner of 103 West Road, was present to ask the LCC about water issues in the area of his lot, including the Town's athletic fields and the Nesenkeag Brook. Specifically, he inquired as to whether the LCC had given any approval regarding the water source to be used for the soccer fields and if they had any ongoing control over how much water the Town takes from sources such as the Nesenkeag. D. Lievens explained that the LCC can make recommendations to the Town but does not have authority to make or impose any decisions.

Ken Henault and Mark Oswald arrived.

D. Besso then asked if the LCC knew the flow rate of the Nesenkeag. The LCC shared some basic information they had from a State water study done nearly 20 years ago but did not have actual flow rate data. M. Speltz offered to look into it for him. D. Besso then asked why the water seems to have receded where the wetland once covered much of his property. The LCC explained that natural succession and other occurrences such as beaver dams could make significant changes to any given wetland system. D. Besso thanked the LCC for their time and left the meeting.

D. Lievens appointed Mark Oswald to vote for S. Fassi and appointed M. Speltz to vote for Paul Nickerson.

March 11, 2008 minutes- **T. Bloom made a motion to approve the minutes of the March 11, 2008 public session as written. M. Considine seconded. The motion was approved 4-0-3 (G. Harrington, M. Speltz and M. Oswald abstained as they had not attended the meeting).**

M. Considine made a motion to approve the minutes of the March 11, 2008 non-public session as written. K. Henault seconded. The motion was approved 4-0-3 with the same abstentions noted above.

Cheshire Court lot- The owners of map and lot 3-45-97 have plans to install a pool on their property and had sought the LCC's advice pertaining to its location, given that Long Swamp borders their back yard (see February 26 and March 11, 2008 minutes).

Although the LCC had decided at the last meeting to advise the owner and his engineer about locating the pool outside of the 100 foot wetland buffer to Long Swamp, it was discovered afterwards meeting that this lot would not be subject to the Conservation Overlay District since its creation preceded adoption of the COD ordinance. The LCC agreed it should still recommend to the owner that the buffer be undisturbed. M. Speltz and D. Lievens noted that the amount of space comprising the owner's backyard should keep the pool well over 100 foot to Long Swamp. An intermittent stream was a separate concern addressed by the engineer, although it is still unclear if one exists. The LCC will suggest any such stream be avoided as well.

M. Speltz requested that the minutes of March 11, 2008 include a notation to reference this set of minutes because of the change in circumstances regarding the COD.



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Deed restrictions/no cut buffers- A discussion ensued concerning the LCC's recommendations for deed restrictions and the marking of not cut zones for subdivision and site plans. M. Speltz stated that while the LCC may work with a developer or land owner to ensure a plan is marked accordingly and/or that a restriction will be placed on a deed, there is no automatic follow up regarding the enforcement of those agreements. Introducing some kind of verification into the process would be a prudent idea.

Beaver Brook Estates- With the recent purchase of map and lot 11-11 by the Town for open space, Town Counsel Bart Mayer had asked whether or not the LCC would like to invest in title insurance for the property. At the March 11th meeting, the LCC had agreed the expenditure would be worth the protection of such a significant investment that will help preserve vital natural resources for the Town. They voted unanimously for the Chair to research the matter and expend up to \$1,000 for said insurance.

D. Lievens reported that her investigation revealed the actual amount could be upwards of \$2,500. After discussing the matter with the Town Manager, he agreed that even with the increased quote, the relatively low expense would certainly be a beneficial safeguard of an important acquisition.

K. Henault made a motion to authorize the Chair to expend an amount not to exceed \$3,000 from the Open Space for title insurance for map and lot 11-11. G. Harrington seconded. The motion was approved, 7-0-0.

D. Lievens also stated that the closing on this transaction should occur at the end of March and that the trash items on the property should be removed by the Coopers before the end of April.

EMS Club Day- Eastern Mountain Sports will have their annual Club Day event mid April where members of outing clubs are able to take advantage of 20% off all store items. M. Considine was asked by the local EMS owner if the LCC would like to represent themselves along with other similar organizations as part of the event. Aside from being a good opportunity for conservation education, the LCC agreed it was important to support EMS in light of their several years of equipment donation for the LCC's annual Musquash Day. M. Considine volunteered to represent the LCC on one of the two scheduled days in April.

G. Harrington made a motion to go into Non-public Session for the purpose of discussing possible land acquisitions per RSA 91-A:3. K. Henault seconded.

Roll call vote: Aye, Truda Bloom; Aye, Ken Henault; Aye, Mike Considine; Aye, Gene Harrington; Aye, Mike Speltz; Aye, Mark Oswald; Aye, Deb Lievens.

Mark Oswald made a motion to go out of Non-public Session. K. Henault seconded. The motion was approved, 7-0-0.

Mark Oswald made a motion to seal the minutes of the Non-public Session indefinitely. K. Henault seconded. The motion was approved, 7-0-0.

M. Speltz made a motion to authorize the Chair to schedule a public hearing regarding the purchase of Elizabeth Sales' property on map and lot 11-21, to be held April 8th at 7:30 P.M. for the offering price of \$6,500, subject to due diligence on the part of the Conservation Commission,



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approval by the Conservation Commission and approval by the Town Council. T. Bloom seconded. The motion was approved, 7-0-0.

M. Speltz made a motion to authorize the Chair to make an outline and offer on the project discussed in the non-public session, according to the terms discussed in the non-public session with a view toward either abandoning the project or moving forward on it no later than the set deadline of April 15th. K. Henault seconded. The motion was approved, 6-0-1.

DRC- Market Basket expansion, 10-52

Comments: Why will there not be a landscape plan?

The Commission notes there will not be any increase in parking spaces.

The meeting adjourned at 9:30 PM.

Respectfully submitted,

Jaye Trottier
Secretary