DERRY CONSERVATION COMMISSION

March 16, 2026

Municipal Center

-**Call to Order**: Chairman Buzzanga called the meeting to order at 7:00 p.m., he led the Pledge of Allegiance.

-**Roll Call**: Riccardo Buzzanga, Rick Metts, Robert Spoerl, Eileen Chabot, Christopher Morlock, Cheryl Holbert, Pamela Pirro, Linda Comrie, Jay Hildreth and Land Manager, Beth Carver. Val Connolly and Charlie Foote were absent.

-Chairman Buzzanga asked Pamela Pirro to sit in for Val Connolly.

-**Approval of Minutes**:

Jay Hildreth made a **MOTION** to amend the March 2, 2026, meeting minutes to include the Nonpublic Session votes and sealing of the minutes, Eileen Chabot seconded the Motion.
Vote: 7-Yes
Riccardo Buzzanga abstained.

-**Chair's Report**: Chairman Buzzanga updated the Commission is very busy. He and Beth Carver continue their weekly calls for discussion. They have developed a Prioritization Plan with a matrix that will be shared with the Commission. The kickoff to the CWPP Panel is scheduled for the following week, a flyer was distributed to the Commissioners and available to the public.

-**Correspondence**: Chairman Buzzanga updated the Commission had received a Letter of Compliance for 135 North Shore Road from the Department of Environmental Services as well as a Wetlands Rule waiver request.

-**Easement Review:** Ashleigh Drive presented by Brendan J. Quigley, Wetland Scientist and Vice President of Gove Environmental Services, Inc. and Hayley L. Palazola, Vice President of Development, GFI Partners.

-Ms. Palazola explained that the new owner of 41 Ashleigh Drive and 36 Scobie Pond Road presented a revised and redlined version of the proposed Stewardship Management Plan for the properties Conservation Easement area. This 28.72-acre property is part of the compensatory mitigation required by the Department of Environmental Services and the Army Corp of Engineers for wetland impacts associated with the proposed industrial development. The mechanism requested by two agencies for protecting the land is a Conservation Easement Deed to be granted to the Town of Derry with the Third Party Right of Enforcement granted to the State of New Hampshire through the Department of

Environmental Services. Allowing this Easement will allow the Town of Derry significant oversight as to the maintaining of conservation objectives.

The Stewardship Management Plan has been modified from the plan presented earlier to put more of the burden on the property owner and less responsibility on the stewards. They (the owner) will take responsibility for replacing signage. The document plan was amended to specify the annual walk, how often it would need to be inspected and the responsibilities once anything was inspected or needed to be addressed. These changes were updated under the red line document prepared in the packets for the Commission. Additionally, in addition to the initial sum of the $7,500 that the owner will be putting into the Stewardship Fund, they have proposed an annual sum of $1,000 to be paid in perpetuity to be paid forever for necessary responsibilities of the grantee (Town of Derry-Conservation Commission.) These proposed changes made to this document have been submitted, reviewed and approved by both the New Hampshire Department of Environmental Services and United States Army Corp. of Engineers.

-Mr. Quigley added that their main goal from the last time they presented was to make the responsibilities of the Commission in carrying out the Stewardship clearer and make the whole documents clearer with respect to details.

-Chairman Buzzanga explained after speaking with Mike Fowler, Town Administrator, the protocol of moving forward will be if the Commission is satisfied with the updated document and any changes the Commission sees fit , and if the applicant is willing to accept those changes this evening, then a roll call vote to the affirmative to recommend that the Easement can be accepted by the Town. The Town council would then move forward with their vote at their meeting. When the Stewart Management Plan has a majority yes vote, then a determination of who will be the signatory will be decided on.

-After review of the document, Chairman Buzzanga shared his comments.

a) Section 8C, a clause states "provided the grantor is directly or primarily responsible for a breach" and speaks of a third party that may require mitigation, the grantor (which would be the property owner) would be responsible to mitigate those problems and not the obligation of the Town or Conservation Commission to rectify a problem on the property.

b) Section 14 states that the property not stipulated in the Easement is handled as two separate parcels. There could be some question on whether or not the 20-foot setback requirement is met because there's a setback within that 20-foot area between the Conservation Easement and the non-Conversation easement.

c) The Management Plan states that the Easement is reviewed a minimum of once every 10-years and the Easement states it will be reviewed every 5 years. Clarification is needed on this.

d) Also, there are two section number "12's" in the Easement. Those will need to be numbered differently.

e) The Commission will need to know who the "grantee" is going to report their findings to. It needs to be more specific.

F) The snow storage is shown right next to the prime wetland. The Commission prefers the snow storage is furthest from the prime wetland area.

g) The $1,000 annual payment to the Commission is in perpetuity. Chairman Buzzanga suggests putting an escalator in the Plan.

-Ms. Palazola thought the intent to have the Stewardship Easement Plan reviewed was every 10 years versus every 5 years. Mr. Quigley felt that 10 years was the correct number and could be corrected in the deed. Chairman Buzzanga asked if that would be changed in the Easement to reflect 10 years. Ms. Palazola and Mr. Quigley both agreed to make that change.

-Ms. Palazola asked if the Commission would accept a 2% increase annually, $1,000 and then a 2% increase? Chairman Buzzanga stated the Commission would vote on this subject in conjunction with the other changes.

-Ms. Palazola confirmed the numbering of 12 was repeated and they would make the correction in the numbering.

-Ms. Palazola asked to review 8C with the Commission. She stated to understand the Chairmans concerns, if there was to be a third-party breach, and the grantee, the Town of Derry, through its Commission would have to expend costs to fix this breach, is the concern then who pays for these costs? She believes that would fall under the grand tour. Mr. Quigley explains the idea of this section of the document is outlining the rights and the procedures the grantee would take to fix issues. He believes it's pretty clear that the intent here is that the grantee, while they might incur costs initially to initiate a remedy, that those costs are recoverable and ultimately the responsibility of either the grantor or the third-party responsible for the breach. Chairman Buzzanga asks for added language help the Commission feel more comfortable by either striking "provide that the grantor is directly or primarily responsible for the breach" or the other alternative is to add language at the end of that section that the grantee would not be responsible for the mitigation of deficiencies caused by a third-party. Mr. Quigley believes that it needs to be reviewed. Ms. Palazola believes there isn't a problem with the intent of the language but needs to run it by the lawyer. Ms. Palazola clarified the understanding was that any cost associated with responsibility of the grantor or third party is not the Commission or the grantee. She stated they could agree to that.

-Mr. Quigley referred to Section 14 and the separate parcel question. Mr. Quigley felt that was a technical question and he wasn't sure of an answer. Chairman Metts asked if the Easement subdivides the property? Both Mr. Quigley and Ms. Palazola agreed it was not a separate lot. Mr. Metts thought then it wouldn't be a setback requirement. Chairman Buzzanga points out it says in the document that it is a separate parcel. Chairman Buzzanga thought it may be something that needs to be addressed as they move the plan forward, but it does not require further attention from the Conservation Commission.

-Commissioner Morlock asked if there should be language stipulating if the interest is simple or compounding per year? Chairman Buzzanga and Commissioner Metts thought 2% annually would work.

-Commission Spoerl asked if the non-Easement area would be monumented for future monitoring? Ms. Palazola replied yes, as it is a requirement under the permit.

-Commissioner Hildreth asked if there would be stipulations on communications that would be laid out, such as an inspection date and who should it be reported to with a certain designated form? Ms. Palazola stated they could add specifics to Section 10 which refers to Notice and add a section if the property were to be sold within a certain time period. Chairman Buzzanga suggested the monitoring would happen in September and notifying the owner of record.

-Commissioner Chabot asked about the wording in the Easement that states the public is not allowed on the Easement, along with no opportunities for environmental education activities. She asked why that was. Ms. Palazola stated for this parcel, they were not proposing any public access. Mr. Quigley didn't think it was "prohibited" to have any education opportunities. Commissioner Chabot described the documents it appears like the land would be turned into a wildlife management refuge and without any educational opportunities there, it would be a loss for anyone to realize any potential environmental awareness or educational opportunities and the Town is losing out in that aspect.

-Chairman Buzzanga stated the Commission would develop the form for the annual inspections. This was the recommendation of Mr. Quigley as well.

-Co-Chairman Metts offered his personal opinion in the matter. He stated he understood Mr. Quigley and Ms. Palazola began working on this Plan after the Easement was set with the State of New Hampshire without much Town input put into it. He believes there is no need for the Commission to take over this land if the townspeople can't use it. The Commission is being asked (but not really asked) to accept the Conservation Easement as the State did all the background work; they get all their money up front with the new buyers believe this was a done deal. He asked if that assessment was correct. Ms. Palazola answered Mr. Metts was correct. He further explained this land is located in the TIF district that was established to fund a project through incremental tax funding. Now half of that property is being taken out of development with the Town getting very little in return because no one can use the property. Co-Chair Metts reiterated his personal opinion would not change anything relative to the Easement.

-Commission Holbert asked if it was possible to develop a list of criteria that could be met and if those criteria are met could an exception be made regarding educational purposes? Ms. Palazola stated she would need to speak to the property owners. Mr. Quigley thought there's two issues. One is strictly the owner needs to know who else is going on the property, but the deed does allow for various other things that would otherwise be restricted to in fact take place if they are consistent with the Conservation measures of the whole document. He feels it would be more an access and issue, and Ms. Palazola also thought it may be a parking issue and safety protocols.

Commissioner Metts made a **MOTION** that the Easement in question be used for certain educational purposes consistent with wildlife management, wetlands preservation, and any other forms of environmental education while preserving the area. Commissioner Holbert seconded the Motion.

-Discussion on the Motion. Chairman Buzzanga stated this Motion is to whether or not the to add that provision in that Motion to accept the Easement or are we not going to add that Motion, that language in the Motion to accept the Easement. Chairman Buzzanga stated his thoughts, that this is an industrial or commercial zone, and he did not think there would be any educational possibilities on this property. He believes Conservation Easements should be used by the public.

Commissioner Metts made a **MOTION** that the Easement in question be used for certain educational purposes consistent with wildlife management, wetlands preservation, and any other forms of environmental education while preserving the area. Commissioner Holbert seconded the Motion.

Roll Call Vote: Chairman Buzzanga – No
Commissioner Holbert- Yes
Commissioner Hildreth- No
Commissioner Metts - No
Commissioner Spoerl – Yes
Commissioner Chabot – Yes
Commissioner Pirro – Yes
Vote: Yes 4 Vote / No 3 Votes

Commissioner Metts made a **MOTION** of the following: (1) add a 2% interest addition per year to the initial $1,000 per year stipend; (2) do an assessment in annual in September & report to the owner of record of the property with our own form; (3) re-number the sections in the Easement Report, the second 12 becomes 14 and the rest are numbered accordingly; (4) mitigation and applicant agrees Derry Conservation Commission not responsible for cost of third party deficiencies discovered during our annual assessment; (5) monitor and report on the Easement over a 10-year period or at a 10-year period; and finally the Easement is to be used for, may be used for certain educational purposes consistent with wildlife management, wetlands preservation, and any other forms of environmental education while preserving the area in question. And therefore, we recommend that the Town Council of Derry New Hampshire. Commissioner Hildreth seconded the Motion.

-Discussion on the Motion. The applicant has not agreed to the terms set forth in the last part of the Motion. Commissioner Metts asked if the State had any more say in this or have, they washed their hands of it and let it be as it is? Mr. Quigley answered the State is interested in seeing this finalized. He doesn't see a need to return to them regarding the amendments spoken of. Ms. Palazola spoke about bringing the matter of educational opportunities back to the owners due to the issues of liability and parking needing to be considered. Commissioner Holbert clarified her position. She uses endangered species and a university researcher needs access to study that species. She wants clarification if is a complete no to any access or if there are special exceptions/circumstances. Commissioner Chabot added she had gone on the site walk and reiterated the community would be missing out on a valuable opportunity. Mr.

Quigley believes the issue here is property access from the standpoint of the owner. The deed prohibits establishment of trails and other related types of structures for the purpose of recreation.

-Conversation ensued.

Commissioner Holbert made a **MOTION** to add the friendly amendment, with the approval of the property owner, Conservation Commission could request access to the Conservation property to do research and educational activities. Robert Spoerl seconded the Motion.

Vote: Unanimous

Commissioner Metts made a MOTION to approve this to send to the Town Council with the following amendments: (1) 2% interest addition per year to the $1000 annual stipend; (2) report annually during the month of September to the owner of record of the property using our own report form; (3) renumber the second section 12 to 14 and change the following numbers accordingly; (4) mitigation, applicant agrees Derry Conservation Commission not responsible for cost of third party deficiencies discovered during Annual Assessment; (5) monitoring of the Easement shall be on a (10 year) every 10 year period; (6) and finally, with approval of Property Owner, Conservation Commission could ask for permission to conduct research on the property. Commissioner Buzzanga seconded the Motion.

-Discussion on the Motion. Mr. Quigley wanted to make a point of clarity on the 5, 10 year, that would be the Stewardship Plan shall be reviewed on a 10-year schedule.

Commissioner Metts made a MOTION to approve this to send to the Town Council with the following amendments: (1) 2% interest addition per year to the $1000 annual stipend; (2) report annually during the month of September to the owner of record of the property using our own report form; (3) renumber the second section 12 to 14 and change the following numbers accordingly; (4) mitigation, applicant agrees Derry Conservation Commission not responsible for cost of third party deficiencies discovered during Annual Assessment; (5) monitoring of the Easement shall be on a (10 year) every 10 year period; (6) and finally, with approval of Property Owner, Conservation Commission could ask for permission to conduct research on the property. Commissioner Buzzanga seconded the Motion.

Roll Call Vote: Chairman Buzzanga – Yes
Commissioner Holbert- Yes
Commissioner Hildreth- Yes
Commissioner Metts - Yes
Commissioner Spoerl – Yes
Commissioner Chabot – No
Commissioner Pirro – No
Vote: Yes 5 / Vote - No Votes 2

-**Committee Reports**

-Community Garden: Commissioner Hildreth updated the Community Sub Committee met on Monday, March 9, 2026. The meeting of 5 spoke of procuring organic matter which has been offered by Commissioners' Hildreth's' neighbor. A sample will be tested by the University of New Hampshire soil lab. The Committee is working on solutions for the fall leaves from the cemetery and application of the manure. The committee continues to work on the framework for events during the year with focus on the spring event which will be a cascade of events once it is decided when to till the gardens, along with a staking event for the plots. Ms. Carver will demonstrate how to build a raised bed. A plant exchange will be scheduled prior to gardeners beginning their planting. Work continues on the completion of an agenda for a future meeting. Communications using Facebook with gardeners will continue. The Subcommittee plans to offer some training, such as offering a class on sowing seeds.

-**Personnel**: Commissioner Metts reported "status quo."

-**Public Outreach**: Commissioner Holbert updated posting continues on the Commission Facebook page with updates of Commission meetings. The Margaret Ives Honor presentation from the last meeting received a positive and large response. The Subcommittee continues to plan a meeting to further discuss their ideas.

-**TRC**: Commissioner Metts updated they met a few weeks ago where they discussed 20 ½ Frost Road, a multi-lot subdivision. They will not come before the Commission just yet as their plans need completion. Ms. Carver was also present at the last meeting. A meeting for 10 Manchester Road was cancelled due to the weather. 10 Manchester Road is a demolition and a new building. The next meeting on March 27, 2026, will be a discussion about 14A Street.

-**State Compliance**: Commissioner Chabot shared for students who are looking for summer opportunities, there are paid summer internships with the Department of Environmental Services available for students studying Science, Engineering, Computer Science, Business Education, Journalism, Media and Public Relations. The application deadline is March 23, 2026. More information is available on the Department of Environmental Services Website. The Department of Environmental Service Website also has a complete list of lakes and ponds which is called New Hampshire's List of Public Waters. They have also developed a 2024 -2029 Wetland Program Plan, which serves to strengthen and improve New Hampshires' aquatic resources. Commissioner Chabot also shared what topics will be discussed and reviewed.

-**Property Management**: Commissioner Buzzanga updated the Commission had received notification from an abutter to a Conservation property which will be discussed further in the Land Managers' report.

-**Land Maintenance**: Commissioner Spoerl met with folks who wanted to serve as Land Stewards. Once the snow has melted, the group will be able to meet outdoors.

-**Land Acquisition**: Commissioner Buzzanga updated there are currently 3 properties being considered. They will be discussed during the Nonpublic meeting.

-**Reporting Compliance**: Commissioner Connolly is under the weather.

-**Net Zero Task Force**: Commissioner Buzzanga updated the Task Force met with the Land Maintenance Committee last week to discuss planning and had a CWPP walk through the Weber Forest.

-**Land Manager Report**: Ms. Carver made mention of a resident at 15 Pond Road who had trees taken down at the Commission's expense last year. He would like to remove a few other trees at his expense. A letter from the Commission to allow that is required.

Eileen Chabot made a **MOTION** to allow the abutter to the Shepherd property to take the affected Ash tress that have died to be removed at their expense. Commissioner Metts seconded the Motion.
Vote: Unanimous

-Ms. Carver added Boy Scout Troop 405 inquired about using the bonfire area, the silo at Broadview on Easter for their Sunrise event. The Troop offered to conduct a general trash pickup.

Commissioner Metts made a **MOTION** to approve Boy Scouts Troop 405 use of Broadview Farm Easter morning. Commissioner Holbert seconded the Motion.
Vote: Unanimous

-Ms. Carver also updated a resident had reached out to say there was barbed wired found at Cole Marsh. There is a lease that will require a vote prior to it being returned to the Town Administrator to present to the Town Council. This is regarding farming the corn field at Broadview Farm.

Commissioner Metts made a **MOTION** to approve the Agricultural Land Lease Agreement for Broadview Farm. Commissioner Hildreth seconded the Motion.
Vote: Unanimous

-Ms. Carver and the Commission discussed the dog waste issue at Broadview Farm. There is currently no ordinance regarding this issue. Chairman Buzzanga suggested the Board vote to recommend that the Town Council take the issue up as a town wide ordinance to include Conservation properties in that ordinance.

-Conversation ensued.

Commissioner Metts made a **MOTION** to recommend that the Town Council establish a dog waste ordinance for all Town properties to include Derry Conservation properties. Commissioner Spoerl seconded the Motion. **Vote**: Yes Vote 6 / No vote 1

-**Council Liaison Report**: Counselor Foote was not present.

-**Other Business**: Chairman Buzzanga updated when the Sawyer property was purchased, the Town of Derry carved out a single housing lot to be sold at a future date that a constituent said would make a great parking lot.

Commissioner Metts made a **MOTION** to move into Nonpublic Session per RSA 91: A (3), (2) for the purpose of discussing land acquisition. Commissioner Holbert seconded the Motion.

-Ms. Carver updated on Wednesday, March 25, 2026, at 7:00 p.m., the Town is hosting a discussion panel about the Community Wildfire Protection Plan.

Commissioner Metts made a **MOTION** to move into Nonpublic Session per RSA 91: A (3), (2) for the purpose of discussing land acquisition. Commissioner Holbert seconded the Motion.

Roll Call Vote: Chairman Buzzanga – Yes
Commissioner Holbert- Yes
Commissioner Hildreth- Yes
Commissioner Metts - Yes
Commissioner Spoerl – Yes
Commissioner Chabot -Yes
Commissioner Pirro – Yes
Vote: Unanimous

Commissioner Metts **MOVED** to invite Beth Carver to the Nonpublic Meeting. Commissioner Chabot seconded the Motion. **Roll Call Vote:** Chairman Buzzanga – Yes
Commissioner Holbert- Yes
Commissioner Hildreth- Yes
Commissioner Metts - Yes
Commissioner Spoerl – Yes
Commissioner Chabot -Yes
Commissioner Pirro – Yes
Vote: Unanimous

At 9:15 p.m., Commissioner Metts MOTIONED to exit Nonpublic Meeting. Commissioner Spoerl seconded the Motion. **Roll Call Vote:** Chairman Buzzanga – Yes
Commissioner Holbert- Yes
Commissioner Hildreth- Yes
Commissioner Metts - Yes
Commissioner Spoerl – Yes
Commissioner Chabot -Yes
Commissioner Pirro – Yes
Vote: Unanimous

Commissioner Metts **MOVED** to Seal the Nonpublic Meeting Minutes indefinitely. Commissioner Spoerl Seconded the Motion. **Roll Call Vote:** Chairman Buzzanga – Yes

Commissioner Holbert- Yes
Commissioner Hildreth- Yes
Commissioner Metts - Yes
Commissioner Spoerl – Yes
Commissioner Chabot -Yes
Commissioner Pirro – Yes
Vote: Unanimous

At 9:18 p.m., Commissioner Holbert Moved to Adjourn. Commissioner Metts seconded the Motion.
Roll Call Vote: Chairman Buzzanga – Yes
Commissioner Holbert- Yes
Commissioner Hildreth- Yes
Commissioner Metts - Yes
Commissioner Spoerl – Yes
Commissioner Chabot -Yes
Commissioner Pirro – Yes
Vote: Unanimous

Respectfully Submitted,

Tammie Lampes

Recording Secretary

Jay Hildreth
4/6/26