



Londonderry Conservation Commission
Tuesday, May 10, 2022
Minutes

1 **Present:** Marge Badois, Chair; G Harrington, Vice Chair; Deb Lievens, member; Bob Maxwell, member;
2 David Heafey, member; and Mike Speltz, alternate member

3

4 **Absent:** Mike Byerly, member; and Susan Malouin, member

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6 **Also present:** Amy Kizak, GIS Manager/Comprehensive Planner; and Beth Morrison, Recording
7 Secretary.

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9 Marge Badois called the meeting to order at 7:30 pm. M Badois appointed M Speltz to vote for M Byerly.

10 **Unfinished Business**

11 **Ingersoll easement monitoring:** D Lievens told the Commission that someone else, Matt Scaccia is the
12 correct contact person at the Forest Society for the record. She noted that she cc'd M Byerly as well so
13 he will have the new contact information. She commented that the person she spoke to cannot
14 remember the last time letters were sent out to abutters. She mentioned that Matt wants to work with
15 the Commission. M Badois pointed out that they know about the encroachments and is it unfortunate to
16 allow them to continue because the encroachments will just get worse. D Lievens stated that she
17 informed them that the Commission now has Officer Aprile, if it needed to be escalated.

18 **Conservation property discussed previously:** M Speltz informed the Commission that he submitted the
19 pre-application for The New Hampshire Land and Community Heritage Investment Program (LCHIP)
20 grant and he should hear by the end of this week if they want them to submit a full application. He
21 mentioned that he spoke to the director and it looks favorable. He explained that the appraisal is due by
22 the end of July and the wetland scientist's biological report is due by the end of June. He noted that the
23 formal proposals are due in August. M Badois asked if they would have the appraisal by then. M Speltz
24 replied that he thought so. He added that he has been working on The Aquatic Resource Mitigation
25 Fund (ARM) fund pre-application. D Lievens asked if anyone else received the ARM survey, as she
26 completed it. M Speltz asked if she filled it out representing the Commission. D Lievens responded that
27 it did say "whom do you represent."

28 **Herons:** D Lievens informed the Commission that herons are known to shift around if the trees they
29 used to nest in are no longer suitable. M Badois remarked that she noticed that there is a heron nest in
30 the Cohas that she does not remember seeing before. M Speltz mentioned that there are more herons
31 at the intersection of the Mathes Trail and Heron Trail than there used to be and fewer down where
32 they traditionally used to be.

33 **New Business**



Londonderry Conservation Commission
Tuesday, May 10, 2022
Minutes

34 **Native plants on plans:** D Lievens reminded the Commission that she recused herself for all the
35 discussions regarding Woodmont land, so she does not know what was proposed for landscaping. She
36 went on stating that she has been walking in Woodmont recently and she was appalled at how little
37 lawn they had and the little landscaping was just green grass. M Speltz asked if she was describing
38 Catesby Lane. D Lievens replied that is correct. She asked if the Commission could be proactive with the
39 Planning Department, as they had with lighting and invasive species, to encourage plantings for
40 pollinators. M Badois commented that the Commission needs to recommend native plants, noting that
41 the plant that supports the most species is an Oak tree. D Lievens agreed. M Speltz explained that the
42 plantings are outlined in the subdivision and site plan regulations and the Commission could make
43 recommendations for the Planning Board to change/update the regulations. A Kizak replied that is the
44 right process, but informed the Commission that Town Planner Mailloux's last day with the Town is
45 Friday, so those kinds of projects will have to wait until a new Town Planner is hired. She noted that the
46 Commission should write any plantings that they would like to see on a site in the DRC comments. M
47 Badois pointed out that the Heritage Commission was able to do this with purple lilacs, and it is not a
48 native plant. D Lievens remarked that it does produce nectar. B Maxwell asked if developers are handed
49 a list of regulations for preferred plants and trees. M Badois stated that this would be a great idea. D
50 Lievens said that true native plants are hard to buy. M Speltz suggested that the Commission could
51 develop a handout to help developers. D Lievens noted that the Commission did this with invasives
52 before the law was adopted. She recalled that the Commission used to get answers back from the
53 applicants regarding the DRC comments, stating that she does not believe this happens anymore. A
54 Kizak pointed out that the DRC comments are compiled and sent out to the engineers and then they
55 respond back to the Town Planner. M Badois mentioned that she was at the Planning Board meeting last
56 week and there was an application presented for which she remembered that the Commission's asked
57 questions in their DRC comments and they never received an answer. She added that she believes
58 getting answers to DRC comments would be very helpful. D Lievens asked about the buffer around the
59 pond at the Orchards. M Badois replied that they were allowed to reduce the buffer from 100-feet to
60 50-feet. D Lievens said that one conservation buffer sign was knocked down and she did not know who
61 would be in charge of putting this back up. A Kizak replied that it would be a code enforcement issue.

62 **Turtle nesting:** M Badois informed the Commission that New Hampshire Fish & Game (NHFG) wants to
63 bring in sand and create nesting sites in the Musquash at three locations that are basically along the
64 power lines. She added that it would be near the entrance for Hickory Hill. D Lievens asked if people will
65 have access to this. M Badois replied that they will be off the trail, and very similar to the one they did
66 previously off the Blue Trail. She commented that this would be done in conjunction with the Eversource
67 pole replacement project. M Speltz voiced his opinion that it seemed like a good idea to him. B Maxwell
68 mentioned that there is a lot of traffic along the power line on the White Trail. M Badois remarked that
69 the site is very close to Hickory Hill. D Lievens asked if M Badois had a map. M Badois replied that she
70 does and will email the Commission. B Maxwell noted that he was exuberant in the winter that the sand



Londonderry Conservation Commission
Tuesday, May 10, 2022
Minutes

71 pit on the White Trail did not have any ATV tracks, but sadly they are back. M Speltz asked if there was a
72 camera there. B Maxwell responded that there was one until it was stolen last fall.

73 **Lease of 114 Pillsbury:** M Badois told the Commission that the sub-committee reviewed the lease and
74 summarized comments or suggestions. She pointed out that Kyle Chrestensen is requesting a 15-year
75 lease with five-year renewals, but according to an RSA a 15-year lease would need to be voted on by a
76 warrant article. She explained that they suggested an initial five-year lease to cover the time period
77 before a warrant article can be drafted. She commented that she understands why Kyle would want a
78 15-year lease as he is planting trees and they are going to take time to become productive. She read from
79 Kyle's proposal noting that "he would treat this property as if it was under the same easement as
80 recorded Book 3387 and Page 849," which is the same terminology that is in all of the other easements,
81 that allows public access. M Speltz mentioned that the easements have an exception for agricultural
82 operations. M Badois read from the easement as follows: "Guarantee public access onto the property at
83 reasonable times, dates and seasons, which will not affect the Grantor's ability to conduct business and
84 agricultural and forestry practices. Guarantee public access onto the Natural Area will be regulated,
85 controlled and policed by the Grantee. The Grantor will allow the Grantee at Grantee's expense and
86 liability to construct and allow use of recreation improvements such as trails, overlooks, parking lots
87 and other improvements." She asked if this specific verbiage needs to be in the lease, noting that it is
88 not in the deed for 114 Pillsbury Road. D Lievens said that it was a land purchase, not an easement. M
89 Speltz commented that the only restrictions are what the lessee can do and he thought the Commission
90 had some public access provisions into the lease. M Badois looked over the lease and read as follows:
91 "lessee shall permit pedestrian public access onto the property at all reasonable times, dates, and
92 seasons, which will not impair the lessor's ability to use for agricultural purposes. It is acknowledged
93 that meaningful pedestrian public access is a material condition of the lease agreement." She asked if
94 the access was only when the store is open or if it is 24/7 access. She suggested that the perimeter of
95 the parcel be mowed, so people would be inclined to walk in the mowed area instead of the whole
96 orchard. She asked if there should be a request for some invasive control in the maintenance of the
97 property and if the lease should be non-transferrable. M Speltz stated that making the lease non-
98 transferrable would be a prudent provision. B Maxwell mentioned that there are invasives that have not
99 been dealt with for years, so it might not be reasonable to ask them to eradicate them, but they should
100 at least keep them out of the trees. D Lievens asked if there was a new Town Attorney. A Kizak replied
101 that there is not. M Badois remarked that Mike Malaguti, Town Manager, is working on this. She read
102 from Kyle's proposal noting "the orchard has been a longtime supporter of community life, give \$2,000
103 worth of apples to the school and \$2,000 for produce to a food pantry, and set aside a plot of land
104 approximately half an acre for a community garden. The orchard reserves the right to change the
105 designated area from time to time consistent with good soil management." She voiced her opinion that
106 the community garden is a nice thought, but did not think this is workable on his property. B Maxwell
107 expressed his opinion that these do not seem like lease terms, but the gestures are appreciated. She
108 asked if the Commission had any other ideas, and if not, she would type this up and send it to Mike



Londonderry Conservation Commission
Tuesday, May 10, 2022
Minutes

109 Malaguti. B Maxwell pointed out that he has a clause about dogs not being allowed at any time and this
110 has been agreed upon by the Commission and Mike Malaguti that this is not in keeping with
111 conservation easements. M Badois remarked that she recently received a call from NHFG, as Kyle
112 reached out for help, as the deer are eating the new branches on the apple trees. She said that NHFG
113 can authorize an off-season hunt, where only one or two people would have a license, typically hunting
114 at night and only in the orchard. She explained that all the easements state “no hunting.” She
115 mentioned that she did some research and one suggestion was to keep dogs in the orchard to chase the
116 deer away, but the caveat is this is not allowed if trying to get food safety certification, which Kyle is
117 actively trying to get. She noted the second suggestion was to have people in the orchard because the
118 scent lasts two weeks, and would help keep the deer away. G Harrington suggested informing Kyle
119 about the fact that if he encourages more people in the orchard there might be less deer. M Badois
120 wondered if the deer got bad this year, as he has kept people out. M Speltz voiced his opinion that he
121 believes Kyle’s argument against dogs in the orchard is right, as all that he has read and heard from
122 others is that it is best to not have dogs allowed on orchards. B Maxwell asked if this includes the outer
123 perimeter and the town trail that goes through the woods. D Lievens noted that it talks about the
124 Natural Area, but is not defined well. M Badois remarked that dogs should not be allowed in the orchard
125 proper, but if there was a mowed path, people would follow it and this would help them stay out of the
126 orchard. M Speltz suggested another comment would be that it should call out the fact that people are
127 allowed during day light hours on the designated paths and they can attach a map to the lease. M
128 Badois said that she did not want to say no hunting without providing some options. D Lievens
129 commented that she thought the hunting for the deer would be a finite thing to remedy a bad situation.
130 M Badois pointed out that she asked Mike Malaguti if it could be framed as wildlife control, but was told
131 it could not. M Speltz mentioned that they could get a judge to approve an exception to the easement
132 and reviewed the process. M Badois stated that the deer are not just eating the apples and the fear is
133 that they will eat the pumpkins and strawberries as well. M Speltz noted that they have had two easy
134 winters, so that has not helped the situation. M Badois concluded that she would email NHFG informing
135 them that they cannot allow hunting under the current lease.

136 **Landing Trail Bridges:** M Badois told the Commission that the mountain bike group contact would like to
137 replace or put in wooden board bridges on the Landing Trail. She said that he sent her pictures of what
138 they are proposing and they are similar to what the Commission has used on other trails. She mentioned
139 that they were discussing the Litchfield trails being open, and the selectmen of Litchfield removed those
140 trails from the Litchfield Conservation Commission’s maintenance, and this mountain bike group is now
141 doing all the maintenance of the trails in Litchfield. B Maxwell commented that there are a couple of
142 those boardwalk bridges on the Landing Trail now. D Lievens asked if they are designed for muddy areas.
143 B Maxwell replied it is for marshy areas. He remarked that M Byerly started a spreadsheet to record the
144 conditions at the way points within the Musquash, which he thinks is very helpful. He expressed his
145 opinion that he would not have a problem with the mountain bike group placing the bridges, but he
146 would like to know where they are.



Londonderry Conservation Commission
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Minutes

147 **Email:** M Badois informed the Commission that she received an email from Jocelyn Duffy from the
148 Conservation Land Stewardship Program to walk the Plummer parcel on June 9, 2022. She said that she
149 and Officer Aprile are going to meet here there. M Speltz asked which Plummer parcel. M Badois replied
150 that the email just stated the Plummer parcel. D Lievens remarked that it was the old one. M Badois said
151 it is an Land Conservation Investment Program (LCIP) property. D Lievens expressed an interest in joining
152 them.

153 **Posters:** M Badois showed the posters that A Kizak printed for her. She said that she reached out to
154 Trail Ways for information on their signs on the Rail Trail. She noted that Trail Ways got their signs for
155 approximately \$1,600 for a 24x36 sign, which they installed. M Speltz remarked that the Commission
156 needs a metal plate to put it on. M Badois voiced her concern about someone hitting their head on it,
157 not wanting the signs to be a hazard. D Heafey mentioned that he could build something for this. M
158 Speltz suggested contacting Image Ability, Inc. for their input on the sign.

159 **Stantec:** M Badois informed the Commission that she received an invoice from Stantec in the amount of
160 \$804.89 for the work on the Hickory Hill entrance for which she authorized as it was voted on
161 previously.

162 **Other Business**

163 **Minutes:** The Commissioners went over the public minutes of April 26, 2022. M Speltz made a motion
164 to approve the minutes as presented. B Maxwell seconded the motion. The motion passed, 5-0-1, with
165 D Lievens abstaining.

166 **Non-Public Session**

167 D Lievens made a motion to go into non-public session per RSA 91-A:3 to consider the acquisition, sale
168 or lease of real or personal property which for discussion purposes would be likely if the party or parties
169 interested are averse to the general community and consideration of legal advice. The motion was
170 seconded by M Speltz. The motion was passed by M Badois, D Lievens, G Harrington, B Maxwell, D
171 Heafey, and M Speltz with a roll call vote. G Harrington made a motion to leave non-public session. B
172 Maxwell seconded the motion. G Harrington made a motion to seal the minutes of the non-public
173 session indefinitely per RSA 91-A:3. D Lievens seconded the motion. The motion passed by M Badois, D
174 Lievens, B Maxwell, G Harrington, D Heafey, and M Speltz with a roll call vote.

175 **Adjournment:** M Speltz made a motion to adjourn the meeting at 8: 50 p.m. G Harrington seconded the
176 motion. The motion passed, 6-0-0.

177 Respectfully Submitted,
178 Beth Morrison
179 Recording Secretary