



Londonderry Conservation Commission
Tuesday, April 25, 2017
Minutes

1 **Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Deb Lievens, member; Roger Fillio, member;
2 Bob Maxwell, member; Mike Noone, member; Mike Byerly, member; Mike Speltz, alternate member;
3 and Town Council Member Ted Combes

4
5 **Absent:** Margaret Harrington, alternate member; and Julie Christenson-Collins, alternate member

6
7 **Also present:** Jim Petropulos; Vlad Harris

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

10 **DRC**

11 **PPNE:** J Petropulos and V Harris introduced themselves. J Petropulos is a civil engineer at
12 Hayner/Swanson, Inc. and they are representing a company called Poultry Products Northeast (PPNE).
13 They were before the Conservation Commission about a month ago on March 28th. They are looking to
14 resolve some issues that the Conservation Commission had with the project and to win their support. J
15 Petropulos summarized the project for Commissioners who may have been absent at the last meeting.
16 PPNE is considering an almost 26 acre property at the very end of Jacks Bridge Road behind American
17 Tire and Harvey Industries. The property is industrial zoned land and the proposed building is 102,000
18 square feet. PPNE distributes food products for their clients. These are mostly protein products;
19 however, there will be no live animals on the property. J Petropulos pointed out the proposed driveway,
20 employee parking areas, loading docks, and box truck parking on the plans. J Petropulos pointed out the
21 four wetland areas that will be impacted. In total, there would be about 34,077 square feet of impacted
22 wetland area.

23 Last month, the Commission asked if the impact along the northeast boundary line could be reduced. By
24 performing some regrading, J Petropulos was able to decrease the impacted wetland area by about
25 16,000 square feet and the impacted buffer area by about 2,000 square feet. He was also able to protect
26 the existing tree line by pulling back some of the grading. The Commission also asked at the last meeting
27 to have a deed restriction on the northern tip of the property to further protect the wetland areas. J
28 Petropulos reported that PPNE would consider such a restriction to prevent further building and
29 pavement expansion over that location – which is about six acres of land. There were also concerns
30 about the number of parking spaces in the parking lot at the last meeting. PPNE runs their business in
31 three shifts: first, second, and third. At its maximum, the facility will have about 230 employees. The first
32 shift would have 150 employees, the second shift would have 30, and the third shift would have 50
33 employees. Due to these shifts being staggered, there should be ample parking for the employees as the
34 shifts rotate. The current plans show 175 parking spaces while the previous plans had 184, so there has
35 been a slight reduction.



Londonderry Conservation Commission
Tuesday, April 25, 2017
Minutes

36 J Petropulos passed out the conditional use permit (CUP) application to the Commissioners. He felt that
37 they were fully utilizing the land that is outside of the conservation overlay district. Additionally, PPNE
38 wants to stay in New Hampshire. This site meets their geographic needs, but unfortunately, this is a
39 unique piece of property with a finger of the wetland area that runs up toward the middle. J Petropulos
40 moved on to mitigation. PPNE has decided to pursue the ARM fund program and an impact like this
41 would be \$168,000. J Petropulos recognized that the Town would like mitigation somewhere in the
42 community rather than in the watershed. PPNE would love to see this happen, however, this is out of
43 their control. J Petropulos has been in communication with Laurie Sommer at NHDES and has
44 encouraged her to be in communication with the company about options. Hopefully, they are able to
45 make something work out so that the mitigation stays in Londonderry.

46 M Byerly asked if the applicant has the choice to either contribute to the ARM fund or to buy a piece of
47 property for \$168,000 for mitigation purposes. M Speltz explained that in addition to those options, the
48 Conservation Commission and the developer can also collaborate on a larger mitigation project. J
49 Petropulos added that mitigation can come in many forms: conservation, preservation, construction of
50 wetlands, participating in a project with the Conservation Commission, the ARM fund option, or a blend
51 of these options where the ARM fund program earmarks some of the funds back to the town. J
52 Petropulos is trusting in DES to do the right thing and have the mitigation done locally. M Speltz
53 explained that DES is obligated to replace the wetland's functions and values that this project would be
54 taking.

55 M Speltz respectfully disagreed with the way J Petropulos interpreted the first and fourth criteria for a
56 conditional use permit. M Speltz felt that an applicant can only meet the first criteria if use of the
57 conservation overlay district is necessary for use of the rest of the parcel. He did not think the first
58 criterion was asking the applicant if the land outside of the district is fully utilized before utilizing the
59 conservation overlay district. M Speltz still thinks that this project is like trying to put ten pounds in a
60 five pound bag. D Lievens agreed with M Speltz. J Petropulos may not be able to do what he wants to do
61 without impacting the district, but perhaps someone else could with a different project. M Speltz still
62 believed that J Petropulos could make the argument that the encroachment is essential to productive
63 use of the land, however, it's not because the upland area was utilized before resorting to utilizing the
64 conservation overlay district.

65 J Petropulos reminded them that the project meets all other zoning standards and that the only
66 unfortunate aspect of the lot is the finger of wetland that goes through the middle. He hopes that the
67 mitigation efforts exceed the relatively low quality wetlands in an industrial zone. M Speltz moved on to
68 the fourth criterion for a conditional use permit. M Speltz felt that PPNE needing a bigger facility to get
69 anything out of its capital investment is not a sufficient reason to be granted a CUP. He said that if at the
70 end of the day we can make the town of Londonderry better off in terms of its natural resources by



Londonderry Conservation Commission
Tuesday, April 25, 2017
Minutes

71 doing this project with its sufficient mitigation than it would be by *not* doing this project and its
72 sufficient mitigations, then this is something that the Commission can consider.

73 G Harrington asked how J Petropulos reshaped the detention pond at the northwest corner. J
74 Petropulos explained the he was able to decrease the footprint by pulling in the basin a little and
75 regrading an adjacent area. M Speltz's biggest concern was the buffer impact on the western end of the
76 project. J Petropulos stated that this detention pond is at the lowest part of the site – where drainage
77 must go. He also stated that he would like the Commission's support of approval of the CUP and
78 recognized that the one missing piece is that the Commission doesn't know if the mitigation will come
79 back to Londonderry or not. Unfortunately, J Petropulos did not feel that he had a lot of control over
80 where DES will want the mitigation to take place. M Speltz voiced that he finds that the applicant does
81 not meet conditions one and four of the conditional use permit, however, he could support the
82 applicant's proposed program to the extent that the applicant can provide mitigation to the wetland
83 buffer impact and the wetland impact. J Petropulos asked if there is anything that can be done to meet
84 criteria one and four for a CUP to the Commission's satisfaction. M Speltz emphasized that the impacts
85 need to be mitigated and that by looking at the zoning ordinance, the property is not suitable for what
86 PPNE wants to do.

87 M Byerly can only see an economic reason for the proposed impacts. V Harris explained that the reason
88 for keeping PPNE in New Hampshire is so that all of the current employees can be retained. M Byerly
89 commented that he agrees with M Speltz that any mitigation for this project should be in Londonderry.
90 R Fillio asked if it possible for them to construct a new wetland. J Petropulos explained that that is more
91 frowned upon in this day and age, but it's usually done on a gravel pit when it is done today. M Byerly
92 summarized that the applicant in some time frame will either make a contribution to the ARM fund or
93 help the Conservation Commission purchase a wetland area in Londonderry. The Commission cannot
94 keep the applicant waiting around until it finds an ideal wetland area in Londonderry to conserve. M
95 Speltz felt that the Commission is going to have to count on the good will of all three parties (the
96 application, DES, and the Commission) to work this out the best way possible. M Speltz repeated that
97 the project does not meet criteria one and four of the CUP application, however based on the net value
98 of the mitigation (however it's conducted) he could support the Planning Board approving the project.

99 V Harris asked if the funds could go towards creating trail ways, or if it has to be used to conserve
100 wetlands. M Speltz felt that this would be a real stretch. J Petropulos mentioned that DES is more
101 interested in conserving uplands that are adjacent to prime wetlands or prime rivers. He felt that having
102 the \$168,000 accumulate in the ARM fund will do more good than using the money to buy a wetland
103 area in Londonderry. D Lievens reminded him that the Commission is an advisory group and that they
104 have to support their own program, but the Planning Board can act as they see fit. R Fillio made a
105 motion that the Commission finds that the applicant does not meet conditions one and four of the



Londonderry Conservation Commission
Tuesday, April 25, 2017
Minutes

106 conditional use permit, however, to the extent that the applicant can provide mitigation that can be
107 approved by DES, we would support the application. G Harrington seconded the motion. The motion
108 passed 5-1-0. J Petropulos and V Harris left at 8:20 pm. There was a consensus to amend the previous
109 motion that the mitigation should also include a voluntary deed restriction on approximately six acres of
110 the north end of the parcel.

111 **New Business**

112 **Newsletter & Public Walks:** M Speltz is scheduled to do an “orientation to the Musquash” lecture on
113 May 11th at the town hall. The session will include going over an application that John Vogl suggested to
114 the Commission that can be used to navigate through the Musquash trail system. B Maxwell brought up
115 that there are dead zones, so it isn’t necessarily a good idea to completely rely on technology out in the
116 woods. D Lievens tried to pin down a time that she can guide a public walk that focused on wildflowers.
117 She decided to do the walk on Saturday May 13th. M Byerly will get the Moose Hill Meeting room
118 booked for M Speltz’s session on May 11th.

119 **Report to Town Council:** M Badois received an email from Associate Planner Laura Gandia stating,
120 “pursuant to Article 9 of the Londonderry Town Charter, during the next six to twelve months, the Town
121 Council intends to invite each board (chair or vice chair) to attend a Council meeting and provide an
122 update to the Town Council as to what the Board has been up to. The article reads at least annually and
123 more often if town affairs require the Town Council shall meet with the chairs of all town committees to
124 review significant actions taken by the committees, projects currently under discussion, and anticipated
125 activity for the coming year, so be on the lookout for those invitations.” To get ready for that invitation,
126 M Badois would like to compile a list of everyone’s suggestions of what they would like to highlight of
127 what the Commission has done. There was some discussion about putting together a PowerPoint
128 presentation for the Town Council. The presentation could touch upon guided hikes, acres monitored,
129 subscribers to the newsletter, and work done at the Musquash.

130 **Stantec Outdoor Recreation Plans:** M Badois had three sets of plans for each of the four properties that
131 were looked at by Stantec. D Lievens has asked for a disk with these sets of plans, however, the
132 Commission did not receive them. The Commissioners did not think there is another bill due from
133 Stantec. M Badois asked the Commissioners what projects they want to do this year if they are not going
134 to do Kendall Pond. She also asked them about the parking at Hickory Hill. D Lievens thought that they
135 should wait until after Charlie Moreno does his cut before they create the parking lot. M Badois liked the
136 idea of putting up a sign for Kendall Pond, a kiosk at Scobie Pond, and work on parking at various
137 trailheads. M Badois had received a phone call asking her to put up a kiosk at Scobie Pond with
138 information about the pond and its wildlife. Perhaps this could be a Boy Scout project. M Speltz was
139 under the impression that the reason the Commission hired Stantec was to come up with a significant



Londonderry Conservation Commission
Tuesday, April 25, 2017
Minutes

140 capital investment and he also thought that parking was a big issue that the Commission was looking to
141 tackle. Perhaps the Commission can create a little subcommittee to study this issue in great detail and
142 come back to the Commission with some recommendations. M Byerly would have a hard time
143 supporting any of these mentioned projects when the Commission has limited funds to conserve land.
144 The Commission would like more copies of the Stantec plans. There was some discussion about whether
145 or not these parking projects were proposing gravel or paved parking spots. The Commission needs to
146 look at what is proposed in more detail.

147 **Granite Ridge:** Somebody has tapped maple trees along Litchfield Road that is on conservation land
148 owned by Granite Ridge. Tapping season is done; however, the cartons are still on the trees and on the
149 ground. M Noone will give the property owner a call.

150 **Old Business**

151 **Redacted files:** Attorney Ramsdell reported that the Commission does not need to do the line-by-line
152 redacting of the non-public minutes. He agreed with the Planning Department that sealed non-public
153 minutes can remain to be sealed as long as any of the statutory reasons continue to exist. Minutes
154 should be released on a minutes-by-minutes basis, rather than line-by-line.

155 **Training:** There is a training coming up for Chairs and Vice Chairs of committees on June 22nd at 7:00 pm.
156 It will run two hours and will be presented by an attorney from New Hampshire Municipal Association.
157 The training will cover how to conduct an effective board meeting and the Right to Know law. Any
158 committee or board member can attend.

159 **Water Withdrawal Ordinance:** M Badois reported that the landscapers are withdrawing water at the
160 rail trail again. There is no sign up prohibiting this use because the Town needs permission from
161 Eversource. M Badois believes that the ordinance should be permanent regardless of whether there is a
162 drought or not. The ponds at Cracker Barrel and at Hall Road are also targeted by landscaping
163 companies. We are now only in a moderate drought, rather than a severe drought. There was some
164 discussion about enforcing the water ban.

165 **North School:** M Speltz reminded the Commissioners that every Thursday afternoon is the North School
166 conservation program. M Speltz went a couple weeks ago and had a great time with the kids. This
167 program should be added the report for the Town Council.

168 **Whispering Pines:** G Harrington reported that he, D Lievens, and R Fillio went on a site walk at
169 Whispering Pines Mobile Home Park. They had a few suggestions about plant material and they had a
170 few comments about getting them to respect the wetland setback even though they technically do not
171 have to.



Londonderry Conservation Commission
Tuesday, April 25, 2017
Minutes

172 **Water Ban:** There was some more discussion about the logistics of the water ban.

173 **Minutes:** G Harrington made a motion to accept the minutes of April 11, 2017 as presented. B Maxwell
174 seconded the motion. The motion passed 6-0-0. G Harrington made a motion to accept the non-public
175 minutes of April 11, 2017 as presented. D Lievens seconded the motion. The motion passed 5-0-1.

176 **DRC**

177 **Griffin Road Subdivision:** The Commissioners looked at the plans for the Griffin Road Subdivision. This is
178 a proposal to subdivide five lots off of Griffin Road. For the wetlands on proposed lot 26-1 and the
179 abutting area to the west, they need to indicate the wetland buffer on the plans if the wetland exceeds
180 half an acre. Additionally, there are no wetland buffer signs indicated on the plans.

181 **Eversource/Wang LLA:** After some brief discussion, the Commission did not have any comments.

182 **IODICE Subdivision:** The Commissioners looked at the plans for IODICE Subdivision. The wetland buffer
183 should be marked with signs. Use of existing road through wetlands would now require a conditional
184 use permit.

185 D Lievens made a motion to adjourn the meeting at 9:51 pm. G Harrington seconded the motion. The
186 motion passed 6-0-0.

187

188 Respectfully Submitted,

189

190

191 Casey Wolfe

192 Recording Secretary