



**Londonderry Conservation Commission
Tuesday, October 10, 2006
Minutes
Page 1 of 6**

Present: Deb Lievens; Gene Harrington (late); Mike Speltz (late); Mike Considine; Ken Henault; George Herrmann (late) and Mark Oswald, Town Council Liaison

Call to order

D. Lievens appointed M. Oswald to vote for the empty seat. (Note: M. Oswald was officially appointed a voting alternate to the LCC by the Town Council on October 2nd).

Hall Road D+F- George Chadwick of Eric Mitchell & Associates presented this Minimum Impact Expedited Dredge and Fill application regarding a subdivision on lots 15-3 and 15-179. A previous design for a five lot subdivision had been proposed in 2002/2003, at which time the LCC had formally commented that the buffer impacts were “unacceptably large” and that they did not support the development. The Wetlands Bureau had also rejected that plan. G. Chadwick stated that this new plan would only seek to create a two lot subdivision with a wetland impact of 1,540 square feet.

Nearly fifteen acres on the western side of the lot have recently been preserved by the State Department of Transportation as mitigation for the expansion of Interstate 93. The earlier plan had called for a road to cross the wetland as access to the rear of the lot, creating a considerable disturbance. With that section protected, the new design simply attempts to have two lots with frontage on Hall Road and a common driveway instead of a new road. This driveway is the cause of the new impact, but G. Chadwick noted that its placement at the narrowest point of the eastern wetland was chosen to minimize impacts. In contrast with the high function of the western wetland which is associated with a larger system, he added that that this smaller eastern wetland primarily provides flood storage. Space will not be required in the plan for 4,000 sf leachfield areas since the lots will tie into Town sewer.

D. Lievens noted that the buffer would need to be clearly marked but will make that formal request when the design goes through the DRC process. M. Considine and K. Henault will coordinate a site walk pm October 15th to verify the conditions stated in the application and then sign off accordingly.

Mr. Steer D+F- As presented on June 27, 2006, the owner of Mr. Steer on lot 6-35-17 is proposing to move his store across the street to 6-30 on Buttrick Road as part of a retail shop development. G. Chadwick returned at this meeting to address the Standard D+F application.

Two wetland areas exist, one in the middle of the lot and another towards the west. Each is less than one half of acre, meaning the Conservation Overlay Buffer ordinance does not apply. Impact to the western wetland will result in 1,400 sf of fill to accommodate a crossing that will access the rear of the property. The remaining 5,450 sf of impact will occur on the on the wetland in the middle due to parking. Both wetlands function primarily as areas for storm water recharge and sediment control. G. Chadwick noted that those functions would be replaced and improved by the proposed detention basin on the easternmost end of the lot because it is designed to exceed State performance requirements.

G. Chadwick was asked to make sure that the wetland to the west is not associated with a larger complex to the south. He stated he will resolve the question. If he can ensure it is not contiguous, he will note that on the forthcoming DRC plan.

D. Lievens entertained a motion to authorize the Chair to write a letter of recommendation to the Wetlands Bureau concerning the D+F permit for lot 6-30. K. Henault so moved. M. Oswald seconded. The motion was approved, 4-0-0.

G. Harrington and M. Speltz arrived.



Londonderry Conservation Commission
Tuesday, October 10, 2006
Minutes
Page 2 of 6

G. Herrmann arrived moments later and D. Lievens appointed him to vote for Paul Nickerson.

September 26, 2006 minutes- M. Oswald made a motion to approve the minutes of the September 26, 2006 public session as written. G. Herrmann seconded. The motion was approved 5-0-2. (M. Oswald and G. Harrington abstained as they had not been present on September 26th).

Airport D+F- Notification had been received at the September 12th meeting that the Airport has applied for a D+F in order to install a pipeline that will take airplane deicing fluids and other runway runoff directly into the Merrimack River. D. Lievens had previously contacted the State Department of Environmental Services, who had expressed their own concerns. Since forwarding the LCC's comments and questions to DES after the last meeting, D. Lievens received a copy of a letter from DES to the Airport asking in part to resolve the LCC's issues.

An environmental specialist working for the Airport then called D. Lievens and clarified that the main issue is the smell and visible foaming occurring in the Little Cohas brook where airport runoff is currently discharged. Beyond these problems, however, the runoff has not shown to have a significant environmental impact to the Little Cohas. Diverting that runoff to a larger water source like the Merrimack River that can better contend with it should resolve those issues. He further stated that the Airport utilizes high standards of storm water protection levels and more specifically that this current work is being performed under a Non-point Pollution Discharge Elimination System permit. In addition, sodium chloride levels are lower than on other sites in town since a low salt mixture is required during snow season to guard against aircraft rusting.

M. Speltz noted that while the improvement to the Little Cohas is preferable, the question as to why there has been a decrease in macro invertebrates in that brook still remains. If it is related in anyway to the Airport runoff, the concern will simply shift to the Merrimack River. He felt it could be possible that the Town's Environmental Baseline Study Committee monitors that particular Airport outlet pipe and if so, perhaps they will take first notice of any affects on the Merrimack.

Budget- D. Lievens recently presented to the Town Council an annual overview of the LCC's work on land conservation in town. She informed them she would be seeking an increase in the LCC budget, specifically in regards to certain management issues such as land stewardship for Town held easements and removal of the invasive species purple loosestrife. She was asked by the Council if the LCC could instead use funds appropriated through logging done in the Musquash. That account, she replied, was already used for forest management purposes. G. Harrington suggested asking the Town Forester for an income estimate from logging over a ten year period to determine whether any of those funds could be used for monitoring, etc.

Saving Special Places conference- M. Speltz explained that this annual land protection conference, sponsored by the Center for Land Conservation and the UNH Cooperative Extension, is to be held at the Londonderry Middle School in April. Since an outdoor experience is a traditional component of the conference, the Town will be afforded an opportunity to showcase results of their conservation efforts. M. Speltz suggested going beyond a presentation of the outcome and presenting a complete overview of the Town's Open Space Plan. The event will also bring the prospect of positive media exposure for the Open Space Plan.

M. Speltz recommended asking the School Board if they would be interested in co-sponsoring the event since they would share in the positive publicity. If they are interested, perhaps a reduction in the



Londonderry Conservation Commission
Tuesday, October 10, 2006
Minutes
Page 3 of 6

cost of renting the facility could be negotiated. G. Herrmann stated that since the Schools are merely interested in covering their expenses as opposed to making a profit, the LCC should simply be able to approach the School Administration. M. Speltz also asked for M. Oswald's assistance in identifying local businesses that might be interested in co-sponsorship. K. Henault suggested contacting Londonderry Trailways to see if they would be interested in some kind of involvement.

Following an ensuing discussion, it was decided to have D. Lievens look into whether the Middle School will have enough parking to support the event. If not, arrangements should be made as soon as possible to utilize the High School parking lot and provide that information to potential attendees. G. Herrmann also suggested verifying whether the Middle School will provide any food or if catering will be necessary.

Doxon Realty Trust D+F/CUP- Paul Morin of Tarkka Homes introduced this conceptual site plan for a 44 unit elderly housing complex on lot 15-215-1. (When this DRC came before the LCC earlier this year, it was called Banbury Cross but is currently known by the name "Cider Mill Crossing"). A site plan had been approved by the Planning Board a few years back for a self storage facility at this site, however, it was never built. That project included the subdividing off of what is currently known as lot 15-215-2 and would have had access from Grenier Field Road.

When this new project was first presented to the Planning Board last year, it was decided to reconsolidate lot 215-2 back with 215-1 in order to gain access from Mammoth Road and for the lot size to support the intended number of units. The change in access was requested by the Planning Board because it was felt the residential nature of the development would be better suited to Mammoth Road rather than Grenier Field Road, which sees much more commercial/ industrial traffic, including heavy trucks. Originally, the new plan called for 55 units but density was sacrificed to accommodate the developer's desired building aesthetics.

Two separate wetland systems run north and south on the lots, one to the east and one to the west. Three impacts will occur, two of which were previously permitted by the State in 2003 for the self storage project. One involves a temporary impact of 808 sf where the development will connect to Town sewer on Grenier Field Road while the other will take place south of that and will result in another 890 sf of disturbance. M. Speltz inquired as to whether the area of temporary impact would be allowed to naturally reestablish its woody vegetation. Todd Connors of Sublime Civil Consultants stated that the pipe will be on private land and will therefore not be subject to Town Department of Public Works maintenance requirements. He and P. Morin were both agreeable to stating that on the plan. M. Speltz also pointed out that it would be favorable to ensure the flow of water across Grenier Field Road since the Merrill property, which includes a conservation easement, are directly across the street.

The location of the driveway accessing Mammoth was chosen in order to minimize wetland impact which will total 2,050 sf. While the curb cut's placement will be changed slightly from the current plan for sight distance purposes, the area of disturbance will remain the same. Two culverts will replace the single existing culvert situated there to ensure the current hydraulic flow. M. Speltz asked if a box culvert with a natural bottom could be considered instead. T. Connors warned that doing so would mean an increase to the side slopes which would further impact the wetlands, depending on the height the LCC would want. He added that the a waiver is currently being sought from the Planning Board in order to relieve what the developer considers a driveway from having to comply with Town Class V road standards. M. Speltz suggested the developer ask the LCC to support the departure from Town standards when formally applying for the CUP. In the meantime, he offered to research the box culvert issue to determine whether one would be useful in promoting small critter activity such as salamanders since the



Londonderry Conservation Commission
Tuesday, October 10, 2006
Minutes
Page 4 of 6

area seemed to be a natural crossing from uplands to wetlands. Then it could also be established whether such a culvert would be worth the additional impact.

D. Lievens expressed concern for the larger buffer impacts. T. Connors did not have the actual figures for the amount of disturbance but a discussion arose regarding the swale infringing on the buffer at the southernmost lot line. P. Morin noted that alternatives such as underground filtration are not permitted by the Town while conforming to what is required has resulted in the swale's location. He was, however, open to suggestions as to how to avoid the impact. M. Speltz stated that amongst the criteria for a Conditional Use Permit, it has to be demonstrated that the reason for the buffer impact is not solely an economic one. Therefore, a reduction in the number of units would be a solution. P. Morin countered that the plan is already below the maximum density allowed while also trying to comply with numerous competing Town requirements. T. Connors suggested mitigating the buffer infringement with specific wetland plantings for the swale and detention pond. While the LCC would support such an effort to re-vegetate the area, M. Speltz said it could be a moot point since the Town Engineer prefers not to see woody vegetation in drainage structures as it can inhibit their effectiveness. He added that the LCC would prefer to see the swale situated in a way that would either remove it from the swale altogether, keep it perpendicular with only the outlet being in the buffer or at the least, keep the impact to the outer 25 feet. K. Henault and M. Considine both acknowledged that the swale is at least currently in that outer portion. M. Speltz requested the developer attempt to reconfigure the swale to remove it from the buffer or at least develop a justification beyond economic reasons why it must stay there before in preparation for their CUP presentation.

D. Lievens observed that the units closest to Mammoth Road would be positioned right up against the buffer, meaning that their construction would contribute additional disturbance. There is also the concern that the homeowners might not realize their backyard is entirely in the no cut buffer. Aesthetics, which have been supported by the Heritage Commission, were again given as the main reason for the unit's positioning.

After further discussion, it was decided to have D. Lievens write a letter of intervention to the Wetlands Bureau in order to allow time for the box culvert issue to be resolved. M. Speltz will convey his findings to T. Connors and P. Morin who will then return for the next meeting.

Pillsbury Road 'sidewalk' D+F/CUP- M. Speltz had observed at the September 12th meeting that this proposed trail will cross over a conservation easement located on School District property. While the resolution may simply involve a 'friendly condemnation' by the School District of the Town's easement, the LCC still wanted to meet with the Director of Planning and Economic Development and the Town Engineer to review the restrictions of the easement.

D. Lievens directed the group's attention to page three of the easement deed which states, in part, "...ancillary structures and improvements including...trail[s]...may be constructed...only as necessary in the accomplishment of...noncommercial outdoor recreational uses and provided they are not detrimental to the scenic, agricultural, historic, recreational, wildlife habitat protection purposes of the Easement." D. Lievens and M. Considine agreed that this meant a walking trail would be allowed, although D. Lievens expressed concern for any impact done to wetland plants as they would not be considered "wildlife," or "agricultural."

M. Speltz inquired as to whether a non-impervious could be used instead of asphalt. Andre Garron, Director of Planning and Economic Development, stated that the Congestion Mitigation and Air Quality (CMAQ) grant funds had been obtained with representation of a paved sidewalk and trail. M. Speltz then asked if that would prohibit such a change. M. Oswald noted that it would present a more economical use of the grant funds since a non-impervious surface would be a cost savings. M. Speltz still



Londonderry Conservation Commission
Tuesday, October 10, 2006
Minutes
Page 5 of 6

disputed the certainty that an impervious trail would comply with the spirit of the easement. A. Garron replied that the easement does not specify or exclude any materials to be used. Furthermore, he noted, pavement was already placed in that easement for the roadway to the Moose Hill Kindergarten. Obtaining the necessary CMAQ funds was possible only because the project, which included impervious materials, would seek to improve air quality by providing an alternative to automobile use. Town Engineer Janusz Czyzowski stated that a non-impervious surface would present a maintenance “nightmare.” G. Herrmann added that such maintenance would exceed what has been planned for the operating budget. Using materials such as bark mulch or stone dust could also limit the number of uses for what is intended to be a *multi*-use trail. M. Speltz requested that the Town Attorney be contacted for his opinion of whether a paved trail would be consistent with the terms of the easement.

Mike Leach of Vollmer Associates reviewed the seven areas of wetlands impact totaling 2,800 sf of impact that were presented at the July 11th meeting. It was further clarified that the LCC’s initial concern for the swale being in the wetland buffer was superfluous since projects such as this that are neither site plans nor subdivisions are exempt from the Conservation Overlay District ordinance. M. Speltz asked if the intent of the ordinance could be considered in relation to the underground pipe which would be located in the buffer. J. Czyzowski noted that the associated rip rap will be minimal and kept away from the wetland while the swale will provide treatment where none currently exists. He also assured the LCC that over time, when the vegetation is reestablished, the swale will be virtually unnoticeable.

D. Lievens made it clear that any of the highly invasive purple loosestrife removed during construction must be destroyed (e.g. burned) and cannot be transported and dumped anywhere under State law. J. Czyzowski said that information could be noted on the plan and asked to be informed if the Town adopts a specific policy regarding purple loosestrife as other towns have.

M. Speltz made a motion to authorize the Chair to send a letter to the Wetlands Bureau recommending approval of the D+F and to contact the Town Attorney and confirm that the proposed project does not violate the terms of the easement. G. Harrington seconded. The motion was approved, 7-0-0.

Musquash; ATV Traffic, bollards, etc- D. Lievens asked J. Czyzowski (who was already present for the previous discussion) if the Highway Department crew would be available to place Jersey barriers at strategic points in the Musquash to deter ATV traffic. M. Oswald referred to an email he had received from the Town Manager stating that the Assistant Town Engineer and Police Officer Steve Tatum had visited the access points identified by M. Considine. Point one lies within the easement held by Public Service of New Hampshire and would therefore require their permission. Assistant Town Engineer John Trottier recommended large logs be used on the other points rather than Jersey barriers. Delivering the materials, however, would be problematic for the Highway Department at the main southwest and AES power lines/Old Alexander Road entrances. M. Considine said the points he identified were chosen for their accessibility for the Highway Department. J. Czyzowski and M. Considine will meet to determine exactly where the Highway Department could be of assistance.

M. Oswald reported later in the meeting about results of the Police patrolling the Musquash. Between April 1st and September 4th, officers have spent 114 hours covering 426 miles of the conserved area, resulting in 50 law enforcement actions, two of which involved recovering stolen vehicles. Chief Ryan also noted in his memo that these figures are lower than in past years, due primarily to poor weather conditions which cancelled several patrols. He explained that “we do not...wish to do more damage than we are trying to prevent.” The LCC asked M. Oswald to relay their commendation for these results.



Londonderry Conservation Commission
Tuesday, October 10, 2006
Minutes
Page 6 of 6

Carbon Coalition- The LCC recently received information from the Carbon Coalition, urging local Conservation Commissions to initiate climate change resolutions to see if towns “will go on record in support of effective actions by the President and Congress.” D. Lievens had forwarded the specifics to LCC members and asked for opinions as to how to approach the matter. M. Oswald suggested drafting a letter to the Town Council Chair with a copy to himself as the LCC liaison. M. Speltz offered to compose the draft and stated that the Coalition was also looking for towns to develop their own committees to address ongoing climate issues. He said the LCC should be represented on such a committee and D. Lievens said she would be interested. **K. Henault made a motion to authorize the Chair to send a letter to the Town Council Chair requesting that a climate change resolution be included on the warrant for Town Meeting in March, 2007. M. Speltz seconded. The motion was approved, 6-0-1.** (M. Oswald abstained so that he would not be precluded from voting when the issue came before the Town Council). The letter will include the request that the Council form a committee as well.

NHACC meeting- G. Harrington reminded LCC members that the annual meeting of the New Hampshire Association of Conservation Commissions will take place on November 4th. D. Lievens stated she would be unable to attend but told the other members that the LCC will reimburse them for the \$30.00 fee.

Mitigation (contributions)- Ravenna Investments and Coca-Cola had made separate plans with the LCC to provide a financial contribution in lieu of actual conservation land as mitigation for their respective projects. (The State DES, however, is not yet convinced that Coca-Cola has exhausted the possibility of off-site mitigation). If the Town is still able to accept the contributions, pending passage of a new law requiring payments be made directly to the State, D. Lievens noted that the LCC will be required to identify what specific conservation efforts will receive the funds. One possibility was that the contributions be used to delineate the wetlands in the Musquash. M. Speltz suggested looking into a lot in the southernmost part of town that is for sale since it would widen the connection between Ingersoll and Beaver Brook and neighboring conserved land in Windham. M. Oswald offered to contact the seller’s agent to find out the specifics and report back to the LCC.

Ammunition rounds on Ingersoll- M. Speltz previously provided shells and casings of both shotgun and high power rifles which were collected in the area of a woods road connecting Griffin Road to Bockes Road on the Ingersoll property. The LCC had asked M. Oswald if he could address the issue with the Police Department. He reported that as of yet, no action has taken place regarding the issue.

Respectfully submitted,

Jaye Trottier
Secretary