



Londonderry Conservation Commission
Tuesday, December 14, 2021
Minutes

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

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5 **Absent:** None

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

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

10 **Exit 4A Takings** – Non-Binding Review and Recommendation (RSA 41:14-a) – Michael Malaguti, Esq.
11 Assistant Town Solicitor, told the Commission that he is here to talk about two properties near Trolley
12 Car Lane that the New Hampshire Department of Transportation (NHDOT) has proposed to take by
13 eminent domain for the Exit 4A project. He started with the first parcel, 51 Rear Trolley Car Lane, (Map
14 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
15 drainage easement. He stated that he gave the Commission the appraisal report for them to review. He
16 noted that the property is mostly wet, has one access point and is a substandard lot on a Class VI Road.
17 He told them the appraised value of the lot was \$718.74 and \$16.31 for the drainage easement. He went
18 on to the other parcel, Four Trolley Car Lane, (Map 10 Lot 34), which is a much smaller parcel of 0.2
19 acres in total. He added that NHDOT is proposing to take .04 acres. He pointed out that the parcel is land
20 locked and is not buildable. He said that NHDOT has offered to pay \$500 for the parcel to be taken and
21 \$400 for the remnant. He commented that he is here tonight before the Commission for a
22 recommendation to the Town Council. He reviewed the process with the Commission, noting that the
23 Planning Board will also be making a recommendation and then the Town Council will conduct two
24 public hearings and vote on the matter. M Badois asked who owns the property. M Malaguti replied
25 that the Town owns the parcels that the NHDOT is proposing to take. He added that the Town Council
26 wants to notify the abutters to get their input on the possible impact to their properties that the takings
27 might have. He mentioned that his opinion is not to contest the eminent domain proceeding and
28 cooperate, so the residents on Trolley Car Lane get their sound wall as soon as possible. M Badois asked
29 about the wetlands. M Malaguti replied that the first parcel he discussed is wet, but as far as permission,
30 he does not think it factors in the eminent domain proceedings. M Badois asked what they are
31 proposing to do. M Malaguti replied that they are proposing to install a sound wall 45-feet to the east of
32 the parcel. He said that in reading the report, the portions that are wet would be minimal. He read from
33 the report that the work on the second parcel is as follows: “the purpose of the proposed acquisition is
34 for realignment of I-93 and the construction of the proposed Exit 4A. Slope work performed in this area
35 is necessary to allow for adequate drainage of the right-of-way. It does appear the natural trees and
36 shrubs within the area of take will be cleared.” M Speltz commented that he has suspected this was part
37 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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38 permit for the project. He said that this impact, if there is one, was probably covered when the initially
39 started the project. M Badois commented that the residents of Trolley Car Lane need the sound wall as
40 soon as possible. M Speltz voiced his opinion that he would recommend approval with no comment. M
41 Badois stated that the wetland issues have already been approved. She added that it would be more
42 focused on the change in ownership versus a wetland issue. M Malaguti replied that was correct, but
43 the decision before the Town is whether or not to contest the states' evaluation or to incorporate on the
44 taking of the parcels. M Speltz mentioned that the Commission has to decide if the dollar amount
45 NHDOT has given is appropriate. He said that he read through both evaluations, and does not like the
46 way they treat the animals, but the fact is there is little value with both of the parcels. M Byerly asked if
47 this was a vote or comments. M Malaguti replied that he is looking for a consensus from the
48 Commission.

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

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

56 **Unfinished Business**

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

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

61 **New Business**

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



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

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

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

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

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

94 **December 28, 2021, meeting:** The Commission pointed out that they will not meet on December 28,
95 2021. Their next meeting is January 11, 2022.

96 **Other Business**

97 **Minutes:** The Commissioners went over the public minutes of November 23, 2021. M Byerly made a
98 motion to approve the minutes as presented. G Harrington seconded the motion. The motion passed, 6-
99 0-1, with S Malouin abstaining.

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

102 Respectfully Submitted,
103 Beth Morrison
104 Recording Secretary