



Londonderry Conservation Commission  
Tuesday, July 28, 2015  
Minutes

1 Present: Marge Badois, Chair; Gene Harrington, Vice Chair;  
2 Deb Lievens, Member; Mike Considine, Member; Paul Nickerson, Member  
3

4 Not Present: Mike Speltz, Alternate Member; Roger Fillio, Alternate Member;  
5 Margaret Harrington, Alternate Member; Kellie Walsh, Member  
6

7 M. Badois called the meeting to order at 7:32 PM. She stated the Town Manager's office is still working on the  
8 posting to fill the position vacated by Ben LaBrecque.

9 Woodmont Commons: Before discussions began on this topic, D. Lievens recused herself. Jeff Kevan, an  
10 engineer with TFMoran; and Ari Pollack, a lawyer from the Gallagher firm in Concord were in attendance to  
11 present a Dredge & Fill application to request to fill in 16,415 square feet of a 23,000 square foot existing man-  
12 made detention pond near the Garden Lane entrance. Once complete, the existing pond will be expanded to  
13 12,800 square feet. The fill will be necessary to further develop the shopping center and to create proper  
14 alignment of the new entrance road that will access the back development. A new wet pond of 16,000 square  
15 feet will be built in another area. The new pond will have 3 feet of standing water and will flow off underneath  
16 Gilcreast and down into the Century pond. Its rate of run off will be controlled, maintained and treated. **G.**  
17 **Harrington made a motion that the Commission's Chair will send a letter to the NHDES Wetlands Bureau**  
18 **saying the Commission has no objections to this Dredge and Fill. P. Nickerson seconded. The motion was**  
19 **approved, 4-0-0.**

20 57 Rear Pettengill Road: Ari Pollack, a lawyer from the Gallagher firm in Concord; Kenneth Rhodes, from CLD  
21 Consulting Engineers; Luke Hurley, from Gove Environmental Services; and Alex Vailas from Anagnost  
22 Companies were in attendance to present a conceptual plan for a 300,000 square foot manufacturing facility  
23 on Map 28 Lot 17-2 (see Attachment #1). Before going to the Planning Board, they wanted to update the  
24 Commission Members on the project. They stated it's a 16.5 acre parcel; it has no wetland impacts; it has no  
25 species; it has no effects on on-site improvements (i.e., grading, building, and parking); test pits are  
26 completed; it's mainly a sand ester; and there's snow storage is on site. G. Harrington made one  
27 recommendation to K. Rhodes to change item 2 on Attachment #1 under Concept Notes to say "Town"  
28 instead of City. Commission Members thanked them for their informational overview.

29 Capital Improvement Plan (CIP): M. Speltz created and the Commission submitted a CIP for an outdoor  
30 recreation feasibility and cost analysis.

31 Turtle Crossing Signs: M. Badois priced out purchasing 4 (18x18) aluminum signs to be placed on South and Hall  
32 Road. The cost will be \$95.80 for 4, plus \$21.00 in shipping. Instead of nailing the signs to trees, she will also  
33 work directly with the Public Works department on how to acquire posts to put the new signs on. **D. Lievens**  
34 **made a motion to purchase 4 signs for Turtle Crossing checking with the Town Hall to ensure their installment**  
35 **of no more than \$150.00. G. Harrington seconded. The motion was approved, 5-0-0.**  
36

37 Carry In/Carry Out Signs: D. Lievens inquired about these signs. They were paid for but never received, so she  
38 will follow up on them.  
39



Londonderry Conservation Commission  
Tuesday, July 28, 2015  
Minutes

40 Musquash Signage: M. Considine has started putting up the trail marker signs. He will also work with M. Badois  
41 on painting the remainder of the signs and getting those up.

42  
43 Musquash (Target Shooting): M. Considine stated the shooting has not abated. For almost four years, he has  
44 been talking to the Town Council about this issue. Hopefully this topic will get back on the Town Council's  
45 agenda soon for further discussion. He'd like to see a new ordinance to ban target shooting, or to ban the  
46 discharge of firearms with the exception hunting.

47  
48 Monitoring (Proposed Land Steward Job Description): M. Badois met with the Town Manager, Kevin Smith. She  
49 said that K. Smith will meet with Police Chief, Bill Hart to determine what type of enforcement person will be  
50 needed. K. Smith stated he will try to present this to the Council at their next meeting.

51  
52 Kendall Pond Road (Trash Barrel): D. Lievens noticed a rolling trash barrel out on the side of the road in front of  
53 Kendall Pond Conservation Area. G. Harrington stated the barrel has been there a few years. P. Nickerson  
54 stated that someone picks up the trash, but that nobody knew who.

55  
56 Beavers (Faucher Road): M. Badois stated the beavers are back on Faucher Road. M. Considine will wait until  
57 the bugs are gone and will take down the dam again. In the meantime, the beavers will be trapped by a beaver  
58 trapper.

59  
60 Invoices for Invasive Species Removal - M. Badois stated that Mike Morrision has still not received the permits  
61 for spraying the bittersweet. D. Lievens will get a status on this.

62  
63 Miscellaneous:

- 64 1. D. Lievens will look into why large equipment is disturbing ground in the Town Commons trail area.
- 65 2. D. Lievens talked with Kaitlyn Woods from the Londonderry Times regarding writing another article on  
66 the New England Cotton Tail Rabbit. When attending one of the School Board meetings, D. Lievens  
67 and M. Speltz did find some indifference with regards to the Rabbit facts including whether or not  
68 more possible predators would come into the area if Rabbit habitats were allowed by the schools. D.  
69 Lievens will check in with Heidi Holman from the New Hampshire Fish & Game, along with Charlie  
70 Moreno, the Town's forester to obtain more Rabbit/Predator facts before working with K. Woods to  
71 write another newspaper article.
- 72 3. D. Lievens commented on the State of New Hampshire Wetland's Council Report. She represents the  
73 Conservation Commission on the Wetlands Council. That Council adjudicates cases when people  
74 complain on such things like dock building. She stated they are working on clarifying vagaries in the  
75 language in the mitigation rules. She will e-mail Commissions Members the revisions to these rules.  
76 Members will need to come up with a list of parcels with impacts to show developers instead of  
77 having developers putting their money into the ARM fund.
- 78 4. M. Badois stated the New Hampshire Moose Plate Grant Program is open until September 25. It's  
79 used to apply for water quality and quantity, wildlife habitat, soil conservation and flooding, best  
80 management practices, conservation planning, and land conservation grants. D. Lievens stated these  
81 aren't large grants, but one of them could be used to improve one of the Town's conservation areas.  
82 Members will consider applying.



Londonderry Conservation Commission  
Tuesday, July 28, 2015  
Minutes

- 83 5. M. Badois stated the New Hampshire Wildlife Action Plan has been revised. Members have until  
84 August 17 to go on-line to the New Hampshire Fish & Game to either comment or suggest revisions.  
85 6. M. Badois stated there's a Wetland Delineation training program on August 14 in Alton, NH (see  
86 Attachment #2).  
87 7. M. Badois stated she received an e-mail from Sam Evans Brown who is a NHPR reporter. He's doing a  
88 story on Alteration of Terrain and Subsurface Rules and Enforcing Shore Land Water Quality  
89 Protection Act, and is looking for people who have filed complaints with DES that have resulted in  
90 enforcement action. If there were complaints, he wants to know how the process went and what the  
91 results were. No Members were aware of any complaints filed.  
92 8. M. Badois stated she received an email from Stuart Ives who is interested in the Musquash. She said  
93 he's specifically interested in what the Town forester, Charlie Moreno is doing. She will contact Mr.  
94 Ives directly to see if he'd like to attend the next Commission that C. Moreno will be attending.  
95 9. M. Badois stated she received an article on conservation easements that allow agri-tourism (see  
96 Attachment #3).  
97 10. M. Badois stated she received a copy of the Department of Environmental Services (DES) approval  
98 regarding improving 13 miles of I-93 from north of Exit 3 in Windham and extending northerly through  
99 the Towns of Derry and Londonderry and ending at the I-93/I-293 interchange in the City of  
100 Manchester.  
101 11. M. Badois stated the New Hampshire Timber Owners is having a talk on the northern long eared bat  
102 on July 29 in Campton, NH at the White Mountain National Forrest headquarters.  
103 12. M. Badois stated that the Southern New Hampshire Association of Conservation Commissions annual  
104 meeting will be held on November 7 in Pembroke, NH.  
105 13. M. Badois stated she received a wetlands monitoring report from the Litchfield Sand & Gravel. The  
106 report will be held aside for M. Spetzl to review.  
107 14. M. Badois asked members to please return monitoring reports to her so they can be re-filed with the  
108 other reports.

109 Eversource and New England Power (National Grid) – Dredge and Fill Application associated with the Merrimack  
110 Valley Reliability Project: M. Badois stated this project will involve the construction of new overhead electrical  
111 transmission line within an existing electric transmission right of way between National Grid Tewksbury  
112 substation and Eversource's Scobie Pond substation. The project will also involve the relocation of existing  
113 overhead transmission line within the existing right of way in the towns of Pelham, Windham and Hudson. She  
114 said that the Town of Londonderry had received notice of this fill because there is property in Londonderry that  
115 has an easement and/or abuts a right of way, and that it served as notice that a wetlands application has been  
116 filed with DES. The application requests authorization to impact wetlands in order to construct the line and  
117 relocate the other line within the existing right of way. At this time, no members had any concerns or questions  
118 regarding this matter. **G. Harrington made a motion to authorize the Chair to send a letter to the Wetlands**  
119 **Bureau to state that the Commission has no objections to this Dredge and Fill. P. Nickerson seconded. The**  
120 **motion was approved 5-0-0.**

121 Moose Hill/Mack Monitoring: M. Considine will provide a copy of this report to D. Lievens.

122 Design Review Committee (DRC): Before discussions began on the Market Basket Redevelopment DRC review,



Londonderry Conservation Commission  
Tuesday, July 28, 2015  
Minutes

- 123 D. Lievens recused herself.  
124 1. Welch Road - Lot Line Adjustment - (Map 12 Lots 83-17 & 89-13) - No comments.  
125 2. Market Basket - Redevelopment - (10-41, 52 & 54-1) - No storage for snow indication on Plan.  
126 Wetland markers on Tanager Way?

127 June 17, 2015 Minutes: P. Nickerson made a motion to approve the May 26, 2015 minutes as amended. G.  
128 Harrington seconded. The motion was approved, 3-0-2 with D. Lievens and M. Considine abstaining as they  
129 did not attend the meeting.

130 June 17, 2015 Non-Public Minutes: G. Harrington made a motion to approve the June 17, 2015 non-public  
131 minutes as amended and seal the minutes. P. Nickerson seconded. The motion was approved, 3-0-2 with  
132 D. Lievens and M. Considine abstaining as they did not attend the meeting.

133 G. Harrington made a motion to adjourn. P. Nickerson seconded. The motion was approved, 5-0-0.

134  
135 The meeting adjourned at 8:50 PM.

136  
137 Respectfully submitted by

138  
139 Nicole Doolan, Planning & Economic Development Department Secretary

140



**CONCEPT NOTES:**

1. THE PURPOSE OF THIS PLAN IS TO SHOW A CONCEPT FOR THE DEVELOPMENT OF THE SUBJECT PARCEL.
  2. EXISTING CONDITIONS SHOWN BASED ON CITY GIS MAPPING, REFERENCE PLANS AND ARE SUBJECT TO VARY. FULL SURVEY REQUIRED FOR PERMITTING AND SITE PLAN APPROVAL.
  - 3) PARCEL IS ZONED GB -GATEWAY BUSINESS SETBACKS: (PB MAY REDUCE SETBACKS)
    - FRONT = 30',
    - SIDE = 20',
    - REAR = 20'
 BUILDING HEIGHT = 50' MAX (ALSO FAA LIMITS MAY APPLY)  
 GREEN SPACE = 25% REQUIRED
- USE ASSUMED: LIGHT MANUFACTURING (ASSEMBLY OF PARTS CREATED OFFSITE INTO FINAL PRODUCT), CUP REQUIRED

**CONCEPTUAL RESULTS**

- BUILDING**
- PHASE 1 - BUILDING FOOTPRINT - 160,000 S.F.
  - PHASE 1 - SECOND STORY - 40,000 SF
  - TOTAL SQUARE FOOTAGE IN PHASE 1 = 200,000 S.F.
  - PHASE 2 - BUILDING FOOTPRINT - 81,300 S.F.
  - PHASE 2 - SECOND STORY - 12,000 S.F.
  - TOTAL POTENTIAL IN PHASE 2 = 93,300 S.F.
  - TOTAL SQUARE FOOTAGE PROVIDED IN PHASE 1 & 2 = 293,300 S.F.

- PARKING/LOADING**
- 517 SPACES PROVIDED (406 IN PHASE 1, 111 IN PHASE 2)
  - 10 LOADING SPACES FOR WB67 TRACTOR TRAILERS
  - WB67 TRACTOR TRAILER CAN TURN AROUND ON SITE
  - TOTAL EMPLOYEES AT FULL BUILDOUT = 500
  - 500 PARKING SPACES REQUIRED

- ACCESS**
- FULL ACCESS FROM NEW ROADWAY OFF PETTENGILL ROAD (CONSTRUCTION TO TOWN STANDARDS REQUIRED)
  - ACCESS DRIVE IN FORMER PETTENGILL ROAD REQUIRES TOWN APPROVAL (CLASS M ROAD)
  - FIRE DEPARTMENT REVIEW REQUIRED FOR ACCESS AROUND BUILDING

- STORMWATER**
- SURFACE INFILTRATION PONDS SHOWN, NOT YET ANALYZED
  - POTENTIAL UNDERGROUND INFILTRATION REQUIRED AS WELL, HOWEVER NOT TYPICALLY ALLOWED BY TOWN, WAIVER REQUIRED

- LOT COVERAGE/INTERNAL LANDSCAPING**
- LOT COVERAGE IS APPROXIMATELY 73%, NEAR TO TOWN LIMIT OF 75%
  - INTERNAL GREEN SPACE CALCULATION, APPROX 7%, 10% REQUIRED, WAIVER WILL BE REQUESTED

- PERMITS/APPROVALS REQUIRED**
- TOWN OF LONDONDERRY SITE PLAN
  - TOWN OF LONDONDERRY CONDITIONAL USE PERMIT FOR USE
  - TOWN OF LONDONDERRY CONDITIONAL USE PERMIT FOR OFFSITE SIGN
  - TOWN OF LONDONDERRY VARIANCE FOR SIGN SIZE, HEIGHT, AND LOCATION (RW DRIVE SIGN)
  - TOWN OF LONDONDERRY VARIANCE FOR BUILDING SETBACK
  - TOWN OF LONDONDERRY WAIVERS FOR INFILTRATION, INTERNAL LANDSCAPING.
  - TOWN OF LONDONDERRY ROADWAY EXTENSION/CONSTRUCTION
  - NHDOT DRIVEWAY PERMIT
  - NHDES ALTERATION OF TERRAIN
  - NHDES SEWER CONNECTION/SEWER EXTENSION

NO.	DATE	REVISION	DESIGNED:	CHECKED:	APPROVED:
			BAP	ACD	BAP

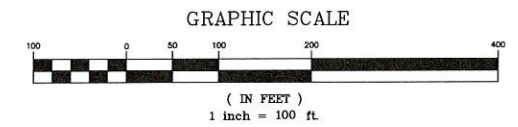
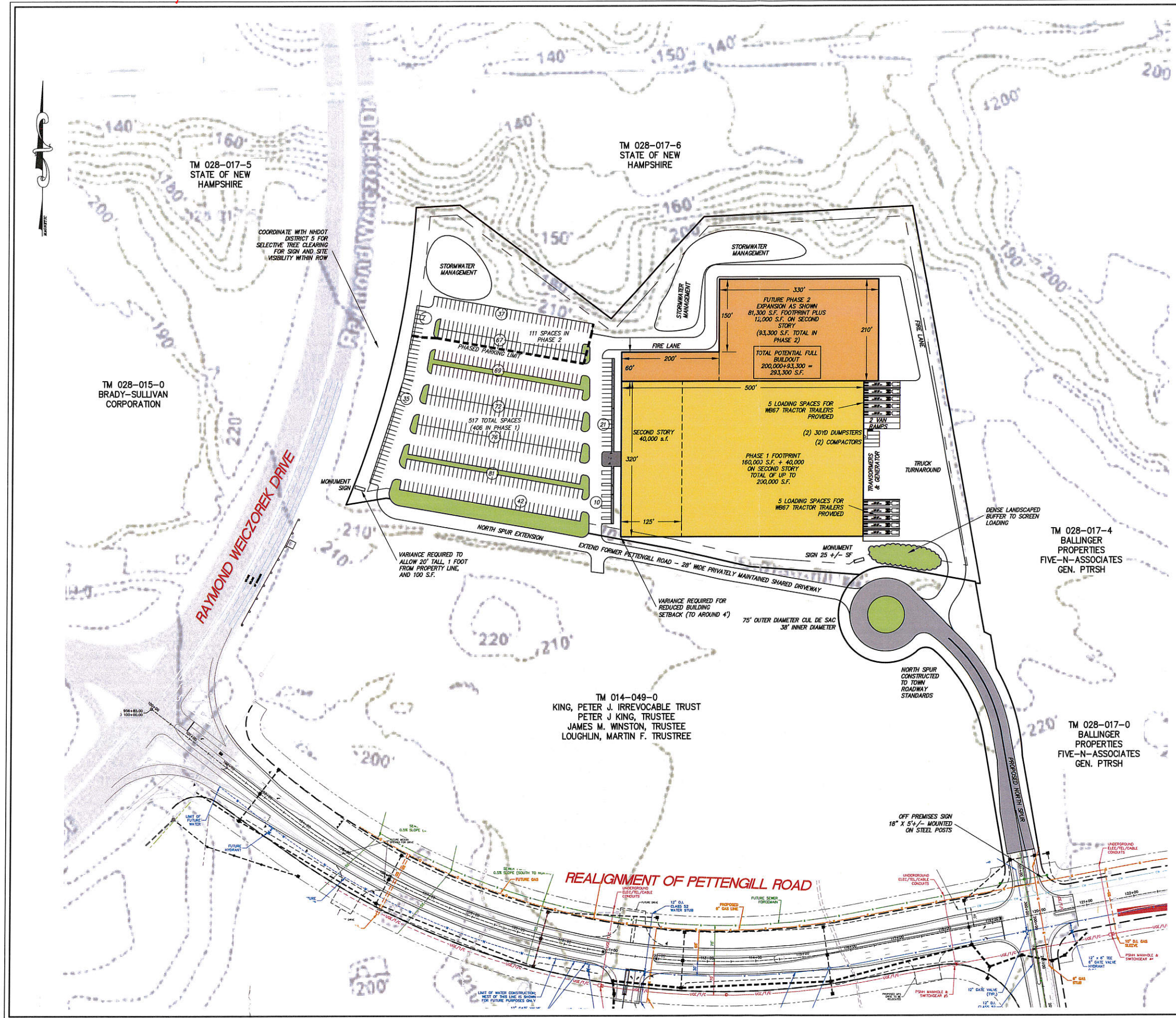
**CLD CONSULTING ENGINEERS Inc.**  
 540 Commercial Street Manchester, NH 03101  
 (603) 668-8223 Fax: (603) 668-8802  
 cld@cldeengineers.com www.cldeengineers.com  
 Maine-New Hampshire-Vermont

PLANS UNDER DESIGN DEVELOPMENT. ISSUED FOR INTERIM REVIEW ONLY. NOT FOR CONSTRUCTION

CLIENT:  
**ANAGNOST INVESTMENTS**  
 1662 ELM ST  
 MANCHESTER, NH

57 REAR PETTENGILL ROAD  
 LONDONDERRY  
 TAX MAP 28 LOT 17 BLOCK 2  
 LONDONDERRY, NH  
**CONCEPT 25**

SCALE: 1"=100'	JOB NO. 14-0244
DATE: JUNE 2015	DWG. C25





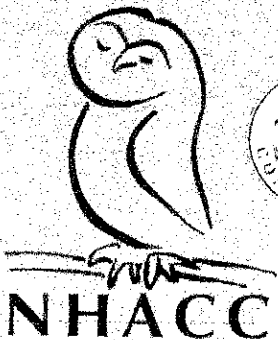
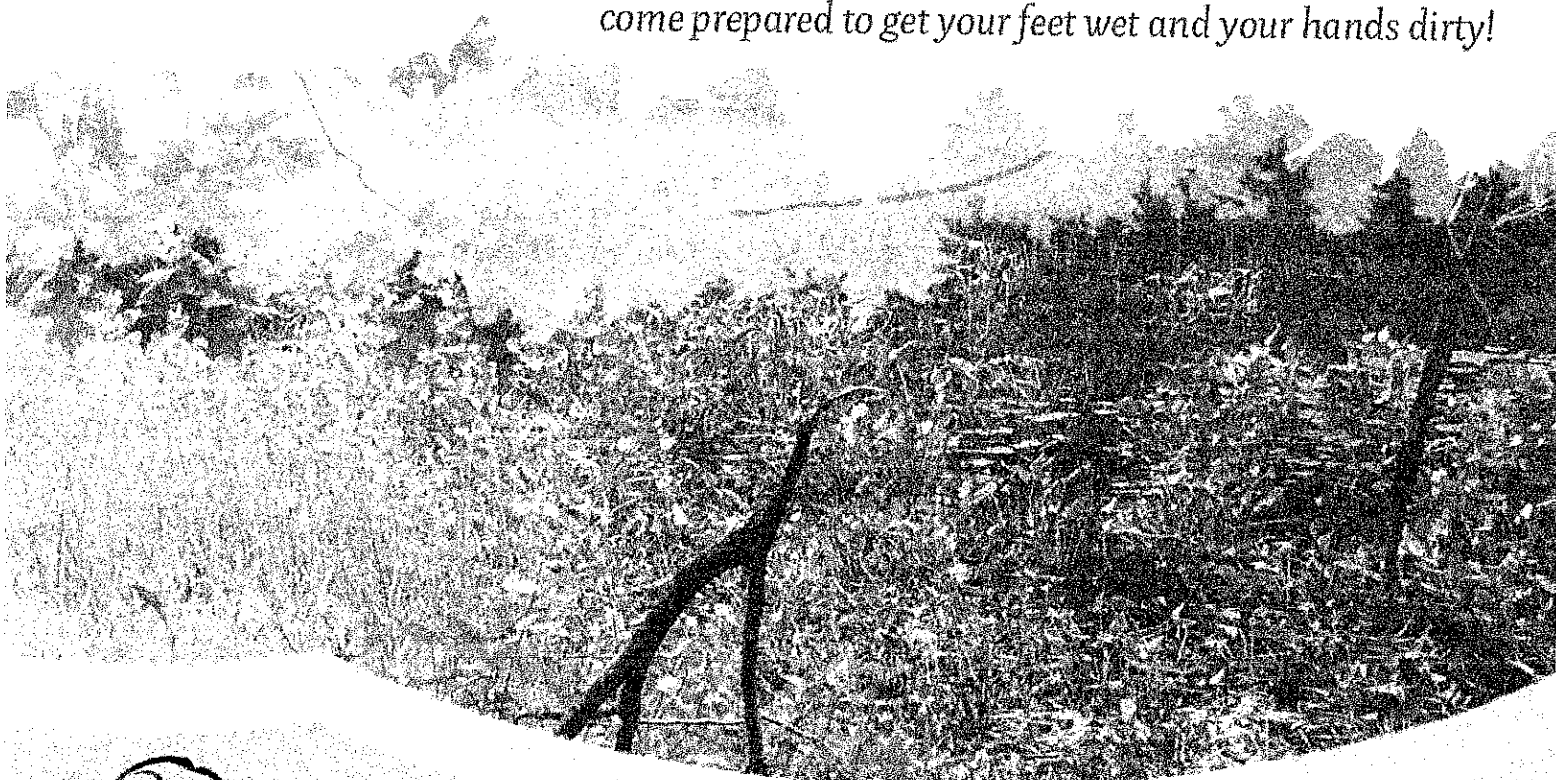
# Wetland Delineation Workshop

## August 14

Trask Swamp Preserve

## Alton 1-4pm

*This workshop will provide instruction to conservation commissioners on the basics of wetland delineation, focusing on the three parameter approach. Marc Jacobs, a Certified Soil and Wetland Scientist with 30 years of experience will lead participants through the delineation process. The workshop will take place in the field so dress accordingly and come prepared to get your feet wet and your hands dirty!*



\$25 Registration fee

Register online - [www.nhacc.org/education](http://www.nhacc.org/education)

Local Volunteers - Local Projects - Statewide Impact

New Hampshire Association of Conservation Commissions | [www.nhacc.org](http://www.nhacc.org) | 603-224-7867

June 13, 2015 10:23PM

# High court: Farm zone not a place for a party

CONCORD - The New Hampshire Supreme Court on Friday issued a split decision, ruling that hosting weddings, retreats, educational opportunities and similar events are not considered permitted uses on a 110-acre working farm in Henniker's rural residential district.

The majority decision, split largely along policy grounds, affirms the decision of Henniker's planner and code enforcement officer's cease and desist letter to the farm's owner, Steve Forster, prohibiting him from hosting weddings and celebrations on his rural Christmas tree farm.

The majority decision goes against findings of the state's Farm Viability Task Force involving economic hardships faced by farmers in the Granite State, and "imperils the economic viability of every working farm in New Hampshire," said Rob Miller, a lawyer with Sheehan, Phinney, Bass & Green in Manchester.

"This is a critical issue facing the state of New Hampshire," said Miller, who represented Forster before the Supreme Court. "Farmers need to be able to host these types of additional activities on their farms in order to survive. I am deeply disappointed by the Court's decision, and I am very concerned that local municipalities will see this decision as an opportunity to impose further restrictions on farms and farmers - which is the exact opposite of what the Task Force intended."

According to Miller, New Hampshire Department of Agriculture's Director of Agricultural



(/storyimage/UL/20150614/NEWS21/150619558/AR/0/AR-150619558.jpg?q=100)

Steve Forster, owner of Forster's Christmas Tree Farm in Henniker, said his land has served as a backdrop for many weddings over the years. (NANCY BEAN FOSTER/Union Leader Correspondent)



## Related Stories

NHSUPCO: Christmas Tree Farm v. Town of Henniker

(/article/20150613/AGGREGATION/150619630)

Development Gail McWilliam Jellie offered testimony that, "the income generated directly from (agritourism) activities is . important in the operation of the farm businesses," citing a recent Plymouth State University Study that found "about a third of agriculture's total \$935 million contribution to New Hampshire's economy is due to agritourism activities."

The majority's decision states that both the plain language and legislative history of RSA 21:34-a (the statutory definition of agriculture) fails to demonstrate the Legislature's intent to include "agritourism" activities like weddings in the statutory definition of agriculture, and that such uses are not permitted "accessory uses" of a farm.

According to Miller, the Gov. John Lynch New Hampshire Farm Viability Task Force studied the challenges facing New Hampshire farmers for two years before proposing a comprehensive set of amendments to the New Hampshire land use statutes.

"Obviously, the Court's majority felt that the statutory language did not provide the protections that the Task Force thought it did," said Miller.

"So this battle now goes back to the Legislature to clean up the statutory language," he said. "But in the meantime, Mr. Forster can't do anything on his farm except grow Christmas trees, and I'm worried that by the time this gets resolved in the Legislature, his farm will be a subdivision. And that's the real problem with the Court's decision today - it imposes the burden to change things on a group of people that are already struggling financially and can't afford what it costs to coordinate and effectuate legal or legislative change in this state."

*pfeely@unionleader.com*