



Londonderry Conservation Commission
Tuesday, April 10, 2018
Minutes

1 **Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Deb Lievens, member; Bob Maxwell,
2 member; Mike Byerly, member; Roger Fillio, member; alternate member Mike Speltz, alternate member
3 and Richard Floyd, alternate member
4

5 **Absent:** Mike Noone, member; Julie Christenson-Collins, alternate member; and Ted Combes, Town
6 Council member
7

8 **Also present:** Eric Mitchell, Bruce Gilday and Beth Morrison, Recording Secretary
9

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

11 **Eric Mitchell - Family Tree Estates:** Eric Mitchell informed the Commission this was regarding 34 Auburn
12 Road, property owned by Richard and Virginia St Cyr, which is a 6-lot subdivision. He stated that back in
13 2008 the plan was conditionally approved with extensions until 2016. He stated that after 2016, he was
14 told to come back with a new plan because too much time had passed. He noted that his company did
15 not do the original plan in 2008, but got started with this in 2014, when a house was separated out from
16 that plan. He pointed out that a few things have changed from 2008, such as less pavement and the
17 roads are graded so there is not as much build down to the cul-de-sac, but there are the same number
18 of lots and the roads are in the same location. He informed the Commission that he was asked to re-flag
19 the wetlands on the property and found at wetland that was not flagged back in 2008. He noted that the
20 application is complete, but has not been submitted, as they are awaiting a signature. He stated the
21 application is for a dredge and fill of a wetland that is 2800 SF. He passed out maps of the property for
22 the Commission to review. He stated that this application is considered minor as it is only 2800 SF, but
23 cannot be expedited as they already have approval of another filling on this site. He stated that this
24 application will go through the formal review and will be submitted to the Commission formally, but he
25 is here tonight to make sure the Commission is aware of the wetland that was not flagged previously. M
26 Speltz asked what the land to the north of the property was like. E Mitchell stated that the wetland does
27 not continue onto the property to the north and the land is fairly flat, but uphill and would be
28 considered low as well, but not wetland. M Speltz asked what the potential was for a vernal pool at the
29 depression. E Mitchell stated that the wetland scientist had been out to the property to verify there was
30 no vernal pool. M Speltz asked if the buffer was shown on the map. E Mitchell stated that anywhere
31 where the wetland is less than 50 feet wide, based on New Hampshire methodology, would be
32 considered a different wetland, which is the case here. G Harrington asked if there was anything that
33 needed a vote tonight. E Mitchell stated that he was here to fill the Commission in on the wetland that
34 was not previously flagged for the Commission to review. G Harrington made a motion to authorize the
35 chair to send a letter to the Wetlands Bureau stating that the Commission has no objection, as long as
36 the dredge and fill application has not changed. R Fillio seconded the motion. The motion passed, 7-0-0.



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37 **Eric Mitchell: Litchfield Road, Great Canada Swamp:** E Mitchell passed out a map to the Commission of
38 the Great Canada Swamp. He stated that this was more of a question for the Commission because he
39 had determined a boundary for a named wetland that does not agree with the GIS maps of the Town.
40 He pointed out the areas that he is looking at are on the southern side of Litchfield Road with one being
41 FO (Forested) and the other UB (Unconsolidated bottom). He stated the property he is working on is tax
42 map 11 lot 89 at 75 Litchfield Road. He stated that in the Londonderry zoning tables, Little Cohas Marsh
43 is identified at tax map 11. He stated that he would like to know the process and procedure to
44 determine where the Great Canada Swamp and Little Cohas Marsh start and stop. M Badois stated she
45 thought it would be up to code enforcement. E Mitchell stated that the Planning Department had
46 thought it would be up to code enforcement as well, but wanted to check with the Commission as he
47 was presenting another topic here tonight. E Mitchell stated that he had read in the zoning ordinances
48 that if there is a question on a boundary, it would be determined by a wetland scientist. M Speltz stated
49 that if a wetland scientist determined that the water is flowing south then it would be a different
50 wetland with different buffers. E Mitchell concluded that he should get mapping of the area done,
51 determine which way the water is draining, and talk to code enforcement.

52 **Bruce Gilday: Wetlands Permit, 14 Page Road & 280 Rockingham Road:** Bruce Gilday introduced
53 himself to the Commission stating he was here to represent his client, Charlie Evans and the Evans
54 Family Trust, located at 20 Auburn Road in Londonderry. He stated that the parcel in question tonight is
55 bordered by Rockingham Road on the west, Page Road to the north, and has frontage on Sanborn Road.
56 He explained that the owner is in an industrial zone and is proposing to work on this 50 acre parcel and
57 put in a large retail building. He stated that there is 38,000 SF of wetland impact on this parcel. He
58 noted that there was a pre-application meeting with NHDES, NH Fish & Game, The Heritage Bureau and
59 the EPA, where it was decided that there has to be wetland mitigation to compensate for the 38,000 SF
60 of disturbance. He stated that NHDES came up with 10:1 mitigation, but the EPA wanted it at 20:1. He
61 stated that there are 18 acres set aside for the mitigation. He stated that it would be hard for the public
62 to get there, but there is a power line that can be followed up to Clark Road and then walk down the
63 paths from there. He stated the mitigation was a combination of preservation of wetlands and uplands
64 with the potential for paths and a wildlife corridor. He stated that he has submitted a standard dredge
65 and fill application to fill 38,000 SF and was here for the Commission's review of the application. M
66 Badois stated that the Commission had questioned why the structure could not be moved out of the
67 wetlands to reduce the impact. B Gilday stated that if the structure is moved near vernal pool #11 and
68 #12 there is a high likelihood of being in breeding areas for amphibians. M Speltz asked how much of the
69 18.3 acres is considered to be neither wetland nor buffer. B Gilday stated that there would be 7-8 acres
70 of uplands and 10-11 acres of wetlands. M Speltz asked if NHDES will give him credit for 10:1 mitigation
71 with only having 7 acres of upland, as the idea is to protect wetlands with upland buffers. B Gilday
72 stated that Evans family is looking for the Conservation Commission to take over the land and the Evans



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73 family would supply money for stewardship of the land. He noted that in the master plan for
74 Londonderry there is a plan for green infrastructure and there is none in north Londonderry right now.
75 He also stated that Brickett Meadows is contiguous to this wetland and with this mitigation they could
76 start protecting Brickett Meadow. M Badois asked if this would be the only structure on this parcel. B
77 Gilday pointed to another area on the map for the Commission stating there is a potential for another
78 structure there. M Speltz asked if there would be voting tonight on this. B Gilday stated that the
79 application has been submitted and he is looking for the Commission to state that there are no
80 objections to the application. M Speltz asked why the Commission would want to do this. B Gilday
81 stated that this is in the master plan for the Town, an area that was set aside for industrial zoning to
82 increase the tax base. G Harrington asked if the parking that is shown is the minimum that is required
83 for Londonderry. B Gilday stated he thought it was the minimum requirement for a structure this size. D
84 Lievens asked what the analysis of the wetlands was. B Gilday stated the area had good glacial till
85 uplands and was very stony. He proceeded to go through the wetlands with the Commission noting
86 them to be poorly drained with no significant endangered species found. M. Speltz asked if this would
87 remain under the Evans family for ownership and there would be a conservation easement granted to
88 the town of Londonderry. B Gilday stated he did not know how the town usually handled this. M Badois
89 stated the easement would make sense and the Evans family would maintain the land. G Harrington
90 asked how the public would access this. D Lievens stated that not every piece of conserved land has to
91 be for public use. M Speltz suggested making the easement bigger with the power line to be used for
92 access. G Harrington asked who owns the power lines. M Speltz stated he did not know, but to him, the
93 issue is that 38,000 SF of wetland impact should translate to 8.7 acres of mitigation at 10:1 per NHDES,
94 and if they want to do 20:1 then the mitigation should be 18.3 acres. B Gilday stated that it is 18.3 acres
95 of mitigation. M Speltz noted that he is taking credit for upland in this current plan. He suggested to
96 recommend to NHDES that the proposed mitigation should include to include a 10:1 ratio of upland to
97 the disturbed edge of wet. M Speltz stated in his opinion, the facility could be downsized to create less
98 of an impact. D Lievens asked B Gilday if the owner would consider downsizing the footprint of the
99 building. B Gilday stated this is what the owner wants to build and does not think downsizing would
100 happen. M Speltz asked if pervious pavement on the parking lot had been discussed. B Gilday stated it
101 had not, but he would ask the owner. D Lievens stated she would like to see the footprint smaller. G
102 Harrington stated that he did not like the plan, but it meets all the requirements. R Fillio stated that he
103 would like to see a deeded road for public access. M Badois asked for comments from the Commission.
104 The commissioners agreed on these comments:

- 105 1. The impact is extremely large, consider smaller building.
- 106 2. At least a 10:1 ratio of upland in the mitigation.
- 107 3. To consider using the western side power lines for boundary.



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108 4. Recommend using pervious pavement and other infiltration options.

109 5. Some sort of deeded access area for the public.

110 G Harrington made a motion for the Chair to email the above stated comments regarding the
111 application. R Fillio seconded the motion. The motion passed, 7-0-0.

112 **Old Business**

113 **Kendall Pond:** M Badois informed the Commission that Steve Cotton thought there was too much
114 information for just one sign, and it could be broken down into two signs, with one being trail
115 information and the other parking information. She passed out a draft for the Commissioners to review
116 the signs. She stated that the ordinance has been drafted and will be presented at the next Town
117 Council meeting. She noted that she received an email from a resident that lives on the corner of
118 Hickory and Chestnut Hill complaining about what goes on at night in the parking lot and asked if there
119 are hours that people should not be there. She replied to the email letting the resident know that the
120 Commission is currently trying to work out the parking for Kendall Pond, and once Kendall Pond is
121 finished, the Commission will investigate Hickory Hill. M Byerly stated that he thought there would be
122 no parking at Hickory Hill as it is a public road. M Badois stated that she does not know what the
123 Commission's jurisdiction is at Hickory Hill. B Maxwell stated in his opinion, he thought this was a law
124 enforcement issue, as no one would be going into conservation land at night. M Speltz stated that it is a
125 street in town and the town would have the ability to post no parking signs or put up signs with hours.

126 **Mathes Trail:** M Badois asked if there would be a walk on Saturday. M Byerly stated there would be on
127 Saturday at 9:30 a.m. M Badois asked if the Commission had received the draft proposal from NH Fish &
128 Game regarding the trail. She stated that she thought the Commission should walk the trail and let NH
129 Fish & Game know what the Commission wants. She suggested that on Saturdays walk it would be
130 perfect to get this done.

131 **Rabbit Habitat:** M Badois stated that the brontosaurus did a semi-cut on Musquash 1. She noted that
132 after the Musquash 1 cut the brontosaurus came over the cut the Cooper lot, but ran into an issue as the
133 neighbors were not notified prior to cutting. She stated that Kevin Smith insisted that all cutting stop
134 until the neighbors can be spoken to. She noted that the logger was upset regarding this because the
135 neighbors will not be spoken to until Saturday. She stated that she wants to talk with Kevin Smith and let
136 the cutting continue on the side with no neighbors because the logger's schedule is very tight to
137 reschedule. She informed the Commission that when Charlie was out marking the cut, he told her there
138 was another encroachment with the house along there.



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139 **Londonderry Times:** D Lievens asked if M Byerly would write the next article for the Times. He replied
140 that he would and send her a copy via email.

141 **Open Space Task Force:** M Speltz informed the Commission that he was supposed to meet with Amy
142 Kizak today but she was ill and he will met with her on Thursday.

143 **New Business:**

144 **Water Extraction Ordinance:** M Badois asked Kevin Smith about the water extraction ordinance and it
145 was found to have been created but never signed. She stated that Kevin Smith will get it signed and put
146 it online for the public.

147 **Forest Ranger Position:** M Badois asked Kevin Smith if this position would be a possibility for this year
148 and he thought it would be a good year to do it. She stated that Kevin Smith recommended that the first
149 year the Commission fund the position 100%, then 50% the second year, and the third year it will
150 become a town position.

151 **Adams Pond Trail:** M Badois stated that she told Kevin Smith that there is a boundary between the
152 Town Forest and the other conservation area and Mr. Kent needs to respect that. R Fillio explained that
153 Mr. Kent is not talking about Adams Pond Trail. M Badois stated that the Commission needs to confirm
154 that.

155 **Trail Finder:** M Badois stated that there is an app called Trail Finder that lists all the trails in the state
156 that have been input with GPS, but none of the Commission's trails are in this app. She asked if someone
157 would volunteer for a project to get the Commission's trails into Trail Finder. M Speltz stated that would
158 be a project for Amy Kizak.

159 **Fire Department:** M Badois stated that the Fire Department has a man-made pond that was put in to fill
160 the trucks with water, which will need to be filled in with building the new fire station. She stated that
161 the Fire Department is looking for the Commission to write a letter of support regarding the filling in of
162 the man-made pond. She stated that the Fire Department wants to be able to submit the Commission's
163 letter of support with the dredge and fill application instead of coming before the Commission to speed
164 up the process. G Harrington suggested that the Fire Department come in before the Commission with a
165 presentation before a letter of support is written. M Badois stated that she will let them know that the
166 Commission does not wish to set a precedent and would like the Fire Department to come in with a
167 presentation.



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168 **Minutes:** The Commissioners went over the public minutes from March 27, 2018. B Maxwell made a
169 motion to accept the minutes as amended. G Harrington seconded the motion. The motion passed, 6-0-
170 1 with D Lievens abstaining.

171 The Commissioners went over the non-public minutes from March 20, 2018. D Lievens made a motion
172 to accept the minutes as presented. B Maxwell seconded the motion. The motion passed, 7-0-0.

173 **Correspondence:** M Speltz updated the Commission that the Town Council had a meeting where the
174 Town Attorney recommended a new process for the JNC (Joint Negotiating Committee). He stated the
175 new process would be that the Commission recommends a parcel, then the Town Council negotiates a
176 price and the Town Council approves the expenditure. He stated this basically does away with the JNC
177 and there is no guarantee that the price is going to be based on an appraisal. He stated that a written
178 document should be written for the new procedure for the Town Council and Commission to review.

179 M Speltz made a motion to authorize the Chair to work with B Maxwell on the camera detail for Kendal
180 Pond.

181 **Adjournment:** G Harrington made a motion to adjourn the meeting at 09:30 p.m. R Fillio seconded the
182 motion. The motion passed, 7-0-0.

183 Respectfully Submitted,
184 Beth Morrison
185 Recording Secretary