



Londonderry Conservation Commission  
Tuesday, June 11, 2019  
Minutes

1 **Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Deb Lievens, member; Mike Noone,  
2 member; Bob Maxwell, member; Mike Byerly, member; Richard Floyd, member and Jocelyn Demas,  
3 alternate member

4  
5 **Absent:** Mike Speltz, alternate member; and Town Council liaison member

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

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9 Marge Badois called the meeting to order at 7:30 pm.

10 **Wetland permit – Harvey Rd Culvert – John Trottier:** John Trottier, P.E., Assistant Director of Public  
11 Works and Engineering told the Commission that he was here to explain the wetland permit for the  
12 Harvey Road culvert that was on last month's agenda. He informed the Commission that there is a 96-  
13 inch corrugated metal pipe that crosses Harvey Road at a certain point and they are looking to extend  
14 the pipe at either end, 13 feet on one side and 23 feet on the other side, and install head walls for future  
15 planning to have a 4-lane roadway section out there. He noted that they will be providing a platform for  
16 future extension of the Rail Trail also. He told the Commission that they are choosing to do it this way as  
17 there is less interruption, less impact to the wetlands and less impact to the public. M Badois asked if  
18 this was where flooding occurred last year. J Trottier said he was perplexed by the flooding as the  
19 existing 96-inch corrugated metal pipe's analysis does not indicate there has ever been any flooding. R  
20 Floyd said that last year he drove his vehicle through flooded water that was running over the road. J  
21 Trottier said that he has worked in the town for 17 years and has never heard of this location for  
22 flooding. M Byerly asked why they were putting a concrete liner on the pipe. J Trottier said that he pipe  
23 is deteriorated and needs some help. M Badois asked if they have researched using any ARM funds for  
24 this project. J Trottier said that they have not as the goal of the project is to get permitted quickly to be  
25 able to start versus getting on a list and having to wait. G Harrington made a motion that the  
26 Commission does not object to the wetland permit for the Harvey Road culvert. B Maxwell seconded the  
27 motion. The motion passed, 7-0-0.

28 **Dredge & Fill – Lot 014 045 0 – 46 Pettengill Rd – Jim Petropulos:** Jim Petropulos, P.E., LEEP AP, with  
29 Hayner/Swanson, Inc., 3 Congress St, Nashua NH introduced himself to the Commission stating he was  
30 representing Bellavance Beverage Company tonight. J Petropulos said the property is located on the  
31 corner of Webb Drive and Pettengill Way that used to be used for sand/gravel company. He explained  
32 that the site was flagged by a wetland scientist where a poorly drained perched condition on the site. He  
33 told the Commission that on the east part of the site there was mitigation from the airport that is  
34 subject to a New Hampshire Conservation easement. He noted that they have filed a site plan for a one  
35 story distribution and warehouse facility, which is 140,000 SF, to be the new distribution center for  
36 Bellavance Beverage Company. He noted that the company would like to be able to expand in the



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37 future. He said there are about 100 parking spaces right now for 90 employees. He pointed out that  
38 there is 5,225 SF of wetland impact, which is considered a minor category, and filed the dredge and fill  
39 permit accordingly. He passed out pictures of the perched wetland for the Commission to review. D  
40 Lievens asked if the current drainage will be enough for the future expansion he talked about. J  
41 Petropulos said that they would need another storm basin. J Demas asked if they could move the  
42 parking lot north to avoid the wetland. J Petropulos said that they view the site as a balancing act, as  
43 they would like to be able to expand in the future. D Lievens said that she believes perched wetlands are  
44 unique. J Petropulos explained that this area is unique as it is habitat to many endangered species, so  
45 there is an agreement with New Hampshire Fish & Game and the Town in that there is certain criteria  
46 that employers must notify employees about, such as what they should do if they encounter an  
47 endangered species. G Harrington asked if J Petropulos had any earlier topography for the site as there  
48 used to be an intermittent stream shown on earlier maps, but now it appears to be gone. J Petropulos  
49 said that this is the first time he has been involved with this site and cannot attest to what might have  
50 been there before. M Byerly asked if the undeveloped land would be stripped or left alone. J Petropulos  
51 said that he believes the developer would leave it flat and use surplus loam to spread and seed it to get  
52 it stable. D Lievens made a motion to recommend approval of the dredge and fill for Lot 14 45 0. M  
53 Byerly seconded the motion. The motion passed, 6-1-0.

54 **Non-binding Pre-submission discussion – 007 129 & 130 – 77 Nashua Rd – Jack Szemplinski:** Jack  
55 Szemplinski from Benchmark Engineering, 1F Commons Drive, Suite 39, Londonderry, NH introduced  
56 himself to the Commission. J Szemplinski said that he was unsure why this was a non-binding discussion  
57 as they had already applied for a dredge and fill, of which the Commission submitted DRC comments for.  
58 G Harrington said that the Commission voted on the DRC comments on May 14, 2019. A Kizak reiterated  
59 that this is a non-binding discussion this evening. J Szemplinski reviewed the site with the Commission  
60 noting is 11 acres with two lots where they are hoping to construct 14 condominium/town house units  
61 in the back with 13,000 SF retail space in the front. He noted that it is his understating the Commission  
62 was okay with the first dredge and fill request, but not the second, and he is here tonight to see what  
63 can be done to get the Commission to accept the second request. He said that they are willing to  
64 construct a retaining wall in the back and get rid of the 2:1 slope if that let the Commission vote in favor  
65 of the second request. He said that the retail building is already small in his opinion, and it would be  
66 hard to shrink, which is what the Commission had suggested. He said that the retaining wall out back  
67 could save about 150 to 200 SF of impact. D Lievens asked how much buffer impact there was. J  
68 Szemplinski said he thought about half an acre. M Badois asked what was going to be done in the  
69 second dredge and fill area. J Szemplinski said that there was grading to control drainage. M Byerly said  
70 that in his opinion, if the building was shrunk in half there would only need to be half the parking spaces  
71 and perhaps the building could be moved closer to Route 102 with less impact on the buffer. J



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72 Szemplinski said that cannot move it closer to Route 102 and meet the parking requirements. M Byerly  
73 said that this site is trying to fit "10 pounds in a 5 pound bag" and the retaining wall does not address  
74 the real issue. J Szemplinski said that he does not believe you could put a smaller retail building on  
75 Route 102. B Maxwell agreed with M Byerly that the developer is trying to put too much in this site. D  
76 Lievens reminded J Szemplinski that the Commission is an advisory board in town. J Szemplinski said that  
77 they have always tried to work closely with the Commission on projects and expressed a desire to come  
78 to an agreement on this one. D Lievens said that she is okay with the wetland impact, but the buffer is  
79 being used for things that it should not be. G Harrington said that the comments the Commission gave  
80 for the DRC, which were to shrink the building and/or parking, still apply. J Szemplinski said that in order  
81 to use the site there needs to be at least 60 parking spots, otherwise they will not be able to lease to  
82 retail. M Byerly said that the developers who purchased the property knew what they were buying, and  
83 this should not be surprising to them. He said that the Commission is okay with the access for the  
84 condominiums/townhouses, but the retail request is too much. The Commissioners agreed.

85 **Unfinished Business**

86 **Kendall Pond event:** D Lievens passed out a flyer that she and J Demas put together about what to and  
87 what not to feed ducks. M Noone suggested laminating it to place in the kiosk permanently. D Lievens  
88 said they would pass the flyers out at the event as well. G Harrington suggested adding scratch feed to  
89 the list of what you can feed ducks. M Noone said he would place a sign at Kendall Pond this week  
90 advertising the event. M Byerly suggested the members of the Commission carpool to make room for  
91 more parking and said the Commission should have a plan if parking is an issue.

92 **Hickory Hill parking:** M Badois told the Commission that she has not heard back from anyone at  
93 Eversource, but would like to start getting estimates from bidders as it might be winter before they can  
94 start the project. G Harrington suggested trying to call someone rather than email. M Badois said she  
95 would try calling and reconnect with Charlie Moreno for estimates.

96 **Turtle Crossing signs:** M Badois said that she has the signs back and they are now cut in half with  
97 hinges, but asked how they should be hung up. She wants a bolt on the top, so no one can steal them,  
98 but something else that would allow the sign to flip up and down. She said she would work on this.

99 **Phragmites:** M Badois asked D Lievens when they were going out for this. D Lievens said they are going  
100 to look at this in late July.

101 **Encroachment - Ashley Drive:** M Badois asked if anyone had driven by or been to the encroachment.  
102 The Commissioners told her that no one had been out to look at it. A Kizak pulled up the site on the map  
103 for the Commission to look at. M Byerly said he could go look at it this Saturday morning.



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104 **ATVs:** B Maxwell told the Commission that Mike Stanec from Eversource had responded and even  
105 though his role had changed, he is working on getting a crew out there as soon as he can.

106 **New Business**

107 **F&G neighborhood meeting June 19th- 6 pm:** M Badois informed the Commission that the meeting  
108 with Fish & Game was June 19th at 6 p.m. at 5 Iriquois Street. M Byerly asked what the purpose of the  
109 meeting was. M Badois said that Fish & Game wants to educate the neighborhood about turtle habitat  
110 to discourage the ATV use.

111 **"Triangle at Rail Trail:"** M Badois told the Commission that the deed issues have been resolved  
112 yesterday. She said that the Assistant Solicitor notified the Town Council as they have to approve it and  
113 have a public hearing.

114 **Finances:** D Lievens gave the Commission an update noting that she transferred \$93,779.59 plus pro-  
115 rated interest of this last year of \$1,214.35 to the Habitat Protection Fund for a grand total of  
116 \$94,994.94

117 **Minutes:** The Commissioners went over the public minutes from May 28, 2019. G Harrington made a  
118 motion to accept the minutes as amended. B Maxwell seconded the motion. The motion passed, 6-0-1,  
119 with J Demas abstaining.

120 The Commissioners went over the non-public minutes from May 28, 2019. D Lievens made a motion to  
121 accept the minutes as presented. R Floyd seconded the motion. The motion passed, 6-0-1, with J Demas  
122 abstaining.

123 **Adjournment:** G Harrington made a motion to adjourn the meeting at 9:00 p.m. M Noone seconded  
124 the motion. The motion passed, 7-0-0.

125 Respectfully Submitted,  
126 Beth Morrison  
127 Recording secretary