



Londonderry Conservation Commission
Tuesday, January 10, 2017
Minutes

1 **Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Roger Fillio, Member; Mike Noone, Member;
2 Mike Speltz, Alternate Member; Julie Christenson-Collins, Alternate Member; and Casey Wolfe,
3 Recording Secretary

4
5 **Absent:** Deb Lievens, Member; Jamie Mantini, Member; Mike Byerly, Member; Margaret Harrington,
6 Alternate Member

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8 **Also present:** Bob Maxwell, Josh Cook, Jeff Merritt, Samir Khanna, and Raja Khanna

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10 M Badois opened the meeting at 7:30 pm. She appointed J Christenson-Collins to vote on behalf of D
11 Lievens and M Speltz to vote on behalf of M Byerly.

12 **New Business**

13 **McGregor Cut:** Jeff Merritt introduced himself to the Commission. He is the engineer working on the
14 McGregor Cut project. He has been before the Commission for a wetlands application for this project
15 back in February 2016. Samir and Raja Khanna are the owners of the project. Merritt passed out a small
16 set of plans to each of the Commissioners. He pointed out the buildings with 24 units in each building,
17 the clubhouse, and the 508 parking spaces. The proposed plans would put 30 acres of land into
18 conservation. J Merritt explained how the site would access utilities and that the water booster station
19 is going to create 77 square feet of wetland impact. J Merritt walked through how water will drain from
20 the site. The project has to meet Town standards and has to get an alteration of terrain permit from the
21 State. M Speltz asked why the site will not be using pervious pavement. J Merritt responded that
22 Londonderry's site plan regulations do not allow pervious pavement. J Merritt showed on the plans
23 where snow storage would be. If the site runs out of storage, the snow has to be removed from the site.

24 The conversation went back to the proposed conservation easement. The Conservation Commission
25 would be the shepherd of the easement. J Merritt passed out copies of the proposed conservation
26 easement. M Speltz expressed concerns about the change in the elevation and the risk if sediment
27 getting in the Little Cohas watershed. M Speltz would like to see a third party supervisor on site during
28 construction. After the CO's are authorized, M Speltz would like a third party reoccurring check-up to be
29 sure that crucial measures are functioning as they are supposed to. J Merritt said that the Town will
30 have Stantec inspect the construction site. Additionally, with this project, there has to be a Construction
31 General Permit from the EPA. The project also needs a Storm Water Pollution Prevention Plan (SWPPP)
32 in place. The State is also requiring a long term maintenance program in place. M Speltz clarified that he
33 wants someone to show up for work along with the operators. He is also looking for a water quality
34 sample to be taken before and after construction to get a feel for what chloride and sediments are in
35 there. After this is complete, this would only need to be done periodically for another two or three
36 years. J Merritt pointed out that other things pollute the watershed. He didn't think the tests would



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37 achieve the results that M Speltz was looking for because it would be very difficult to compare the
38 before and after values.

39 G Harrington wanted to know what kind of seeds are going to be planted – he did not want anything
40 that was invasive or anything that requires a lot of chemicals to maintain. The Commission looked at
41 page 52 on the plans. G Harrington mentioned that the Manhattan perennial rye would be hard to find
42 and that redtop is very expensive. M Speltz asked if there would be an impact on the project if the
43 easement extended a little more west. There was discussion about a proposed walking trail in the
44 proposed conservation easement area. M Badois felt that this would probably be a waste of money –
45 these types of trails are frequently removed because the residents do not want them. The trails attract
46 undesirable activity. The Commission wasn't even sure if they wanted the easement. J Merritt explained
47 the phasing plan to the Commission. M Speltz had the idea of conveying the land that was proposed to
48 be a conservation easement to the Town. He also commented that this is not an appropriate place for
49 this kind of development. The impacts exceed the benefit of having this type of housing there. The
50 Khanna brothers pointed out that the project is well exceeding the drainage requirements. In addition,
51 this site was identified by New Hampshire Housing as a good place for Workforce Housing. The Khanna
52 brothers looked at the plans for previous proposals for the site. They made an effort to condense the
53 impact on the land – only 17 of the 60 acres are going to be disturbed. M Speltz agreed that someone
54 else could have come along with a more impactful project.

55 There was a consensus among the Commission that it would be better to convey the land to the Town
56 rather than to put the land into a conservation easement. M Speltz encouraged them to include more
57 land to the west of the stream to create more of a buffer. R Fillio asked if the drop is going to be a
58 problem. J Merritt explained that if the slope is flattened, the footprint of the disturbance will increase.
59 M Speltz asked about a maintenance plan for the rip rap slope around the south west side of the
60 development. The Khanna brothers explained that part of the requirement would be for landscapers to
61 clear this out – it would be a part of site plan compliance. M Speltz asked why some people in the
62 Planning Board objected to the trash and recycling scheme. Waste Management prefers to have one
63 collection area. The collection area will have one compactor for trash and one compactor for recycling.
64 For people who live in apartments, taking out the trash is more of a daily chore and they take it out on
65 their way to work typically. The Commission initially thought it was a case of the trash compactors being
66 closer to the buildings than the recycling compactors. M Speltz asked if there is anything in the
67 regulations that would prevent these units from getting "condominiumized." J Merritt explained that
68 the State prevents this from happening for decades after the apartments open. The Khanna brothers are
69 not interested in this anyway – apartments are their business. M Speltz made a motion to recommend
70 the plan be approved as presented with the following conditions: (1) that an acceptable deed
71 transferring the proposed easement land be instead transferred to Town ownership with the



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72 appropriate restrictions that is will be used as a conservation land (2) that during the earth moving site
73 preparation phase there be a full-time on-site monitor from a third party to ensure that the proposed
74 mitigation measures are thoroughly and effectively carried out (3) that a before and after water quality
75 survey be conducted at a point most likely to get storm water flows from project area (4) and that by the
76 judgement of the Commission, the benefits of the project only marginally exceed the benefits that
77 would accrue to the Town if the project were built. G Harrington seconded this motion. The motion
78 passed 7-0-0.

79 **Old Business**

80 **Field Day:** J Christenson Collins reminded everyone that there was a date change for the Musquash Field
81 Day. The event is now on February 18th rather than February 11th. She did email Fred Borman to let him
82 know about the date change. F Borman suggested doing winter tree identification as an activity. J
83 Christenson-Collins will go to the Town Council to tell them about the event. There was a discussion
84 about getting flyers to the schools. The boy scouts and Londonderry Trailways should also be invited.
85 The event should be advertised in the newspaper and on the Londonderry Facebook page. The
86 Commission will need to get a permit from the fire department the day of the event to have a bon fire
87 going. R Fillio made a motion to spend up to \$35 for kid prizes from the petty cash. M Noone seconded
88 the motion. The motion passed 7-0-0. M Noone volunteered to bring firewood. There was a discussion
89 about having hotdogs, cookies, marshmallows, and paper products. The Commission decided on a
90 schedule for the hikes at the last meeting. They will need a gas container for the stove. M Byerly should
91 be working on the flyers. There was a discussion about having a medical safety kit on site and getting a
92 key for the gate.

93 **Stantec:** We are waiting on D Lievens to look at the contract with Stantec to make sure the latest invoice
94 is within the agreed contract.

95 **Project Leaders:** M Badois hasn't gotten the chance to review this since the last meeting.

96 **Monitoring:** M Noone has a meeting with Kevin Smith, Richard Canuel, and Chief Hart regarding an
97 Escalation process for encroachments. He still needs to write an encroachment letter to the abutter of
98 the Kamco property.

99 **Newsletter:** M Byerly sent out the latest issue today!

100 **Public Walk:** The snowshoe walk is scheduled to be this Saturday the 14th at Kendall Pond at 11:00 am.

101 **Job Description:** M Speltz will email out the latest draft of the job description so that the Commission
102 can vote on it at the next meeting.



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103 **GPS:** M Noone purchased the GPS and the Bird's Eye View content for \$239.

104 **Water Extraction:** M Badois drafted a sign for Kendall Pond and for the Rail Trail that says "water
105 withdrawal prohibited." M Speltz felt that the signs should be ordered from a company so that they look
106 official. M Badois will get an estimate.

107 **Trailways:** M Badois had a meeting with Londonderry Trailways. They are looking for a consistent person
108 to be the point of contact for trail maintenance. Additionally, Trailways received a grant to put up
109 informative signs throughout the rail trail.

110 **The Nevins:** M Badois was contacted by a landscaper who was asked to cut ragweed in the buffer at 4
111 Harriet Court. The resident there is allergic to ragweed. M Speltz said that the Ordinance does not
112 prevent mowing in the buffer. M Badois will tell the landscaper that it is not a problem to cut the
113 ragweed.

114 **Warrant Article:** M Badois read the two petitioned warrant articles that were submitted to the Town.
115 These both concern the MacGregor Cut project. One Warrant Article would allocate \$500,000 for the
116 purchase of the property. The other Warrant Article would authorize the Conservation Commission to
117 purchase the property. M Speltz clarified that the property does not abut town-owned conservation
118 land.

119 Town Council heard the Warrant Article presentations. M Speltz summarized the petitioned warrant
120 article presentation: They want recreation land on the South end of the Town. This project would
121 improve security. This project would include 550 feet of new trail. The formal budget public hearing is
122 next Monday. They submitted 50 signatures so it should be on Warrant. M Noone explained that there
123 are three ways the Commission could get the money to do this project: (1) from the Town budget (2)
124 from the Warrant Article (3) from the land use change tax. M Noone felt that it might make sense to
125 reach out to the abutters in advance. They should be included in the design phase especially since there
126 are concerns about lighting. M Speltz said that they should certainly comply with the Town's lighting
127 regulations.

128 **Mitigation Site on South Road:** The Commission received a monitoring report for the site. ATV use on
129 the site has increased remarkably. Fish and Game needs to figure out who is responsible.

130 **North School:** M Speltz had a good meeting at the North School. There will be a section of 20 kids from
131 the fourth and fifth grades. The program will be from 3:30 to 5:00 each Thursday in four six-week
132 phases. Two of these phases will be in the Spring Semester and two of these Phases will be in the Fall
133 semester. The focus will be on what happens in the woods in the winter. The Commission is a resource.
134 There will probably be another meeting next month or so. Then there will be another in May for an after



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135 action report. The Commission will receive \$500 to cover material expense and a \$500 stipend for
136 participation. M Speltz explained that these are the future voters and that we need to get them closer to
137 nature.

138 **DRC:** The Commission observed the plans for the Tower of off Chase Road. The Commission commented
139 that the Planning Department should ensure that the applicant is obligated to remove the tower if it is
140 no longer in use. They also asked if the barbed wire is necessary in an AR-I zone.

141 **Non-Public Minutes:** There was a discussion about starting the redaction process of the nonpublic
142 minutes from the last couple of years. C Wolfe did find them on the server.

143 **Minutes:** R Fillio made a motion to accept the minutes as amended. M Speltz seconded. The motion
144 passed 7-0-0. M Speltz made a motion to accept the non-public minutes as amended. G Harrington
145 seconded the motion. The motion passed 7-0-0.

146 **Adjournment:** M Speltz made a motion to adjourn the meeting at 10:28 pm. G Harrington seconded the
147 motion. The motion passed 7-0-0.

148 Respectfully Submitted,

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150

151 Casey Wolfe

152 Recording Secretary