

Londonderry Conservation Commission Tuesday, October 11, 2022 Minutes

1 **Present:** Marge Badois, Chair; G Harrington, Vice Chair; Deb Lievens, member; Bob Maxwell, member;

2 Susan Malouin, member; and Mike Speltz, alternate member

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Absent: David Heafey, member; open position (vacant position)

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

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- 9 Marge Badois called the meeting to order at 7:33 pm. M Badois appointed M Speltz to vote for D Heafey.
- DRC Vista Ridge East & West Subdivision Map 15, Lots 051, 059, 060, 060-2 & 064 Vista Ridge Dr & Route 28: Jason Lopez, from Keach-Nordstrom Associates, LLC, 10 Commerce Park N., Suite 3B,
- Bedford, NH, addressed the Commission. He also introduced Jean Gagnon, owner and applicant. He started with an overview of the project noting that they have five lots located off Vista Ridge Drive,
- across from the park and ride off Exit 5 of I-93. He went on stating that 191 and 179 Rockingham Road
- on the west side of Vista Ridge Drive encompass approximately 17.7 acres of land. He reviewed the
- three lots on the east side of Vista Ridge Drive, 171 and 175 Rockingham Road and 75 Perkins Road,
- which total approximately 29 acres of land. He said that the project totals about 47 acres of land, which
- 19 is all located in the Mixed-Use-Commercial (MUC) District. He noted that the parcels are currently
- 20 undeveloped, but have municipal water, sewer and gas available to them. He stated that there is
- 21 frontage on Rockingham Road. He pointed out that they are proposing a residential town home
- development. He explained that back in 2011, the properties on the east side of Vista Ridge Drive, had a
- proposal for a commercial development, which included 100,000 SF of retail space, a 2,200 SF bank and
- 24 7,000 SF of restaurant pad sites. He mentioned that this project included 9,990 SF of wetland impact and
- 25 had a fairly significant amount of buffer impact for drainage. He commented that this proposed plan
- 26 never received final approval. He remarked that since 2011, the land has been for sale. He discussed
- 27 that last October they had a conceptual meeting with the Planning Board for townhomes and
- incorporating commercial use into the project, since it is in the MUC District. He explained that the plan
- 29 they presented to the Planning Board had 149 units, but the plan currently in front of the Commission
- 30 has 130 units, which will be townhomes rented as apartments, with two-story high buildings with
- 31 garages underneath. He pointed out that they need to discuss the subdivision, site plan, wetland permit
- 32 and a conditional use permit (CUP) for buffer impact. He stated that they surveyed the property, flagged
- 33 the wetlands, and filed with the Natural Heritage Bureau, which did not find any endangered species on
- 34 the property. He mentioned that they submitted a minimum impact expedited wetland application for
- 35 1,342 SF of wetland impact, which is on the west side of Vista Ridge Drive, as well as a CUP for 3,592 SF
- of buffer impact on the west side.

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He passed out an 11 x 17 plan, Exhibit 1, consisting of four pages, which is attached hereto for the Commission to reference during the discussion. He reviewed the five parcels as they exist today with the Commission, noting there is a 15.6 acre lot, a 2.1 acre lot, a 1.4 acre lot, a 0.3 acre lot and a 27.6 acre lot. He explained that they want combine the two parcels on the west side to create one lot, which will be one of the parcels for the site plan application. He mentioned that since they are in the MUC District, they are required to have a commercial component, but Jean Gagnon is primarily a residential developer, so they are proposing to separate a 3.5 acre commercial lot that will be reserved for future commercial use. He went on stating that they are creating a 2.6 acre parcel at the corner of Vista Ridge Drive and Perkins Road that Jean Gagnon will retain ownership for future use, which will then be excluded from the project. He summarized that they are taking five parcels and making four parcels, noting they will go through the Planning Board process for subdivision and lot line adjustments, but this will not be formalized and recorded until they know they have site plan approval. M Badois asked where the access will be for the commercial lot. J Lopez illustrated where the access point would be on Exhibit 1. M Speltz asked if the small wetland, on the 1.4 acre parcel, was subject to the Conservation Overlay District (COD). J Lopez replied that it is not subject to the COD. He added that there are other small wetlands that are under the half acre threshold for the COD located in the project. M Speltz asked if they have to cross a wetland by bringing in access off Vista Ridge Drive. J Lopez replied that is correct because in order to develop the commercial property, they would need to seek filling most of the wetlands. M Speltz asked about the narrow portion of land between the 1.4 acre parcel and the 0.3 acre parcel. J Lopez replied that this is going away, referencing Exhibit 1, noting it all becomes incorporated into a 3.5 acre commercial lot. D Lievens asked if the Commission can hope that there will not be more development than the commercial lot can handle. J Lopez replied that they need a commercial component for this application and having the parcel have frontage on Rockingham Road would make the most sense for a commercial property. D Lievens voiced her understanding of this, but reiterated that developers will try to put too much into a lot. J Lopez replied that he understood what she was saying, but most developers try to maximize the land, stating that land and development costs are high, which are off-set by increasing the square foot area. M Speltz asked what the structure on the eastern side of the 1.4 acre parcel is. J Lopez asked J Gagnon if they are mobile homes. J Gagnon replied that there were two houses and a trailer. M Speltz asked if the structures are gone. J Lopez replied that the buildings are gone. G Harrington asked why they are proposing giving up a 2.1 acre commercial lot that is to the west of Vista Ridge Drive and move it to the east, as the one to the west does not have a wetland. J Lopez replied the land is too steep. He added that in order to create a commercial pad site, they would want to have it flat, so it makes sense to move it all the east site. G Harrington remarked that in order to do this, they are threatening the wetlands to the east of Vista Ridge Drive. M Speltz asked why they would not locate the eastern bound of the commercial lot far closer to the proposed sewer easement since they are drawing new parcel bounds. J Lopez replied that they are providing all the frontage they can on Rockingham Road and 3.5 acres was a round number. He went on stating that if they brought the lot line closer they would be sacrificing residential units. G Harrington asked why not make it a 3.0 acre parcel or 3.1 acre parcel. J Lopez responded that he is just doing what they discussed with the Planning Board. He added that if the Commission wants to recommend they make this a 3.0



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acre parcel, they will change it and put some land back into the site plan for Vista East. He went to the map and asked if he wanted to keep the wetlands he discussed on Vista East. M Speltz replied that was correct to keep it from being proposed for development. J Lopez said he would look at moving the lot line. M Speltz asked what the structure is on the proposed 2.6 acre parcel. J Lopez replied that it is water booster station for the apartments there. M Speltz asked if the water booster station needs to stay. J Lopez replied that it does, noting it is on an easement serving the other apartments. D Lievens made a motion to suggest moving the eastern lot line of commercial lot to keep the wetland and small buffer on the Vista East lot. M Speltz seconded the motion. The motion passed, 6-0-0. The Commissioners recommend approval if the lot line is adjusted.

DRC – Vista Ridge East & West Site Plan – Map 15, Lots 051, 059, 060, 060-2 & 064 – Vista Ridge Dr & Route 28: Jason Lopez, from Keach-Nordstrom Associates, LLC, 10 Commerce Park N., Suite 3B, Bedford, NH, addressed the Commission. J Lopez discussed that Vista East will have 68 units comprised of six-unit and eight-unit buildings with garages underneath. He noted that because the grades fall from Vista Ridge Drive down towards the wetlands, they will place all the units parallel to Vista Ridge Drive. He pointed out that there are no wetland impacts proposed for Vista East, but they do have a 3,592 SF impact to the conservation 50-foot buffer. He commented that there will be 62 units on Vista West, on top of the hill and maintain a large, natural buffer between Rockingham Road and the apartments. He said that these will have the appearance of three story buildings. He said that they have proposed a culde-sac for fire, mail deliveries and local traffic, which has a 1,342 SF of wetland impact. He reviewed where the storm water flows noting it ultimately all enters the Route 28 drainage system. He mentioned that they have the CUP and wetlands permit with the site plan application. M Speltz asked what happens to the water after they pave it.

D Lievens remarked that she was concerned about the wetland delineation on the site. She explained that on the day they walked, there was a lot more water out there, noting it was after it had rained. She reiterated that she has concerns about the wetland delineation from the wetland scientist. J Lopez told the Commission that they had Gove Environmental delineate the wetlands, stating that the flags were placed in April of 2021. He said that there has been a passage of time and there might be some that need to get replaced. D Lievens mentioned that she cannot sign the wetland permit given what she saw on the site. J Lopez noted her concern and said that he can have the wetland consultant do a site walk with her to voice her concerns. D Lievens commented that she was concerned about the total square footage noted on the wetland application. M Badois mentioned that the water was flowing the day they walked the site and could picture the water flowing to the back of the units. She asked where the water was going to go. J Lopez reiterated that the flags were placed a long time ago and might need to be refreshed, as well as having the wetland consultant go back out to the site. M Badois added that it would have been easier if the stonewalls were indicated on the plans as well. J Lopez said that he would have to discuss this with the surveyor to get them on the plan set.

J Lopez circled back to the question M Speltz asked about the drainage. He explained that coming from the water towers, valley forms and starts to channelize, which is ultimately what the wetland scientist

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flagged as a jurisdictional wetland. He went on noting the drainage eventually heads out to the Route 28 drainage system. M Badois asked if he is cutting off the water before it gets to the development. J Lopez replied that is correct and noted they are running it around the development. M Badois asked if the water would flow back into its current course. J Lopez showed her where the outlet is on the side of the pond noting it would eventually flow into the Route 28 drainage system. M Badois asked if this was the same place the water flows now. J Lopez replied it is not, as they are picking up the water and moving it around the development. He asked if she was asking about the hydrologic connection. M Badois replied that he is showing the impact where he is paving, but she believes he is cutting off the flow to wetland, which she thinks is unfortunate. J Lopez replied that the reason the water flows into the pond is that they are picking up untreated run-off, so they would have to run parallel pipes to take what is essentially off-site clean run-off to the outlet to keep the hydrologic connection. D Lievens asked for the page number of the plan set he was referring to. A Kizak replied it was sheet 27 of 75. M Badois reiterated that she does not think the impact was only 1,342 SF as they are impacting the whole stream. J Lopez stated that he understands her comment and would have to take a look at it. M Speltz offered a solution to take out two units there, so it can function how it is now. M Badois suggested that they could divide the buildings, which would not cause him to lose any units, but instead have bigger buildings. J Lopez replied that he would have to look at this with Jean Gagnon.

G Harrington asked if there was a walking trail on Vista East. J Lopez replied that they need to provide access to the detention ponds for maintenance, so those are gravel drives access roads for both drainage easements. D Lievens voiced her opinion that Vista East looks like a good approach, except for the buffer impact. She asked if there were wetland impacts. J Lopez replied that they do not have wetland impacts. M Badois asked if it was just grading impacts. J Lopez replied that they have grading impacts and utility pipes along the detention pond. M Speltz asked if he meant the buffer. J Lopez replied that the pipes are just outside the buffer, but for the installation of the pipes, they will have temporary impact. M Speltz asked if the area will be regraded. J Lopez replied that it will be dug up, the pipe installed and the area will be regraded and allowed to revegetate. M Speltz commented that it will be permanent in the sense that it will be graded, but asked if it required any maintenance. J Lopez replied that there is no need to do maintenance and after the work is done the Conservation Overlay buffer signs could be placed to prevent people from landscaping, or mowing. G Harrington asked if there was a landscape plan. J Lopez replied that there is in the full site plan, which are sheets 45-52. M Speltz asked about the stormwater management on the east side. J Lopez responded that this it is going to be curbed, so they will have a closed drainage system for the developed area, noting most drainage will be picked up in the catch basin system. He illustrated where there will be pocket ponds on the plan set, noting the ponds will have anywhere from three-feet to five-feet of water on the bottom, which is required for the Alteration of Terrain (AOT) permit. M Speltz asked if they would have infiltration. J Lopez replied that they would not. He added that the soil on the site is pretty poor, so infiltration is not required by AOT. He explained that they will need an AOT permit and will go through Stantec's review for compliance. He corrected himself noting that there is some infiltration on the hill. M Speltz asked if all the stormwater that falls on the roofs of Vista Ridge Drive is added to this project. J Lopez replied that

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is correct. He said that the full drainage system mitigates the peaks and addressed the volume. M Speltz asked if both projects, Vista West and Vista East, eventually end up in the Route 28 system. J Lopez replied that Vista West does, but there is a 36-inch pipe that runs under the park and ride and heads towards Jack's Bridge Road. M Speltz asked if the climate changed, would the stormwater system he is proposing be overwhelmed. J Lopez replied that is what the engineering standard for drainage analysis looks at. He noted that they are designing the stormwater system based on best practices, what has been adopted by Londonderry's ordinances and The New Hampshire Department of Environmental Services (NHDES). M Speltz asked if they used a 500-year event. J Lopez replied that Londonderry requires a 25-year event and that AOT requires a 2-year, 10-year and a 50-year event. He added that they do not have any wetland crossings for roadways, which would require a 100-year event. B Maxwell asked about snow storage. J Lopez replied that they have this on the full site plan set. M Badois asked if the Commission wanted a comment regarding reconfiguring the buildings to restore the natural drainage. J Lopez asked if the Commission would be looking to take three units from each building to have two nine-unit buildings. D Lieven suggested taking two-units from the southwest building and adding them to the other buildings and moving the circle. J Lopez pointed out that he has a buffer requirement and cannot add any more units in that particular place. M Badois reviewed where she proposed taking the units and adding them. The Commissioners had the following comments for the DRC:

- 1. Suggest reconfiguring buildings in Vista West to allow the brook to flow through its natural course.
- 2. Original buffer to be revegetated and marked with buffer signs at original location.

Wetland Permit - Vista Ridge East & West - Map 15, Lots 051, 059, 060, 060-2 & 064 - Vista Ridge Dr & Route 28: Jason Lopez, from Keach-Nordstrom Associates, LLC, 10 Commerce Park N., Suite 3B, Bedford, NH, addressed the Commission. J Lopez explained that if the Commission chooses not to sign off on the application, it would then move to the standard process, which has an increased timeline for NHDES to review. He noted that they have 1,342 SF of permanent impact for the placement of the culde-sac. M Speltz expressed his opinion, that the Commission cannot sign off on the wetland impact and will have to let it go through standard process. J Lopez asked if D Lievens wanted an onsite meeting with the wetland scientist. D Lievens reiterated that she did not understand the wetland delineation on the site. J Lopez stated that the flags may have to be placed again, as they may be missing since they have been up for more than a year. D Lievens noted that the square footage needs to be clarified. J Lopez asked what the Commission wanted as the next steps, such as walking the site with the wetland scientist, having the wetland scientist come talk to the Commission or to move forward with the standard application. M Speltz commented that he believes this needs to be a standard application as there are other concerns. He added that he believes it is worth going on a site walk as well. G Harrington noted that the flags should be remarked and have the site walk. J Lopez suggested that they can do the site walk and if the Commission is comfortable they can sign off on the application and if not, they will go through the standard process. M Speltz mentioned that the Commission has another meeting in two weeks. J Lopez explained that they utilized Gove Environmental at the start of the project, but now Chris



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Danforth has since joined the firm as the wetland consultant. He said that he would reach out to M Badois to schedule a meeting.

M Speltz asked how the 2.6-acre lot is zoned. J Lopez replied it is zoned MUC. He pointed out that they are going to retain this parcel for future use and exclude it from this development. J Gagnon replied that he would like to put residential. M Speltz asked if it is a newly created lot. J Lopez replied that they are taking five lots and making four lots out of it, so essentially it is. M Speltz asked if he could redraw the boundary of the 2.6-acre lot to exclude the buffer. J Lopez replied that when dealing with the drainage there, he needs to be able to outlet closer to the wetland. He added that there is need for a CUP for an outlet to the drainage system.

CUP – Vista Ridge East & West – Map 15, Lots 051, 059, 060, 060-2 & 064 – Vista Ridge Dr & Route 28:

Jason Lopez, from Keach-Nordstrom Associates, LLC, 10 Commerce Park N., Suite 3B, Bedford, NH, addressed the Commission. S Malouin pointed out that number four on the CUP application mentions sale price, but he stated that they would be rentals, so this should be adjusted. J Lopez replied that he has to take out sale price and replace it with rental price. M Speltz commended him on being the first person before the Commission that admitted the CUP is for economic advantage. He stated that he understood his argument that the economic advantage will also limit the environmental impact. He asked for him to explain why there is no alternative route for access. J Lopez replied that on Vista East there are no other ways through or around this site that will minimize the buffer impact. He added that he did not know how to reconfigure this without losing an entire building, which touches on the economic point. D Lievens voiced her opinion that the CUP should be edited before sending this to the Planning Board. J Lopez said he would edit this on the CUP. M Badois noted that one of the comments will be that section four needs to be revised. M Speltz agreed with J Lopez that since they are allowing the impacted area to naturalize, it is not a significant impact to the buffer, but recommended planting in this area to speed the process along. M Speltz made a motion to recommend the CUP to the Planning Board with the following comments:

- 1. Section four of the CUP application needs to be revised to reflect "rental" prices not "sales price."
- 2. Recommend adding woody plantings to speed up revegetation of buffer impact.
- 221 G Harrington seconded the motion. The motion passed, 6-0-0.

222 <u>Unfinished Business</u>

- Financial update: D Lievens informed the Commission that she did not get any reports because her contact person is no longer listed on the town's webpage. She asked A Kizak for an update. A Kizak
- replied that she was not aware of any changes and would look into this. D Lievens mentioned that she
- 226 emailed Justin Campo, Finance Director, and is awaiting a reply.



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227 228 229 230	Articles: D Lievens told the Commission that she was contacted by Paul Margolin about having a hard time getting articles published in the Londonderry Times. She suggested taking some time off. She said that they might send their articles to the Derry news. She added that she is now the administrator of the Facebook page.
231 232 233	Hunting: B Maxwell mentioned that he put a listing of hunting dates up at Hickory Hill. M Badois noted that if you go on the New Hampshire Fish & Game website there is a nice graphic for deer hunting season.
234 235 236	Eversource/Exit 4A: M Badois said that J Trottier asked for a little time to go on site walk with Eversource as he is working on something with them. She noted that she is waiting for J Trottier to get back to her.
237 238 239 240 241 242 243 244	Mountain bike Trail: M Badois told the Commission that she went out with three people from the mountain bike club, noting that one is a professional trail creator. She reviewed the picture of the trail in their packet, stating that it is a lovely trail. B Maxwell mentioned that this is a legitimate trail. He asked if this goes from junction eight to junction five. M Badois replied that is correct. B Maxwell said that he would not have any objection to this trail. M Speltz asked if the red on the plan was what is being proposed. M Badois replied that is correct. She mentioned that she asked them to email her with a work day and hopefully the Commission can help. She added that they are proposing a name of "Steep No More."
245 246	ARM grant Lithia Springs site visit: M Speltz informed the Commission that the site visit is on October 20, 2022, from 1:30 p.m. to 2:30 p.m. at Lithia Springs.
247 248 249	Sign for Mack property: M Badois mentioned that she would be surprised if the Commission received the sign before the end of the year. M Speltz asked if there was an alternative vendor. M Badois replied that she would email him and check his schedule.
250 251	Charlie Moreno: M Badois asked if anyone could remember where they were with this process. D Lievens replied that she would look into this.
252 253	Buffer mitigation policy: M Speltz asked if there were any more comments. A Kizak explained that was approved at the last meeting and it has been passed out by J Trottier to some developers.
254	New Business
255 256 257 258 259	Cohas dam: M Badois mentioned that she received an email from M Byerly noting that a beaver has blocked the dam. G Harrington commented that he believes this is managed by New Hampshire Fish & Game. M Speltz asked if this is on the north or south side of the Rail Trail. M Badois replied that she thought the north side. M Speltz pointed out that there is a dam on the south side and it is a constant battle with the beaver. M Badois noted that this is the natural cycle.



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260 261 262	White Trail : M Badois pointed out that the mountain bikers said that there was a tree down on the White Trail. B Maxwell commented that if it is still an issue in a couple of weeks, he would take care of it then.
263 264	2023 Meeting Dates: A Kizak reviewed the proposed 2023 meeting dates with the Commission. She said that this would be published on the website.
265 266 267	NHACC dues: M Badois informed the Commission that the dues are \$1050 and the conference is on November 5, 2022. D Lievens made a motion to pay the NHACC dues of \$1050 out of the line item budget. G Harrington seconded the motion. The motion passed, 6-0-0.
268	Other Business
269 270 271	Minutes: The Commissioners went over the public minutes of September 27, 2022. B Maxwell made a motion to approve the minutes as amended. G Harrington seconded the motion. The motion passed, 5-0-1, with M Speltz abstaining.
272 273	Adjournment : D Lievens made a motion to adjourn the meeting at 9:18 p.m. M Speltz seconded the motion. The motion passed, 6-0-0.
274 275 276	Respectfully Submitted, Beth Morrison Recording Secretary







