



Londonderry Conservation Commission
Tuesday, July 24, 2018
Minutes

1 **Present:** Marge Badois, Chair; Bob Maxwell, member; Deb Lievens, member; Mike Byerly, member;
2 Mike Noone, member; Roger Fillio, member and Mike Speltz, alternate member

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4 **Absent:** Gene Harrington, Vice Chair; Richard Floyd, alternate member; Julie Christenson-Collins,
5 alternate member and Ted Combes, Town Council member

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7 **Also present:** Bruce Gilday; Amy Kizak, GIS Manager/Comprehensive Planner and Beth Morrison,
8 Recording Secretary

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10 Marge Badois called the meeting to order at 7:30 pm. She appointed M Speltz to vote for G Harrington

11 **Evans Family Revocable Trust – Bruce Gilday:** Bruce Gilday introduced himself and passed out the
12 wetlands permit application to the Commission for their review. He stated that he was last before the
13 Commission in May to present the proposed plan for mitigation. He stated that they have taken the
14 Commission's comments into consideration and have moved the border of the mitigation all the way to
15 the power lines with the access road there. He noted that they have reduced the impervious surface
16 area and cut the wetland impacts in half. He explained that they sent out Chris Kane, a conservation
17 ecologist, who verified the vernal pool on site. The new wetland impact is 32.2 acres and the mitigation
18 is still 50% uplands and 50% wetlands. He stated that he is here tonight hoping to get suggestions from
19 the Commission. He stated that he would like the town to accept ownership of the land with a Southeast
20 Land Trust (SELT) easement. M Speltz asked if New Hampshire Department of Environmental Services
21 (NHDES) is requiring the easement in addition to the town taking ownership of the land. B Gilday stated
22 that NHDES is not requiring that. M Speltz stated that the less expensive option, for both the short-term
23 and the long-term, would be to have the town own the property and have the deed transferred from
24 the Evans family to the town contain conservation restrictions that NHDES is requiring. He stated that
25 deed would read much like a conservation easement, giving NHDES the rights to enforce the restrictions
26 and the Commission would monitor the property. He noted that one concern that is important to put in
27 the deed would be a solid grant for the right-of-way access. B Gilday stated that the deed would
28 describe the parcel all the way out to Sanborn Road. He asked if the Commission was interested in the
29 parcel. M Badois stated that in her opinion, she thought the Commission members would support it with
30 the deed restriction. M Byerly asked what the normal process would be for the town to take ownership
31 of the parcel. M Speltz stated that the Town Council would need to support it. The Commission's
32 consensus was that the newly described area as proposed with the metes and bounds being part of the
33 deed with the right-of-way would be supported by the Commission. D Lievens asked who would go to
34 the Town Council for their approval. M Badois stated that the Commission should do a preliminary
35 presentation for the Town Council. M Speltz stated that the Town Council approval would be contingent
36 upon the project receiving all their approval from the Planning Board. M Speltz asked where B Gilday
37 stood with the Planning Board. B Gilday did not have an answer. M Speltz suggested that B Gilday



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38 should get the plan accepted by the Planning Board with a condition being that the town takes
39 ownership of the land. A Kizak stated she could check with Colleen Mailloux, Town Planner, on how this
40 would work. B Gilday stated that he would reach out to Colleen Mailloux, Town Planner as well.

41 **Old Business**

42 **Kendall Pond:** M Badois informed the Commission that the plan has been accepted by all parties and to
43 her knowledge they will start the project on August 6, 2018.

44 **Land acquisition process:** M Badois asked if M Speltz received the edits that were sent. M Speltz stated
45 he only received one email from her. A Kizak explained that she spoke to Tom Roy, IT Manager, about
46 the problems some members are having with their emails, and he has offered to have members call him
47 to set up an appointment to solve the email problems. M Badois stated that she had made a comment
48 regarding the Commission's having an input during negotiations. M Speltz stated that the Commission
49 does get the final say. He stated that in his opinion, one of the key flaws with the land acquisition
50 process is that it is not signed by the Commission, so he has amended the document to include: "after
51 referral from the Commission, Town Council, and at least one designated commissioner, shall discuss
52 the acquisition in an ongoing discussion. The Town Council shall designate a negotiator to negotiate a
53 purchase and sale." He stated that with this he hopes the Town Council will have the Town Attorney
54 negotiate and when the Town Attorney has a price, he will go to the Town Council and Conservation
55 Commission for approval. He stated that he could add "to negotiate a purchase and sale with the seller
56 in coordination with the Town Council and Conservation Commission". M Badois stated she would like
57 the Town Council and Conservation Commission to give the Town Attorney some direction with the
58 negotiation. M Speltz stated that the Commission has good knowledge about natural resource value but
59 not necessarily a lot of expertise in placing a dollar value on the land, which is what the appraiser should
60 do. He stated that he would continue amending the document and find the emails with comments from
61 the members.

62 **Water resource management:** M Speltz stated that he spoke to Kevin Smith, Town Manager, to
63 question the legality of spending the Conservation Fund money on a water quality and quantity study.
64 He stated that the Town Attorney looked at the description of the study and said it would be legal to use
65 the Conservation Fund money on it. He asked Kevin Smith, if Steve Cotton, Administrator Support
66 Coordinator, could help out to prepare a draft proposal, to which Kevin said yes. He stated that he is
67 going to meet with Steve tomorrow morning to draft a Request For Proposal (RFP), which will be verified
68 by the Town Attorney, and then go out to bid. M Badois asked if the money would come out of the
69 Conservation Fund or Open Space Fund. M Speltz stated it would come out of the Open Space Fund. M
70 Speltz asked if the consensus from the last meeting was that the Commission would support this study.
71 M Badois stated it was.



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72 **Turtle signs:** M Badois asked if M Noone had heard back from Melissa Doperalski, from Fish & Game. M
73 Noone stated that he had not and he would reach out again.

74 **Public walk/paddle:** M Badois informed the Commission that one person came to the Scobie Pond
75 paddle, which surprised her because she had reached out on social media and got responses. She stated
76 that she looked for invasive species out there, but did not see any. She asked if the Commission should
77 do the paddle more than once a year. M Speltz stated there does not seem to be a lot of demand for it.
78 M Badois stated that she thought if it was offered more, maybe more people would get interested. She
79 asked if the Commission wanted to get back into the public walks and suggested using the booth at Old
80 Home Days to advertise the next walk. M Byerly thought the weekend after Old Home Days might be a
81 good weekend and the Commission agreed. He suggested a guided walk of the power lines near Faucher
82 Road Trailhead. M Speltz stated that he could also get to the rabbit habitat with the power lines walk.

83 **Old Home Days:** M Badois suggested the Commission could talk about the public walks, have
84 newsletters for people to take and maybe fact sheets about rabbits and/or turtles at the booth. R Fillio
85 asked if Fish & Game had any live animals the Commission could borrow for the day. M Noone stated
86 that Josh from Fish & Game might have some turtles the Commission could borrow and would email
87 Melissa from Fish & Game.

88 **Londonderry Country Club:** M Badois stated that the country club keeps flooding out and they emailed
89 Kevin Smith who gave them permission to break the dam. She stated that she is going to go out and take
90 a look.

91 **Times Articles:** D Lievens stated that she did not see her article published in the Times last week and is
92 not sure why. M Badois stated maybe there was some confusion. R Fillio stated he would talk with
93 someone at the Times and get it figured out.

94 **New Business:**

95 **NHACC Achievement Award:** M Badois stated that she sent the members information regarding the
96 NHACC Achievement Award asked if the Commission would like to nominate themselves for this award.
97 D Lievens stated she thought the Commission did not do enough to nominate themselves for this. M
98 Badois stated she thinks that the Commission loses sight how much they do compared to other towns.
99 M Speltz stated that he looked at the application and thinks the Commission could be competitive for
100 this award. He stated that he would draw up a draft and have everyone think of something to
101 contribute.

102 **NHACC meeting:** M Badois informed the Commission that she just received an email regarding the
103 NHACC meeting, which will be held on November 3, 2018 with the cost being \$60.00. She asked if the



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104 Commission pays for any member who would like to attend. B Maxwell stated that the Commission
105 currently pays for any first time member who would like to go. M Speltz made a motion for the
106 Commission to allocate up to \$300.00 from the line item budget for Commissioners who wish to attend
107 the NHACC meeting on November 3, 2018. M Noone seconded the motion. The motion passed, 7-0-0.

108 **Changes to laws:** M Badois informed the Commission that she received notices about changes to laws
109 regarding time limits related to wetland permits and terrain alterations. She read from her email to the
110 Commissioners. D Lievens stated that what M Badois read does not have anything to do with the
111 Commission. M Badois read further stating: "all applications for qualifying minimal impact projects
112 submitted by a certified application preparer will not require technical review by NHDES and they must
113 issue a commitment within 10 days of receiving the application," which goes into effect January 1, 2019.
114 D Lievens stated that this does affect the Commission. M Badois asked if someone uses a professional
115 application preparer does that mean they will not come before the Commission anymore. D Lievens
116 stated it sounds correct. M Byerly stated that he thinks NHDES has to move faster, but did not think
117 anything changed for the Commission.

118 **Request for Proposals:** A Kizak informed the Commission that the request for proposals for the
119 transportation alternative program grant is now open. She stated that the Town has put in a letter of
120 interest for a project that will finish the Rail Trail from where it comes out on Pettengill Road up to the
121 Manchester town line. She stated that she would like the Commission to write a letter of
122 recommendation supporting the project and the application is due in September. M Badois stated that
123 she would not be here at the next meeting, but Gene Harrington can sign. M Byerly asked who the
124 source of the grant was. A Kizak stated it is a Department of Transportation (DOT) grant, with federal
125 funding for 80% and the town will need to provide 20%.

126 M Speltz excused himself from the meeting at this time.

127 **Minutes:** The Commissioners went over the public minutes from July 10, 2018. D Lievens made a motion
128 to accept the minutes as amended. R Filio seconded the motion. The motion passed, 6-0-1 with M
129 Byerly abstaining.

130 **Policies:** M Badois asked if any member knew of a policy to properly dispose of knotweed. B Maxwell
131 stated there is a face sheet from the state that the Commission could post.

132 **DRC**

133 **Saulnier Subdivision (Map 11 Lots 85 & 86)** The Commissioners reviewed the DRC for Saulnier
134 Subdivision (Map 11 Lots 85 & 86) with no comments.



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135 **Adjournment:** M Byerly made a motion to adjourn the meeting at 8:50 p.m. R Fillio seconded the
136 motion. The motion passed, 6-0-0.

137 Respectfully Submitted,
138 Beth Morrison
139 Recording Secretary