



Londonderry Conservation Commission  
Tuesday, July 11, 2017  
Minutes

1 **Present:** Marge Badois, Chair; Mike Byerly, member; Roger Fillio, member; Bob Maxwell, member; Mike  
2 Noone, member; and Mike Speltz, alternate member

3  
4 **Absent:** Gene Harrington, Vice Chair; Deb Lievens, member; Julie Christenson-Collins, alternate  
5 member; Margaret Harrington, alternate member; and Ted Combes, Town Council Member

6  
7 **Also present:** Beth Morrison, Recording Secretary; Paul Margolin; Tim Ferwerda

8  
9 Marge Badois called the meeting to order at 7:30 pm.

10 **Paul Margolin - Londonderry Times:** Paul Margolin introduced himself to the Commission and stated he  
11 was he here on behalf of the Solid Waste and Environment Committee presenting the idea of  
12 collaboration between the Commission and the Committee on publishing a column in the Times. P  
13 Margolin stated that his committee has published periodic columns called Going Green. He stated that  
14 his committee felt the column was a great opportunity to educate the public regarding issues that are  
15 important to the committee's mission. He stated that he had spoken to Deb Paul recently who had  
16 expressed an interest in having more columns more often. He noted that he was here to investigate if  
17 the Commission would have an interest in publishing a column periodically in the Times. He guessed, in  
18 his opinion that Deb Paul was interested in having a column once a month in the Times, which was too  
19 aggressive for just his committee to produce. M Badois asked if he was looking for public education  
20 topics or what the Commission was doing for projects. P Margolin stated he thought more public  
21 education, as the Times now covers what the Commission is doing in regular news articles. He stated  
22 that he believed there was synergy between his committee and the Commission regarding the  
23 environment. He asked the Commission if there was an interest in doing a column in the Times. M  
24 Badois stated that she could not image why the Commission would not. M Badois asked if the  
25 Commission would be responsible for a column six times a year. P Margolin stated that would be a  
26 possibility noting that his committee had decided five columns a year would be a good start for them. R  
27 Fillio asked if any other committees were interested in doing a column. P Margolin stated that he  
28 wanted to speak with the Commission first and see what the response was and then maybe approach  
29 the Trailways Committee as well. M Speltz asked if Deb Paul had given him a word length for the  
30 column. P Margolin answered that Deb has been flexible, but thinks it is 300-500 words. M Speltz asked  
31 about illustration and photographs. P Margolin stated that was a good question to raise with Deb, as he  
32 did not know the answer. M Speltz thanked P Margolin for his efforts in the committee and also for the  
33 going green column and stated that he felt the Commission should be able to collaborate in a column. M  
34 Badois asked when the Commission should start with a column. P Margolin stated that if the  
35 Commission needed a couple months to work on their column, his committee had some in the works to  
36 cover. M Speltz asked if the column was every fourth Thursday or on some type of schedule, as it might  
37 benefit readership to be on a schedule. M Badois stated that the Commission would start working on a



Londonderry Conservation Commission  
Tuesday, July 11, 2017  
Minutes

38 column right away and asked who the point of contact would be for this. P Margolin suggested that he  
39 would be the point of contact right now. M Badois noted that she had P Margolin's email and would be  
40 in touch.

41 **Tim Ferwerda/Meridian Land Services, Inc. - 44 Wentworth Wetland permit:** Tim Ferwerda, a wetland  
42 scientist for Meridian Land Services, introduced himself to the Commission. He stated that he prepared  
43 the wetland application that the Commission had reviewed at the last meeting. He explained that the  
44 building had been shrunk in size from what the developer had originally wanted while pointing to a blow  
45 up picture of the site. He noted that the way in which the drainage works is by going into the 2 fore-bays  
46 first off the parking lot before it overflows into what they are calling a wet pond. He pointed out on the  
47 picture that the green highlighted area were the two existing wetlands that are there currently are going  
48 to be changed by the project, but when the project is done there should be a new wetland created that  
49 will meet wetland characteristics, however with different classification and function. He pointed out that  
50 they are proposing to plant wetland plants there and wetland seed mixture on the rest of the areas.

51 M Badois asked if the finger connects to a larger wetland on the next property. T Ferwerda stated it  
52 does. T Ferwerda stated that when the project is done there should be more wetland area than what is  
53 there currently. M Badois stated that the Commission's comments from the last meeting noted that the  
54 project was destroying all the wetlands on the property. T Ferwerda stated that when he first saw the  
55 proposal he noted it was going to be hard for the state to accept this, so he came up with the idea of the  
56 wet pond with planting wetland vegetation in there to make a wetland when the project is done, albeit  
57 different classification of wetland. M Badois asked about the impact of reconfiguring the flow of water  
58 from the property. T Ferwerda stated that when there was a storm, the water would run off the building  
59 and parking lot quicker, but it will still get the same amount of water. B Maxwell stated that he thought  
60 it would get more water. T Ferwerda stated that the same amount of rain will come down, but it will get  
61 there quicker than it would through the forest, but it will retain the water so as not to drain off. M  
62 Byerly asked T Ferwerda to explain the opening in the wall. T Ferwerda stated the opening acts like an  
63 overflow with most of the water going into the two fore-bays first, where the sand and silt will settle  
64 out, before going to the wet pond. M Badois asked if the developer would be using salt. T Ferwerda  
65 stated he assumed that the developer would. M Speltz asked if the detention pond is larger than it  
66 needs to be to retain water for storm management. T Ferwerda stated that the wet pond is sized to  
67 handle the storm events coming off the property.

68 M Speltz asked if it was fair to say that the plan assumes they receive the DES permit and then the  
69 buffer disappears. T Ferwerda stated that he had this discussion with the engineers and no matter how  
70 the project is done, it is in the buffer. He stated that the engineer was not sure if a variance would be  
71 needed and asked if it was a 50 foot buffer. M Speltz stated that it is either a 50 foot or 100 foot buffer  
72 depending on the wetland. T Ferwerda stated that it was a forested wetland with limited functions and



Londonderry Conservation Commission  
Tuesday, July 11, 2017  
Minutes

73 value as far as wetlands go, but the project is in the buffer. M Speltz explained the way the ordinance  
74 works is if DES grants a fill permit then the buffer is defined under the terms of the fill permit, so what  
75 would have been buffer is no longer buffer, and the challenge for the Commission would be  
76 recommending this to DES based on the knowledge of losing the buffer. M Badois stated that the  
77 Commission recommended against this. T Ferwerda stated that he cannot argue that the project is in  
78 the buffer, but his main point for coming tonight was for the Commission to understand there would still  
79 be wetland when the project is finished with a different classification.

80 M Speltz asked if it would be fair to say that the plans were providing a 20 foot to 25 foot buffer to the  
81 wetland that is being created. T Ferwerda stated that to the best of his knowledge he believed that was  
82 true. M Speltz stated that the project is proposing to create a wetland that is roughly equivalent to the  
83 wetland being destroyed by the project, but only providing a 20 foot to 25 foot buffer, and a disturbed  
84 buffer at that, where we require a 50 foot buffer. He also noted that the project is impacting what is a  
85 conservation easement to the south, nothing it is AES owned, but has a conservation easement on the  
86 property. He explained the Commission is anxious to prevent any impacts to that land and in his opinion,  
87 he stands by the Commission's original comments. M Byerly asked if the Commission could change or  
88 add comments for DES, as he has never done this before. M Speltz stated that he thought T Ferwerda  
89 was here to make sure the Commission had understood the project and that the Commission could  
90 make additional comments to DES. T Ferwerda explained that once the Commission's comments go to  
91 DES then DES would ask him to respond to the comments. He stated that his comments would be what  
92 he is telling the Commission tonight.

93 M Speltz stated that the Commission's "technical" name for this plan is trying to put 10 pounds in a 5  
94 pound bag, which is a way of saying that the plan is proposing to put too big of a structure on a property  
95 this size considering the resulting wetland impacts. B Maxwell noted that the building is going to be 46  
96 feet tall, almost 5 stories tall. M Badois asked if the building could be that tall by the airport. B Maxwell  
97 stated he did not know. T Ferwerda stated he thought it was 2 stories. B Maxwell pointed out from the  
98 application that it said 46 feet. M Byerly asked if it was the Commission's consensus that this was overall  
99 a little better, but still do not like it. M Speltz clarified that there has been no change in response to the  
100 Commission's comments made at last week meeting, but rather T Ferwerda was here to explain the  
101 project to make sure the Commission understood. T Ferwerda reiterated that what is being proposed is  
102 a wet pond, with the function to say wet, as it is lower in elevation than the current wetland. M Speltz  
103 stated that by introducing salt none of the fore bays or detention pond will be able to take the chloride  
104 out of the water noting that was a problem. T Ferwerda stated that salt is a problem as it goes into  
105 solution and there is no way to get it out. He noted that salt marsh grass might be planted there, but not  
106 sure if there is enough salt to keep it alive all year. T Ferwerda stated that he observes detention ponds  
107 all over the state and there is always vegetation in them, so the plants do tolerate them. T Ferwerda



Londonderry Conservation Commission  
Tuesday, July 11, 2017  
Minutes

108 concluded his presentation by stating that the Commission will get copies of his comments that he sends  
109 to DES.

110 **New Business:**

111 **CIP:** M Badois stated that the deadline for proposed CIP projects is July 17, 2017. She stated that  
112 resident Peter Curro has submitted one asking for 5 million to buy conservation land and the 5 million is  
113 to go into the conservation fund. M Noone asked if Peter Curro was proposing to go to the Town with a  
114 warrant article for 5 million for conservation land. M Speltz explained Peter Curro is proposing it to CIP  
115 and if the CIP committee turns him down, he then has the option to go to the Town with a warrant  
116 article. M Noone stated in his opinion the Town would mistakenly assume that the Commission would  
117 have generated such a warrant article. M Badois stated that was her concern that the Town would think  
118 the Commission is asking for conservation funds even though this would be a resident doing that on his  
119 own. M Speltz stated that the Commission has not asked for conservation fund money in a long time. M  
120 Badois asked what the Commission asked for last year. M Speltz stated the money was for  
121 improvements to Kendall Pond, which is different than acquiring conservation land. M Speltz suggested  
122 the Commission could look at another capital improvement project, since there is a fairly substantial  
123 amount of money in the account, but there have been 2 votes from the Council against it and in his  
124 opinion that means the Council does not want to spend money on improving conservation land. B  
125 Maxwell asked if the Council would be interested in spending money to acquire land now that  
126 Londonderry is the fastest growing town in the state. M Badois stated she thought that would be an  
127 easier sell and thinks that is where Peter Curo is coming from. M Noone stated that he thought the  
128 Commission should meet with the Town Council to see if they would be in support of using money for  
129 maintenance or trash pickup. M Speltz stated that money would not be CIP but operating expense.

130 **Training class summary:** M Badois asked R Fillio to talk about his training class that he went to covering  
131 the requirements of and best practices of Public Meetings. R Fillio stated that he had picked up material  
132 from the class for the Commission. R Fillio stated that he thought the Commission was running meetings  
133 well. R Fillio stated he learned the difference between a meeting and a hearing. M Speltz stated he also  
134 attended this training. M Speltz stated that he wanted to look at the Commission's rules and  
135 procedures, if the Commission has them and if not, then create them. M Badois asked specifically if he  
136 meant meeting rules. M Speltz stated yes and the rules and procedures would be helpful to help set up  
137 timelines of when documents should be received by the Commission for consideration. M Speltz stated  
138 the first step would be to find out if the Commission has rules and procedures. M Badois stated that she  
139 thought D Lievens would know if these existed. R Fillio stated that the topic of minutes was also  
140 addressed at training with regard to the timing of minutes. M Speltz stated that there is a requirement  
141 for the draft minutes to be posted within a defined time period, but not for the final approved minutes.  
142 M Badois pointed out that the class was taped and it will be put up on the website for everyone to view.



Londonderry Conservation Commission  
Tuesday, July 11, 2017  
Minutes

143 M Badois noted that as a result of the training class everyone in the Commission will be assigned official  
144 email addresses to use when corresponding to anything Town related.

145 On the subject of redacted minutes from past non-public meetings, M Speltz pointed out that the  
146 Commission should review the minutes annually and release minutes that no longer meet the criteria of  
147 the RSA. M Badois asked if it was releasing line by line. M Speltz stated that his impression was not line  
148 by line, but once an entire set of minutes had nothing that could be justified for keeping, they would be  
149 released. M Badois stated that town attorney Ramsdell had also stated the entire minutes and not just  
150 line by line.

151 **Paddle Event at Scobie Pond:** M Byerly asked the Commission when would be a good time to do this. M  
152 Badois suggested the Commission to invite Kevin Smith, Town Manager, as he expressed an interest in  
153 this. M Byerly stated he preferred July 29th 9-11 a.m. M Noone asked if there were only 3-4 parking  
154 spaces there, as at last week's meeting the public stated there might be 8-10 cars there sometimes, and  
155 he was not that familiar with this area. M Byerly stated he thought 8 cars would fit. M Badois noted it  
156 would be 4 cars across twice and that would be it. M Byerly asked for people to bring extra kayaks if  
157 they have them. M Badois stated she could bring a single and a double. M Badois stated to bring extra  
158 life jackets as well. M Byerly stated that someone told him there was invasive milfoil in Scobie Pond. M  
159 Badois asked if the Commission should notify someone about this and M Speltz stated the Commission  
160 should.

161 **Old Home Day:** M Byerly stated that it was August 16th - August 19th and he thought that it worked out  
162 really well last year and the Commission should do it again. M Badois asked if the Commission wanted to  
163 do what was done last year with the brochures, maps and having people signup for the newsletter. M  
164 Speltz stated that maybe printing out the Londonderry recreation guide pages and put them on a  
165 bulletin board for everyone to see. R Fillio asked if anyone talked to someone about getting a booth. M  
166 Byerly stated that last year the Commission was able to get a booth last minute and he would call. M  
167 Byerly pointed out that there should be enough people to man the table.

168 **Newsletter:** M Byerly asked for ideas other than Old Home Day and the paddle event. M Noone asked if  
169 it was turtle crossing time. M Badois stated it was May through October. B Maxwell suggested to note in  
170 the newsletter that it is time to stay alert for turtle crossing. M Speltz stated he would like to publicize  
171 that the Doyle horse farm has now been conserved and he would send M Byerly some photos.

172 **Department of Environmental Services publication:** M Speltz stated that he had been given a copy of  
173 the book put out by the Department of Environmental Services to showcase all of the projects that have  
174 been supported by the Aquatic Resource Mitigation fund.

175 **Old Business**



Londonderry Conservation Commission  
Tuesday, July 11, 2017  
Minutes

176 **Potential Improvements to Conservation Areas:** M Badois stated she had met with Kevin Smith and  
177 told him what transpired at last week's meeting. M Badois explained that K Smith's suggestion was to  
178 resurrect the Ranger position. M Badois noted that the Ranger would be the eyes on the ground and  
179 would patrol the land and call the police if needed. M Badois stated she sent the job description to K  
180 Smith and he will look it over. M Badois added that K Smith is going to talk to the Chief of police and  
181 check if it should be an officer position or someone who calls the police.

182 M Badois noted that when she went out with R Fillio to look at the substation at Scobie Pond, Elizabeth  
183 Larocca was also there and asked how last week's meeting went. M Badois explained that she told E  
184 Larocca about the concerns over Brewster Road. M Badois noted that E Larocca told her that Eversource  
185 is constantly grading the road anytime they do a project there. E Larocca asked M Badois if Eversource  
186 should plant some screening between the rail trail and the switching station, to which M Badois said no.  
187 E Larocca mentioned then that the money that Eversource would have spent on the screening could  
188 potentially be contributed to improving or maintaining Brewster Road. M Badois stated at the last  
189 meeting a resident gave her the name of a Fish and Game employee to check about the Roads to Public  
190 Waters Act and she left a message for this person. M Speltz stated that he had checked into this as well  
191 this week and found a 1956 survey that shows a right of way regarding Brewster Road, but has not  
192 traced it back farther. M Badois asked if there was anything in 1988. M Speltz stated that at about that  
193 time every owner had to sign an agreement with the Town that they would repair and maintain the  
194 travel portion of Scobie Pond Road as part of the agreement by the Town to issue a certificate of  
195 occupancy to a structure on a class 6 road. M Badois asked if this specific affidavit was recorded  
196 anywhere as it is not listed in their deeds. M Speltz stated that is right as he checked 3 owners' deeds  
197 and did not find it. M Speltz stated he found this on page 1294 of book 3126 and on page 2874 of book  
198 2915. M Speltz stated the Commission should follow through with this. R Fillio stated that at the last  
199 meeting the resident's stated the Town grades the road twice a year. M Speltz noted this is problematic  
200 because once the Town performs maintenance on the road, the Town assumes liability for the road. M  
201 Badois added then the road becomes a class 5. M Badois stated that she told K Smith that Eversource  
202 volunteered to chip in and fix Brewster Road and K Smith told her to call Rick Sharboneau with  
203 Continental paving and get an estimate.

204 M Speltz stated he had been to Kendall Pond and took pictures on his cell phone to show the  
205 Commission. He stated there was used toilet paper, obscene graffiti and trash. He passed the pictures  
206 around for the Commission to look at. He wanted to pass these along to M Badois to use with her  
207 meeting with K Smith. M Badois stated that K Smith is well aware of the issues at Kendall Pond. M  
208 Badois stated that K Smith wants to patrol the area and make sure that people know that will not be  
209 tolerated here. M Badois talked about an issue of having a gate with K Smith. M Badois stated that K  
210 Smith also stated that with areas like the recreation fields it is easier to patrol open spaces. M Badois



Londonderry Conservation Commission  
Tuesday, July 11, 2017  
Minutes

211 stated she also talked with K Smith about the trash can issues. M Byerly stated that he felt the trash cans  
212 themselves are creating more trash problems and the carry in carry out policy should be enforced.

213 **Water Withdrawal Ordinance:** M Badois went to Town Council meeting last night and reported that  
214 they are still hashing out changes to the ordinance and the current will expire before they come up with  
215 a revised ordinance. M Badois stated that the Assistant Town Manager had done a lot of research and  
216 talked with Derry about they handle it. M Badois stated that the 3 favorite areas to withdrawal water  
217 are: Hall Road, Kendall Pond and the Rail Trail. M Badois stated that the rail trail is preferred because  
218 can park off the road there. M Badois stated they can get it free in Derry from a pond. M Badois noted  
219 that Derry has a \$25 a year permit to use the spigot and then on an honor system of \$4.00/1000 gallons.

220 **Baiting in conservation land:** M Badois stated she did not have this on the agenda for tonight but would  
221 like the Commission to think about a policy regarding baiting in conservation land. M Speltz asked what  
222 came of the application from last week's meeting. M Noone stated the site was on Continental Paving's  
223 land and not the conservation land. M Noone stated he had emailed the applicant. M Speltz stated the  
224 Commission could ask NHACC what other towns are doing.

225 **DRC:** The Commission observed the plans for Wicked Good Scoops. The Commission commented that  
226 the plans fail to show wetland buffer in accordance with the ZBA, but it appears that a detention pond  
227 and a deck are going to be constructed within the wetland buffer and should not be.

228 **Minutes:** The Commissioners went over the public minutes from June 27, 2017. R Fillio made a motion  
229 to accept the minutes as amended. B Maxwell seconded the motion. The motion passed, 4-0-1, with M  
230 Byerly abstaining.

231 **Non-Public Session**

232 M Noone made a motion to go into non-public session per RSA 91-A:3 for the purpose of discussing a  
233 matter related to property acquisition. The motion was seconded by M Byerly. The motion was passed  
234 by a unanimous roll call vote. M Byerly made a motion to leave non-public session and to seal the  
235 minutes of the non-public session indefinitely per RSA 91-A:3. R Fillio seconded the motion. The motion  
236 passed, 5-0-0.

237 **Adjournment:** M Noone made a motion to adjourn the meeting at 9:28 p.m. M Byerly seconded the  
238 motion. The motion was granted, 5-0-0.

239 Respectfully Submitted,  
240 Beth Morrison  
241 Recording Secretary  
242