



Londonderry Conservation Commission

Tuesday, November 14, 2006

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Present: Gene Harrington (acting Chair); Ken Henault; Mike Speltz (late) and Mark Oswald, Town Council Liaison (late)

Call to order

Penske trucking, Page & Mammoth roads- Bob Davidson of Hayner/Swanson presented this conceptual design for map and lot 17-27 along with Bob Prokop of Wetland Consulting Services who flagged the associated wetlands.

Penske trucking is looking to expand beyond their Manchester site by building a 17,000 square foot maintenance/office building on this 13.9 acre property which sits at the corner of Page and Mammoth roads. In addition to this proposal, the property owner is currently seeking to extend water and sewer services north on Mammoth to provide for lot 27 as well as adjacent lot 45. (That project will involve three small wetland impacts near Sanborn Road which will require a Dredge and Fill application).

Approximately five acres on lot 27 are wetlands while nearly six and a half acres will be covered with impervious surface. Runoff flows away from the highest point in the northernmost corner to the wetlands along the southeast/southwest borders and then moves in a northerly direction along Mammoth Road. Because the slope of the site will be reduced from six to four percent, retaining walls will be added along the southwest and southeast edges of the parking lot. Site Specific and sewer connection permits will need to be obtained from the State before the plan can even be brought before the Planning Board.

While there will be no direct wetland impacts, .68 acres or 26% of the wetland buffer will be disturbed. B. Davidson explained that runoff will be directed to a closed drainage system where an underground Vortech unit will initially treat the water. (An entirely underground system, which would eliminate intrusion into the buffer, was originally proposed but the Town Engineer will not approve such a method). The treated water will then move to a detention basin, onto a grass treatment swale and then to the wetlands. Calculations show that the rate of runoff will be no greater than the current rate. Buffer impacts will occur mainly because a wetland area will be "created" all along the 25 outer feet of the 50 foot buffer, allowing the land to slope back down towards the existing wetland and add further, more natural storm water management. The remainder of the disturbance will be caused by small portions of detention ponds and swales. The disturbed areas will be able to recover the majority of their vegetation over time.

M. Oswald arrived.

G. Harrington appointed M. Oswald to vote for Deb Lievens.

M. Speltz also arrived.

B. Prokop reviewed the wetland types which are mostly mixed forest. Part of the storm water management, he explained, was to design a system where shallow and deep marsh areas would be surrounded by forested and shrub areas. This would provide more valuable treatment than the standard "golf course" style detention pond. G. Harrington stated that they would essentially be taking upland buffer and turning half of it into wetland which would then not have any buffer. B. Prokop acknowledged this but countered that large wetland buffers are typically needed where no storm water treatment exists. Under this design, much of the treatment will occur before the runoff reaches the buffer, so a smaller buffer would still be as effective. This proposed design will merely be utilizing a smaller amount of buffer in a way comparable to the function of the current larger buffer. G. Harrington stated that a wetland with a fifty foot buffer that is currently not threatened by any development would become threatened by new development yet have a reduced buffer. K. Henault added that the intent of the buffer was to add 50 feet of protection around the wetland, above and beyond any treatment measures. M. Speltz pointed out that creating a new wetland will in turn create an entirely new buffer where the impervious surface is proposed. B. Davidson said he could speak with the owner of Penske to



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see if any pervious surface could be a possibility. He noted that the detention basin will also develop into a wetland over time but M. Speltz suggested they not rely on that point since the Department of Public Works will not allow woody vegetation to grow for fear that it will create a damming effect.

The overall comment from the LCC was to attempt to reduce or eliminate the buffer impacts. The size of the site, according to B. Davidson, is deemed necessary to accommodate the amount of room the trucks will need for turning. M. Speltz reminded B. Davidson that one of the criteria required to obtain a Conditional Use Permit is to demonstrate that justification for the impact is not solely based on economic advantage. The reasoning in this situation, he argued, would appear to him to be solely economic. G. Harrington suggested that since retaining walls will be installed along the edge of the parking lot, the detention basin could be shifted so the northeast portion of the site could be steepened, thereby removing the impacts altogether.

B. Davidson will convey the LCC's comments and return at a later date.

Walgreen's easement- Attorney Morgan Hollis of Hollis and Gottesman was joined by Attorney Ron Feldman (counsel for the future owner) and Sherrie Davis of New Hampshire Soil Consultants to review the latest draft of this easement. What was originally intended to be a separate lot deeded to the Town has evolved into a standard conservation easement, which has been reviewed and edited by Town counsel. (See attached "Exhibit A"). As requested by the LCC, the more thorough legal description of the drainage system has been included, along with a detailed plan which has been recorded. Atty Hollis noted that while this drainage system lies within the bounds of the easement, it is technically separate from it. This site plan has been tied into the lot line adjustment plan as well.

Atty Hollis then reviewed the changes proposed by M. Speltz (see highlighted portions of "Exhibit A" for all suggested changes), with which they had no further issues. He indicated that the indemnification clause had been removed per the LCC's request. The change on page two from the term "grantee" to "grantor" regarding the drainage system was also discussed and decided that "grantor" was the appropriate terminology.

M. Speltz informed other LCC members that the Town's attorney had suggested the LCC could approve the easement at this meeting if they felt such an endorsement was in order but noted he still would be resolving some technical matters to his satisfaction. As there were no objections to the latest revision, **M. Speltz made a motion to recommend approval of the easement as presented by the applicant to the Town Council, subject to the resolution of the few remaining technical issues by the Town's attorney. K. Henault seconded. The motion was approved, 4-0-0.**

CTAP conference- G. Harrington asked for a volunteer from the LCC to attend the December 2nd conference of the Community Technical Advisory Program which will advise area towns on the potential influx of development accompanying the expansion of Interstate 93. While none of the members present will be available, M. Speltz described the conference as an opportunity for towns to become aware of the various resources CTAP has to offer regarding such large scale planning. While Londonderry would not need as much guidance with a topic like open space planning (due to the recent adoption of their second Open Space Plan, the Town could still benefit from insight into drafting new regulations that could be a result of the OSP (e.g. steep slopes ordinance, water infiltration, etc.). M. Oswald will ask the Town Manager if any staff members will be attending. It was decided to see if other members not present would be able to represent the LCC.

Tanager Landing deed- Map and lot 5-10-40 was to be deeded to the Town as part of the Tanager Landing subdivision off of Wiley Hill Road. M. Speltz explained that a conflict still exists within the language, since a structure such as a small shelter is allowed to be built yet "no cutting of trees or shrub vegetation" will be permitted, meaning no trails can be created to provide access to the shelter area. He had previously passed these comments on to the Director of Planning and Economic Development who had suggested contacting Londonderry Trailways for their input. G. Harrington also noted that fences are prohibited, yet if walking trails



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are created, fences would be probably be needed to restrict ATV use. As some amount of recreational use was the original intent for this conservation area, the language is in conflict with the conditions for which the subdivision was granted and/or with the mitigation requirements set forth by the Wetlands Bureau. It will need to be determined first where these conditions originated before further action can be taken.

Musquash Field Day- February 10th was decided as the tentative date for Musquash Field Day.

SNHPC land use plan- M. Speltz presented a copy of this plan he received, outlining land use for the entire region of the Southern New Hampshire Planning Commission. He did not believe the designations assigned to Londonderry corresponded with the Town's Master Plan or Open Space Plan. G. Harrington also questioned the accuracy concerning their identification of one particular area in town as being conservation land and an area of extremely high wildlife.

M. Speltz made a motion to go into Non Public Session for the purpose of discussing possible land acquisition per RSA 91-A:3. M. Oswald seconded.

Roll call vote: Aye, Ken Henault; Aye, Mike Speltz; Aye, Mark Oswald; Aye, Gene Harrington.

M. Oswald made a motion to go out of Non Public Session. K. Henault seconded. The motion was approved, 4-0-0.

M. Oswald made a motion to seal the minutes of the Non Public Session indefinitely. K. Henault seconded. The motion was approved, 4-0-0.

DRC's (3)-

1. Lucciano's Café site plan, 7-74.
No comments.
2. Baron's Major Brand Appliances, 15-97
No comments
3. Mr. Steer, 6-30
No comments

October 24, 2006 minutes- **M. Oswald made a motion to approve the minutes of the October 24, 2006 public session as written. K. Henault seconded. The motion was approved 4-0-0.**

M. Oswald made a motion to approve the minutes of the October 24, 2006 nonpublic session as written. K. Henault seconded. The motion was approved 4-0-0.

M. Oswald made a motion to adjourn. M. Speltz seconded. The motion was approved, 4-0-0.

Respectfully submitted,

Jaye Trottier
Secretary