



Londonderry Conservation Commission
Tuesday, April 27, 2021
Minutes

1 **Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Bob Maxwell, member; Deb Lievens,
2 member; Mike Byerly, member; Susan Malouin, member; Mike Speltz, alternate member; and George
3 Hermann, alternate member

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

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7 **Also present:** Amy Kizak, GIS Manager/Comprehensive Planner; and Beth Morrison, Recording
8 Secretary

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

12 **DRC – 213 Rockingham Rd SP – Map 015, Lot 023-1 – 213 Rockingham Rd – Karl Dubay:** Karl Dubay and
13 Jared Gott, from The Dubay Group, 136 Harvey Road, Londonderry, NH, introduced themselves to the
14 Commission. K Dubay reviewed the parcel, noting it was built in the 1940s, is in the C-1 zone as well as
15 the Route 28 Performance Overlay District (POD), and was an office and a spa at one time. He stated
16 that the applicant is proposing to keep everything in the front, such as access and parking, expand the
17 back of the building for a small conference room, and clean up the landscaping in the front. He reviewed
18 the existing conditions plan on the screen with the Commission noting they are not proposing any work
19 in the buffer. He noted that they are putting in a rain garden in the back, where the water flows now, to
20 manage the flow and drainage. M Badois asked if they were adding any parking. K Dubay replied that
21 they are restriping it, but not adding any pavement. D Lievens voiced her concern that there are
22 plantings that are not native species, and she is not sure they will make it through the winter. K Dubay
23 responded that the landscape architect pulled the seed spec from Ernst seeds, which is their raingarden
24 mix. D Lievens went through the ones that she believes are going to be okay, but identified some that
25 are rare and worry her. K Dubay asked if she had a raingarden mix that she knew of. D Lievens replied
26 that she did not. K Dubay stated that he would have the landscape architect take another look to see if
27 he can find something better. M Speltz asked if they would be going before the Zoning Board of
28 Adjustment (ZBA), as they are expanding the use into the front setback, or if the Planning Board has the
29 authority to allow them to build into the front setback. K Dubay replied that it is a good question, noting
30 since they are in the C-1 and Route 28 POD zone, the lot is non-conforming. He went on stating that the
31 Route 28 POD allows the Planning Board to grant or deny a Conditional Use Permit (CUP) for this. M
32 Speltz asked how many cars are typically at the site now. K Dubay responded that there might be two to
33 five cars at the site. M Speltz asked if the parking was paved. K Dubay replied that was correct. M Speltz
34 asked if the tree line shown on the plan was the actual tree line. K Dubay replied that it was and
35 reviewed the tree line on the screen. M Speltz asked if they would consider allowing the small area
36 between the buffer and the tree line that is now lawn turf to naturalize. K Dubay responded that he did



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37 not think that would be a problem. M Speltz asked if the conservation buffer signs will be placed. J Gott
38 replied that they are noted on the plans, but have not put them up on the site yet. M Badois
39 summarized the Commissions comments for the DRC as follows: to install conservation buffer zone
40 signs and allow turf in the buffer to naturalize and not be mowed.

41 **DRC – L’derry Fish & Game SP Amendment – Map 008, Lots 012 & 013 – Jason Lopez:** Jason Lopez, P.E.
42 from Keach-Nordstrom, 10 Commerce Park North, Suite 3, Bedford, NH, introduced himself to the
43 Commission. J Lopez reviewed the site on the screen with the Commission, noting that it is near the
44 Musquash and access to the parcel is through Litchfield only. He added that the parcel is 80 acres in
45 total. He noted that this project was before the Commission a few years ago, when they constructed a
46 200-yard and 300-yard shooting range. He informed the Commission that the applicant is looking to
47 create a new 5,000 SF, one-level clubhouse, closer to the entrance. He stated that back in 2013, Eric
48 Mitchell’s office had done a full complete site plan for the two shooting ranges, noting that he utilized
49 the 2013 plan, as they have only provided a plan for the area in which they are doing work. He pointed
50 out that there are wetlands on the site and a pond as well that is stocked with fish and used for a fishing
51 derby once a year. He said that they are proposing a gravel parking lot, for which a waiver is being asked
52 from the Planning Board. He reviewed the drainage with the Commission. He commented that the
53 building is about 240-feet off the wetland and the parking lot is bout 180-feet off the wetland. He
54 mentioned that they are filing for an Alteration of Terrain (AOT) permit, as the area of impact on this
55 portion of development is well under 100,000 SF, but because the site had impact with the shooting
56 ranges within the past ten years, the area of disturbance for this proposal is added to the area of
57 disturbance to the previous work. He said that they had a wildlife assessment performed and reviewed
58 by NH Fish & Game. He pointed out that NH Fish & Game requested there be no plastic netting, but they
59 are allowed some silt fence in their erosion control. He said that NH Fish & Game requested the entire
60 site be surrounded by silt fence, to preclude any critters from entering the construction area. M Byerly
61 asked if the drainage report would change if the Planning Board denies the waiver for a gravel parking
62 lot. J Lopez replied that AOT requires them to use a sand value of 98 for pavement and a sand value of
63 98 for compacted gravel, therefore, there would be no change to the drainage calculations. M Speltz
64 asked if the AOT would require infiltration. J Lopez responded that the first review prohibited
65 infiltration, as there is an area on the site where Saint Gobain requires no infiltration, due to airborne
66 PFAS contamination. He added that the they revised their first plan by increasing the length of the
67 treatment swale to off-set the no infiltration requirement. M Speltz asked why they are asking for more
68 parking than is required. J Lopez replied that the club holds monthly meetings at the facility and they are
69 asking for extra spaces to accommodate this. He commented that they are asking for 31 parking spaces,
70 where only 20 parking spaces is required. M Speltz voiced his opinion, that it is a shame to have that
71 many extra parking spaces for meetings that only happen once a month. J Lopez stated that this is the
72 only area where there is formal parking. M Badois asked if the entrance to the parking lot is the grid that
73 is embedded in the gravel. J Lopez replied that should only be on the erosion control plan, which AOT
74 required the entrance/exit have a stone pad during construction. M Speltz mentioned that there are



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75 spotted turtles in the land just to the east that he has seen in the last couple of years. D Lievens asked if
76 the conservation buffer signs will be placed. J Lopez answered that they are noted on the plan and will
77 be placed prior to construction. The Commissioners had no comments/objections to the DRC.

78 **CUP – Uni-Cast, Inc – Map 028, Lot 021-1 – 11 Industrial Dr – Nick Golon:** Jeff Kevan, P.E., TFMoran,
79 Inc., 48 Constitution Drive, Bedford, NH, introduced himself to the Commission. J Kevan reviewed the
80 existing conditions plan on the screen with the Commission. He mentioned that Uni-Cast has been in
81 Londonderry for about twenty years now. He noted that they received approval for an addition and
82 reconfiguring the parking lot last year. He commented that when they started the construction of the
83 infiltration basin, they encountered conditions that were different than the test pits that were obtained
84 prior to construction. He added that the water table was approximately eight to twelve inches higher
85 than the test pits that were done prior to construction. He went on to note that based on this
86 information, they had to lift the bottom of the basin by a foot, which made them expand the basin to
87 recapture the volume. He stated that the only direction they had to expand was towards the
88 conveyance channel or wetlands. He said that they are now here before the Commission with a CUP to
89 work in the Conservation Overlay (CO) District now. He reviewed an aerial picture of the site. G
90 Harrington asked if the propane tank is going to be removed. J Kevan replied that it would. G Harrington
91 asked if the asphalt loop road is still there. J Kevan replied that it has been there for about twenty years
92 as it was part of the original construction. G Harrington commented that in his opinion, it appears as if
93 the asphalt loop road was in place to service the propane tank. J Kevan stated that the asphalt loop road
94 services a service entrance and is used for loading. M Byerly asked if they need a CUP for existing things
95 that are in the buffer, as this is a new site plan. A Kizak and J Kevan replied that is not correct. M Speltz
96 commented that since there is already a depression on the site, could they reconfigure the radius of the
97 loop to partly stay out of the buffer. J Kevan replied that the radius is necessary for the circulation of the
98 vehicles. He reminded the Commission that originally, they had stayed out of the buffer and reviewed
99 the plan. S Malouin asked where the error was found and why it was built incorrectly. J Kevan replied
100 that it was not built incorrectly. He mentioned that as they were starting construction, they identified
101 that the water table was eight or twelve inches higher than what it was when they did they test pit. He
102 went on to note that they tried to figure out how to make this work, with the best solution being
103 presented tonight. S Malouin asked if at the time the original filtration system was designed, was it
104 believed that it would control the drainage. J Kevan replied that they thought they could make it work,
105 but have determined they need reconfigure the basin. M Byerly asked if you design a system based on
106 test pit data specifically or have to come up with alternatives as the test pit might not be accurate. J
107 Kevan responded that they have not come up with a problem where they read the water table wrong,
108 but did note that in New Hampshire you can come across something unexpected when you start digging.
109 He said that they followed the town's procedure in conjunction with AOT, but ran across a problem in
110 the water table that they did not anticipate. M Byerly asked if the new management system could be
111 moved northerly. J Kevan answered that there is a 20-foot slope where they cannot get enough volume
112 without some sort of encroachment. M Speltz asked if a vehicle could be driven through the site another



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113 way. J Kevan replied that it could not. He added that the original design was to stay out of the 100-foot
114 buffer, but the field conditions made the need for the change. M Speltz asked if it was a 100-foot buffer
115 or 50-foot buffer. J Kevan answered that it is noted as a 100-foot buffer on the plan, but he did not draw
116 these plans, and now looking at it believes that it might be 50-foot buffer. M Speltz stated that it would
117 make a huge difference in what the applicant is asking for. D Lievens asked for J Kevan to point out
118 where the wetland is on the plan. J Kevan pointed out the wetland in question on the screen. M Speltz
119 asked for the buffer to be recalculated to verify that it is 50-feet versus 100-feet. D Lievens made a
120 motion to recommend approval of the CUP subject to additional plantings and reevaluating the buffer to
121 make sure the calculations are correct. G Harrington seconded the motion. The motion passed, 7-0-0, by
122 a roll call vote. The Commissioners had the same comments for the DRC as well.

123 **Unfinished Business**

124 **Moose Hill Update:** M Badois told the Commission that Andy Mack is selling the orchard to MHO
125 Acquisitions, LLC and Kyle Chrestensen is the manager. She added that she is not sure of his previous
126 experience in farming as his previous LLC experience had to do with asphalt maintenance and seal
127 coating. She remarked that she believes the Commission needs to discuss the easement with the new
128 owner. M Speltz commented that it is the lease to the new company the Commission would want to
129 discuss with the new owner, not the easement. He stated that they really do not know what in fact Andy
130 Mack sold, but if the map is correct, it probably includes all the farming equipment. M Badois said that
131 the change of ownership would take place in two weeks. M Speltz mentioned that the reason the
132 Commission received this information is because of the conservation easements. M Byerly stated that
133 he did not think their property was in question from the drawings. M Badois noted that the drawings
134 were of the conservation easements. M Speltz said that he has been in communication with Mike
135 Malaguti to try and extract information regarding the change in ownership, but noted that the purchase
136 agreement applies to any successors or assigns. He added that the new owner is obligated to follow the
137 terms of the agreement.

138 **Drought:** M Badois informed the Commission that at the last Town Council meeting they agreed to
139 impose the watering restrictions at the end of May. She said that NHDES is telling people to anticipate a
140 multi-year drought. S Malouin asked how many inches below normal the state is now. M Badois replied
141 that it is about three inches now.

142 **New Business**

143 **HB307:** M Badois noted this particular bill passed the house and moved to the senate. She voiced her
144 opinion that this is not a good bill. She read from the bill: "No ordinance or regulation of a political
145 subdivision, as in town, including without limitations any school district or school administrative unit,
146 shall regulate the sale purchase, ownership, use, possession, transportation, licensing, permitting,
147 taxation or other matter pertained to firearms, ammunition, etc. in this state." She commented that if



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148 this were to pass, anyone can set up target shooting at the Rail Trail, recreational fields, high school
149 football field and any other conservation land. She noted that Lisa Drabik, Assistant Town Manager, sent
150 a letter to senator Carson asking her to vote against it. D Lievens asked if the bill explicitly states that
151 the Commission would not have any rights to enforce. M Badois replied that she believes it does. D
152 Lievens commented that she is going to do some research into this.

153 **Events:** M Badois asked the Commission if they want to start having events, such as the monthly hikes
154 or paddling on Scobie Pond. D Lievens replied that the Commission should, but does not have any ideas
155 yet. M Byerly asked if the Commission should do something with the Mack property that is being
156 purchased. M Speltz replied that is a good idea and could be done after the closing.

157 **Rezoning:** A Kizak told the Commission that there was a rezoning request for 22 Young Road to be
158 changed from C-I with the Performance Overlay District (POD) to R-III. She added that this is on the June
159 2, 2021, Planning Board agenda. M Speltz asked if R-III would allow multi-family. A Kizak replied that was
160 correct. M Speltz mentioned that he thought the zoning ordinance was changed so that the only place
161 someone could construct multi-family were adjacent to commercial, industrial or other multi-family. A
162 Kizak stated that this property is adjacent to other commercial properties. D Lievens asked for the map
163 and lot number. A Kizak replied that it is 006-053-0.

164 **Monitoring:** M Badois reminded the Commission that while doing monitoring, they found a well on
165 conservation property. She noted that M Noone confirmed that it is Pennichuck's well and there is a
166 second well as well somewhere on the property. She commented that Pennichuck is not using the wells
167 and can pull them out. She asked if the Commission wanted to keep the well heads in place. M Speltz
168 replied that he thinks the well heads could be kept, as they are sealed and not a danger to anyone. He
169 added that there may come a time when the Commission could monitor ground water and this would be
170 a great resource. He asked if Pennichuck would give the Commission a key to have access to this.

171 **Invoice for Kendal Pond Platform:** M Badois told the Commission that she received the invoice for the
172 vandalism at Kendal Pond. She noted that she believes the individuals that vandalized the platform will
173 be responsible for paying for it. M Speltz commented that the Commission might have to pay for this
174 and then get reimbursed after M Malguti works it out with the individuals.

175 **Camera:** B Maxwell asked if the Commission wanted to replace the camera that was stolen. He noted
176 that the last camera that was purchased a year ago was \$313 and has not check recent prices. He added
177 that right now the Commission has two cameras. D Lievens mentioned that it is the time of year to make
178 sure they spend their budget. M Badois stated that she is not sure if she needs to ask permission from
179 the Town Manager for this purchase. D Lievens commented that she believes the Town Manager should
180 approve the expense for a camera for safety reasons. M Speltz asked if there was a more secure way to
181 anchor the camera. B Maxwell replied that he is not aware of a more secure way, as the person that
182 stole the camera invested a lot of time and effort. M Speltz said that it might be worth one more shot at



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183 the camera and see what happens. G Harrington made a motion up to expense up to \$400 for a security
184 camera from the line item budget subject to the Town Managers approval. B Maxwell seconded the
185 motion. The motion passed, 7-0-0, by a roll call vote.

186 **Other Business**

187 **Minutes:** The Commissioners went over the public minutes of April 13, 2021. B Maxwell made a motion
188 to approve the minutes as amended. G Harrington seconded the motion. The motion passed, 7-0-0, by
189 a roll call vote.

190 **Adjournment:** M Byerly made a motion to adjourn the meeting at 9:01 p.m. G Harrington seconded
191 the motion. The motion passed, 7-0-0, by a roll call vote.

192 Respectfully Submitted,
193 Beth Morrison
194 Recording secretary
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