



Londonderry Conservation Commission
Tuesday, October 28, 2014
Minutes

1 Present: Deb Lievens; Gene Harrington; Mike Considine; Paul Nickerson; Ben LaBrecque; and Mike
2 Speltz, alternate

3
4 D. Lievens called the meeting to order at 7:30 PM. She appointed M. Speltz to vote for Marge Badois.

5
6 Whittemore Estates Site Plan Amendment CUP (12-59-3)- Earle Blatchford of Hayner/Swanson, Inc.
7 presented a Conditional Use Permit (CUP) application on behalf of applicant Advanced Design
8 Construction, who is seeking to amend the Whittemore Estates site plan first approved in 2003 for 83
9 units of elderly housing. Phase I of the original Whittemore site plan was completed in 2004 which
10 including 6 units, Trail Haven Drive and the stormwater management area. The plan was subsequently
11 amended in 2013 to reflect the fact that the northernmost 21 acres of the original site were carved off
12 for what became a separate workforce housing development, leaving 38 acres for the remainder of
13 Whittemore Estates. That amendment resulted in a total of 17 units with a clubhouse amenity. No
14 new engineering took place at that time. Proposed now are 22 additional units, although this time
15 without a clubhouse. E. Blatchford noted that under current zoning, 122 units could be built on this
16 lot, so the total of 28 units is well under the allowed density. M. Speltz commented to Commissioners
17 that this situation speaks to a "flaw" in the zoning ordinance whereby density calculations do not
18 factor in unbuildable aspects of a lot, e.g. wetlands.

19 A Dredge and Fill (D+F) permit was issued for the original site plan from the NH Department of
20 Environmental Services (DES) for 2,670 square feet of wetland impact caused by an access way
21 crossing. The crossing was necessary to access units proposed on the southwest corner of the property
22 since the NH Department of Transportation (DOT) would not approve an additional curb cut onto
23 Mammoth Road (Route 128; see Attachment #1). An accompanying CUP permit was approved by the
24 Planning Board for 10,185 sf of Conservation Overlay District (COD) wetland buffer impact. No
25 additional wetland impacts will take place under the proposed amendment, however an additional
26 6,551 sf of buffer intrusion will occur, chiefly due to a new stormwater management area to the west
27 of the southern central units. When combined with buffer impacts approved in 2013 for the separate
28 workforce housing development to the north, the new total with this proposed increase would still be
29 less than the original 2003 buffer impacts approved for those same 59 acres. E. Blatchford also
30 pointed out that while there would be an increase in impervious surface because of the supplemental
31 stormwater management area, there was also a decrease in impervious surface associated with the
32 existing stormwater management area.

33 D. Lievens asked that attention be paid to ensure that COD buffer signage is installed to
34 demarcate the buffer from the buildable portions of the site plan. E. Blatchford assured her it would
35 be placed per the approved site plan. It was also requested that snow storage be identified on the plan
36 (see separate DRC comments on page 5). Two locations of buffer impact were discussed briefly, one
37 east of the two-unit building on the cul de sac and the other south of the southwest four-unit building.
38 Commissioners requested that those two areas be allowed to naturalize and not be maintained as turf.
39 E. Blatchford replied that the impacts were temporary and that COD buffer signs are to be located in
40 both spots to make certain they are not disturbed after construction. One other spot of buffer impact,
41 this time to the south of the six-unit south central building, was noted as being used for parking, a non-



Londonderry Conservation Commission
Tuesday, October 28, 2014
Minutes

42 permitted use in the buffer and therefore something for which the Commission does not have the
43 authority to recommend approval. When asked, E. Blatchford confirmed he would remove that
44 portion of paving from the buffer, while not inhibiting the future owner's access to and from their
45 garage.

46 **M. Speltz made a motion to recommend the Planning Board grant the Conditional Use**
47 **Permit, subject to the removal of the parking area that is currently shown in the Conservation**
48 **Overlay District buffer adjacent to unit 86. P. Nickerson seconded. The motion was approved, 6-0-0.**
49

50 Pinkerton Hills (9-78)- Peter Julia of Keach-Nordstrom Associates was joined by applicant Bob
51 LaMontagne and his associate Dana Finn to discuss a Conditional Use Permit (CUP) application, a
52 Routine Roadway and Railway Maintenance Activities Notification and a Minimum Impact Expedited
53 Dredge and Fill (D+F) permit application, all associated with a proposed six lot subdivision on the
54 corner of Bancroft and Hardy Roads. The corner lot would have access from Hardy Road while the
55 remaining five lots would front on Bancroft Road, which the Town has requested be widened by the
56 applicant and improvements made to its drainage system. Part of those improvements involves
57 replacing two culverts, which the Town is allowing to happen at this time. The Department of Public
58 Works (DPW) will therefore sign the aforementioned Routine Roadway Maintenance Notification and
59 forward it to the State for approval. P. Julia explained that the applicant simply wanted the
60 Commission to be aware of that application, which would result in 155 sf of wetland impact in one
61 location and 28 sf in the second. Only three of the 10.16 acres of land would be developed, although
62 P. Julia noted that the amount of buildable area on Lot 78-5 would be significantly less than the others.
63 D. Lievens questioned whether a future homeowner would be willing to have such a small envelope of
64 space around their house, especially since the buffer leaves virtually no room for a backyard. P. Julia
65 noted that some homeowners might prefer the associated lack of property maintenance.

66 The D+F application, which requires signatures from the Commission, is a request to fill 913 sf
67 of wetland for an access way crossing (i.e. a driveway) on proposed Lot 78-2 (see Attachment #2). D.
68 Lievens explained that the Commission's process for a Minimum Impact Expedited application is for
69 two Commissioners to view the site and confirm the specifics in the application, and then sign them
70 after doing so. D. Lievens and P. Nickerson offered to meet P. Julia on November 5 at 2 PM for a site
71 walk. D. Lievens added that she could also view the conditions of the invasive species Japanese
72 Knotweed she has observed as being abundant on that lot and provide any input to the applicant.

73 Of the three wetlands on the site, only one is large enough to have a 50-foot Conservation
74 Overlay District (COD) wetland buffer applied to it, which will be marked with COD buffer signage as
75 required by Town regulations. The wetland stretches across proposed Lots 78-4 and 78-5 and the CUP
76 application is for 864 sf of buffer impact on Lot 78-4 to provide access to the leachfield towards the
77 rear of the property and 712 sf on Lot 78-5 to install the well and the water main pipe connected to the
78 house (see Attachment #2). Following construction, the intrusion on Lot 78-5 would be left to
79 naturalize. G. Harrington explained that since turf is not a permitted use in the COD buffer, the
80 Commission could not recommend approval of the buffer intrusion on Lot 78-4 if it is to be maintained.
81 Following some discussion, **G. Harrington made a motion to recommend approval to the Planning**
82 **Board of the Conditional Use Permit as presented, with the qualification that the access way across**



Londonderry Conservation Commission
Tuesday, October 28, 2014
Minutes

83 **the Conservation Overlay District buffer on Lot 78-4 be maintained at five (5) feet or less and without**
84 **turf seeding. M. Considine seconded. The motion was approved, 6-0-0.** Consensus among
85 Commissioners was that the recommendation of the CUP approval was conditioned upon approval by
86 the DPW of the Routine Roadway Notification.

87
88 62 Adams Road subdivision- Joseph Maynard of Benchmark Engineering returned to discuss a
89 proposed lot line adjustment on Map 6, Lots 113, 6-90 and 6-90-1 (see August 26 and September 23,
90 2014 minutes). A variance was sought at the October 15 meeting of the Zoning Board of Adjustment to
91 be relieved of the restrictions of the Conservation Overlay District (COD) wetland buffer, something
92 the Town Zoning Administrator had determined would be enacted since a lot line adjustment is
93 considered a subdivision of land. Under Section 2.6.3.8 of the Zoning Ordinance, the Board continued
94 the hearing so that comment could be provided by the Commission in writing. Citing that even a
95 recommendation for partial relief from the COD ordinance on one of the lots (i.e. Lot 90) would set a
96 negative precedent, Commissioners did not believe the relief was warranted but noted they could
97 support a Conditional Use Permit (CUP) request if the criteria within the ordinance was met by the
98 applicant. **M. Considine made a motion not to support a variance seeking exemption from the COD**
99 **buffer, without prejudice to a future Conditional Use Permit application. M. Speltz seconded. The**
100 **motion was approved, 5-1-0** with D. Lievens in opposition. J. Maynard requested that this topic be
101 scheduled for the November 25 meeting in order for him to present a CUP application.

102
103 Invasive Plant Control & Pest Management Program Proposal- Michael Morrison, President of Swamp
104 Inc., gave the Commission an overview of the services his company can provide to Londonderry,
105 including mosquito control, wetland restoration, control and removal of invasive plant species, and
106 reporting of compliance and/or ecological violations within new developments. Swamp Inc. was hired
107 by the Commission to remove the invasive Phragmites species from a wetland on Town owned
108 property (6-113) through the use of State Aquatic Resource Mitigation (ARM) Grant funds. M.
109 Morrison reported that approximately 95% of the Phragmites has been successfully removed and
110 recommended continued management over the next few years via the remaining ARM funds to
111 prevent its resurgence, including annual procurement of a State wetlands permit. A mosquito control
112 proposal was recently presented by M. Morrison to the Town Manager and Senior Building
113 Inspector/Health Officer and a follow-up meeting will take place in the coming weeks. In addition to
114 the aforementioned services, Swamp Inc. also supports municipalities by seeking grant funding for
115 their programs. Coordination with all Town departments is a key part of this effort, he said, since it
116 demonstrates the ability to provide services to multiple Town agencies. Swamp Inc. has worked
117 regularly with NH Fish and Game to assist several municipalities, concentrating on maximization of
118 available resources. Commissioners encouraged M. Morrison to visit the Town Forest to assess the
119 infestation of Oriental Bittersweet and suggest a course of action, as well as to investigate the
120 presence of other invasive plants such as Japanese Barberry and Honeysuckle. D. Lievens asked M.
121 Morrison to submit a multi-year budget proposal to the Commission.

122
123 Outdoor Recreation Guide update- This topic was postponed to the November 25 meeting due to a



Londonderry Conservation Commission
Tuesday, October 28, 2014
Minutes

124 change in formatting.

125

126 Deer baiting policy- After discussing possibilities for a policy regarding requests to bait for deer on
127 Town owned property, **M. Speltz made a motion that the Conservation Commission adopt a policy**
128 **that when a deer baiting request is made, the name of the individual making the request and the**
129 **proposed location be posted on the agenda by Town Staff no later than one week prior to the**
130 **Commission meeting when the request will be considered. G. Harrington seconded. The motion was**
131 **approved, 5-1-0 with P. Nickerson in opposition.** This would give any interested parties (e.g. abutters
132 to the proposed locations) the ability to attend the presentation and ask questions and/or express
133 concerns.

134

135 Carry In – Carry Out policy- D. Lievens reported that at a cost of \$12.95 each, Carry In – Carry Out signs
136 for various conservation properties in Londonderry could be purchased from the NH Department of
137 Corrections. Purchasing six signs would bring the cost to \$14.24 each. Since trash and recycling
138 receptacles are provided that the Kendall Pond Conservation Area, it was decided that no signs would
139 be posted there. **P. Nickerson made a motion to authorize the Chair to expend an amount not to**
140 **exceed \$200 from the line item budget to purchase 12 “Carry In- Carry Out” signs from the NH**
141 **Department of Corrections. G. Harrington seconded. The motion was approved, 6-0-0.** The figure
142 was determined based on any potential shipping charges.

143

144 Monitoring- D. Lievens asked for volunteers to perform the annual monitoring of the Plummer
145 conservation easement on Map 8 Lot 1. M. Speltz and M. Considine offered to coordinate with D.
146 Lievens to set a date.

147

148 Musquash Trails- M. Considine reported that the newest trail west of the power lines on Map 5 Lot 12
149 has been completed.

150

151 Expenses- D. Lievens requested authorization from the Commission to seek reimbursement for \$19.60
152 worth of postage purchased for administrative Conservation Commission Chair duties. **G. Harrington**
153 **made a motion to reimburse the Chair an amount not to exceed \$19.60 from the line item budget for**
154 **postage related to administrative Conservation Commission Chair duties. P. Nickerson seconded.**
155 **The motion was approved, 5-0-1 with D. Lievens abstaining.**

156

157 Metal detecting on Town trails- A question was posed recently to the Commission as to whether metal
158 detecting is allowed on Town trails. The consensus was that the activity would be permitted as long as
159 it is done in compliance with State laws (e.g. those of the Department of Environmental Services and
160 those regarding antiquities).

161

162 November and December meeting dates- Commissioners discussed November and December meeting
163 dates in relation to the Thanksgiving and Christmas holidays. It was decided not to change the
164 November 25 meeting date, however the regular meeting scheduled for December 23 was moved to



Londonderry Conservation Commission
Tuesday, October 28, 2014
Minutes

165 December 16. Staff was asked to investigate whether the Sunnycrest Conference Room would be
166 available that night at 7:30 or whether another meeting place would need to be found.
167

168 September 23, 2014 minutes- D. Lievens suggested changing the word “fund” on line 173 to
169 “budget.” Commissioners agreed. **G. Harrington made a motion to approve the minutes of the**
170 **September 23, 2014 public session as amended. M. Considine seconded the motion. The motion**
171 **was approved, 5-0-1 with P. Nickerson abstaining as he had not attended the meeting.**

172 G. Harrington noted that the header of the September 23 non-public minutes erroneously
173 indicated “Page 1 of 2” when the minutes did not exceed one page in length. **G. Harrington made a**
174 **motion to approve the minutes of the September 23, 2014 non-public session as amended. B.**
175 **LaBrecque seconded the motion. The motion was approved, 5-0-1 with P. Nickerson abstaining as**
176 **he had not attended the meeting.**
177

178 DRCs: 1) Whittemore Estates site plan amendment – Map 12, Lot 59-3-

179 Comments: 1). No snow storage shown (may have been omitted by accident).
180 2). Regarding the building to the southeast; please adjust the paving to
181 remove it from the COD buffer and unit 86.
182

183 2) Pillsbury Cemetery Lot Line Adjustment – Map 10, Lots 42 & 154-

184 No comments.
185

186 Budget- D. Lievens presented a proposed budget for FY2015-2016 (see Attachment #3), noting it was
187 the same as the proposed budget of FY2014-2015. Commissioners agreed to add \$8,000 to the
188 proposal for the management of invasive species such as the Bittersweet in the Town Forest. The total
189 proposal would be for \$11,300. **G. Harrington made a motion to authorize the Chair to propose the**
190 **FY15-16 budget as discussed. B. LaBrecque seconded. The motion was approved, 6-0-0.**
191

192 Target shooting in the Musquash- A workshop was held by the Town Council on October 7 to obtain
193 public input on target shooting in the Musquash. M. Considine reported that at their October 20
194 meeting, the Council discussed potential ways to deal with the issue (no public comment was
195 entertained at this meeting). Three possibilities were posed: 1. Ban the discharging of firearms on all
196 *Town owned land*, except for hunting; 2. Ban the discharging of firearms on *all land in Londonderry*,
197 except for hunting; 3. Ban the discharging of firearms on all land in Londonderry, *including hunting*.
198 He said the Council also discussed restricting hiking and other passive recreation in the Musquash
199 Conservation Area during some portion of the deer hunting season. The Town Manager was then
200 asked to determine the cost associated with enforcement of those possibilities and to create a model
201 ordinance. He was also charged with obtaining an opinion from the Town Attorney as to whether a
202 ban on the use of firearms on private property is within the Council’s purview. The Council will hold
203 a second workshop in the near future before making any decisions.
204

205 **M. Speltz made a motion to go into Non-Public Session per RSA 91-A:3 for the purpose of discussing**



Londonderry Conservation Commission
Tuesday, October 28, 2014
Minutes

206 possible land acquisitions. G. Harrington seconded the motion.

207

208 Roll call vote: Aye, Mike Speltz; Aye, Ben LaBrecque; Aye, Paul Nickerson; Aye, Mike Considine; Aye,
209 G. Harrington; and Aye, Deb Lievens.

210

211 G. Harrington made a motion to go out of Non-Public Session. M. Considine seconded the motion.

212 The motion was approved, 6-0-0.

213

214 G. Harrington made a motion to seal the minutes of the Non-Public Session indefinitely. M.

215 Considine seconded the motion. The motion was approved, 6-0-0.

216

217 G. Harrington made motion to adjourn the meeting. M. Considine seconded. The motion was
218 approved, 6-0-0.

219

220 The meeting adjourned at 10:41 PM.

221

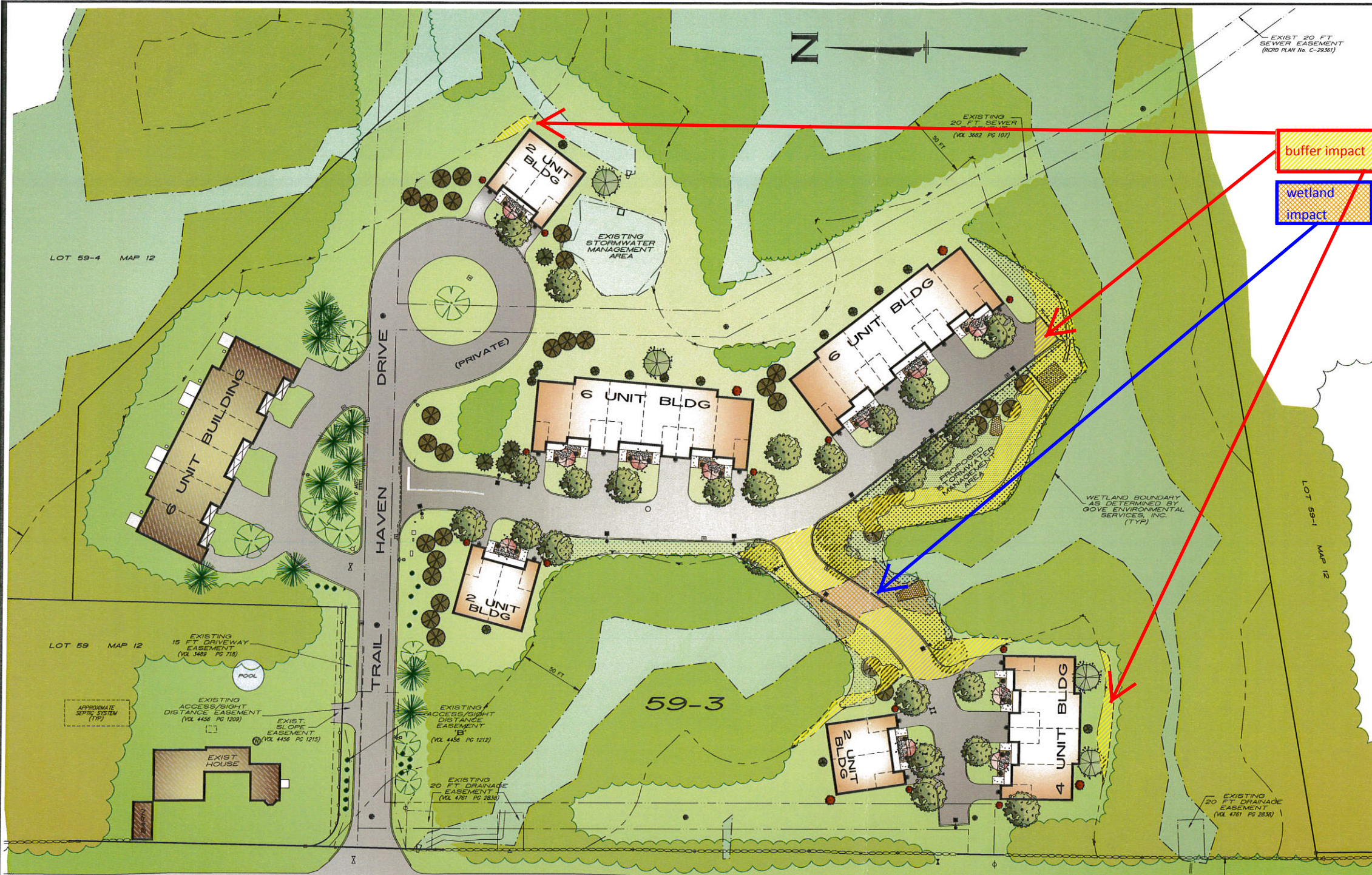
222 Respectfully submitted,

223

224

225 Jaye Trottier

226 Associate Planner



LEGEND

PROPOSED WETLAND BUFFER
IMPACTS 16,736 SF
(10,185 SF CURRENTLY APPROVED)

PROPOSED WETLAND IMPACTS 2,670 SF
(CURRENTLY APPROVED)

DISPLAY PLAN
(MAP 12, LOT 59-3)

WHITTEMORE ESTATES
CONDOMINIUMS
MAMMOTH ROAD
LONDONDERRY, NEW HAMPSHIRE

PREPARED FOR:
ADVANCED DESIGN CONSTRUCTION, INC.
16 INDUSTRIAL WAY ATKINSON, NEW HAMPSHIRE 03811 (603) 329-9515

RECORD OWNER:
LONDONDERRY LENDING TRUST
c/o ROBERT V. WALLACE JR.
132 LINCOLN STREET, SUITE 6L BOSTON, MASSACHUSETTS 02111

SCALE: 1"=40 Feet
1"=12.192 Meters

25 SEPTEMBER 2014

HIS Hayner/Swanson, Inc.
Three Congress Street Nashua, New Hampshire 03062-3301
Tel (603) 883-2057 www.haynerswanson.com Fax (603) 883-5057

FIELD BOOK: 1099 DRAWING NAME: 4669-ADC LS41-DSP 4669-ADC 1 OF 1
DRAWING LOCATION: Q:\4669\DWG\4669-ADC

MAMMOTH (NH ROUTE 126- CLASS II PUBLIC) ROAD

LOT 59 MAP 12 LOT 57 MAP 12 LOT 56C MAP 12 LOT 55 MAP 12

No.	DATE	REVISION	BY



Proposed 6-lot Residential Subdivision

The proposed six (6) lot single family residential subdivision will add five (5) roadway frontage lots on Bancroft Road and one (1) roadway frontage lot on Hardy Road. All lots will include private drives, individual onsite septic systems and private wells. The proposed six (6) lots will be numbered from west to east, as lots 78 through 78-5. Lots 78-4 and 78-5 propose to disturb the 50.0 ft wetland buffer only and will not impact the delineated wetland. Lot 78-4 will require approximately **864 sf** of wetland buffer impact associated with individual onsite septic system access, construction and resident piping. Lot 78-5 will require approximately **712 sf** of wetland buffer impact associated with private well system access, construction, resident wellhead and piping.

The image below is a reasonable graphic representation of the proposed lot development, interior wetland, 50.0 ft buffer and proposed impacts. Please also refer to the lot development plan contained within the CUP application supplemental information.



Civil Engineering

Land Surveying

Landscape Architecture

10 Commerce Park North, Suite 3B

Bedford, NH 03110

Phone (603) 627-2881

Fax (603) 627-2915

Londonderry Conservation Commission Meeting Minutes - October 28, 2014 - Attachment #3

Conservation Commission
Proposed Budget FY 15-16

	7/1/13-6/30/14	7/1/14-6/30/15	7/1/15-6/30/16	
	Actual	Proposed	Proposed	
NHACC Dues	\$ 875.00	\$ 900.00	\$ 900.00	
Chair Expenses				
Postage, telephone, misc. office supplies	did not charge this year	\$ 50.00	\$ 50.00	
Office Expenses - secretarial				
secretary	\$ 9.99	\$ 25.00	\$ 25.00	
other postage		\$ 25.00	\$ 25.00	
Legal Notices	\$ 140.00	\$ 125.00	\$ 150.00	cost of notices has gone up
Reimbursement for classes, reference materials				
NHACC Ann'l meeting/conferences	\$ 90.00	\$ 125.00	\$ 125.00	
reference material				
Management		\$ 1,800.00	\$ 1,800.00	
MCA bridges \$500				MCA bridges500
MCA repair \$600				MCA repair 600
MCA beaver management	\$ 375.00			
monitoring \$700	\$ 650.00			monitoring 700
Charlie Moreno Tour of Town Forest	\$ 250.00			
Musquash Field Day	self-supported	\$ 50.00	\$ 50.00	keep in until we're sure it stays self-supporting
Co-operative donations		\$ 200.00	\$ 175.00	
actual/proposed budget	\$ 2,389.99	\$ 3,300.00	\$ 3,300.00	