



Londonderry Conservation Commission
Tuesday, June 27, 2006
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Present: Deb Lievens, Gene Harrington, Mike Speltz (late), Mike Considine and Paul Nickerson

Call to order

Mammoth Rd/Rockingham Rd/Page Rd CUP's- A presentation had been made on May 24th regarding Conditional Use Permits required for a project proposed by Workplace Systems, Inc. on lots 15-239, 15-235, 17-25, 15-238 and 15-236. The previous location of the sewer line which was partially in the buffer has now been moved completely outside as requested. During construction, the temporary impact area will be kept to the upland side to further avoid the buffer. G. Harrington asked that this line be specifically flagged to ensure this as well as marked with conservation boundary markers once the project is completed. A second temporary impact will occur at a utility crossing..

The third impact will take place where a section of the access road was already paved years ago. In order to increase sight distance for today's larger trucks maneuvering around this corner of the building, the embankment will be pushed out, impacting the buffer and increasing the paved area from 18 feet to 25 ft. Vegetation similar to what is existing on the slope will be planted as part of the restoration plan.

Following a recent site walk, G. Harrington and P. Nickerson signed off on the Minimum Impact Dredge and Fill required for the total of 2,600 sf of wetlands impact in three areas, including the embankment. The Town Engineer will be consulted the first week in July to seek his approval of the 2:1 and 1.5:1 slopes.

M. Speltz made a motion to recommend approval of the CUP's for the above plan as presented at the June 27, 2006 LCC meeting, pending acceptance of said plan by the Public Works Department, (i.e., any changes made by the Public Works Department will result in the applicant returning to the LCC), and with the inclusion of temporary flagging and permanent conservation boundary markers as stated above. P. Nickerson seconded. The motion was approved, 5-0-0.

June 13, 2006 minutes-

P. Nickerson made a motion to approve the minutes of the June 13, 2006 public session as presented. M. Speltz seconded. The motion was approved 4-0-1. (D. Lievens abstained as she had not attended the meeting).

Emergency authorizations- D. Lievens made LCC members aware that the Town applied for emergency authorization for activities on Industrial Drive for Little Cohas Brook, Adams Road for an unnamed brook and Coteville Road for Shields Brook during recent flooding. Official applications will be submitted to the State before July 31st.

M. Speltz asked if an open bottom box culvert could be included on the work done at Little Cohas Brook. D. Lievens felt it would probably be too late to request it but G. Harrington suggested asking the Public Works Department to make note of all the places where such box culverts could be utilized in future situations.

Sanborn Road restoration project- D. Lievens visited this site where the Town employed EnviroSense to test for hazardous compounds and will be removing items left over from the previous auto salvage yard. She commented that the property seems to be in good condition despite its history and mentioned the variety of wildlife she noticed. After her site walk, D. Lievens' suggested to Carolyn O'Connor that the lot would make a good park with a trail and perhaps one field area for sport as opposed to using the entire area as recreation fields. As stated in the May 23rd minutes, the Wetlands Bureau has waived their usual



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regulations since the project is a municipal one and will improve the site and asked that Envirosense simply coordinate with the LCC. D. Lievens confirmed that from her observation, the improvement is well worth the small impact involved.

Tanager landing changes- D. Lievens updated the LCC regarding the box culvert bridge at Tanager Landing that was supposed to have a natural bottom per the site plan but was rip rapped instead. The LCC had voted to recommend to the Wetlands Bureau that the rip rap be removed and the natural bottom be restored and were informed that this would begin to take place this summer. The result will be a widened path conducive to wildlife movement.

DRC-s (3)-

1. Wiley Hill Road subdivision, 5-10-23, 5-12 and 8-19

Comments: Question on bounds on northwest corner, sheet 5 of 14; why is property line to be verified by boundary line agreement? (On Northeast Grid property).

D. Lievens noted that the Planning Board will be holding a public meeting regarding the Town's purchase of the George property as mentioned above on July 5th. She asked for a volunteer from the Commission to join her in attending the meeting. M. Speltz and P. Nickerson said they would try to be there.

2. Cross, Adams Road subdivision, 6-79

Comments: Commission would like to see the placement of houses, septic, driveways, etc before we can make any comments.

3. Fillion site plan, 2-34-3

Comments: "Route 202"?
Snow storage not marked.

Watts Road project- Jack Szemplinski of Benchmark Engineering presented for Mr. and Mrs. Leo Rochon, owners of 11-40 on Watts Road. Because the owners proposed a conventional subdivision, the Public Works Department was requiring that the gravel road be paved at a width of 28 feet to bring it up to Town standards. Feeling this would be superfluous, the owners then considered a backlot subdivision. J. Szemplinski explained that this would add some open space to an area already preserved in part by the Town (e.g. lot 11-44A) and would give his client's the chance to argue that widening the road for four house lots would seem excessive. Therefore, they were coming to the LCC for any guidance or assistance.

M. Speltz noted that the intent of the backlot development ordinance is to not only conserve the front portion of the property but to conserve it in order to preserve a more scenic byway along a more traveled area like Mammoth Road or Route 102. G. Harrington added that if the LCC wanted to place an easement in the area, it would be along Watts Brook. They both suggested an open space subdivision whereby the houses could be clustered toward the eastern end while the brook could be protected on both sides by easements. J Szemplinski explained that this would require a fifteen acre minimum which the owners do not have.

The LCC stated that the only support they could lend would be towards an open space subdivision and only if the argument were compelling enough.



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Gagnon retail site- George Chadwick from Eric Mitchell and Associates presented a plan for a retail development on lot 15-128 between Mammoth Road and Smith Lane. The LCC reviewed this previously as a DRC. G. Chadwick noted that their two design review requests have been addressed, one for notation of snow storage and the other for a complete plant listing,. The building would consist of retail stores on the main level with office space on the second.

A wetland buffer impact would occur on the eastern side of the property (where the gas pipeline easement runs through) for grading purposes associated with drainage and sewer. No pavement will be added there but the fill will total roughly 1,600 sf of impact and a CUP will be required. In view of this impact, D. Lievens asked if the snow storage now noted on the plan could be relocated further north and away from the buffer. G. Chadwick stated that he could make a note on the plan stating, "No snow to be stored along the wetland buffer in the southeast parking area (24 spaces)." The LCC agreed. When asked, he also said he would look into prohibiting the use of salt on the property altogether. Runoff will be channeled from the parking lot onto on site drainage, under the road and into the large wetland complex on the west side of Mammoth Road.

G. Chadwick will return on July 25th with the CUP application.

Mr. Steer site- The owner of Mr. Steer on Route 102 is proposing to move his store from lot 6-35-17 across the street to 6-30 on Buttrick Road as part of a retail shop development. While the lot lies within the Performance Overlay District, since it is under three acres, the POD ordinance does not apply.

The slope of the land is from west to east, dictating that drainage would best be placed on the eastern side along Route 102. G. Chadwick confirmed that the plan would not alter drainage to abutting lots. M. Speltz noted that the location of the detention basins, similar to the lots to the north, will improve the scenic view from Route 102. To ensure visibility of the building, however, vegetation will most likely be kept under eighteen inches high. It was suggested to G. Chadwick that the proper kind of bushes, properly maintained, can provide greenspace without blocking the view. A viewshed easement was discussed as a possibility, as well as Conservation Boundary Markers. Following further consideration, G. Chadwick said they would try to preserve as much vegetation around the wetlands as possible.

Two wetland areas exist, one in the middle and another towards the east. Each is less than one half of acre, meaning the Conservation Overlay Buffer ordinance does not apply. Approximately 7,000 sf of wetlands impact will occur and G. Chadwick will return on July 25th with the D+F application.

Elliot Medical Facility D+F- Ken Rhodes presented on behalf of the Elliot Medical Facility regarding an amendment to the D+F that the LCC gave consent to back in January this year. The original request, related to the widening of Mammoth Road for turn lanes, involved a guard rail and three areas of wetlands impact totaling 515* sf. The owners of the section of right of way, the New Hampshire Department of Transportation, also needed to acquire permission from abutting property owners in order to obtain easements on their lands for sloping and drainage. Only one out of the two consented, leaving the NHDOT to decide to remove the guardrail in the interest of leaving the scenic byway unobstructed. This, in turn, would mean that the slopes would need to be decreased, further impacting the wetlands. The impacts will increase to 2,500 sf. Because the project would still retain its minimum impact status, the Wetlands Bureau would only have to be notified of the change. Following the disturbance, the area would be restored.



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M. Speltz questioned whether the terms of the CVS easement would allow for the necessary soil disturbance beyond the right of way. Upon review of the easement, it was found that excavation, dredging, filling, disturbance or alteration are prohibited for such reasons. The solution would be a friendly condemnation made by the State. K. Rhodes expects that the State historically does not grant such condemnation since it is not their project. Upon further analysis, it was decided that since the easement allows for disturbance when it involves the “maintenance of the capacity of the conservation area to accept, store and discharge stormwater drainage,” and the project will improve the slopes and therefore also the capacity for stormwater flow, then perhaps the argument can be made for this exception.

M. Speltz clarified on behalf of the LCC to K. Rhodes that they consider the revised plan to provide better overall conservation and scenic value than the original plan and that the LCC relies on the exception in paragraph three of the easement that allows disturbance for the purpose of maintaining the capacity to accept stormwater drainage because this proposal would reduce the slopes and thereby reduce the velocity of the discharge.

(*This impact amount was originally stated as being 595 sf in January, 2006).

Open Space Task Force- M. Speltz stated that the OSTF’s final report has been presented to the Planning Board and Town Council. He is awaiting for the acceptance of the OSTF’s recommendation of goals in order to prepare for the Capital Improvement Plan submissions due at the end of July.

Respectfully submitted,

Jaye Trottier
Secretary