



Londonderry Conservation Commission
Tuesday, June 26, 2018
Minutes

1 **Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Bob Maxwell, member; Deb Lievens,
2 member; Mike Byerly, member; Mike Speltz, alternate member and Richard Floyd, alternate member

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4 **Absent:** Mike Noone, member; Roger Fillio, member; Julie Christenson-Collins, alternate member and
5 Ted Combes, Town Council member

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7 **Also present:** Darren O'Brien, Fire Chief, Don and Denise Charette, Amy Kizak, GIS
8 Manager/Comprehensive Planner and Beth Morrison, Recording Secretary

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10 Marge Badois called the meeting to order at 7:30 pm. She appointed M Speltz to vote for M Noone and
11 R Floyd to vote R Fillio.

12 **Fire Update - Darren O'Brien, Fire Chief** - Darren O'Brien, Fire Chief, updated the Commission regarding
13 the new Fire Station. He stated that Jason Lopez, the engineer for the project, has been able to cut the
14 pond down to 9500 SF from 10,480 SF and therefore no mitigation needs to be done. He stated that the
15 pond will stay on the easterly edge and drain into the swale the station current has. M Speltz asked how
16 Jason did it. D O'Brien stated that Jason reexamined the plans and found out there was some type of
17 berm that would save the pond and allow it to drain where it currently drains. He stated that when the
18 feasibility study was done, it was under 10,000 SF, but during the final study it was spring time and they
19 found it to be 10,480 SF. He also updated the Commission that he met with Barbara Ostertag-Holtkamp,
20 from the library, and she pointed out the Freedom Elm, which will be flagged out to not be cut down.

21 **Don and Denise Charette - Wicked Good Scoops (Map 7 Lot 33)** - Don Charette introduced himself and
22 his wife to the Commission. He stated that they recently had their plans approved for an ice
23 cream/coffee shop by the Planning Board. He noted that he does not have to present in front of the
24 Commission regarding any wetlands or buffer impacts, but he is here tonight to talk about impervious
25 materials. He pointed out that in the future, he would love to talk with the Commission about the
26 invasive species on his property and how to best deal with them. He explained that according to the
27 town, all businesses must have pavement for their parking surfaces. He stated that there is a retention
28 pond in the front of his building, which would catch all the run-off and dump it into a pond on their
29 property. He stated that the run-off will not dissipate with a paved parking area, as it would with an
30 impervious [sic] surface, such as the gravel parking lot that is there now. He asked if there is a way to
31 keep the parking lot gravel and have the Planning Board sign off on it, as to limit the amount of run-off
32 or pollutants from entering the pond. D Lievens asked if the Commission could look over the plans to get
33 a better sense of where things are. The Commissioners reviewed the plans with D Charette. D Lievens
34 asked if D Charette had read anything about the pervious pavement that Stonyfield is using in town. D
35 Charette stated that he has and it is 2-3x more in cost to use the pervious pavement, and he would like
36 to avoid increasing costs. He is concerned that the town is making him drain all the run-off into a one



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37 foot radius near the retention pond, whereas now the run-off permeates into the gravel in a more
38 natural way. He stated that he is also concerned with the two wells that are on the property if cars are
39 leaking oil or other contaminants with the pavement. M Badois asked if the town would let him leave it
40 gravel. D Charette stated that the town requires pavement and no other business owner has questioned
41 them on this before. D Lievens stated that looking at the topo lines on the plans, there is an obvious
42 drainage area where the run-off will naturally go towards the pond area anyway. M Speltz stated that he
43 felt he should disclose that the Commission has recommended what he is asking for and to his
44 knowledge the recommendation has never been carried through. D Charette stated he is here to get the
45 Commission's recommendations and both Tom Dolan, Councilor, and Kevin Smith, Town Manager, said
46 they would back the recommendations. M Speltz asked if this would be a waiver. A Kizak stated she did
47 not know and would have to check it out and get back to him. D Charette stated he did not know the
48 difference between a waiver and a variance. M Speltz explained the difference was which Board he
49 would be asking, as the Planning Board grants waivers and the Zoning Board grants variances. He
50 believed this would be a waiver and stated the argument of keeping the gravel to maintain the small
51 town charm would be an argument that has never been used before. D Lievens asked if D Charette
52 would be willing to write a management plan to go along with his presentation, as she thought that
53 would be a good plan to have in place. Denise Charette stated that they have gone to other business
54 that have a gravel driveway and talked about their management plan with them. She asked how they
55 would incorporate the Commission's recommendations, such as if it would in writing or would the
56 Commission come to a meeting. M Speltz stated that the Commission could write a letter to the
57 Planning Board recommending the gravel parking lot stay with a management plan in place. M Speltz
58 asked if the plan had been approved. A Kizak stated it had been approved with pavement for parking.
59 She stated that D Charette should talk to the Planning Board and John Trottier to find out if it is a waiver
60 or a variance. D Lievens asked if they would be open all year round. D Charette stated that they would,
61 as they are a coffee shop as well as an ice cream shop. D Lievens asked about salt and products. D
62 Charette stated that if he does not pave, he will not have to use these products. G Harrington stated
63 that he would still need to use sand and the ground will still become frozen and will still likely drain into
64 the same area. M Speltz made a motion to recommend to the Planning Board that the approved
65 application on Lot 33 Map 7 be amended to allow the applicant to retain the existing gravel parking area
66 in lieu of paving it, subject to preparation of a management plan that is reviewed and approved by the
67 Planning Board and retains the detention pond. M Byerly seconded the motion for discussion. D Lievens
68 stated that looking at the plan the drainage is going to down the road, curve right and head towards the
69 pond, so she thought it would be the same with the gravel parking area. The motion passed, 6-0-1, with
70 D Lievens abstaining.



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72 **Old Business**

73 **Kendall Pond:** M Badois informed the Commission that there was a meeting with the neighbors who
74 agreed to create parking along the road versus a parking lot. G Harrington asked if the DPW had taken a
75 look at this plan. D Lievens stated she asked about the DPW and is not quite sure she got an answer. M
76 Byerly asked if they want to use the existing parking lot for the cars to pull in. M Badois clarified that
77 there is going to be pull in parking along the road heading towards South School. M Speltz asked if the
78 police are okay with this parking. D Lievens stated again she did not receive an answer to her question
79 regarding the police. M Badois explained that Accurate Tree will be cutting down the trees, DPW will do
80 the stumping, gravel and level the area and place the big pine down to be a guardrail for the parking.
81 She stated that the estimated cost of the tree work is \$1300 to \$1500 and the gravel is about \$1000. She
82 stated that the Commission would be responsible for payment. G Harrington asked if the Commission
83 would be receiving timber for the trees and if the granite posts would be removed. M Badois did not
84 know the answer right now and she would find out. M Badois stated there was going to be 8 parking
85 spaces. D Lievens stated that she has expressed more than once, if this is a crime issue or town issue
86 versus a conservation issue, that the town should be responsible for payment. The Commission's
87 consensus was that they would like to see the plans for this, the dimensions of the area to be cut and
88 confirm that the Police Department and DPW have approved this plan, before payment is made.

89 **Land acquisition process:** M Speltz stated that he sent the Commission's ideas to Kevin Smith who said
90 that the Town Council did not accept the ideas. He stated he then prepared a re-draft of the ideas for
91 the Commission, which he emailed to everyone last month. A majority of the Commissioners told M
92 Speltz that they never received that email and would like him to send it again.

93 **Water resource management:** A Kizak stated that she is having a meeting with the Planning
94 Department and Kevin Smith tomorrow, so she will have more information at the next Conservation
95 meeting.

96 **Encroachments:** M Speltz stated that he and M Noone want to go out and take a look on the ground for
97 lines/boundaries to see if a surveyor is definitely needed. He stated that a letter has been written asking
98 the shed to be moved on the encroachment on Gilcreast. He noted that the resident at Gilcreast has
99 hired a surveyor to confirm the work the Commission has done. He explained that there was an offer
100 made to the resident at Gilcreast to purchase the land from the town, but it is complicated because the
101 town of Derry gave this land to Londonderry with a stipulation that the land not be transferred further.

102 **Mesiti Development apple orchard clean up:** M Byerly asked if Cross Farm would consider cleaning up
103 the part of the orchard along the road and not worry about the other rows farther behind it. M Speltz
104 stated that there has to first be an assessment before you can send people to clean up the orchard. He



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105 noted that there is a NHDES program that allows someone to obtain a grant for this assessment, but the
106 problem is that the owner cannot be a private land owner. He stated that he has sent an email to NHDES
107 stating that the Commission has an easement on this land and is that sufficient ownership to allow the
108 Commission to apply for a grant.

109 **Cross Farm buffer signs:** M Badois asked A Kizak if she knew if Cross Farm had sufficiently labeled the
110 boundaries of the buffer with the buffer signs before construction began. A Kizak stated that Cross Farm
111 was supposed to label this before construction began and either the building inspector or an outside
112 engineering firm would be doing inspection for this. She stated that she would follow up with Public
113 Works and make sure the buffer signs are up.

114 **New Business:**

115 **Turtle sign:** M Badois informed the Commission that someone stole the turtle crossing sign at Hall Road
116 and for \$38 it can be replaced. M Byerly asked where there are currently turtle crossing signs. M Badois
117 stated at South Road and Hall Road. M Byerly noted that Fish & Game found four dead female Blanding
118 turtles in Wiley Hill Road. G Harrington asked if Fish & Game had make recommendations on where to
119 put turtle crossing signs. M Byerly stated that Fish & Game did not. D Lievens made a motion to
120 authorize the Chair to spend up to \$200 from the line item budget on turtle crossing sings. G Harrington
121 seconded the motion. The motion passed, 7-0-0.

122 **Public walk/paddle:** M Badois asked if the Commission wanted to do a public walk/paddle event next
123 month. The Commissioners replied that they would. M Badois suggested Scobie Pond on July 14, 2018.
124 M Byerly stated he would put this in the newsletter.

125 **Cross Farm Conditional Use Permit (Map 6 Lot 59-1):** M Badois informed the Commission that Cross
126 Farm stated that nothing has changed on the plans since they last presented to the Commission. A Kizak
127 pointed out that the total impact to the CO buffer is a different number than on the plans. She stated
128 that the CUP states 25,600 SF and the plan stated 25, 150 SF and she does not know why the numbers
129 are different. M Speltz stated that the Commission recommends that no footprint should fall less than
130 twenty feet from the edge of the buffer to accommodate earth moving equipment. He stated that the
131 Planning Board could add this as a condition of approving the plan. G Harrington made a motion stating
132 that the Commission recognizes that best efforts have been made to minimize encroachment into the
133 buffer, but the fact still remains that the site is ill-suited for the intensive use that is proposed and
134 reducing the amount of roof area would reduce the size of detention ponds required, which could in
135 turn likely reduce the impact to the buffer. M Speltz seconded the motion. The motion passed, 6-1-0.

136 **Dredge and Fill - Fire Station:** The Commissioners reviewed the dredge and fill and had no comments.



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137 **DRC**

138 **Everything Essential Site Plan (Map 6 Lots 37 & 38):** The Commissioners reviewed the DRC for
139 Everything Essential and commented that they would like to make sure the snow does not go into the
140 wetland, they should not put callery pear tree as it is non-native and can be invasive, and there is
141 concern about using the central island for snow storage as it will kill the plants.

142 **Minutes:** The Commissioners went over the public minutes from June 12, 2018. M Byerly made a motion
143 to accept the minutes as amended. B Maxwell seconded the motion. The motion passed, 6-0-1 with M
144 Speltz abstaining.

145 **Adjournment:** M Speltz made a motion to adjourn the meeting at 9:35 p.m. G Harrington seconded the
146 motion. The motion passed, 7-0-0.

147 Respectfully Submitted,
148 Beth Morrison
149 Recording Secretary