



Londonderry Conservation Commission  
Tuesday, May 22, 2007  
Minutes  
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**Present: Deb Lievens; Gene Harrington; Mike Speltz; Ken Henault; Paul Nickerson; Truda Bloom; George Herrmann; Mark Oswald**

Vice Chair G. Harrington called the meeting to order and appointed G. Herrmann to vote for M. Considine who was absent.

D. Lievens arrived.

April 24, 2007 minutes- **G. Herrmann made a motion to approve the minutes of the April 24, 2007 public session as written. M. Speltz seconded. The motion was approved 6-0-0.**

K. Henault arrived.

May 8, 2007 minutes- **M. Speltz made a motion to approve the minutes of the May 8, 2007 public session as written. G. Herrmann seconded. The motion was approved, 7-0-0.**

JPS Motors CUP- Jack Szemplinski of Benchmark Engineering presented a site plan for map 13, lot 64, which was recently purchased by JPS Motors for their used car business. Part of the site plan approval requires that the gravel area within the 50 foot Conservation Overlay District buffer be loamed and seeded to stabilize the soil, although no work will be done closer than 10 feet from the wetland. A Conditional Use Permit has been applied for with the Planning Office and J. Szemplinski said he would forward a copy to D. Lievens in the immediate future. M. Speltz asked if any grading would be done. J. Szemplinski said it would be kept to a minimum but that the loam would need to be evened out. He also pointed out that a small detention pond will intercept storm water runoff and treat it before it goes to the large wetland across the street.

Technically, notification was due to the LCC for approval of any work being done in the buffer, yet loaming and seeding would not necessitate a CUP as long as the area is allowed to naturalized since that would be considered an agricultural use. After acknowledging the environmental improvement of the plan, M. Speltz asked that conservation boundary markers be placed along the buffer and that a note be added to the plan to ensure it is not maintained in any way after it is established.

**G. Harrington made a motion that the LCC recommends approval of the CUP because they accept the concept of reseeded within the COD buffer for map 13, lot 64 as proposed on the plan presented, subject to the placing of conservation boundary markers along the edge of the buffer as well as a notation on the plan that the buffer area is not to be mowed or maintained. M. Speltz seconded. The motion was approved, 7-0-0.**

School bus terminal, 14-44-11, CUP- Keith Coviello and Todd Connors of Sublime Civil Consultants were present on behalf of the Londonderry Housing and Redevelopment Authority to request a CUP for a school bus terminal project at 21 Harvey Road. Previously, the LCC had reviewed the plan for the Design Review Committee, commenting that it lacked a wetlands scientist's stamp and designated areas for snow storage. K. Coviello verified that the stamp has been obtained and indicated that the snow storage (originally placed near the southeastern lot line) has been relocated to two areas along the northern border and another near the northeast boundary.



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In addition, the LCC had previously noted that the “drainage detention area violates the wetlands buffer”. Under the ordinance, any wetland under one half acre in size is not afforded a COD buffer. The area of wet on this site amounts to .281 acres. According to Planning staff, unless a wetland has been mapped and recorded, the applicant needs to only address the wetland on their own site. Therefore, no buffer would be infringed upon because none would exist.

A discussion then ensued because the LCC insisted that the applicant must measure the entire wetland and demonstrate that it is, indeed, less than a half acre. Otherwise, it is automatically assumed that the wetland is greater than a half an acre and the COD buffer is triggered. G. Harrington noted that the specific language states that “buffers are applied irrespective of lot lines and municipal boundaries,” (Section 2.6.3.2.5). D. Lievens explained that the intent was based on the concept that wetlands larger than a half acre are worth the added protection of a buffer and therefore need to be properly identified, especially when it is unclear how large the wetland may actually be. She said she would contact the Town Planner. Once the issue is resolved, if a buffer does exist, the applicant will need the LCC’s recommendation regarding a CUP.

If there is a buffer, M. Speltz suggested that carpooling might be an option for the associated employees since it would result in a smaller parking lot, meaning the drainage could be moved further from the wetland. G. Harrington asked if some parking or maintenance spaces could be repositioned just west of the terminal structure to achieve the same result but T. Connors explained that the septic system is already located there. Since the LHRA also owns two lots north of 14-44-11, M. Speltz posed that perhaps a lot line adjustment of some sort would provide the necessary space. T. Connors said it could be investigated.

If it is determined that a buffer is necessary, K. Coviello and T. Connors will return for the June 12<sup>th</sup> meeting.

Cider Mill Crossing- T. Connors of Sublime Civil Consultants reviewed the several versions of this plan since the LCC first reviewed it. Originally, the road was 20 feet wide, resulting in a majority of both the wetland and buffer disturbance (3,750 and 26,000 total square feet respectively). The Department of Public Works, however, has been consistently adamant that the road be built to Town standards, (i.e. 28 feet, for a vehicle speed of 35 mile per hour), even while the Planning Department was willing to compromise on a 22 foot width with additional sidewalks. At the last Planning Board hearing, the applicant was instructed to work with the DPW to design a road 24 feet wide with three foot gravel shoulders to a 25 mph standard under National Engineering guidelines, adhering to Town standards wherever applicable and retaining the sidewalk with a ditch added between it and the road. The Town did agree to modify the roadway slope requirement from 4:1 to 3:1 which will still create impact, although slope stabilization can be achieved with vegetation as opposed to rip rap.

This directive has caused the road to be straightened, the cul de sac replaced with a four way intersection, the first three units closest to Mammoth repositioned to be north of the entrance rather than south and the reconfiguration of buildings two and seven, resulting in a net loss of one unit. M. Speltz mentioned that he had asked at a prior meeting if one or two units could be removed but was informed that doing so would make the project economically unviable. Paul Morin of Tarkka Homes replied that with all the various changes and compromises, it is a different scenario because the economics of the entire project have changed.

Wetland impacts have almost doubled to 6,895 sf while buffer impacts have increased by just over 9,000 sf to 34,795 sf. T. Connors did not believe that the size of the detention ponds will have to be increased but is still unsure of the exact amount of pavement that will be included in the entire



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project. When asked, he added that he could make another attempt to redesign the southern pond so as to remove even a few feet of impact from the buffer. If and when this plan is approved, the wetlands permit will need to be updated with the Wetlands Bureau. A previous agreement with the LCC to revegetate the two swales with native, noninvasive species and allow them to naturalize is still in place. T. Connors identified a recent additional buffer impact of nearly 2,000 sf added on the southeastern edge of the project because of an extension of the sidewalk onto Mammoth road requested by the Planning Board. It will actually provide some “minimal” treatment for roadway runoff where none exists currently.

In one of the earlier plan iterations, two 18 inch elliptical culverts were to be placed under the entrance at the wetland crossing per the LCC’s request for the sake of wildlife movement in the area. A flooding issue on a southern abutter’s lot was then considered and a smaller, square culvert will be used to slow the flow of water onto that lot. M. Speltz noted that if it were not for that flooding concern, the outlet could be enlarged, increasing the flow to the south but decreasing the size of the detention pond and hence, the buffer impact.

Considering the increased impact and overall greater threat to the environment, the LCC hesitated as to whether to support approval of the project. D. Lievens and G. Herrmann stated that the project itself would be a vast improvement over the self storage units that have been approved for that lot. If the driving force behind the need for a wider road is the Planning Board’s concern that the Town may one day be forced to assume responsibility for the road, M. Speltz suggested that a legal avenue such as a deed restriction be pursued to preclude any owner, present or future, from doing so. He offered to speak at the next Planning Board hearing to explain this. M. Oswald noted that developments have been held to similar restrictions, such as occupants having to be 55 and over or no younger than 18.

P. Morin said he fully appreciated the LCC’s concerns and reiterated that their original plan was engineered to minimize impacts. He asked, however, that the LCC support this plan as it is the best compromise that will still fulfill the numerous Town requirements to which he must adhere. Following further discussion, **M. Speltz made a motion to recommend approval of the CUP on the conditions that the entrance drive be no more than 20 feet in width and that the appropriate documents be recorded to ensure the residents may not request the Town accept ownership and maintenance of the entrance drive. G. Harrington seconded.** D. Lievens agreed with P. Morin that such a motion does not address the plan currently before the LCC. Although she would not vote favorably on the above motion, D. Lievens acknowledged that the project as a whole should not be denied. After further discussion, **the motion was approved, 6-1-0.**

Cross property, Adams Rd. CUP- The engineer involved with this subdivision on 6-79 (see January 23<sup>rd</sup> and February 13<sup>th</sup> minutes) sent a copy of a modified plan reflecting DRC comments and asked that the LCC forward their remarks to the Planning Board. It was specifically noted that there would be no buffer impact. The consensus was that the LCC had no objections with what they were given.

P. Nickerson left. D. Lievens appointed M. Oswald to vote in his place.

Hillside Senior Housing CUP- Although this project had been before the LCC in June of 2006 and again later during the DRC process, the necessary CUP was never brought before them.

The main issue for the LCC to consider was a portion of the required emergency access road off of Beacon Street which falls in the COD buffer. Being a gated access, there would be no traffic



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impacting the buffer unless emergency vehicles need to gain entrance. This 1,200 sf intrusion into the buffer would be the only one on the site and there will be no intrusions on the wetlands. Per the LCC's request, the current plan shows that the road was pulled to the outermost 25 feet of the buffer. The LCC had also requested the prohibition of salt use on the road but it could not be verified that a note was included on the plan because the print on the reduced copy was too small. It was also discovered that the incorrect form had been used for the CUP request.

**G. Harrington made a motion to recommend approval of the CUP, pending the application of the correct CUP form and with the condition that no salt be used on the emergency access road. K. Henault seconded. The motion was approved, 6-0-1 (M. Oswald abstained).**

DRC's (2)-

1. Forest Kimball three lot subdivision, 11-55-14

Comments: No wetlands scientist stamp.

2. Nevins Expansion site plan, 7-123

Comments: Conservation Overlay District signs

Concern about pollutants in parking storage area. How will they deal with this? Recommend containment and scheme for potential spills.

Drainage swale from parking draining into the wetland through the buffer.  
Need for CUP?

Budget Committee workshop- The LCC met with the Budget Committee on May 8<sup>th</sup> to discuss funding for the Open Space plan. Much of the discussion centered on how much cost avoidance is achieved by conserving land and preventing development. Budget Committee Chairman Tom Freda felt if the LCC were going to present that argument to have tax money appropriated, the taxpayers should know the actual figures involved.

Since that meeting, M. Speltz discovered information recently posted on the Town website regarding affordable housing in several NH towns (see [www.londonderrynh.org](http://www.londonderrynh.org); Boards and Commissions; Housing Taskforce; General NH Housing DATA; "*Housing & School Enrollment in NH: An Expanded View*"). The data demonstrates that the best indicator of the average number of children per household in new construction is the number of bedrooms, regardless of the type or size of house. Londonderry has been using the assumption that an average number of .8 children reside in a new four bedroom house but the new statistic places the average at 1.4, meaning a greater cost avoidance. Considering the information was consistent amongst the different towns and was on a scale much broader than Londonderry, M. Speltz thought the information would be very reliable. The other main factor in the equation, he explained, is whether you assume that the State will fund education and at what level.

Following the workshop, T. Freda submitted a petition article to the Town to use \$1,855,000.00 currently in the Open Space Fund and put it towards a bond for a new north/west Fire Department substation, a bond item which failed to pass at this year's Town Meeting. Town Counsel Bart Mayer responded in a Manchester Union Leader article that such a petition would be illegal.

T. Freda told the Union Leader that despite B. Mayer's comment, he would still pursue the matter. M. Oswald stated that the money currently in the OSF could easily be used before this petition,



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if pursued, comes up at the 2008 Town Meeting. G. Harrington added that the LCC would actually have until the new fiscal year starting July 1, 2008. Even if an acquisition is not completed by that date, having something in place like a Purchase and Sale agreement should secure the OS funds. In any event, any warrant article would first need 60% of the vote to pass.

M. Speltz and M. Oswald will be taping a program at the Cable Access Studio educating the public about open space which should run at least through the summer. M. Oswald stated that he would also like to have a studio crew visit various conservation pieces (e.g. the Higgins easement, Ingersoll, etc), to show residents what is being conserved.

Merrill easement- Ken Merrill forwarded a copy of a letter sent to PSNH regarding work being done on the easement section of the Merrill's lot located on map and lot 17-32A. The Merrills expressed their ongoing concern for damage done to the access road and wetland areas, not only by the work itself but because their removal of a section of stone wall has encouraged illegal dumping and ATV use. His letter outlines the remedial steps the Merrills expect PSNH to take, i.e. replacing the stone wall, restoring the lot to its original condition and establishing methods to prohibit illegal entry, especially by motorized vehicles. He explains that the Rockingham County Conservation Commission and the LCC have executory interest in the parcel and will both be kept informed on the matter.

Monitoring- D. Lievens noted that Nancy Roka of the RCCD has completed the monitoring of the Merrill property and will soon be doing Sunnycrest as well.

G. Harrington made a motion to adjourn the meeting. G. Herrmann seconded. The motion was approved, 7-0-0.

Respectfully submitted,

Jaye Trottier  
Secretary