



Londonderry Conservation Commission  
Tuesday, August 28, 2018  
Minutes

1 **Present:** Marge Badois, Chair; Bob Maxwell, member; Deb Lievens, member; Mike Byerly, member;  
2 Mike Noone, member; Roger Fillio, member; Mike Speltz, alternate member; Richard Floyd, alternate  
3 member and Julie Christenson-Collins, alternate member  
4

5 **Absent:** Gene Harrington, Vice Chair and Ted Combes, Town Council member  
6

7 **Also present:** George Chadwick, Jack Szemplinski, Rick Welch, Jack Kalantzakos, Joe Maynard, Amy  
8 Kizak, GIS Manager/Comprehensive Planner and Beth Morrison, Recording Secretary  
9

10 Marge Badois called the meeting to order at 7:30 pm. She appointed J Chirstenson-Collins to vote for G  
11 Harrington

12 **LeBlanc wetland permit – George Chadwick:** George Chadwick introduced himself to the Commission  
13 explaining that at the last meeting a wetland scientist presented an expedited wetland application to  
14 the Commission, which resulted in a site walk and the application being signed. G Chadwick reviewed  
15 the two comments that the Commission presented with the design review for this site at the last  
16 meeting. He stated that he has determined the wetland in question is less than a half an acre in size,  
17 which means the 50 foot buffer does not apply to it, however, the rain garden has been moved at least  
18 25 feet away from the wetland. The Commissioners had no further comments at this time.

19 **Cross Farm presentation – Jack Szemplinski:** Jack Szemplinski introduced himself to the Commission  
20 and stated that the second phase of this development will consist of 87 units and two roads. J  
21 Szemplinski stated that the second and third phase will connect Route 102 to Adams Road with the  
22 addition of another 86 units. He noted that all of the units will be serviced by municipal water and on-  
23 site septic systems. He pointed out that from a drainage perspective there are six new detention ponds.  
24 He noted that there was a change to a detention pond, which he pointed out on the map to the  
25 Commission, to make it larger per Stantec's recommendations which resulted in an additional 1,150 SF  
26 of Conservation Overlay (CO) impact noting that none of the impact was within 25 feet of the buffer. He  
27 reviewed the drainage on the map with the Commission. M Byerly asked why the detention pond was  
28 enlarged. J Szemplinski explained that they had to contain more flow on the property due to the soils.

29 **Cross Farm wetland permit – Jack Szemplinski; Joe Maynard, Rick Welch, Jack Kalantzakos:** Jack  
30 Szemplinski reviewed the three dredge and fills with the Commission on the map noting there is 4,500  
31 SF of impact with 26,000 SF of CO impact. J Szemplinski explained that a large portion of the impact is  
32 where the wetland crosses a road on the map with the Commission. He noted that there are some units  
33 that were very close to the wetlands that have been made smaller in footprint size to try and stay away  
34 from the buffer as much as possible. Joe Maynard, Engineer with Benchmark Engineering, introduced  
35 himself to the Commission at this time. J Maynard informed the Commission that at a meeting with the  
36 Wetlands Board he was directed to get in touch with Kim Tuttle, a Wildlife Biologist, from Fish & Game



Londonderry Conservation Commission  
Tuesday, August 28, 2018  
Minutes

37 because there was a Blanding turtle and a vernal pool on the property. He noted Kim Tuttle was  
38 concerned about these issues and therefore a conservation easement was placed on the property that is  
39 about 26 acres in size. He noted that there is a second conservation easement of about 8 acres on the  
40 property because there was cotton tail rabbit habitat around the area which Fish & Game wanted to try  
41 and foster a continuation of the habitat. He stated that they discussed wetland impacts with the  
42 Wetland Board and Fish & Game and have decided to put a permanent 50 foot CO buffer around  
43 wetland one. He stated that because of the Blanding turtle and vernal pool, Kim Tuttle wanted  
44 connectivity for the wildlife, therefore, they will be putting in two open bottom box culverts on the site.  
45 He also noted that Kim Tuttle did not want the wildlife to have access out to Adams Road or Route 102  
46 and they will be putting in a controlled structure at two places on the map. He reviewed all the places  
47 for box culverts and controlled structure on the map with the Commission. B Maxwell stated that the  
48 Commission had recommended a box culvert, which he did not see on the map. J Maynard stated that at  
49 all the meetings he has had with the state, they did not want a box culvert in that location, but wanted  
50 to try and restrict the wildlife from having access to Adams Road or Route 102 with the controlled  
51 structures. M Speltz asked if J Maynard was representing that Kim Tuttle did not want a box culvert. J  
52 Maynard stated that was correct and noted that in the wetland application the meeting minutes have  
53 been attached. M Speltz asked if the detention ponds could be moved out of the buffer if they  
54 decreased the amount of impervious surface on the site. J Szemplinski stated it would not decrease the  
55 amount of CO impact. M Speltz asked how much yard a person would have on the smallest lot on the  
56 site before the buffer. J Maynard stated he thought 12 to 15 feet. He noted that they placed CO buffer  
57 signs on the site before construction started every 25 feet behind the homes and every 50 feet for areas  
58 that are farther away. M Speltz asked if the northern entrance would be a crash gate. J Maynard stated  
59 that it is not decided yet as they have not been to the Planning Board for that yet. M Speltz asked if the  
60 conservation easements would all be the same. Jack Kalantzakos stated that in the last discussion with  
61 Lori Sommer, NHDES Wetlands Bureau Mitigation Coordinator, they discussed a conservation restriction  
62 easement because of the abutters and difficulty setting up a land trust. He noted that they sent Lori  
63 Sommer a draft of restriction language and enforcement rights for the state and town and are waiting to  
64 hear back. M Speltz asked again if the same provisions would apply to all three conservation easements.  
65 J Kalantzakos stated that there are some differences with the northeast easement being a total  
66 restriction, the southwest easement has passive recreation language, and the middle easement he  
67 believes would be full restriction, but has not been written up yet. D Lievens asked if Kim Tuttle signed  
68 off on any management of the area next to the habitat. J Kalantzakos stated that it was up to Lori  
69 Sommer now. J Maynard stated that Kim Tuttle gave her recommendations. D Lievens stated that she  
70 thought they should check out Kim Tuttle's recommendations. J Kalantzakos stated they would be  
71 meeting with Kim Tuttle again and would ask. M Speltz stated that one comment he has is for NHDES  
72 allow the Londonderry Conservation Commission to review the proposed conservation easement  
73 restrictions. D Lievens made a motion for New Hampshire Department of Environmental Services



Londonderry Conservation Commission  
Tuesday, August 28, 2018  
Minutes

74 (NHDES) to allow the Londonderry Conservation Commission the opportunity to review the proposed  
75 conservation easement restriction. M Byerly seconded the motion. The motion passed, 7-0-0.

76 **Conceptual discussion for Map 7 Lots 129 &130 – Jack Szemplinski:** Jack Szemplinski reviewed where  
77 the property is on the map with the Commission noting it is on Route 102 adjacent to Pasquale's  
78 restaurant. J Szemplinski explained that they are proposing to construct 16 town houses serviced by  
79 water and sewer and a small retail building in the front. He stated that they would be asking for two  
80 dredge and fills on this site. He pointed out that there is no CO impact within 25 feet of the buffer on  
81 this site. He stated the total wetland impact would be 4,810 SF and 2,900 SF of CO impact. He stated  
82 that this is a conceptual discussion at this point and since there is a lot of traffic already near this site, he  
83 is unsure what New Hampshire Department of Transportation (NHDOT) is going to request they do. M  
84 Speltz asked if it was the slope work that was causing the impacts. J Szemplinski stated it was as well as  
85 the driveway that would need to be created. M Speltz asked what is causing the disturbance to the most  
86 southern wetland. J Szemplinski stated it was a culvert. M Speltz stated that if they cut the size of the  
87 retail building in half, the parking could be cut down, and move it out of the buffer. D Lievens asked  
88 when the dredge and fills would be presented. J Szemplinski stated he thought a month. M Speltz asked  
89 if the parking was done for the minimum. J Szemplinski stated it was. M Byerly stated that if they could  
90 share the curb cut with Pasquale's then the parking could be shared as well. J Szemplinski stated that  
91 they tried, but do not think it would make sense and noted they are waiting to talk with NHDOT. M  
92 Speltz asked if they could eliminate about three houses in the north and then move the detention pond  
93 out of the buffer. J Maynard stated that there is a man-made ditch behind that area with garbage in it  
94 and cannot put the detention pond there. M Speltz explained that the Commission's feedback is always  
95 going to be to stay out of the buffer. M Byerly asked if this plan will require a conditional use permit  
96 (CUP). J Szemplinski stated that it would. M Byerly explained that one of the criteria for a CUP cannot  
97 be for economic reasons and feels this would fail that criteria. J Christenson-Collins reiterated that she  
98 felt they should work with Pasquale's on parking. J Maynard said when sharing parking there are certain  
99 criteria that have to be met and they are unsure of what retail will occupy that space, which makes it  
100 difficult. J Christenson-Collin's stated she was talking about the curb cut. J Maynard stated that was up  
101 to NHDOT. M Speltz voiced his frustration with developers not complying with the buffer ordinance.

102 **Old Business**

103 **Kendall Pond:** M Badois updated the Commission noting that the trees have been cut, the stumps are  
104 out and still awaiting the area to be turned into a parking lot. She asked if the Commission ever  
105 considered a sign for the road that says "Kendall Pond Conservation Area" similar to what is at the  
106 Musquash. The Commissioners agreed it was a good idea to have a sign. B Maxwell stated that the  
107 camera is functional at Kendall Pond now. M Noone stated that he wanted to start thinking about what  
108 improvements could be made to Kendall Pond once the parking lot is done. M Badois stated it would be



Londonderry Conservation Commission  
Tuesday, August 28, 2018  
Minutes

109 a perfect time for this so that the Commission could get the ideas out for bid so construction could start  
110 in the spring. M Speltz asked if the Commission would consider hiring a trail maintainer or trail manager.  
111 M Badois stated she thought there were more than enough volunteers to help, but the hard part is  
112 getting someone to organize it.

113 **Land acquisition process:** M Speltz stated he is meeting on Thursday with Kevin Smith, Town Manager,  
114 to discuss.

115 **Water resource management:** M Speltz asked if the Commissioners agreed with the request for  
116 proposal (RFP) and scope of work that were presented last week. The Commissioners consensus was  
117 that the RFP and scope of work are good for Steve Cotton, Administrative Support Coordinator, to put  
118 out.

119 **Turtle signs:** M Badois stated that Fish & Game is making them to fold over and there is no rush to get  
120 them up before May.

121 **Evans Family Trust:** M Speltz stated that the Commission discussed many options at the last meeting,  
122 but no decision was reached.

123 **Dumping in wetlands on rail trail:** M Speltz stated that they believe there are two encroachments by  
124 two businesses onto the state's property. He stated that he went out and attempted to locate  
125 monuments and it appeared to him to be encroachments. He passed this information along to NHDOT  
126 who referred him to the Railroad Right-of-Way department. He explained that another problem he  
127 believes is a violation of the buffer and beyond that of the state's jurisdiction of wetlands. He went out  
128 and took pictures and has passed that along to NHDES. He stated it is a town issue because the buffer  
129 has been violated and the state issue because the wetlands have dirt pushed into it.

130 **New Business:**

131 **Survey-Cooper parcel:** M Noone stated that there is a meeting on September 19, 2018 with a police  
132 escort.

133 **Terms:** M Badois informed the Commission of positions expiring in December: Gene Harrington, Roger  
134 Fillio, Mike Speltz and Julie Christenson-Collins.

135 **Leadership:** M Badois stated that the Commission will present on February 7, 2019, from 4:30-8:00 p.m.  
136 She stated that also in attendance that night will be Richard Canuel, Solid Waste Environment, Open-  
137 Space Task Force.



Londonderry Conservation Commission  
Tuesday, August 28, 2018  
Minutes

138 **Minutes:** The Commissioners went over the public minutes from August 18, 2018. M Byerly made a  
139 motion to accept the minutes as presented. R Fillio seconded the motion. The motion passed, 4-0-3 with  
140 J Christenson-Collins, R Fillio and M Badois abstaining.

141 **DRC**

142 **6 Litchfield Road Condo Conversion (Map 12 Lot 68-2:** The Commissioners reviewed the DRC for  
143 Saulnier Subdivision (Map 11 Lots 85 & 86) noting that part of unit 6B lies within the 100 year flood  
144 plane.

145 **Non-Public Session**

146 M Noone made a motion to go into non-public session per RSA 91-A:3 for the purpose of discussing a  
147 matter related to property acquisition. The motion was seconded by R Fillio. The motion was passed by  
148 M Badois, D Lievens, B Maxwell, M Noone, M Speltz, R Fillio and J Christenson-Collins with a unanimous  
149 roll call vote. M Byerly made a motion to leave non-public session and to seal the minutes of the non-  
150 public session indefinitely per RSA 91-A:3. M Noone seconded the motion. The motion passed, 7-0-0.

151 **Adjournment:** R Fillio made a motion to adjourn the meeting at 9:40 p.m. J Christenson-Collins  
152 seconded the motion. The motion passed, 7-0-0.

153 Respectfully Submitted,  
154 Beth Morrison  
155 Recording Secretary