



Londonderry Conservation Commission

Tuesday, April 10, 2007

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Present: Deb Lievens; Mike Speltz (late); Ken Henault; Paul Nickerson; Truda Bloom; George Herrmann; Mark Oswald and Stephen Fassi

Call to order

D. Lievens appointed G. Herrmann to vote for Gene Harrington who was absent.

D. Lievens appointed M. Oswald to vote for Mike Considine who was absent.

Cider Mill Crossing (a/k/a Doxon Realty Trust)- Todd Connors of Sublime Civil Engineering returned with Paul Morin of Tarkka Homes to update the LCC on changes made to this subdivision plan on lot 15-215-1 after recent meetings with the Planning and Public Works Department.

As explained at meetings on October 10th and 24th of last year, the private road leading off of Mammoth into this 44 unit elderly housing complex was originally designed to be 20 feet wide in order to minimize wetland impact. While that would mean the road would not be up to Town standards, the LCC had supported the attempt to reduce wetland disturbance by recommending approval of the Conditional Use Permit to the Planning Board. Similarly, the Planning Board felt the applicant's requested waivers from Town requirements were "project appropriate". The Department of Public Works, however, still insisted that their 28 foot wide road standard be enforced. A compromise was then proposed by the Planning Board where a width of 24 feet and 6 foot wide sidewalks will be required.

M. Speltz arrived.

The additional impervious surface and resulting need to expand the size of the larger detention pond will cause an additional 1,323 square feet of wetland impact (5,073 total) and 4,960 sf of buffer impact (5,595 total). A small part of that total buffer impact includes 635 sf which will occur on the southwest corner of the development (marked "E1" on the plan). A treatment swale was added there behind proposed unit 6-2 to handle runoff diverted to that area. In order to allow the grading of the swale to reach back up to the natural elevation of the land, he explained, it had to be extended into the buffer.

T. Connors and P. Morin were joined by Tara Crowley, a direct abutter living on lot 15-195 (Buckthorn Street), whose lot is impacted by the stream channel which naturally flows from the wetland running across the eastern border of the development. This flow is currently being handled on their property by a 12 inch culvert. Unable to handle the water capacity during heavier storms, the culvert causes the back of their property to temporarily flood. T. Crowley provided photographs and noted that this has already occurred twice this year. With a substantial increase now expected in impervious surface, the Crowley's are concerned about increased flooding. P. Morin has been working with the Crowley's to ensure that the development does not add to the issue.

When the LCC recommended approval of the applicant's Conditional Use Permit in October, it was subject to the inclusion of two 18 inch elliptical culverts at the wetland crossing "to support animal movement in the area". To assist the Crowley's, however, the applicant has replaced those two 18 inch culverts with 15 inch culverts to decrease the rate of flow onto their lot just enough to allow their 12 inch culvert to better handle the input. Their 12 inch pipe may also be replaced with a 15 inch one which will retain more of that reduced flow underground and away from the surface in the Crowley's backyard. (Although an even larger pipe could be used there, it would be futile since Buckthorn's drainage system utilizes a 15 inch pipe). T. Connors acknowledged that an existing berm on abutting lot 15-215 could be extended along the Crowley's back property line to diminish the flow rate but doing so would



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undoubtedly flood that abutter's land. Regardless of the Crowley's issue, the DPW said they would be recommending smaller culverts at the crossing to the Planning Board. T. Connors explained that this will result in a great reduction of potential animal movement.

When asked if the culverts could be relocated, he replied that they cannot be moved to another part of their roadway because of DPW requirements in conjunction with the topography. M. Speltz posed that rather than changing the culvert size, perhaps one of the two detention ponds on the eastern side could be enlarged to temporarily hold some flow from that wetland. T. Connors replied that from an engineering standpoint, he did not think that would be possible.

In discussing the added buffer impacts, T. Connors noted that the additional intrusion around the larger detention basin will at least be on the outer 25 feet of the buffer. M. Speltz asked as he did at the previous presentations whether a reduction in units would be possible to eliminate the impacts, particularly since economic advantage cannot be the sole reason to justify approval of a CUP. P. Morin reiterated that not only has he already minimized his profit margin by proposing a 44 unit development where as many as 55 units would be allowed, he has been burdened with having to satisfy the many various Town requirements and has tried to do so without making any unreasonable requests.

At the October 24th meeting, the motion to recommend approval of the CUP had also included the condition that "plantings be added to the area beginning at the southeast corner of unit 7-1 in between the driveway and wetland, continuing to the southernmost lot line." T. Connors stated that the DPW had agreed to allow *native* species to *naturalize* along the embankments of the detention ponds, which is exactly where the majority of the buffer impact lies. Only the basins themselves will be maintained according to DPW standards. M. Speltz asked if a note could be included on the plan requiring that the walls of the detention ponds not be cut. T. Connors did not believe that there would be that great of a chance that woody vegetation will need to be removed and added that the DPW will almost certainly oppose it. He added, however, that the LCC can still make the recommendation and allow the Planning Board to make their decision.

D. Lievens entertained a motion. **M. Speltz made a motion to recommend approval of the Conditional Use Permit subject to recommendation that the plan note that the berms on the two detention ponds along the wetlands not be cut and with the recommendation that the private road and sidewalk be kept to a minimum width to minimize impact to the wetlands. P. Nickerson seconded. The motion was approved, 7-0-0.**

NHACC handbooks- D. Lievens gave new Commissioners T. Bloom and S. Fassi "Handbooks for New Hampshire Municipal Conservation Commissioners," courtesy of the New Hampshire Association of Conservation Commissions. **She then entertained a motion to authorize the Chair to expend an amount not to exceed \$36.00 from the line item budget to pay the NHACC for the two handbooks. M. Oswald so moved. K. Henault seconded. The motion was approved, 7-0-0.**

Camping policy- Although there few requests each year to camp on conservation land, the LCC previously decided that a formal procedure should still be documented. D. Lievens had asked members to consider language that had been entertained at the March 27th meeting and return with any further comments, changes, etc.

After some discussion, the LCC determined that the formal policy would be comprised of the following language: "Camping on conservation land is not customarily permitted. Recognized nonprofit organizations may seek authorization from the Londonderry Conservation Commission to use the land for camping. The Conservation Commission will review each request on a case by case basis. If approved,



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the Conservation Commission will stipulate in each instance that the requisite fire and/or vehicles permits be obtained.”

K. Henault made a motion to accept the above language as the Conservation Commission’s policy for camping on conservation land. M. Oswald seconded. The motion was approved, 7-0-0.

Voting- Previously, the LCC had discussed whether formal votes were necessary for their comments that are made for the Town’s Design Review Committee (DRC). Since a consensus is always arrived at when comments are committed to paper, it was decided that such a procedure was in and of itself a vote of approval and that the minutes can reflect that the LCC arrived at such a consensus.

Open Space funds- Requests have recently been made asking the LCC for a review of purchases made with Open Space funds and how many tax dollars have been saved by averting development which would increase demands on town services. The LCC decided to invite the Budget Committee and interested parties to one of their two May meetings. Because of the limited space in their normal meeting room, the LCC will attempt to reserve the Moose Hill Council Chambers.

March 27, 2007 minutes- **M. Oswald made a motion to approve the minutes of the March 27, 2007 public session as written. G. Herrmann seconded. The motion was approved 7-0-0.**

G. Herrmann made a motion to approve the minutes of the March 27, 2007 nonpublic session as written. M. Speltz seconded. The motion was approved 7-0-0.

Respectfully submitted,

Jaye Trottier
Secretary