



Londonderry Conservation Commission
Tuesday, January 26, 2021
Minutes

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

Absent: Mike Noone, member; and Jocelyn Demas, alternate member

Also present: Amy Kizak, GIS Manager/Comprehensive Planner; Officer Aprile; Deb Paul, Town Council Liaison; and Beth Morrison, Recording Secretary

Marge Badois called the meeting to order at 7:30 pm with a roll call vote. M Badois appointed G Herrmann to vote for M Noone.

DRC – CSI Tunnel Systems – Map 016, Lot 081-3 – George Chadwick: George Chadwick, P.E. from Bedford Design Consultants, 177 E. Industrial Park, Manchester, NH, addressed the Commission. G Chadwick started by giving background, noting in 1998 a site plan for CSI Tunnel Systems (CSI) was conditionally approved, but unfortunately a condition was not fulfilled; therefore, the town never had an approved site plan on file. He explained that CSI was cited by the town for having too much material on site and onto abutting properties. He noted that Bedford Design was hired to get an approved site plan and reign in the amount of storage at the site. He pointed out that CSI produces culvert parts that were being shipped down to New York and Connecticut, but with COVID the delivery schedule was delayed and therefore the material piled up. He added that they are now hauling off material to another site where it can be stored. He presented the existing conditions survey explaining that his firm told CSI that they needed to get everything out of Independence Drive first, make sure they clean up the abutting site and lastly to reign in the amount of material that they are spilling onto the abutting parcel. He said that the areas that they are storing material have been cleared for many, many years, going back to the construction in 1998 when they first built the facility. He noted that they did not cut any additional trees or vegetation, but worked within the confines of the disturbed areas that were already there. He told the Commission his firm prepared another site plan that illustrates where CSI would like to store materials, which will be the only areas in the future that they will be allowed to store material. He commented that there is no new building, no new pavement and no other construction with this proposal other than defining the areas of storage and striping the pavement as it exists today. He mentioned that during the survey some areas have been identified where material was pushed into the wetlands. He stated that the material has been pulled out of the wetlands and he would like them to be able to loam and seed the area and replant with wetland vegetation in the spring. M Badois asked why the plan mentions demolition. G Chadwick replied that this means they are removing material from the proposed storage areas, not traditional demolition. He remarked that there are two areas of pavement, to define the curb cut, where the pavement would be removed. D Lievens asked for clarification on what pavement would be removed. G Chadwick illustrated this on the screen for the Commission. M Speltz



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38 asked what the restoration plan was for the area that was encroaching on the abutting property. G
39 Chadwick replied that they have been asked to loam and seed it at this point. M Speltz asked what the
40 vegetation is beyond the area of encroachment. G Chadwick replied that it is a treed wetland. M Speltz
41 commented that one can assume it was trees before they stored material and asked if they could plant
42 trees. G Chadwick stated that he appreciates M Speltz's concern, but showed them an aerial photo from
43 1992 noting that the area was cleared well before CSI purchased the property. M Byerly asked if CSI had
44 added onto the building at any point after viewing the aerial pictures. G Chadwick replied that sometime
45 between 1992 and 2003, the addition was there, but he does not know how this was done. M Speltz
46 asked if there was a gravel base laid down in the encroachment area. G Chadwick responded that there
47 was, noting all the disturbed areas are gravel. D Lievens asked if there will be a system in place, so
48 nothing like this happens again. G Chadwick replied that now the town will have an approved site plan,
49 which allows them to enforce any issues. M Byerly asked if the town had an approved site plan on file. G
50 Chadwick replied the town does not because there was one condition that was not met at the time
51 regarding an easement. He noted that easement was distinguished in 1999. M Byerly asked if this DRC
52 was to be treated as a new site plan. G Chadwick said that unfortunately this is a situation where the
53 building was constructed and the town is trying to get a plan of record, so moving forward if anything
54 were to happen, they can enforce the plan. M Speltz asked what was underneath the overhang. G
55 Chadwick responded that it was pavement. Officer Aprile remarked that last Friday he went out and
56 walked the property with permission from Rick Perini, manager at CSI, and noted that all the violations
57 that were brought forward to his attention have been addressed and cleared. G Chadwick replied that
58 was correct and said the only outstanding item that was brought as part of that action is to submit a site
59 plan for approval. G Harrington asked if they should be concerned that there is a conservation easement
60 on the parcel to the northeast side. M Badois commented that this is not the first time CSI has
61 encroached onto this property and have promised in the past to not do it again. She said that she would
62 like to see a significant fence along the northeast boundary and not just jersey barriers that can be
63 removed at whim. M Speltz voiced his concern about putting loam over gravel, as water will run right
64 through it, so he suggested removing the gravel to get back down to native soil. G Chadwick replied that
65 this can be done, but noted the gravel is very compacted as it has been there for about thirty years. M
66 Speltz commented that he would like trees planted in the reclaimed area and would defer to a wetland
67 scientist for spacing and varieties. S Malouin asked if the encroachment got worse in 2020 and is there a
68 plan going forward to prevent this from happening again. G Chadwick replied that when CSI constructs
69 these parts they must be cured for 60 days before they can be shipped out to the job site. He noted that
70 early on there was some encroachment onto abutting properties and conservation easement land that
71 continued to get worse. He explained that there is no more manufacturing occurring at CSI and they are
72 hauling off the material to be stored off site. D Lievens asked if he knew the future of CSI. G Chadwick
73 stated that he cannot answer that, as he does not know. D Lievens asked what the pavement is like by
74 the overhang and in the back by the buffer. G Chadwick answered that right up to the edge of the
75 building is all paved and reviewed the dashed line showing where the pavement ends on the plan. M
76 Byerly asked if in discussions with town staff there was a time frame for the owner to comply with the
77 violations. G Chadwick replied that he is not aware of a specific time line for getting the site plan



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78 approved. M Byerly suggested that he would like a more aggressive time line to rectify the situation. M
79 Badois commented that Officer Aprile was just out there noting everything was clear. M Byerly asked for
80 clarification on what is cleared, such as is material off the abutting properties and out of the road.
81 Officer Aprile explained that the front of the building was not a concern of the Commission's, but all the
82 other violations have been removed. A Kizak commented that as part of the enforcement process, CSI
83 has to continue to show forward progress until there is a resolution. M Speltz asked if a large portion of
84 the wetland had been paved. G Chadwick replied that is correct, but this was done prior to the
85 conservation buffer ordinance being enacted. M Speltz stated that the problem the Commission has is
86 being asked to approve a site plan that shows the buffer being paved, as opposed to having the
87 pavement removed. G Chadwick replied they would lose access around the building and reviewed the
88 plan on the screen. M Speltz voiced his concern that they are being asked to approve a plan that paved
89 part of the buffer. D Lievens mentioned that this was historical. M Speltz said that was correct, but
90 would like to go on record noting that the site plan would be approving a large portion of pavement in
91 the buffer. G Harrington asked if they would need a Conditional Use Permit (CUP) to keep the pavement
92 there. B Maxwell and M Speltz said they agreed with G Harrington on the CUP. G Chadwick asked if a
93 CUP was set up to allow construction of something that is already there, as this area predated the buffer
94 ordinance. He added that CSI is trying to do what they can to come into compliance and if there are
95 more roadblocks making it more difficult, it is going to take longer and cost CSI more money. M Byerly
96 expressed his opinion, that he would like to see a CUP unless the Planning staff disagrees. A Kizak noted
97 that she would ask Town Planner Mailloux. M Speltz commented that a CUP is used for a limited number
98 of uses and one of which does not include running a road through the buffer. He said that there is a
99 provision to access part of the property that could not otherwise be used, noting that would be what CSI
100 might use for the CUP. M Badois summarized the Commission's comments for the DRC as follows: due
101 to long term, repeat encroachment issue, recommend installation of a significant fence along the
102 northeast boundary, not jersey barriers that can easily be moved; remove the compacted gravel in the
103 conservation area; plant trees in the reclaimed area, defer to the wetland scientist for spacing and
104 varieties; place appropriate signage along the wetland buffer boundary; the Commission is concerned
105 with being asked to recommend approval of a plan that has a large portion of pavement in the buffer;
106 and inquire as to whether a conditional use permit should be required. S Malouin asked if the
107 encroachment on the northwest side is to be reseeded. G Chadwick replied that would be reseeded and
108 not to be used for storage. M Speltz asked if the sand and gravel enclosure is going away. G Chadwick
109 replied that CSI would like that to stay. M Speltz asked if this was in the buffer. G Chadwick responded
110 that it is. M Speltz suggested that he would recommend the sand and gravel area be removed as it is in
111 the buffer. The Commissioners agreed.

112 M Byerly asked if these companies were fined for something like this. Officer Aprile replied that all the
113 encroachments he has been involved with since starting this position have been taken care of right away
114 by the property owner. He commented that he believes after the second violation there is a system in
115 place for fines. He added that he would get back to the Commission on this. M Byerly stated that the
116 state has an enforcement mechanism if someone were to encroach on a wetland and asked if the town



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117 was lacking such a mechanism. M Badois mentioned that they would have to follow the encroachment
118 protocol. M Speltz reminded the Commission that until about three to four years ago, there was not a
119 building inspector in town, so now issues are coming into the spotlight.

120 **Unfinished Business**

121 **Water Resource Action Plan:** M Badois asked for the Commissioners input. D Lievens said that she did
122 not see a lot of things that would be low cost, but suggested looking at ordinances. M Badois suggested
123 coordinating with realtors in the area, as every time a home is sold a septic inspection is done, and
124 educational material could be passed along for task #2 from the table. She went on noting that at one
125 point there was funding available from the Office of Strategic Initiatives (OSI) and thought that someone
126 could investigate to see if there is funding for task #3 from the table. She pointed out that the
127 Environmental Protection Agency (EPA) has a program called Septic Smart that runs for a week in the
128 middle of September where they have flyers, a sample proclamation, etc., and thought the Commission
129 could promote this at Old Home Days. She added the New Hampshire Department of Environmental
130 Services (NHDES) has a similar event on oil tanks, and the EPA has information on well protection that is
131 geared toward home owners with a well owner manual, which she thought could be put on the website.
132 She said that she recently watched a couple of the New Hampshire Association of Conservation
133 Commissions (NHACC) luncheons, noting one was about filtering run-off that was headed toward
134 wetlands where they talked about permeable reactive barriers. She explained that the permeable
135 reactive barrier is basically a trench filled with woodchips that as long as it stays wet, it filters out the
136 chemicals from the road run-off and thought this might apply to task #9 from the table. She referenced
137 task #13 from the table stating that local water, well and water softener companies have a lot of
138 information on arsenic levels in neighborhoods and thought this might be a resource to look into. B
139 Maxwell commented that he likes all of these ideas, as most people are moving here from
140 Massachusetts and do not know about wells and septic systems. M Badois said that the Water Resource
141 Management and Protection Plan (WRMPP) done in 1991 was officially adopted and asked how the
142 current WRMPP would get adopted. M Speltz replied that he believed it would have to be taken to the
143 Town Council to be adopted. M Badois asked if they have to solve all the problems first or if it could be
144 adopted now. M Speltz stated that he believes it could be adopted now. M Byerly asked what "adopt" it
145 meant. M Speltz replied that it makes it town policy as he understands it. M Byerly mentioned that he
146 believes this has already been tried and they stated that they cannot address these things until the next
147 budget cycle. M Byerly remarked that he believes the Commission can take credit for task #4 from the
148 table with the Stream Brochure. He noted that the Open Space Plan has not been updated, but the
149 Commission recently did a land inventory updating the conservation values, which might qualify for task
150 #3 from the table. M Speltz said that this is already done in the existing Open Space Plan. He added that
151 this would be helpful for the Planning Board to have, so that when they are reviewing plans they would
152 know that a plan might be more important due to water concerns. M Speltz suggested an aquifer
153 ordinance, which would be regulated by zoning. M Badois said that Master Plan did not include a natural
154 resource section, which is the basis for ordinances and zoning. M Speltz stated they might not have used
155 exactly those words, but there is a lot of natural resource information in the Master Plan. He suggested



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156 making the Open Space Plan part of the Master Plan. He mentioned that he believes there is a fair
157 amount of data between the well diggers report and septic system reports, and the Commission might
158 be able to obtain some of this data. M Badois stated that there is data from the water quality study that
159 is out there as well. M Speltz mentioned that the Commission might be able to get help from OSI on
160 brainstorming on the best way to do this, as well as rules. M Byerly asked if the Commission thought
161 that people were not pumping their septic systems. M Badois commented that she knew someone that
162 did not pump their septic system for twenty years. S Malouin pointed out that if a septic system is not
163 pumped regularly, it does not mean that it will overflow into their basement. M Badois concluded that
164 education seems like an issue that would be a low cost that the Commission can work on. B Maxwell
165 offered his opinion, that a packet be given to new homeowners as it would be a great resource.

166 **Musquash Field Day:** M Badois told the Commission that she came up with three potential trail walks.
167 She commented that the trail walk she is proposing from Faucher, was bout a two hour walk, noting
168 there was no stopping and talking. She asked if D Lievens would guide the Deer Trail walk. D Lievens
169 replied that she does not know that trail at all. Byerly remarked that he believes M Badois suggestions
170 are fairly ambitious hikes and suggested finding an easier hour trail walk. He suggested Adams Pond or
171 Kendall Pond. D Lievens stated that she could do Kendall Pond and talk about trees. M Speltz mentioned
172 that he was thinking about the Mathes Trail, going over to the Heron Rookery, which is about a mile in
173 and mile out. M Badois asked if the times should be staggered. D Lievens replied that all the trail walks
174 should start at 10 a.m. with two Commissioners for each walk. She asked about a possible signup
175 system. M Badois asked if the Commission agreed on the trail walks starting at Mathes, Kendall Pond
176 and Faucher. M Byerly said that he can handle creating the Sign Up Genius for registration. Officer Aprile
177 said that he can make it and asked if she wanted someone from conservation or biology from Fish &
178 Game. M Speltz suggested a biologist. M Badois remarked that the heron rookery could be featured in
179 Mathes and the beaver dam and bunny cut in Faucher. D Paul informed the Commission she would need
180 the information by February 1, 2021, for the February 4, 2021, paper.

181 **Moose Hill Purchase:** M Badois informed the Commission that the soil test samples were taken last
182 week on Tuesday. She pointed out that the survey will cost \$5,800, and noted the Commission's half
183 would cost \$2,900. D Lievens asked if this seemed high. A Kizak replied that this is for the survey and the
184 subdivision plan. M Byerly asked if the Commission was splitting this with the town. M Badois replied
185 that was correct.

186 D Lievens made a motion to authorize up to \$2,900 for the shared cost of a Surveyor/Subdivision plan
187 for the Moose Hill parcel (Map 9 Lot 49-0) from the Open Space Protection Fund. B Maxwell seconded
188 the motion. The motion passed, 7-0-0, by a roll call vote.

189 **New Business**

190 **Earth Day:** M Badois said that it is April 22, 2021, and did not know if the Commission wanted to do
191 something, suggesting a joint effort with the Green Team. She asked if the Commissioners have any



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192 ideas. D Paul said the next meeting for Beautify Londonderry is remote on February 3, 2021 at 6:30 p.m.
193 She suggested the Commission, Green Team and Beautify Londonderry could collaborate.

194 **Horses at Musquash:** M Badois told the Commission that she was talking to a resident who was
195 concerned about having no place to park multiple vehicles with horse trailers. She asked if the
196 Commission had any ideas. S Malouin agreed that it was difficult as well, but did not have any solutions
197 at this time.

198 **Other Business**

199 **Follow-up items:** M Badois told the Commission that she went through her notes and minutes looking
200 for follow-up items. She pointed out that back in March there was an issue with the naming of Bears
201 Meadow versus Cauldwell Meadow and in her notes, it suggested checking an ordinance. D Lievens
202 suggested contacting David Ellis. M Badois commented that the Hickory Hill entrance is washed out and
203 asked if the Commission could do something here. B Maxwell replied that the water flow changed by the
204 kiosk, which makes the entrance a big swamp. M Badois asked if the Commission could put in drainage
205 to smooth it out. B Maxwell suggested crushed gravel and getting the water out from around the kiosk.
206 M Badois pointed out that the Commission suggested making an interpretive sign for people to identify
207 what they are looking at the Robie Island donation site and asked if someone would work on this. M
208 Speltz suggested looking into the vendor that Trailways used for the Rail Trail signs. M Byerly said that
209 he would find out for the Commission. D Lievens suggested identifying the most common birds that are
210 seen at the site. M Badois asked about the New Hampshire Department of Transportation (NHDOT)
211 mitigation list that the Commission sent out, as they have not heard back yet. M Speltz replied that
212 these types of things take some time and it was just submitted in November. M Badois mentioned that
213 there is a random tire lying next to the road where Alexander Trail meets the Blue Trail and wondered
214 how this could be taken out. M Speltz asked if Officer Aprile could get the tire using his ATV. Officer
215 Aprile responded that he would take a look the next time he was out there. M Badois asked if Charlie
216 Moreno told the Commission when he would be getting back to them regarding the plan. M Speltz
217 replied that he believed C Moreno did give them a timeline and to look into the minutes.

218 **Minutes:** The Commissioners went over the public minutes of January 13, 2021. B Maxwell made a
219 motion to approve the minutes as presented. G Harrington seconded the motion. The motion passed, 5-
220 0-2, with S Malouin and G Herrmann abstaining.

221 **Adjournment:** M Byerly made a motion to adjourn the meeting at 9:13 p.m. B Maxwell seconded the
222 motion. The motion passed, 7-0-0, by a unanimous roll call vote.

223 Respectfully Submitted,
224 Beth Morrison
225 Recording secretary
226