



Londonderry Conservation Commission

Tuesday, July 28, 2020

Minutes

Present: Marge Badois, Chair; Gene Harrington, Vice Chair; Mike Byerly, member; Deb Lievens, member; Mike Noone, member; Bob Maxwell, member and Mike Speltz, alternate member

Absent: Richard Floyd, member; Jocelyn Demas, alternate member; and Susan Malouin, alternate member

Also present: Amy Kizak, GIS Comprehensive Manager; Conservation Officer Aprile; and Beth Morrison, Recording Secretary

Marge Badois called the meeting to order at 7:30 pm with a roll call vote. M Badois appointed M Speltz to vote for R Floyd.

DRC – 3 Aviation Park Dr. – Map 14, Lot 29-10 – Ian McGregor: Ian McGregor, P.E., from Northpoint Engineering, LLC, 119 Storrs Street, Suite 201, Concord, NH, introduced himself to the Commission. I McGregor told the Commission that this project was permitted in two phases back in 2009, but only the first phase has been completed to date. He reviewed the first phase of the project with the Commission. He explained that they are proposing to replace the original expansion with a drive-thru lane for tractor trailers and other heavy equipment that use the back loading dock area for the landscape business, as well as 37 additional parking spaces and an increased storm water management for the increase in impervious area. He said that currently vehicles that enter the site come in through the main drive, go through the parking area and around to unload and load, then drive back through the parking area around the building. He mentioned that the owner is looking at removing additional tenant space to increase the safety and use of the property, so vehicles can exit straight through onto Aviation Park Drive. He told the Commission they received a variance from the Zoning Board of Adjustment (ZBA) to encroach into the landscape buffer as close as one foot five inches. He pointed out that there are landscaping changes and reviewed those with the Commission. He noted that they are decreasing the impervious area by 10 square feet and maintaining all the drainage pathways to the proposed existing storm water catch basin areas. M Noone asked what the hatch area was on the plan. I McGregor said the hatched area were wetlands. M Noone asked if they are storing woodchips on the pavement next to the wet area. I McGregor replied that he was not totally sure, but thought that landscaping materials were all contained within concrete bunkered areas. M Noone mentioned that when woodchips get wet the dye runs out of it and could potentially run into the wet area. D Lievens asked if the shrubs that area being relocated could be monitored for a year minimum to make sure they survive and if they do not survive, to have them replaced. I McGregor answered he cannot guarantee the monitoring of the plants, however, stated that he believed it would be in the interest of the property owner as a landscaping company to maintain the landscaping of his business. D Lievens asked why they need almost double the parking they have already if they are not adding to the building. I McGregor responded that parking has been an issue at the site, noting the parking spaces are utilized by the customers for the landscaping



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business as well as two other tenants and their employees. He explained that they want to shift the employee parking to another area to add parking for customers in another area, reducing traffic in the front of the business. D Lievens asked what the town requires for parking. I McGregor read from the plan notes stating that the town requires 20 parking spaces and they are proposing 63 spaces. D Lievens commented that they might want to think about reducing the parking. I McGregor said he would take this concern back to his client and see if he would reduce the parking spaces in total. G Harrington asked why the cape cod berm does not extend all the way across to prevent drainage into the wetland. I McGregor stated that he was not familiar with phase one of this project and cannot speak to the design considerations that were made at that time. G Harrington asked if this was something that could be corrected. I McGregor replied that he would let client know, but noted that it might impede business coming to that location. D Lievens remarked that she did not think the berm would impede any business to the back parking lot. I McGregor said he could not be one hundred percent certain that this would not impede business. G. Harrington commented that all it would impede is flowage off the parking lot into the wetland. I McGregor reiterated that he was not involved in phase one of this project and cannot speak to the current conditions on the site. M Speltz asked why there was no Conditional Use Permit (CUP) for this project to encroach into the conservation overlay (CO) District. M Byerly explained that it was granted in 2010 by the Planning Board and is one of the notes on the plan. I McGregor commented that the drainage flows into a catch basin, so it will not flow into the wetland behind the property. He said that according to the approved plan in 2009, the water flows south away from the wetland into catch basins. The Commissioners commented that they want the shrubs that are being relocated to be monitored for one year, request parking spaces to be reduced, have the plan show the actual area of the CUP that was granted, to see if any of the stored landscaping pollutants leaches, and to continue the cape cod berm around the parking to prevent chemicals from leaching from the landscaping pollutants.

DRC – 5 Aviation Park Dr Subdivision – Map 14, Lots 29-11 - Earle Blatchford: Earle Blatchford, P.E., from Hayner/Swanson Inc., 3 Congress St., Nashua, NH, introduced himself to the Commission. Shawn Smith, from R. J. Kelly introduced himself to the Commission and reviewed the company with the Commission. E Blatchford presented the tax map of the parcel, Map 14 Lot 29-11, to the Commission. He reviewed the existing conditions, noting the parcel is 13.7 acres, with about 550 feet of frontage on Aviation Park Drive and pointing out the existing curb cut. He described the topography and soils of the site to the Commission. He pointed out that the site is encumbered by existing easements, noting one is a large public drainage easement on the front of the site. He mentioned that there is a navigation easement over the entire parcel due to the proximity to the airport, which has building height challenges. He commented that the wetlands were flagged by Gove Environmental and are shown on the plans. He said that wetland area A, along the westerly property line, is 25,520 SF with a 50-foot buffer of 33,000 SF, which acts as a drainage way along the back of the property. He stated that wetland area B, along the easterly property line, is 29,000 SF that has a 50-foot buffer of 53,300 SF. He noted that there is an isolated upland wetland pocket, which is identified as wetland area C, and is 14,000 SF. He added that wetland area D, which is 10,000 SF, is the manmade storm water basin. He mentioned that Gove Environmental did a value and function assessment of the four wetland areas, noting area A



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and B primarily function as drainage ways and to a lesser degree ground water recharge. He said that wetland area C is more of a depression to trap water and does not really function as a drainage way. He stated that area D's primary function is storm water management and storm water flood control. M Speltz asked if there was a moderate flood area on the site. E Blatchford said that he does not have this delineated, but noted that this site is not in a 100-year flood plain.

DRC, CUP, & Dredge & Fill Permit- 5 Aviation Park Dr Site Plan – Map 14, Lot Lots 29-11 & 29-20 - Earle

Blatchford: E Blatchford moved on to the proposed project, noting there is a single common access drive at the existing curb cut and there are two proposed buildings with associated parking, loading, fire lanes, etc. He explained that one building is 40,500 SF and is proposed to be a Loomis security truck terminal facility. He informed the Commission that Loomis is currently in north Londonderry on Mammoth Road, but they are looking to upgrade to a more state of the art facility to serve their business needs. He said the second building is a proposed 50,000 SF warehouse building with car parking and access in the front and loading and maneuvering in the rear of the site. M Byerly asked if the proposed warehouse building would also be used by Loomis. E Blatchford responded that it would be used by someone different and not Loomis. He noted that the drainage would be a closed drainage system with catch basins and underground pipes. He mentioned that they have submitted an Alteration of Terrain (AOT) permit to New Hampshire Department of Environmental Sciences (NHDES) and they will be reviewing this to make sure they meet their requirements. He reviewed the minor wetland application with the Commission noting the total area of disturbance was 4,645 SF.

E Blatchford explained that they are requesting a conditional use permit (CUP) for the site plan impacting the 50-foot buffers adjacent to areas A and B. He pointed out that the first buffer impact is in wetland area A, for a total of 6,590 SF. D Lievens asked for the length. E Blatchford replied that it was about 400 feet. He noted that the second buffer impact is in wetland area B for a total of 21,450 SF for a storm water management area, a fill slope and small paving area. D Lievens asked for the length. E Blatchford responded that was 600 feet. He told the Commission that they cannot have a pond or wetland plantings that would attract migratory birds as that would create a hazard in the navigation easement area. He stated this is subject to a Federal Aviation Association (FAA) review as well. He mentioned that Lot 29-11, the Loomis lot, would have 54.1% open space and Lot 29-20 would have about 61% open space, noting that they are above the requirements. He reviewed site photos that were taken last November with the Commission. M Speltz asked for the maintenance plan with the swales that are being created on both the east and west side of the site. E Blatchford replied that it would be landscaped slope areas that would mostly revegetate naturally over time. D Lievens expressed her concern that this site is a tough condition site for development, noting they have impacted almost half an acre of buffer, which is helpful to the wetland. She added that it was never the Commission's intent use CUP's for buffers that are taken over totally for drainage and cannot support that. M Speltz commented that he thought there was a planning regulation that the property bounds have to be perpendicular in relation to the access road. A Kizak stated that she knows there is a regulation, but it might be residential, and she would have to look that up. E Blatchford mentioned that this would come up during the site plan review by Planning Department staff and Stantec. M Speltz asked if the



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116 Commission would see the subdivision plan as well this evening. E Blatchford explained that it was a
117 fairly straight forward two-lot subdivision with easements, for the common access drive and stormwater
118 area. M Byerly asked why Loomis needs more parking than the size of the building. S Smith responded
119 that Loomis is seeking to make this a center for their regional operations, which is why there is
120 substantial parking for the facility, as it would also be a training facility. M Byerly expressed his opinion
121 that if they could just have one building that would reduce the impervious surface and make the
122 stormwater management system smaller, so they can get out of the buffer. E Blatchford reviewed the
123 parking requirement for the Loomis facility noting that per zoning they can have 172 spaces, and are
124 requesting 184 parking spaces. He said that the warehouse parking spaces per zoning requirements is 34
125 and they are requesting 40 parking spaces. M Byerly suggested that he would like the applicant to
126 present a much clearer picture as to why they need this much parking when presenting to the Planning
127 Board. S Smith reviewed the parking requirements for a trucking facility, noting that an employee is
128 going to need two parking spaces, which might be part of the reason. He reiterated that this building
129 would be the hub and training facility, so there would be more parking available. M Noone commented
130 that if they took out one row of parking, they could move the building out of the buffer. G Harrington
131 asked if anyone looked at the original Dredge & Fill issued for Aviation Park Drive from 20 years ago, that
132 had a stipulation that no further dredge & fills could be issued for site development. E Blatchford
133 remarked that he has not looked at this, but is not aware of any deed restrictions to that effect on this
134 property. He said that he would double check on this. M Speltz expressed his opinion, that they are
135 trying to put too many things in the site, which infringes on the CO district.

136 The Commissioners commented on the DRC for the proposed subdivision (Map 14 Lot 29-11) stating is
137 likely to make it difficult to avoid impacts to the wetlands and CO district and to show the area of
138 minimal flood hazard on the plan.

139 The Commissioners commented on the DRC for the site plan (Map 14 Lots 29-11 & 29-20) stating that
140 they are requesting 18 parking spaces more than is required and recommend reduce parking
141 area/impervious surface. The Commissioners commented that the current design is too big for the
142 property, impacting the buffer all the way to the edge of the wetland, the CO district impact areas
143 should be allowed to naturalize, as well as to confirm that the original dredge & fill permit from when
144 the subdivision was created twenty years ago did not have restrictions on additional dredge & fill
145 permits. The Commissioners added that even though the square footage meeting guidelines, the
146 building size results in an impact to the wetland buffer which should be avoided.

147 The Commissioners reviewed the CUP noting that they believe the applicant do not meet conditions 1, 3
148 and 4 of the application. D Lievens made a motion to not recommend approval of the CUP because they
149 do not meet conditions 1, 3 & 4 of the application, noting that if the hardscape/building were reduced in
150 size, the buffer impact could be avoided. M Speltz seconded the motion. The motion passed, 7-0-0, by a
151 unanimous roll call vote.



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152 The Commissioners reviewed the Dredge & Fill. E Blatchford said it was less than 6% of the total
153 wetlands on site. G Harrington made a motion that the Commission has no issues with the dredge & fill
154 subject to there being no restriction or condition to the original dredge & fill permit that was issued at
155 the creation of the original subdivision. The Commissioners added that the dredge & fill should not be
156 construed as approval of the proposed warehouse building. M Speltz seconded the motion. The motion
157 passed, 7-0-0, with a unanimous roll call vote.

158 **Conservation officer:** Officer Aprile told the Commission that he was involved in the rescue of two red-
159 tailed hawks who will be released later. He added that he is getting a lot of wildlife calls.

160 **Update on Water Resource Action Plan:** A Kizak told the Commission that they received approval from
161 Kevin Smith, Town Manager, and will start moving forward with this.

162 **Unfinished Business**

163 **Hickory Hill:** M Badois told the Commission that one of the "No Parking" signs was knocked down and
164 replaced. She stated that the "Social Distancing" sign has been knocked down several times and is not
165 going to be replaced.

166 **Trail maintenance:** M Badois informed the Commission that they do not need a permit to replace the
167 bridge at Faucher. She asked M Byerly if Trailways would like to be involved. M Byerly said he had not
168 looked or been at the bridge recently and was not sure if Trailways would like to. M Badois commented
169 that if Trailways is not interested, then the Commission will move forward on their own. M Byerly said
170 he would bring this up at the next Trailways meeting.

171 **PBS recording:** M Badois thanked B Maxwell for sending the video recording to the Commission. She
172 asked if it could be linked to the Town's website. A Kizak said she would check and let the Commission
173 know.

174 **Encroachment procedure:** M Noone told the Commission that the enforcement process was updated to
175 reflect the creation of the Conservation Ranger position. He stated that if there is a monitoring
176 complaint or finding on conservation property, there will be a single point of contact in the Commission
177 who would contact Officer Aprile to investigate. He added that if there was a conservation complaint
178 that arises from a town department it would go through Officer Aprile who would then report back to
179 the point of contact in the Commission. He mentioned that he would like to be the point of contact for
180 the Commission as he is familiar with the encroachment policy. He said that there would be an
181 enforcement log to help with communication. He concluded that once the draft is sent back to him by
182 Mike Malaguti, Town Prosecutor, he will distribute it to the Commissioners for review.

183 **New Business**



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184 **Future meetings:** M Badois mentioned that in the future if the Commission needs a non-public session,
185 the meeting would need to be in person either at Moose Hill or the high school cafeteria. A Kizak said
186 that as long as there is a quorum, another Commission member could call in on a land line.

187 **Resignation:** M Badois told the Commission that R Floyd will be resigning due to scheduling difficulties.

188 **Formal submissions:** A Kizak told the Commission that there have been two formal submissions:
189 Commercial Warehouse Expansion (Map 28 Lot 22-29) which will be on the September 2, 2020, Planning
190 Board meeting and Home Depot Site Plan Amendment (Map 7 Lot 119) which will be on the August 5,
191 2020, Planning Board meeting. She told them that Cross Farm Phases 4, 5 & 6 (Map 6 Lot 59-1)
192 submitted another design review submission.

193 **Other Business**

194 **Minutes:** The Commissioners went over the public minutes of July 14, 2020. B Maxwell made a motion
195 to approve the minutes as presented. D Lievens seconded the motion. The motion passed by a roll call
196 vote, 6-1-0, with M Byerly abstaining.

197 The Commissioners went over the non-public minutes of July 14, 2020. D Lievens made a motion to
198 approve the minutes as presented. B Maxwell seconded the motion. The motion passed by a roll call
199 vote, 6-1-0, with M Byerly abstaining.

200 **Adjournment:** M Byerly made a motion to adjourn the meeting at 9:55 p.m. D Lievens seconded the
201 motion. The motion passed, 7-0-0, by a unanimous roll call vote, M Badois, G Harrington, D Lievens, B
202 Maxwell, M Noone, M Speltz, and M Byerly.

203 Respectfully Submitted,
204 Beth Morrison
205 Recording secretary
206