



Londonderry Conservation Commission  
Tuesday, February 11, 2020  
Minutes

1 **Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Bob Maxwell, member; Mike Byerly,  
2 member; Richard Floyd, member; and Susan Malouin, alternate member

3

4 **Absent:** Deb Lievens, member; Mike Noone, member; Jocelyn Demas, alternate member and Mike  
5 Speltz, alternate member; and Town Council liaison member

6

7 **Also present:** Amy Kizak, GIS Manager/Comprehensive Planner; Beth Morrison, Recording Secretary;  
8 Joshua Lanzetta from Bruton & Berube, PLLC; Chris Tymula Senior Project Manager from GPI/Greenman-  
9 Pedersen, Inc.

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11 Marge Badois called the meeting to order at 7:30 pm. She appointed S Malouin to vote for D Lievens.

12 **ZBA Variance Review - Map 009 Lot 017 1- 72 Shasta Drive- Josh Lanzetta:** Josh Lanzetta from Bruton  
13 & Berube, PLLC, 601 Central Avenue, Dover, NH 03820 introduced himself to the Commission. J Lanzetta  
14 explained they are here before the Commission as the first step in the process to add a drive-thru  
15 window to an existing Dunkin Donuts store on Shasta Drive. He introduced Chris Tymula and Heather  
16 Monticup, who are engineers working on the project. C Tymula, a civil engineer from GPI/Greenman-  
17 Pedersen, Inc., reviewed the existing conditions plan with the Commission. He noted there is a large  
18 PSNH easement, as well as wetlands, which were delineated back in August of 2019, on the site. He  
19 commented that the current site is congested and the drive-thru would add a safety component to  
20 remove the ten vehicles that currently take up the parking spaces now at the site. He said they are  
21 proposing adding a drive-thru lane around the site to accommodate 10 vehicles with a bypass lane  
22 around the drive-thru lane. He added that they would like to place a 6-foot by 12-foot cooler on the site  
23 noting a portion of this would be in the 50-foot buffer. He said that they are proposing a three-foot-tall  
24 retaining wall with a guard rail, which would be in the 50-foot buffer. M Badois asked how far the  
25 retaining wall was from the edge of wet. C Tymula said about five feet to the edge of the wetlands. He  
26 noted that there is approximately 300 SF of the current building and pavement within the 50-foot buffer  
27 zone now. He stated that by adding the drive-thru and a portion of the freezer, they are adding another  
28 2,600 SF of impervious surface within the 50-foot buffer. M Badois asked how far they will be from the  
29 wetlands during construction. C Tymula said they have no wetland impact during construction. He noted  
30 this is a preliminary site plan, so they are not showing any erosion control at this time. M Byerly asked C  
31 Tymula to trace the buffer on the plan. C Tymula traced the buffer on the plan with his finger, noting  
32 where the drive-thru lane and a portion of the freezer would be in the buffer. G Harrington asked why  
33 they are proposing a bypass lane, as that is expanding the impact to the buffer. C Tymula stated that the  
34 bypass lane is for safety to add some buffer for vehicles to maneuver. He commented that they had



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35 conceptual discussions with Town Staff, who were in favor of a bypass lane. M Badois asked if a wetland  
36 scientist has looked at the plan. C Tymula stated that the wetlands were delineated by a wetland  
37 scientist in August of 2019. M Badois asked if the wetland scientist was concerned about the impact to  
38 Bear Meadow marsh. C Tymula explained that he cannot speak for the wetland scientist, but the  
39 wetland scientist knew about the plan with the impacts. M. Badois informed C Tymula that Bear  
40 Meadow is a named wetland and therefore would require a 100-foot buffer and not a 50-foot buffer. C  
41 Tymula pointed out that the 100-foot buffer is shown on the plan and the entire building as well as 90%  
42 of the parking lot are located within the 100-foot buffer currently. J Lanzetta told the Commission that  
43 this is a unique property, noting the building has been built like this for some time. He said it is a corner  
44 lot, abuts Mammoth Road, has wetlands on it and also has a very large PSNH utility easement. He said  
45 they cannot change the property. M Byerly asked about the uniqueness, as it has to be unique relative  
46 to similar properties in Londonderry. J Lanzetta stated that the property is unique as it is the only  
47 property in the C-IV zone in Londonderry. He said that they are trying to affect the safety of the current  
48 use of the property. He commented that they are proposing to do work in the buffer zone, which is not  
49 actually the wetlands. He said that they are not impacting the function of the wetland as they are in the  
50 buffer. M Byerly said that putting impervious surface with cars, motor oil, gas, salt, etc., in the buffer,  
51 actually defeats the purpose of the buffer, as it is there to protect the wetlands. C Tymula said that they  
52 would design deep catch basins for erosion control to try and catch the fluid that may come out of the  
53 cars to counter the buffer impact. A Kizak told the Commission that the purpose of tonight's discussion  
54 is regarding the retaining wall in the CO district, as the applicant has to present to the Commission  
55 before they go before the Zoning Board of Adjustment (ZBA) for a variance for this. She said that if they  
56 are granted the variance, they would go before the Planning Board with the new site plan. C Tymula said  
57 that they do not need a variance if they design a retaining wall that is less than three feet. M Byerly  
58 asked if they would need a Conditional Use Permit (CUP). A Kizak said they would need a CUP for the  
59 additional pavement and the impact to the buffer. M. Byerly said that he believes they will need a CUP  
60 for the entire site, as the site is a non-conforming use now, but once the site is changed, they will no  
61 longer be grandfathered from CO district buffers. A Kizak said that they would come before the  
62 Commission for the CUP for the buffer impact and then the Planning Board would handle a CUP for the  
63 use. J Lanzetta said this project is going to take a long time, going back between the Commission, ZBA  
64 and Planning Board. B Maxwell said that the property elevation is four feet above the wetland and asked  
65 if they are intentionally making the retaining wall undersized to avoid the regulation. G Harrington  
66 commented that in his opinion, it will be hard to place a drain pipe four feet below soil level without  
67 freezing and may require some type of pump system. C Tymula said that they could request a waiver for  
68 less cover for the pipe, do a drainage swale, do an above ground stormwater system to make sure that it  
69 drains correctly. G Harrington strongly objected that there is no room for a drainage swale. He said that  
70 the existing building should be moved toward Shasta Drive, which would be the safest option. J Lanzetta



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71 said that the property owner is dealing with the current conditions of the property and the engineering  
72 would be presented to the Planning Board where they will have to make this project the best-case  
73 scenario. He said that the proposal would eliminate the concerns regarding congested parking and  
74 traffic flow on the property. He reiterated that the Commission is only being asked about the retaining  
75 wall in the CO District this evening, stating they are not designing the retaining wall to get around an  
76 ordinance, but for functionality.

77 Bill Abbott, 69 Shasta Drive voiced his concern regarding the traffic safety at the current existing site and  
78 said he does not think this new proposal would help.

79 Cindy Abott, 69 Shasta Drive voiced her concern regarding safety as she is an abutter. She said that they  
80 should not be allowed to build a drive-thru in her opinion. Chairman Badois told the residents that they  
81 should go to the ZBA meeting on February 19, 2020, and voice these concerns there.

82 J Lanzetta told the residents that he would be happy to discuss these concerns with them after the  
83 meeting. He said that no one is trying to hide anything from the residents, but be as up front and  
84 transparent as they can be. He said the safety is regarding moving vehicles around at the site, not the  
85 safety of the current road conditions. G Harrington asked how wide the retaining wall is. C Tymula said it  
86 can be anywhere from 28 inches to somewhat larger and drew out a proposed wall for the Commission  
87 noting it would be five feet from the edge of the wetland. M Byerly asked if the Commission needed to  
88 review the five points of law as the ZBA would when discussing the retaining wall. A Kizak said the  
89 Commission does not need to review the five points in detail as the ZBA does, but rather make a motion  
90 to either recommend or not recommend the applicant be allowed to construct a retaining wall in the CO  
91 district. G Harrington made a motion for the Zoning Board of Adjustment to not approve a retaining wall  
92 to be built in the buffer as it is too close and would have too many impacts to the wetlands. R Floyd  
93 seconded the motion. The motion passed, 6-0-0.

94 **Unfinished Business**

95 **Hickory Hill/Eversource:** M Badois informed the Commission that she is meeting with Eversource on  
96 Thursday at 2 p.m. and will hopefully include information on ATVs. G Harrington asked if anyone from  
97 NH F& G enforcement would be there. M Badois said not this time. She said that Londonderry  
98 Conservation Officer Aprile and Robert McDermott, Conservation Officer from NH F&G, have  
99 communicated about a Facebook post and an article in the local paper regarding ATVs, who feel this is  
100 the best approach at this time. She showed the Commission the signs Officer Aprile was able to get from  
101 NH F&G to put up. M Badois asked B Maxwell if he remembered the contact at Eversource he spoke to  
102 regarding the gates before. B Maxwell said he would review his email and let her know. M Byerly looked  
103 through his email and found the contact's name of Mike Stanek.



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- 104 **DOT land:** S Malouin told the Commission that there is nothing new to report.
- 105 **Gilcreast Road - Orchard Soil Testing:** M Badois told the Commission that there is nothing new to  
106 report as M Speltz was not present this evening.
- 107 **Monitoring:** M Badois told the Commission that there was nothing new to report as M Noone was not  
108 present this evening.
- 109 **WRMPP:** A Kizak told the Commission that there is a meeting scheduled in March to review the current  
110 proposal written by M Speltz.
- 111 **Articles:** M Badois told the Commission that she believes they are current but would check with D  
112 Lievens on this.
- 113 **Musquash Field Day:** M Byerly offered to take care of the shopping. M Badois said that they need a fire  
114 permit from the Fire Department and should pick up the first aid kit as well. She said that she would  
115 email, Kevin Smith, Town Manager about writing a letter for the Commission to obtain a fire permit. B  
116 Maxwell said that in his opinion, the first aid kit is not needed and reviewed what they have in case of an  
117 emergency. M Badois said that Heidi Holman from NH F&G is going to speak at 12:30 p.m. to talk about  
118 the rabbit habitat and possibly tracking if there is snow. She said that someone from Trailways is going  
119 to present with M Badois at the Mike Considine dedication. A Kizak asked if they would like some  
120 printed maps that show the new trail dedicated to Mike Considine. The Commissioners agreed and R  
121 Floyd will pick them up.
- 122 **Pollinator:** S Malouin said that she reached out to Pollinator Pathways in Kingston, NH and she spoke to  
123 Vicki Brown, who would love to come speak to the Commission about their mission. She said the date of  
124 March 24, 2020, would work. She said that they are looking for co-members in Rockingham County. M  
125 Badois said that she would add them to the agenda on that date.
- 126 **Logging:** B Maxwell said the logging at Preserve Drive is finished. M Badois said that Jim Oehler from NH  
127 F&G called her and said if the Commission has any more questions or concerns regarding the logging to  
128 reach out. She said they intentionally respected the Mathes trail, but went along the mountain bike trail  
129 planting saplings, so they will grow and cover the trail. B Maxwell said that there are large trees across  
130 the Piper trail.
- 131 **New Business**
- 132 **E-Bike issues:** B Maxwell said that he made a presentation for the Commission and passed out copies.  
133 He noted that e-bikes are recognized as motorized vehicles in New Hampshire, which are not allowed on



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134 the trails. He said they look like mountain bikes. He said some can go as fast at 50 mph and as far as 100  
135 miles on a charge. He said an average speed for an e-bike is 20 mph. M Badois asked if this would be  
136 potentially lobbied against in the future. B Maxwell said that Governor Sununu has told to the forest  
137 service that he does not want e-bikes to be called motor vehicles. He said that if e-bikes are not going to  
138 be called motor vehicles in national and state forests, it would be a greater challenge to keep them out  
139 of trails in Londonderry. He said that e-bikes are allowed anyplace a motorcycle is allowed to go now. He  
140 said in Maine they are allowed on carriage roads, which he understands, but does not believe that  
141 someone should be allowed to ride an e-bike in the Musquash because the terrain is challenging. M  
142 Badois asked how this will impact the Rail Trail. B Maxwell said that these will be problematic on the Rail  
143 Trail. M Badois asked if they should notify the store in Londonderry that sells e-bikes to make sure they  
144 know they are not allowed on the trails. B Maxwell said that would be a good idea.

145 **Bird Walk:** M Badois said that this would be May 23, 2020, which is Memorial Day weekend. She asked  
146 if two hours would be appropriate for this. M Byerly said that two hours is more than enough, especially  
147 for families with little children. M Badois asked what a good time to start would be. M Byerly suggested  
148 9 a.m.

149 **Planning Board meeting:** M Badois told the Commission that there is a Planning Board meeting  
150 tomorrow night regarding rezoning property on Mammoth Road, which is close to conservation  
151 property. She said that the owners are looking for help to keep the property residential and not be  
152 rezoned to industrial. She commented that ARM funding is not interested in preserving land when the  
153 property is surrounded by industrial land. M Byerly said that he would prefer to not have any AR-1  
154 property rezoned to industrial as it will invite uses that will not be good for the environment.

155 **Education - LCHIP:** M Badois informed the Commission that LCHIP stands for Land and Community  
156 Heritage Investment Program. She said that their mission is to protect lands from development. She  
157 stated the land can be conserved for water quality protection, wildlife habitat protection and  
158 enhancement, preservation of scenic views, and conservation of forest and agricultural lands. She said  
159 that there are three properties in Londonderry that were purchased with LCHIP monies, which are  
160 Bockes (107 acres in south Londonderry), the Doyle property (26 acres) and Mathes property (138  
161 acres).

162 **Minutes:** The Commissioners went over the public minutes of January 28, 2020. B Maxwell made a  
163 motion to approve the minutes as presented. R Floyd seconded the motion. The motion passed, 6-0-0.

164 **Adjournment:** M Byerly made a motion to adjourn the meeting at 8:47 p.m. G Harrington seconded  
165 the motion. The motion passed, 6-0-0.



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166 Respectfully Submitted,  
167 Beth Morrison  
168 Recording secretary  
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