



Londonderry Conservation Commission  
Tuesday, January 14, 2020  
Minutes

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

**Absent:** Richard Floyd, member; and Town Council liaison member

**Also present:** Amy Kizak, GIS Manager/Comprehensive Planner; Beth Morrison, Recording Secretary; Eric Mitchell, Michael Leach, Rob Robinson, Rob McCoy and Jose Lovell

Marge Badois called the meeting to order at 7:30 pm. M Badois appointed S Malouin to vote for R Floyd.

**Wetland Permit App - Temp Impact for Sewer Utility Crossing Lincoln Dr - Michael Leach:** Michael Leach, Senior Associate from Stantec, 5 Dartmouth Drive, Suite 200, Auburn, NH, introduced himself to the Commission. M Leach told the Commission the wetland permit is for temporary wetland impact related to a sewer extension. He explained that they need to go underneath the manmade detention pond for a temporary impact of 400 SF. M Speltz asked what the existing site has for sewer. M Leach said that the existing site has 10 septic systems there now. D Lievens asked what will happen to leach fields/septic tanks. M Leach said that they will remain on site and be filled in. D Lievens made a motion for the Chair to send a letter recommending approval of the wetland permit application. G Harrington seconded the motion. The motion passed 6-0-0.

**Amendment to Wetland Permit 2016-01816 - Cohas Brook Sewer Project - Kleinfelder & City of Manchester EPD Staff:** Rob Robinson, from the Environmental Protection Division of the City of Manchester, 30 Winston Street, Manchester, NH; Rob McCoy and Jose Lovell from Kleinfelder, 77 Sundial Ave, Suite 306, Manchester, NH, introduced themselves to the Commission. R Robinson explained that this is sewer project in Manchester along Cohas Brook which runs into Londonderry. He pointed out on the map an air and dry pump station, as well as septic systems that they are looking to eliminate to protect Cohas Brook area. He noted that based on the grade of the sewer they had to come into Londonderry. He said that there would be more development allowed in Londonderry related to this work. M Byerly asked what would happen to the sewage without the pump station. R Robinson said that it would eventually flow by gravity. R McCoy reviewed the handout they passed out, which illustrated where the wetland impacts are, noting that they reduced the temporary construction easement from 50 feet to 40 feet to minimize the wetland impact. He said that they are utilizing the existing sewer corridor that is there now. R Robinson said that the pump station is undersized for the full development of the parcel. M Speltz asked what structures are supported by the sewer line in



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34 Londonderry. R Robinson said it is the Manter Mill development. M Speltz asked if this would change  
35 who is served. R Robinson said it would allow for more development. M Byerly asked if all the impact  
36 would be temporary in Londonderry. R Robinson said that was correct. M Speltz asked what will happen  
37 to the pump stations. R Robinson said they would be removed and explained the process of removal. G  
38 Harrington asked if the project was the open space for the Manter Mill development. A Kizak said that  
39 was correct. G Harrington asked if there were restrictions on the usage of the open space for the  
40 development because this development is a conservation subdivision. A Kizak said that usually with a  
41 utility need there are less restrictions. J Lovell said there does appear to be a permanent 20 foot  
42 easement related to the development that is being observed and they are building it as close to the  
43 existing line as possible. M Noone pointed out on the second page of the handout, it appears as though  
44 the limit of work falls within the Cohas Brook and asked if this is correct. R McCoy said that was most  
45 likely a mistake in the rendering as the bank of the Cohas Brook would be delineated and no work would  
46 be done there. He made a note to amend the plan. S Malouin asked about the timing of the project. R  
47 Robinson said it would be a two year project and they hope to start in the summer. He said that New  
48 Hampshire Department of Environmental Services (NHDES) might limit the time of year for the project  
49 related to any conditions, such as an endangered species like the long eared bat. S Malouin asked what  
50 the restoration would include. R McCoy told her that they have not gotten that far in the restoration  
51 plan yet. S Malouin asked if there was a plan for monitoring. R Robinson said that they would work with  
52 Robert Kerry, Environmental Engineer in the Department of Public Works and Engineering (DPW) in  
53 Londonderry. D Lievens made a motion to recommended approval of the plan subject to monitoring the  
54 restoration areas for invasives by the DPW of Londonderry, adjusting the diagram to indicate no work in  
55 surface water area, and confirming the proposed work is consistent with the terms of the open space  
56 restriction for the existing development. G Harrington seconded the motion. The motion passed 7-0-0.

57 **Dredge & Fill - Walnut Drive Extension - Map 12 Lot 39-0 - Eric Mitchell:** Eric Mitchell, from Eric. C.  
58 Mitchell Associates, 106 South River Road, Bedford, NH, introduced himself the Commission. E Mitchell  
59 explained that they are proposing a subdivision off Walnut Drive through Hazelnut Lane for an eight lot  
60 subdivision. He said that the lot line is being adjusted between Map 12 Lot 39 and Map 12 Lot 34 for  
61 about two acres being transferred. He said the road that would be constructed would be closed  
62 drainage with some wetland impact and crossing. He said the proposed road would be Walnut Drive  
63 Extension pending Planning Board approval, through a 50 foot right-of-way between two existing houses  
64 on Hazelnut Lane. He pointed out that the total wetland impact is over 4,000 SF for the project. He  
65 reviewed the wetlands on the plan with the Commission. He said the proposed houses will have  
66 individual septic systems and wells. M Speltz asked if the wetlands are over 0.5 acres. E Mitchell said  
67 they might, but outside of the proposed site. D Lievens said that she is concerned about the wetland in  
68 the middle of the lot, as she believes it is connected to a much larger one to the south. E Mitchell told



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her that the buildable area of the lot is farther away from the wetland she is concerned about. M Badois commented that there will be no buffer signs, since the wetland is not large enough, which makes it more difficult. E Mitchell told the Commission that he has no problem putting up buffer signs to make it very clear for the developers and residents to stay out of the wetlands. The Commissioners agreed that they would like the buffer signs placed. M Speltz asked if the wetlands could be viewed on Map Geo. A Kizak pulled up the lot on Map Geo for the Commission to review the wetlands. G Harrington pointed out that the plan sets are missing sheets 4 and 5, which are indicative of the soils. E Mitchell had another set of plans with those sheets that he reviewed with the Commission. G Harrington asked about a well radius area on the plan. E Mitchell explained that this property used to belong to the condominium association, which is next door to the site, and they had a water well there. He said that when they sold the property, the condominium association went on municipal water. He stated that the well will be decommissioned. G Harrington asked the procedure for making sure the well is plugged. E Mitchell said that the well can be sealed below the surface, which could be a condition of approval. G Harrington made a motion for the Chair to send a letter stating the Commission has no objections to the Dredge and fill. M Byerly seconded the motion. The motion passed, 7-0-0.

**DRC- Walnut Drive & Kelley Road LLA - Map 12 Lots 34-0 & 39-0 - Eric Mitchell:** G Harrington asked if there was a wetland survey performed for Lot 12-34. E Mitchell said that he believes it was done when the cell tower was put in and is listed as a plan reference. The Commissioners reviewed the plan noting the variances. M Speltz asked about the maximum length a cul-de-sac can be in Londonderry. E Mitchell told the Commission that 1,200 is the maximum length of a cul-de-sac. He noted that when this property was no longer a part of the condominium association, there was documentation to allow a cul-de-sac to extend into the property. He pointed out that there could be a road one day connected out to Kelley Road from this new subdivision. M Speltz asked if lot 12-34 was delineated now. E Mitchell commented that they are asking for a waiver to not delineate the wetlands on parcel, Map 12 Lot 34. M Byerly made a motion to recommend approval of the lot line adjustment. D Lievens seconded the motion. The motion passed, 7-0-0.

**DRC - Walnut Drive Extension Subdivision - Map 12 Lot 39-0 - Eric Mitchell:** The Commissioners reviewed the DRC commenting that the applicant install buffer signs on Lots 12-39, 12-39-6 and 12-39-7, as well as sealing the existing well to prevent infiltration of contaminants into the aquifer.

**DRC - 44 Auburn Road - Map 16 Lot 55 - Eric Mitchell:** Eric Mitchell told the Commission that the project is to subdivide a 6 acres parcel, with an existing house on it, into a three lot subdivision off Auburn Road and Farm Meadow lane. He pointed out that the main lot would be Map 16 Lot 50 for a total of 3.67 acres and the remaining two lots would be Map 16, Lot 55-5 for 1.41 acres and Map 16 Lot 55-6 for 1.24 acres. He said the two smaller lots would have frontage on Farm Meadow Lane. He said



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that the new houses would be on septic and water. M Speltz asked about the closeness of the driveway to Auburn Road. E Mitchell said that it meets the Town's requirement of 75 feet from a driveway to an intersection. D Lievens asked about the closeness of the houses on the proposed lots. E Mitchell told her that this is a feasibility rendering and the location could change depending upon the location of the driveway for the second lot. G Harrington asked about the driveway crossing the detention pond. E Mitchell said that was okay. The Commissioners had no objections to the DRC for 44 Auburn Road.

**Unfinished Business**

**Hickory Hill/Eversource:** M Badois informed the Commission that she had an email exchange with Eversource where they expressed concern regarding the ATV problem. She said that they are having a meeting with those involved with Eversource to try to come up with a solution. She said that she passed along what the Commission has tried to do with ATVs in Londonderry. M Byerly asked if they are having a problem with ATVs in the power lines. M Badois said that was correct. She said she suggested that a group get together to try to come to a resolution about the ATV problem.

**DOT:** M Badois told the Commission that she sent a letter regarding the transfer of land along South road, but has not heard back.

**Gilcreast Road - Orchard Soil Testing:** M Noone told the Commission that he spoke to the person who wrote the report and the next step is for NHDES to determine what they want to test based on the report. He said that there are similar chemicals to the Tinkham site, (on the west side of the property) that have previously been detected on the east side of the property. He said that this means that either the contaminants migrated across the property or it could mean that the chemicals were dumped behind Gladstone, but they are still researching this.

**Monitoring:** M Noone told the Commission that there is an encroachment on Gilcreast Road, possibly going to legal route, but needs to check the bounds first.

**WRMPP - Steering Committee:** A Kizak told the Commission that she has a write up from M Speltz and is scheduling a time to review this with Town Planner Mailloux. She said that they will review this before the next meeting.

**Articles:** D Lievens told the Commission they are all up-to-date on the articles.

**Musquash Field Day:** M Badois informed the Commission that she needs to speak to Fish & Game to see if they are going to do a presentation and get more specific about the dedication to Mike Considine. She said that the dedication could be incorporated in the walk, which is scheduled for 11 a.m. M Speltz said that the walk to Shoots & Ladders trail from the landing is a long walk, especially if there is snow on



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134 the ground. M Badois suggested doing a dedication at the landing near the bench showing the map of  
135 the trail. M Speltz commented that they could walk in from Tanager and do the dedication there. J  
136 Demas said that was also about a mile walk as well. The Commissioners agreed to have a dedication at  
137 the landing with a poster for Mike Considine.

138 **Girl Scouts:** M Badois told the Commission that they wanted to put the public service announcement  
139 they did on the bunny cuts on the Town's website. A Kizak said that she is going to reach out to the  
140 cable channel, as she has seen public service announcements there, to see if they will allow it there.

141 **LHS Green Council/LEAF:** J Demas told the Commission that she was unable to attend due to bad  
142 weather, but has reached out to the high school to get the name of a contact to get the information.

143 **New Business**

144 **Rabbit cuts:** M Badois told the Commission that it would have been nice for Fish & Game to reach out  
145 and let the Commission know the cutting was being performed, as it was discussed nine months ago. B  
146 Maxwell said that he believes about 100 acres have been taken out due to the rabbit cuts, which is  
147 about 10% of the Musquash. He commented that he is okay with what has been done so far, but he  
148 stated that right now the forest has been set back to about the 1800s. M Badois said that Fish & Game  
149 has noted bird species that have come back and are related to the early successional habitat. B Maxwell  
150 said that once you knock it down, it will never come back to the way it once was. D Lievens said that in  
151 her opinion, she would like to take a look at more work to be done with careful scrutiny. M Noone said  
152 that he has reviewed the Memorandum of Understanding (MOU) between the New Hampshire Fish &  
153 Game and the town of Londonderry and the existing bunny cuts have exceeded what was originally  
154 planned. He said that the last cut should have remediation, as now there are no woods to prevent ATVs  
155 cutting right through and onto Musquash trails. B Maxwell commented that the most vulnerable spot in  
156 the Musquash is at the intersection of the Granite Ridge power line and the NEC 3 landing area, as there  
157 is no way to block it. M Badois said she was out in her woods and if there is a tree down, the ATVs will  
158 just go around them. M Badois asked if the Commission should meet with Fish & Game. The  
159 Commissioners agreed. M Speltz said he would like to see the Conservation Officer at the meeting as  
160 well.

161 **Education - Current Use:** M Badois informed the Commission that there is a lot of confusion regarding  
162 current use. She said that current use is a tax advantage for people who have more than 10 acres of  
163 undeveloped land. She said that someone from the Assessing Department will come out to the property  
164 and evaluate the land at its current use. She noted that there is an additional 20% reduction if the home  
165 owner opens up the land to the public, for such things as hunting or fishing in a pond. She stated that  
166 current use is not permanent and can be undone. She explained when the land is taken out of current



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167 use, the land is subject to 10% Land Use Change Tax based on the developed value of the land. She read  
168 that "land use change tax shall become payable when actual construction begins on the site causing  
169 physical changes in the earth." She said that if you have 10 acres in current use and develop two acres,  
170 the remaining eight acres can still be in current use. She pointed out that there is no land use change tax  
171 if the land changes from current use to Conservation or taken by eminent domain.

172 **Website:** A Kizak told the Commission that the outdoor recreation guide is mostly repaired on the  
173 website.

174 **Minutes:** The Commissioners went over the public minutes from December 10, 2019. M Byerly made a  
175 motion to accept the minutes as amended. B Maxwell seconded the motion. The motion passed, 6-0-1,  
176 with M Noone abstaining.

177 **Adjournment:** M Byerly made a motion to adjourn the meeting at 9: 22 p.m. D Lievens seconded the  
178 motion. The motion passed, 7-0-0.

179 Respectfully Submitted,  
180 Beth Morrison  
181 Recording secretary  
182