



Londonderry Conservation Commission

Tuesday, April 26, 2022

Minutes

Present: Marge Badois, Chair; G Harrington, Vice Chair; Mike Byerly, member; Bob Maxwell, member; Susan Malouin, member; David Heafey, member; and Mike Speltz, alternate member

Absent: Deb Lievens, member

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

Marge Badois called the meeting to order at 7:30 pm. M Badois appointed M Speltz to vote for D Lievens.

CUP – Eversource Energy – 380 Transmission Line Structure Replacement and Optical Ground Wire Replacement Project – 15 miles of Transmission Line Right-of-way: Conor Madison, from GZA Geoenvironmental, Inc., 5 Commerce Park North, Bedford, NH and Kurt Nelson, from Eversource, 13 Legends Drive, Hooksett, NH addressed the Commission. C Madison explained that they are proposing to replace 13 existing wood structures to steel, as well as removing one structure entirely. He added that they will be working off nine different roads in Londonderry. He commented that they will not be clearing any trees or widening any roads. He remarked that they will have clean timber mating, and erosion controls deemed necessary by New Hampshire Fish & Game (NHFG) and the state. He mentioned that NHFG has new rules and will no longer use fused plastic fencing, but instead silt socks so that no animal can get trapped inside. He said that this project is aimed to start in June of 2022. He mentioned that they filed an Alteration of Terrain (AOT) permit with the state and should be receiving this in a months' time. M Badois asked if the work had to stop from March to November because of the turtles. K Nelson replied that the original commentary that they received from NHFG was pretty onerous and they have been working with NHFG closely to try and come up with a better solution. He explained that they have worked on some turtle best management practices (BMPs), particularly box turtles, noting that they have bi-monthly meetings with NHFG now. He said that BMPs, such as exclusion fencing is used for known nesting areas, and bridge matting where the turtles are more inclined to crawl underneath. He added that the Londonderry corridor is loaded with turtles and snakes. He noted box turtles are an important concern of NHFG. M Speltz asked if any cables are being replaced. C Madison replied that cables will be replaced. M Speltz asked when it makes sense to combine lines so that you can eliminate the number of towers that they need to build. K Nelson replied that it is a function of voltage class, the higher the voltage the higher the structures. He mentioned that Londonderry has the biggest hub in the state at the Scobie Pond substation. M Speltz asked when they are likely to work on the structures that are just north of Route 102. K Nelson replied that it would be over the next couple of years. M Speltz asked if that meant no work for these specific structures in 2022. K Nelson replied that the project would start in June of 2022, but they do not have a firm construction sequence at this time.



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D Heafey asked how the trucks coming in and out of these areas do not cause damage. K Nelson responded that they utilize timber matting in wetland areas, where they lay it right down on top to get a work surface. He said that they utilize erosion control around the matting and in upland areas there are gravel access roads. He noted that the gravel access is permitted through the AOT. M Speltz made a motion to recommend the approval of the CUP to the Planning Board with a request that structure 69 not be scheduled for work in the July to August 2022 timeframe if possible. G Harrington seconded the motion. The motion passed, 7-0-0.

CUP – Northeast Golf & Turf – Map 15, Lot 62-3 – 3 Enterprise Dr – Jason Lopez: Jason Lopez, P.E., from Keach-Nordstrom Associates Inc., 10 Commerce Park N, Suite 3, Bedford, NH, addressed the Commission. J Lopez informed the Commission that on February 22, 2022, the Conditional Use Permit (CUP) was presented for this project and it was granted, 7-0-0. He went on stating that however he was told the wrong CUP form was used, as there are two CUP applications. He noted that there have not been major changes to the first CUP proposal. He said that over by the loading dock there were originally two parking spaces, that encroached into the buffer, which they have moved to reduce the impact. He commented that they reduced the buffer impact by 330 SF, making the total impact 7,096 SF. M Speltz asked for a vehicle circulation review. J Lopez illustrated how vehicles/trucks will circulate on the plan with the Commission. He mentioned that they removed the outdoor storage in the front of the building and provided parking spaces there instead. M Speltz asked if the paved area extends outside the cape cod berm. J Lopez replied that at the north corner of the building there is 40-feet or so of a concrete pad that the truck will back onto. D Heafey suggested that M Speltz look at the animated rendering for more clarity on vehicle circulation. J Lopez mentioned that the applicant originally wanted a bigger building, but there were constraints on the site, such as wetlands, and setbacks that they had to work with. He directed the Commission to the grading and drainage sheet and reviewed the plan. M Speltz asked if The Department of Public Works and Engineering (DPW) is okay with the underground stormwater management system. J Lopez replied that it is still being reviewed by engineering. G Harrington asked if the buffer signs have been placed on the site. J Lopez replied that they will not be placed until after construction. G Harrington explained that they are supposed to be installed prior to construction. J Lopez commented that he believed the signs would be lost during the grading process, and once the grade is established, the surveyors will be back to place the signs. G Harrington remarked that he does not like this, as the signs are intended to make everyone aware of where the buffer is located. M Byerly pointed out that CUP Form B does not have the same criteria that the previous CUP they approved does. M Badois mentioned that the comment the Commission had to the previous CUP was to find out if the applicant submitted the correct CUP form. M Byerly expressed his opinion, that whatever the Commission approved in February has no bearing on what they approve tonight, as they have different criteria. M Speltz asked if they need the swale with the high-tech underground subsurface system. J Lopez replied that they do. M Speltz asked if they could construct a retaining wall instead of rip rap slope to stay out of the buffer. J Lopez replied that they are unable to place a wall in the buffer and would need to go before the Zoning Board of Adjustment (ZBA) for a variance and questioned the



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75 hardship. M Speltz advised that the hardship reason would be the need to not reshape the terrain in the
76 buffer. M Byerly asked if the Planning Board can grant variances. A Kizak replied that she is unsure. M
77 Byerly asked if the racking storage systems, could be redesigned, as they push the driveway into the
78 buffer. J Lopez responded that the applicant needs a certain amount of storage, as they are moving to a
79 building with less square footage than they have now. M Speltz expressed his opinion, that he believes
80 the applicant should minimize the encroachment into the buffer by developing a system of a retaining
81 wall or walls. J Lopez stated that the buffer would be impacted by either method. M Speltz asked if the
82 northeast corner of the building is right up to the front setback. J Lopez replied that is correct. M Speltz
83 asked for the primary constraint. J Lopez responded that it is getting a tractor trailer up to the loading
84 docks. M Speltz asked if this is the right site for the applicant. J Lopez replied that they have already
85 scaled the building back and eliminated the outdoor storage. M Speltz pointed out that there are
86 feasible, but unpalatable alternatives for the applicant to pursue to stay out of the buffer. M Byerly
87 noted that he did not believe it would pass any of the four criteria of the CUP. J Lopez mentioned that
88 the two options are walls or slopes, but engineering did not want the slope to be 2:1. He added that the
89 applicant is looking to get into a new building as their lease is up. M Speltz made a motion that the
90 Commission cannot recommend the CUP to the Planning Board as proposed and encouraged the
91 applicant to look at alternative ways to substantially reduce impacts to the buffer. G Harrington
92 seconded the motion. The motion passed, 7-0-0.

93 **CUP – Pittore Bros. Site Plan – Map 13, Lot 99 – 15 Rockingham Rd – Eric Mitchell:** Eric Mitchell, P.E.
94 from Eric Mitchell and Associates, 38 S River Road, Bedford, NH, addressed the Commission. E Mitchell
95 reviewed the parcel, noting that there were questions about the flood plain. He went on noting The H. L.
96 Turner Group Inc., 27 Locke Road, Concord, NH, did a flood study and has determined that the existing
97 filling that is there does not impact the flood levels. He added that Staff has reviewed this and has no
98 exceptions. He explained that the project itself goes back to 2008, noting the site is about two acres in a
99 commercial zone with a single-family house on it with parking spaces that the applicant uses. He
100 mentioned that when they were before the Commission previously, the recommendation was to
101 move/take away the four parking spaces by the Rail Trail. He noted that they have removed
102 approximately 10,000 SF of existing pavement in the buffer and propose to replant that with arbor
103 vitae. He said that there would be 12,000 SF left in the buffer for improvement. He mentioned that the
104 pavement has been reduced, curbing has been put in, and water will be directed to the detention pond.
105 He remarked that you can see very little from the street and will be able to see less with the proposed
106 landscaping of approximately 60 arbor vitae. He stated that the site plan will confirm the commercial
107 use that has been there for a while. M Speltz asked if the house will stay. E Mitchell replied that is
108 correct, but it is used as a storage area, not an office. M Speltz asked if the residential use will stay. E
109 Mitchell replied that the residential use will stay and people will live or rent there. M Speltz pointed out
110 that the proposal is better than what was there before, even though there is impact to the buffer. G
111 Harrington agreed. M Speltz made a motion to recommend approval of the CUP to the Planning Board
112 as presented. D Heafey seconded. The motion passed, 7-0-0.



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113 **Unfinished Business**

114 **Ingersoll easement monitoring:** M Badois told the Commission that since D Lievens is not here this will
115 be discussed at the next meeting.

116 **New Business**

117 **Litchfield sign in Musquash:** M Badois told the Commission that she emailed the Chair of the Litchfield
118 Conservation Commission and asked if they wanted to put signage up again at the trailhead. B Maxwell
119 mentioned that he has been out there and it is not obvious where the trails go, but it is obvious they are
120 there. M Badois asked if there are signs. B Maxwell replied that he still has the sign he was asked to
121 take down. M Speltz asked if there was any concern for someone to go down the forbidden trail. B
122 Maxwell replied that he did not think so. He said that you have to go past the Litchfield sign, so people
123 know they are leaving the Londonderry trails.

124 **Heron rookery:** M Badois informed the Commission that David Ellis emailed her stating that he thinks
125 there are less nests than usual. She said that there is an email from her about getting in a study to count
126 the nests. M Speltz commented that he thought D Ellis was suggesting a more robust study, not just
127 herons.

128 **Mack's lease:** M Badois told the Commission that she emailed the proposed 15-year lease that Kyle
129 Chrestensen has submitted. She mentioned that she would like a sub-committee to review the lease.
130 She said that it can be three members to avoid a quorum and that she would like to be on it. M Byerly
131 and D Heafey volunteered their time for this. M Byerly asked if this was sent to the Town and asked to
132 review. M Badois replied that it was sent to Mike Malaguti, Town Manager, whom then presented it to
133 the Town Council, and she requested that the Commission be involved. She added that Kyle is
134 requesting a 15-year lease, but anything over 5-years needs a warrant article. She remarked that the
135 current lease is going to expire in November and they are trying to plan ahead. M Badois suggested next
136 Tuesday, May 3, 2022, after 7 p.m. for the sub-committee to meet.

137 **Other Business**

138 **Minutes:** The Commissioners went over the public minutes of April 12, 2022. B Maxwell made a motion
139 to approve the minutes as presented. M Byerly seconded the motion. The motion passed, 7-0-0.

140 **Adjournment:** M Byerly made a motion to adjourn the meeting at 8:58 p.m. G Harrington seconded the
141 motion. The motion passed, 7-0-0.

142 Respectfully Submitted,
143 Beth Morrison
144 Recording Secretary