



Londonderry Conservation Commission
Tuesday, July 25, 2017
Minutes

1 **Present:** Marge Badois, Chair; Mike Byerly, member; Roger Fillio, member; Bob Maxwell, member; Mike
2 Noone, member; Deb Lievens, member; Julie Christenson-Collins, alternate member; and Mike Speltz,
3 alternate member

4
5 **Absent:** Gene Harrington, Vice Chair; Margaret Harrington, alternate member; and Ted Combes, Town
6 Council Member

7
8 **Also present:** Beth Morrison, Recording Secretary; Jack Szemplinski; Jack Kalantzakos; Ray Breslin

9
10 Marge Badois called the meeting to order at 7:30 pm. Mike Speltz was appointed to vote for Gene
11 Harrington.

12 **Cross Farm – Nashua Road/Route 102 (Map 6 Lots 59-1 & 84):** Jack Szemplinski from Benchmark
13 Engineering presented to the Commission. He stated that he had presented to the Commission before
14 regarding this project. He noted that an existing culvert onto Route 102 is severely undersized causing
15 the water to pond upstream. He stated that the Town requires that there is no increase in rate of run-off
16 or elevation of water inside the wetland, so he has to create a compensatory storage area. He has a map
17 where he shows the commission where this area would be and the Commission members have a smaller
18 version to look along with him. He noted that the storage area would be 90% dry, but when there is a
19 major flood, it would fill up and prevent increased run-off downstream. He explained that he cannot
20 increase the size of the existing culvert as that would increase run-off downstream. He stated that he is
21 here to get the Commission's approval for this project before he presents it to the Planning Board next
22 week.

23 J Szemplinski stated that at the last meeting with the Commission, there was discussion about why the
24 detention pond has to be where it is. He stated that the simplest answer to the question is that the
25 detention pond is at the lowest portion of the site. He noted that it is not designated as a flood storage
26 area by the flood insurance maps, but nonetheless, he stated it still is. He explained his model is
27 calculated by using extreme participation tables, by Cornell University, which are conservative. M Speltz
28 asked if it was using a 50-year storm model. J Szemplinski stated that the Cornell University is a multi-
29 storm model approach, not a single storm. M Speltz asked for clarification on what storm model he was
30 using for this project. J Szemplinski stated that the Town requirement is a 25-year storm model and the
31 state of NH requirements are 2-year, 10-year and 50-year storm models, stating he is studying 4
32 different frequencies of storm models. J Kalantzakos asked if his model can handle a 50-year storm, as
33 he thought that was what M Speltz was asking. J Szemplinski stated it could. R Fillio asked how much
34 rain equals a 50-year storm. J Szemplinski stated that 50-year storm equals 6.8 inches of rain in a 24-
35 hour period and a 25-year storm model equals 5.6 inches of rain. M Speltz asked if he had met with
36 NHDOT. J Szemplinski stated that he had met with them a couple of weeks ago about the curb cut. M



Londonderry Conservation Commission
Tuesday, July 25, 2017
Minutes

37 Speltz stated he meant about the culvert. J Szemplinski stated that the culvert was a secondary issue to
38 NHDOT and the curb cut was primary. D Lievens stated that next year for ARM funds for culvert
39 upgrades and in her opinion upgrading the culvert would solve a lot of problems. J Kalantzakos stated
40 that it is against Town regulations to allow a developer to send more water downstream. D Lievens
41 stated that she did not understand that argument as a culvert would never get fixed. R Fillio stated the
42 culvert would get fixed, but not by creating a bigger one. M Speltz asked J Szemplinski to explain the
43 piece that needs to be filled on the map. J Szemplinski stated that there is a little piece of grading that
44 needs to be done between the detention pond and parking lot, and the grading is in the CO district.

45 M Speltz stated that in previous meetings with J Szemplinski the Commission had recommended to
46 move the clubhouse out of the buffer. J Szemplinski stated that the clubhouse is not in the buffer. B
47 Maxwell stated that at the last meeting, the Commission asked with this project having many acres of
48 land, why does the largest impervious area need to be immediately adjacent to the pond. J Szemplinski
49 stated that from a topography point of view, it is the best place, and in his opinion it does not matter
50 where the clubhouse is placed. D Lievens asked whether or not a CUP has been done yet because there
51 seems to be the same problems from the last meeting that there is no indication of any willingness to
52 try to stick to the intent of the ordinance. She stated that the Commission's job is to support the Town's
53 ordinances as the towns people of Londonderry voted in and not make the developer's job easier. She
54 noted that she is opposed to the clubhouse's current location in the development and if it were moved
55 somewhere else it would lessen the pressure on the buffer. M Speltz stated that he thought the
56 Commission had made a recommendation on the CUP to the Planning Board. J Szemplinski stated that
57 the Commission's recommendations so far was that coming out Route 102 would have less impact on
58 the traffic. J Kalantzakos stated that the Commission was against the grading in the buffer and this
59 information being presented tonight is the second piece of information that the Commission did not
60 have before. J Szemplinski stated that per town regulations by special permit water compartment areas,
61 such as detention ponds, are allowed inside the buffer. D Lievens stated that there are other ways to
62 deal with it, such as if the clubhouse was moved, then the intent of the ordinance would be observed as
63 the goal is to minimize the buffer impacts. J Kalantzakos stated that J Szemplinski did a study and found
64 that if the clubhouse is or is not moved, there would still be grading in the buffer. D Lievens stated that
65 in her opinion it should be done the right way and not impact the entire length of the buffer. M Speltz
66 asked if that is a correct statement that there is no way to move the clubhouse away from the buffer so
67 that there would be no impact to the buffer. J Szemplinski stated there are a lot of regulations that
68 preclude him from digging deep into the ground because he has to stay above the water tables. He
69 stated he tries to find a place where he can create an embankment, as he has to be 2 feet above the
70 water tables. B Maxwell stated that he did not think the Commission was questioning where the pond is,
71 but rather given it is almost 200 acres of land there is no other place to move the clubhouse. J
72 Kalantzakos stated that the clubhouse is not in the buffer, and thought the issue was the grading. D



Londonderry Conservation Commission
Tuesday, July 25, 2017
Minutes

73 Lievens stated she did not see why the developer would not try and come closer to full compliance with
74 the way the ordinance is written by pulling the drainage path out of the buffer. J Szemplinski stated if
75 there was a way, he would do it. He stated that he can move the clubhouse, but he cannot move the
76 drainage. D Lievens stated she did not understand why. J Szemplinski reiterated that the drainage needs
77 to be at the lower most portion of the site. M Speltz asked if he could extend the current detention
78 pond down 102 north. M Badois noted that if the detention pond was narrower and longer, it would not
79 be in the buffer. J Szemplinski stated that he might be able to move the clubhouse 10 feet if that would
80 make a difference. M Speltz asked for the big picture of the drainage in this area. J Szemplinski pointed
81 on the map while explaining the drainage to the Commission. He stated that the drainage could be
82 divided into 3 different areas, pointing out that the main drainage is next to Acropolis and down to a
83 culvert. He noted another portion of land that drains towards Cross Road and Black Brook with the last
84 area with the culvert on 102. M Byerly asked why the developer choose to put the clubhouse where it is.
85 J Szemplinski stated that they wanted to clubhouse at the entrance of the site and the topography of the
86 land made it conducive to a walk out entrance. J Kalantzakos stated that the clubhouse that was built at
87 Hickory Woods was liked by the residents and they used that as the model. He also pointed out that
88 originally the clubhouse was going to be somewhere different when using Cross Road as the main
89 entrance, but when at a Planning Board meeting neighbors stated the clubhouse should be more
90 centrally located. He stated that the clubhouse was reengineered after the Planning Board meeting and
91 moved to where it is currently, and he respects that the Commission wants the clubhouse moved again,
92 but it is all designed now. M Speltz asked if the land sale agreement states whether or not the developer
93 can use the land for anything else but access. J Kalantzakos stated it would be just access to the site. M
94 Speltz asked if that land could be where the clubhouse could be placed. J Szemplinski stated that was
95 where they had first thought of placing the clubhouse. J Kalantzakos stated that the land that is being
96 purchased can be used for the project and is restricted on other use. J Szemplinski stated he has not
97 seen the agreement and cannot answer that question.

98 M Speltz stated that since the developer was denied the request for the 30 foot setback, he had just
99 been at the Zoning Board meeting regarding the Nevins and their back yards, and not set ourselves up
100 for another situation of people not having a backyard. J Kalantzakos stated that he did not want to re-
101 create the Nevins situation and the backyards would be 30 feet before the buffer.

102 M Speltz made a motion that the Commission provides the following comments to the Planning Board:

103 1. The additional mitigation or storage area, just to the west of the land purchase abutting 102, we
104 support.

105 2. We continue to believe that the impacts on the buffer caused by the clubhouse and associated
106 amenities and detention pond are not necessary given the acreage available to the project.



Londonderry Conservation Commission
Tuesday, July 25, 2017
Minutes

107 D Lievens seconded the motion. The motion was granted, 7-0-0.

108 **New Business:**

109 **Stantec bill:** M Badois stated there was a Stantec bill from March, but did not think the Commission
110 ever received it. D Lievens stated she did not like the fact that the bill was not itemized. M Badois stated
111 the bill was for \$2714 dollars from March 3, 2017, for the plans that the Commission had requested. M
112 Byerly made a motion for the Commission to pay Stantec for the bill dated March 3, 2017, in the amount
113 of \$2714. R Fillio seconded the motion. The motion was granted, 7-0-0.

114 **Kit Plummer:** M Badois stated she spoke to Kit Plummer this morning and he is done with his logging.
115 She stated that a part of the area he has cleared, where he wants to increase his tree farm, he has to
116 cross the brook in 2 places and he is in the process of applying for an agricultural minimum impact
117 wetland permit. She stated that K Plummer wanted the Commission to know that it is not where the 4-
118 wheeler crossing is but by the Whitten property and in the property he is looking at two 20-inch
119 culverts. She stated he first has to apply to Rockingham County Conservation District and then he will
120 come and speak to the Commission. She stated that he said anyone from the Commission can come out
121 and look at the property.

122 **Old Business**

123 **Baiting in conservation land:** D Lievens asked why the applicant wanted to bait. M Badois stated that is
124 how he hunts and it was both firearm and archery. D Lievens stated that in the past, the Commission has
125 denied baiting requests. M Badois stated that she felt the Commission should establish a policy, as it
126 occurred to her when the Commission was reviewing this application, that there is not a good place in
127 the Musquash to safely bait. M Badois stated that she is not just talking about the Musquash, but all
128 Conservation properties. M Speltz stated that in general the Commission does not support baiting in
129 Conservation properties, but if the situation arises that would require a baiting application, the
130 Commission would consider it. D Lievens stated that she had wondered if the applicant was
131 handicapped as that would be a situation in which she would consider baiting. M Speltz stated that he
132 felt the Commission should have a policy book. D Lievens stated that there is an electronic file on
133 record. M Speltz stated that the policies should be printed and shared on the website. J Christenson-
134 Collins stated that she could work on a draft policy for baiting. M Speltz suggested for the draft that in a
135 general manner the Commission does not permit baiting in Town owned Conservation land but would
136 consider authorizing baiting in special circumstances, such as nuisance deer, a disabled hunter, or similar
137 situations.



Londonderry Conservation Commission
Tuesday, July 25, 2017
Minutes

138 **Paddle event at Scobie Pond:** M Byerly stated it is Saturday, July 29, 2017, at 9 a.m. M Byerly stated that
139 M Badois and M Speltz are bringing kayaks. J Christenson-Collins, R Fillio and M Badois stated they
140 would be attending.

141 **Old Home Days:** M Byerly stated he sent in an application for a booth but has not heard back as of yet
142 and would call to make sure. M Badois stated that she still has supplies from last year such as brochures
143 and Musquash maps. M Badois asked for suggestions on how to attract kids to the booth. M Byerly
144 asked who would be available to work the booth. M Badois, J Christenson-Collins and M Speltz stated
145 they could help out at the booth. M Speltz asked if there was a way to publicize the new conservation
146 property.

147 **Articles for Londonderry Times:** M Badois sent out an email to the Commission regarding the ground
148 rules for the articles and was looking for feedback. M Byerly and D Lievens voiced concern about the
149 Commission being responsible for 6 articles a year. M Badois asked for a list of topics from the
150 Commission and for volunteers interested in writing an article.

151 **Musquash signs:** M Badois asked if M Noone had the blank signs. M Noone stated he did and also had
152 paint. M Badois suggested the fall would be a good time to go out and hang the signs. B Maxwell stated
153 he could help with the signs.

154 **Improvement update:** M Noone asked for an update on the improvement projects. M Badois recapped
155 her meeting with K Smith from last time noting to leave Tanager the way it is and to pursue a park
156 ranger for the issues with Kendall Pond. She explained that she spoke to a representative from Fish and
157 Game regarding Brewster Road and there was a misunderstanding because it is not the entire road but
158 just the little thumb for access that is subject to the Road to Waterways act. M Speltz further explained
159 that the residents all signed a document obligating them to maintain the class 6 road, except for the
160 little thumb. B Maxwell asked if the Commission should write the abutters a letter informing them of the
161 updates. M Speltz stated that he still felt as if a meeting should transpire between the Commission, the
162 Town Council and the residents who voiced concerns about the improvements to the Commission. B
163 Maxwell suggested that it did not have to be a formal meeting, but could be a workshop in front of the
164 council. M Speltz asked if M Badois had asked for a meeting when she meet with K Smith. M Badois
165 stated she did not. M Badois stated that K Smith was going to talk to the Council about the ranger
166 position and keep she was going to keep in touch with him. M Badois stated that she had given K Smith
167 a job description for the ranger position. M Noone stated that he thought the police should patrol the
168 area and the town should put more trash barrels and use the resources that are available now, while
169 waiting on a meeting with the Council. M Speltz suggested that M Badois ask K Smith how to get the
170 abutters and the Council together for a meeting or a workshop. M Badois stated she would send a letter
171 to the abutters once she knew the next steps.



Londonderry Conservation Commission
Tuesday, July 25, 2017
Minutes

172 **Public member:** Ray Breslin, 3 Gary Drive, presented to the Commission his idea of having a water
173 source protection Committee consisting members from the Conservation Commission, Zoning Board,
174 Planning Board and Town Manager, Health Officer and Code Enforcement Officer. He also stated that he
175 believed the environmental education program in town should educate the public about the proper
176 protection of the environment. He noted that he thought it would be great to get the students in the
177 middle school and high school involved with field trips to do water testing. M Byerly stated that for the
178 high school students enrolled in the environmental science class do go out and test water, as his son
179 took this. M Badois asked R Breslin how a new board or commission gets started. R Breslin stated that
180 he has had many meetings with K Smith and it is part of the master plan. M Speltz stated that it is in the
181 master plan already, but it has not been implemented. M Speltz stated that it sounded like more of a
182 task force rather than a committee and D Lievens agreed. M Speltz suggested that R Breslin continue to
183 talk to the various departments and then when he has done all his research to present the information
184 to the Town Council for a task force. R Breslin thanked the Commission for letting him present.

185 **DRC:** The Commission observed the plans for Bluebird Storage – 76 Perkins Road (Map 15 Lot 52). The
186 Commission recommended that the Planning Board not support the requested waiver for the front open
187 space requirement because it reduces the ability of the parcel to handle storm water. The Commission
188 urged the Heritage Commission to carefully evaluate whether this is an appropriate gateway building.

189 The Commission observed the plans for Lymo Construction – 44 Wentworth Avenue (Map 14 Lot 44-34).
190 The Commission reiterated that there has been no change in their response to the Commission's
191 comments at last week's meeting that the proposed configuration destroys a wetland and the proposed
192 building appears to be too large for the developable area.

193 **Minutes:** The Commissioners went over the non-public minutes from May 23, 2017. D Lievens made a
194 motion to accept the minutes as amended. M Byerly seconded the motion. The motion passed, 7-0-0.

195 The Commissioners went over the non-public minutes from July 11, 2017. M Byerly made a motion to
196 accept the minutes as presented. M Noone seconded the motion. The motion passed, 7-0-1, with D
197 Lievens abstaining.

198 The Commissioners went over the public minutes from July 11, 2017. M Speltz made a motion to accept
199 the minutes as presented. B Maxwell seconded the motion. The motion passed, 7-0-1, with D Lievens
200 abstaining.

201 **Correspondence:** M Badois stated that Eversource has a wetlands permit on Brewster Road for a new
202 utility pole and submitted to DES. M Badois stated that she and R Fillio went out and looked at the site
203 and the pole is actually in Derry. M Speltz urged the Commission to look at the first meeting of July
204 minutes on the Town Council's website as it has the presentation from the power company and what



Londonderry Conservation Commission
Tuesday, July 25, 2017
Minutes

205 the company intends to do in the Musquash. M Speltz stated as he pointed out in a previous meeting,
206 he believes the agreement requires that the lines be buried. M Speltz pointed out that he told K Smith
207 about this before K Smith met with the power company.

208 **Non-Public Session**

209 M Byerly made a motion to go into non-public session per RSA 91-A:3 for the purpose of discussing a
210 matter related to property acquisition. The motion was seconded by R Fillio. The motion was passed by
211 a unanimous roll call vote. M Speltz made a motion to leave non-public session and to seal the minutes
212 of the non-public session indefinitely per RSA 91-A:3. M Noone seconded the motion. The motion
213 passed, 7-0-0.

214 Mike Speltz made a motion to authorize the expenditure of up to \$4,000 dollars to commission a
215 summary appraisal on the parcel discussed during the non-public session. R Fillio seconded the motion.
216 The motion passed, 7-0-0.

217 **Adjournment:** M Speltz made a motion to adjourn the meeting at 10:04 p.m. D Lievens seconded the
218 motion. The motion passed, 7-0-0.

219 Respectfully Submitted,
220 Beth Morrison
221 Recording Secretary
222