



Londonderry Conservation Commission
Tuesday, April 23, 2019
Minutes

1 **Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Deb Lievens, member; Mike Noone,
2 member; Bob Maxwell, member; Raymond Brown, alternate member and Mike Speltz, alternate
3 member

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5 **Absent:** Richard Floyd, member; Mike Byerly, member; Jocelyn Demas, alternate member, and Town
6 Council liaison member

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8 **Also present:** Amy Kizak, GIS Manager/Comprehensive Planner

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

12 **Meadows of Londonderry (Map 3 Lot 155) revised plans & Conditional Use Permit – Doug MacGuire:**

13 Doug MacGuire from the Dubai Group introduced himself to the Commission. D MacGuire said that
14 these plans had been in front of the Commission before and he was here with an update to what had
15 changed on the plans. He explained that this is a private development for 55+ and older consisting of 45
16 units, mostly single family, but now with some two family. He noted that on the previous application the
17 driveways were much shorter explaining that even though this is a private way the Town still requires
18 there to be a right-of-way across the roadways, which then enacts a 40 foot setback requirement from
19 the right-of-way. He said in his opinion he felt this was a confusing approach to this type of private
20 development and told the Commission that they had to adjust their plans because of other precedents
21 with other applications that had been set in town. M Badois asked if the developer lost units with the
22 layout adjustment. D MacGuire said they did not lose any units because of opting to go with some two
23 family units. He noted that overall they did not add any more impervious area with the new layout. He
24 said that the drainage is still the same proposal that the Commission saw on the previous application
25 noting there are two wet ponds, one towards the entrance that connects to an existing wet pond on the
26 property and a second wet pond at the cul-de-sac. He informed the Commission that the Conditional
27 Use Permit (CUP) before them tonight has no impact to any wetlands on the site, but rather impacts the
28 buffers. He said that the main area of impact is in getting the elevation necessary to outlet a structure
29 since they are wet ponds they need to be able to de-water the pond below the permanent pool to have
30 the capacity to manage storm events. He said the impact near the cul-de-sac is 2,310 SF and 3,375 SF of
31 impact near the entrance. He stated that there is a very small area of impact on Old Nashua Road that
32 involves knocking down the slope and putting in a town standard roadside swale. He said the total
33 proposed buffer impact is 6,923 SF. M Speltz asked D MacGuire why it was necessary in both wet pond
34 areas to impact the buffer. D MacGuire said that Alteration of Terrain (AOT) criteria is very specific
35 requirements if the developer is using a wet pond for treatment provision, noting AOT requires a
36 minimum of five feet intercepting the water table elevation to be able to maintain at least three feet of



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37 permanent pool. He told the Commission that they had to be at elevation 308 to maintain the
38 permanent pool and de-water the pool at elevation 308 as well. He said that the town of Londonderry
39 does not allow infiltration practices, so he has to use a wet pond with an outlet at the bottom of the
40 pond to let extra storm water flow out keeping the permanent pool level consistent for drainage. He
41 stated that he is therefore encroaching on the buffer due to grading needed for the outlet structure. M
42 Speltz asked why they cannot just dig a trough or trench to accommodate the town and AOT
43 requirements instead of impacting the buffer. D MacGuire said that the issue is they have to be able to
44 outlet the pipe at the elevation which is well within the buffer. M Speltz asked if a culvert would
45 alleviate impact to the buffer. D MacGuire said it would not as they would still be within the buffer with
46 a culvert. M Noone said that he wanted to make sure that there are Conservation buffer signs along the
47 walkway and along the back of houses 25, 26 and 27 specifically as they look about 10 feet from the
48 buffer to let residents know they cannot mow in the buffer. D MacGuire said there would be
49 Conservation signs every 50 feet in the development and none of the homeowners will be mowing their
50 yards as there will be a contracted company through the Homeowners Association (HOA). M Badois
51 asked if there would be something they could do with the rip rap to make it smaller in size as it is
52 dangerous to turtles. D MacGuire said that they could use river rock stone to help protect the turtles. M
53 Speltz asked if the Conservation signs could be placed along the piece of farm land that is not being
54 developed to make up for the 6,900 SF of buffer impact. D MacGuire said that the developer wants to
55 keep the green areas on the plan for the residents to be able to use, such raised planter beds for
56 gardens in that area, and he thinks they would be cautious to restrict that land. D Lievens asked if they
57 could have saved buffer impact if they did not have to work with the town of Londonderry regulations. D
58 MacGuire said that he could have saved impact if he did not have to follow the Londonderry regulations
59 because an infiltration practice can help tremendously on a site like this. M Speltz said that looking at
60 the plans units 25, 26 and 27 are maybe 10 feet from the buffer and with other developments like this in
61 town, it has been hard to keep residents out of the buffer. D MacGuire said that in his opinion, the 40
62 foot setback rule applies to subdivision regulations where there is 200 feet of frontage and single family
63 homes on two acre lots. He said he feels this particular development in his opinion is a Planned Unit
64 Development (PUD) and the 45 foot driveways are going to look awkward with lots that are twenty feet
65 apart. He informed the Commission that the applicant decided not to apply for a variance for the 40 foot
66 setback from the Zoning Board of Adjustment (ZBA). He said that other developments such as Hickory
67 Woods and Cross Farm have been designed similar to what he has presented tonight. B Maxwell said
68 that Nevins is not designed like this and thought the driveways there were maybe 25 feet long. D
69 MacGuire thanked B Maxwell for this information as he thought all other 55+ developments were
70 similar to the design he presented tonight and would look into that. M Speltz said that the Commission
71 could recommend the plan not be approved as there are at least six houses too close to the buffer that
72 will be a problem. M Badois thought this would be difficult as there is currently no ordinance to direct a



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73 developer to build a house a certain number of feet away from the buffer. M Noone asked if the
74 applicant would consider applying for a variance with the Commission's full support. D MacGuire said
75 the applicant is not interested in applying for a variance at this time. D Lievens made a motion that the
76 Commission support the CUP providing that the plan reflect all of the Conservation Overlay District
77 boundaries by marked before construction and the management plan for the property mandate a
78 landscaping contract that is reviewed annually must direct there be no chemicals used and no turf grass
79 planted in the buffer. G Harrington seconded the motion. The motion passed, 7-0-0.

80 R Brown left the meeting at this point in the evening, 9:05 p.m.

81 **Evans:** M Speltz informed the Commission that A Kizak was correct on the square footage at the last
82 meeting noting it to be 747 SF. He said that B Gilday was asked to come up with 753 SF in addition to
83 the restricted area, to which B Gilday offered 1600 SF. M Speltz made a motion for the Commission to
84 recommend support of the proposed Evans Family DRC mitigation and approve the Conservation
85 restriction if similar to the Cross Farm restriction. G Harrington seconded the motion. The motion
86 passed, 6-0-0.

87 **Unfinished Business**

88 **Kendall Pond projects:** M Noone told the Commission that the picnic tables are in, put one metal No
89 ATV sign here, stained the kiosk and has a key to the gate. He said that the platform is scheduled for
90 construction the weekend of May 4, 2019. B Maxell informed the Commission that he pulled another
91 3,500 pictures, which he has to review, but thinks the picnic table in an isolated area will be a problem
92 and would advise moving it to a more open area.

93 **Hickory Hill parking:** M Badois informed the Commission that she has been working on trying to have
94 Eversource come out and walk the site as need driveway elevation. She said that she also was talking to
95 Charlie Moreno regarding contractors to put the bid out to for the parking.

96 **Conservation Officer:** D Lievens said that Chief Hart is anxious for the Commission to interview a
97 candidate for this position. She said that Chief Hart is also interested in having the position start the first
98 week of July. She said they have decided to use a 49-inch four wheeler for equipment, which will be
99 driven around in a truck with a ramp. M Badois and D Lievens told M Speltz that they could not make
100 the meeting with Chief Hart that is scheduled for tomorrow. M Speltz said he would email Chief Hart
101 and let him know that he can make the meeting and see what Chief Hart wants to do.

102 **Rabbit Cut receipts:** M Badois showed the Commission two Manilla envelopes that were full of receipts
103 for the bunny cuts. She said that NEC2 had a total of \$37,141 and NEC3 had a total of \$14,569. She said



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104 she thinks these funds should be separate from the current account now. D Lievens said she is going to
105 talk with Justin and recommend the funds go into the smaller account in order to keep accurate records.
106 M Noone said he believes these funds should be kept separate because if future cuts are needed, the
107 Commission would be limited to this specific money for their use. M Speltz said he thought it was not
108 clear to him that the Commission agreed to fund future cuts. M Badois said the agreement was for there
109 to be no extra cost to Londonderry outside of what the cuts earn.

110 **Gates:** M Badois asked B Maxwell if there was an update from Eversource regarding gates. B Maxwell
111 said that he actually called a number for Granite Ridge and reached no one. He said that in his opinion,
112 the Commission should focus on keeping the ATVs out of active Musquash Trails, as the power lines will
113 be more difficult. He said that if they do in fact catch someone, the Commission should follow the
114 ordinance and make an example out of them. He asked if the town has the ability to move logs or rocks
115 to prevent the ATVs, as it is town property. M Badois suggested contacting the Department of Public
116 Works.

117 **Buffer Mitigation Policy:** M Badois asked M Speltz for an update. M Speltz told the Commission that he
118 came up with a policy proposal regarding mitigation if developers impact the buffer and would email the
119 draft to them for review.

120 **New Business**

121 **Fish & Game Award:** M Badois passed out the award for the Commissioners to see. She said that

122 **Wetlands Permit Application – 12 Parmenter Rd Culvert Replacement:** The Commissioners reviewed
123 the wetlands permit application for 12 Parmenter Road culvert replacement with no comment.

124 **Expenses:** D Lievens made a motion to reimburse M Noone for the no motorized vehicle signs in the
125 amount of \$ 437.50 from the Conservation Fund. G Harrington seconded the motion. The motion
126 passed, 6-0-0.

127 D Lievens made a motion to pay Comprehensive Environmental, Inc., for the Water Resource Study in
128 the amount of \$7,040.00 from the Open Space Fund. M Noone seconded the motion. The motion
129 passed, 6-0-0.

130 **Minutes:** The Commissioners went over the public minutes from April 9, 2019. M Speltz made a motion
131 to accept the minutes as presented. B Maxwell seconded the motion. The motion passed.

132 **DRC**



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133 **Meadows of Londonderry (Map 3 Lot 155):** The Commissioners reviewed the DRC for Meadows of
134 Londonderry commenting that river rock be used in place of rip rap for turtles, a management plan for
135 the property mandate a landscaping contract must direct there be no chemicals used in the buffer as
136 well as no turf grass planted. The Commissioners commented that the houses that back walls and/or
137 decks within 20 feet of the buffer are likely to lead to homeowner infringements on the buffer. The
138 Commissioners commented that sheet 14 should be updated to label buffer line beyond units 11, 12, 13,
139 14 and take out wording of loam and seed. The Commissioners commented that the 40 feet driveways
140 add needless impervious surface and aggravate the threat some units, specifically units 12, 13, 14, 15,
141 25, 26 and 27, pose to the buffer. The Commissioners added if it is not possible to shorten the driveways
142 consideration should be given to either reorienting, having fewer or eliminating those units entirely.

143 **Prosit Site Plan/Subdivision (Map 14 Lot 45):** The Commissioners reviewed the DRC for Prosit Site Plan
144 commenting that there is a brook not shown on the plan that is on the town website and encourage
145 native plants be added to the landscape plan.

146 **Adjournment:** M Speltz made a motion to adjourn the meeting at 10:15 p.m. B Maxwell seconded the
147 motion. The motion passed, 6-0-0.

148 Respectfully Submitted,
149 Beth Morrison
150 Recording Secretary

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