



Londonderry Conservation Commission
Tuesday, October 25, 2022
Minutes

1 **Present:** Marge Badois, Chair; G Harrington, Vice Chair; Deb Lievens, member; Bob Maxwell, member;
2 Susan Malouin, member; David Heafey, member; and Mike Speltz, alternate member

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4 **Absent:** Open position (vacant position)

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6 **Also present:** Amy Kizak, GIS Manager/Comprehensive Manager; and Beth Morrison, Recording
7 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 the open
10 position.

11 **DRC Update– 86 High Range Rd Subdivision – Map 006, Lot 106:** M Badois told the Commission that
12 there is no representative this evening, so the DRC will be self-directed. D Lievens asked what change
13 brought this back before the Commission. A Kizak replied that the subdivision went from two lots to
14 three lots, which staff felt was enough of a change for it to come before the Commission again. M Speltz
15 pointed out that the back lot did not come into play the last time the Commission saw it. M Badois
16 asked if someone would need to come before the Commission before building something on the lot. M
17 Speltz responded that they would need a building permit, not a site plan, as it would be an approved
18 subdivision. M Badois mentioned that the Commission previously asked for the wetlands to be
19 delineated, as there is one midway through the lot and one in the back. She asked if the Commission still
20 wanted to apply this comment. M Speltz asked about the depiction of the wells and septic systems on
21 the plan set. M Badois commented that one well is listed as potential or possible because she thought
22 they could not locate it on the existing home. M Speltz asked the distance the well has to be from the
23 septic system. M Badois replied that the well has to be 75-feet from the leach field. A Kizak told the
24 Commission that one of their comments could be that they would like the engineer to come back and
25 review the plan set with them. M Speltz mentioned that the curved radius he questioned on the last
26 plan set has gone away, as the potential future road has now become a driveway to the middle lot to,
27 which might protect the backland. M Badois asked if the wetland would be discussed when a building
28 permit was pulled, or if the onus is on the owner. M Speltz remarked that this is a good question and did
29 not know how the Building Department would handle this. M Badois pointed out that to get to the lot in
30 question, you will have to cross one of the wetlands, and she is concerned that an owner would just fill
31 in a road there thinking they can do this because it is their land. M Speltz voiced his opinion that the
32 Commission could comment that the backland be restricted from further development of impervious
33 surface. M Badois asked if the Commission can request a deed restriction. M Speltz replied that the
34 Commission can request anything, to ensure that any future use of the property does not compromise
35 the integrity and value of the wetland. He said that the Commission could recommend no impervious
36 surface more than a certain amount of feet from High Range Road. D Heafey noted that you could use a
37 scale on the printed copy for the exact measurement and noted that it is a hilly land. D Lievens asked



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38 what the contour index was. M Speltz replied that it was two feet. G Harrington asked if M Speltz would
39 be okay with using the match line for the limit of impervious surface, as it would stop them from
40 potentially impacting the wetland. M Speltz replied that he would be okay using the match line. M Speltz
41 recommended a deed restriction in the Planning Board conditions to not allow any additional
42 impervious surface east of the western most conservation overlay boundary.

43 **DRC Update & CUP – 215-217 Rockingham Rd – Map 015, Lots 022-1 & 023-2:** M Badois told the
44 Commission that there is no representative this evening, so the DRC and CUP will be self-directed. D
45 Lievens asked if this was a bank and fueling station. M Badois replied that it had been presented as both
46 commercial and residential before and now it is just residential. She noted that their water treatment is
47 in the buffer. M Speltz pointed out that their conservation signs are on the fence instead of along the
48 edge of the buffer. M Badois remarked that all the impervious surface is out of the buffer. M Speltz
49 commented that they have made improvements to the site, such as treating stormwater and moving
50 impervious surface out of the buffer; however, they are providing 38 parking spots where 32 parking
51 spots are required. He wondered if any parking spots could be eliminated and then the building could be
52 rotated to allow room to fit more of the detention pond in. He added that they state they want it to
53 naturalize, but pointed out the Department of Public Works & Engineering (DPW) does not like trees on
54 the slopes of detention ponds. He asked if A Kizak knew if these units would be affordable or market
55 rate. A Kizak replied that she was unsure. D Lievens asked about parking regulations. M Speltz replied
56 that they are required to have two parking spots per unit, which would make 32 parking spots and they
57 have 38 parking spots proposed. D Heafey asked if handicap spots are included. M Speltz replied that
58 handicap spots are included. He asked if snow storage was a legitimate use of the buffer. A Kizak replied
59 it was not. M Speltz recommend snow storage be moved out of the buffer and to move conservation
60 overlay signs to the edge of the buffer and not the middle of the buffer. He said that the fence should be
61 moved out of the buffer as well. D Lievens recommend against planting Calary pears. M Speltz
62 recommended reducing the parking spaces to the minimum required with the aim of reducing buffer
63 impact. D Heafey asked how they would accommodate for guest parking. M Speltz remarked that they
64 can have two parking spaces per unit and every unit owner might not have two cars, so there could be
65 open spaces. He noted that the lower right corner on page five of seven could be used for guest parking.
66 M Badois asked if they still have Honey locust on the landscape plan. G Harrington replied that they do.
67 M Speltz suggested getting rid of the patio to move parking. D Lievens asked if the patio was allowed in
68 the buffer. M Speltz replied that an accessory structure of approximately 10 SF is allowed in the buffer
69 and the patio is bigger than that. He went on stating that the he does not believe the zoning ordinance
70 would allow the Commission to grant the conditional use permit (CUP) for snow storage or the patio. He
71 added that the Planning Board cannot grant the CUP either, so they would have to go to the Zoning
72 Board of Adjustment (ZBA) for this. B Maxwell agreed that the fence will compel a landscaping company
73 to mow to the edge of it, so it should be removed. M Badois reviewed the old DRC comments with the
74 Commission. M Speltz and D Lievens agreed that this plan is putting “ten pounds in a five-pound bag”. D
75 Lievens pointed out that the total amount of impervious surface was previously 14,000 SF and now has
76 gone up to 24,000+ SF in the new plan. M Badois explained that they increased the impervious surface,



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77 but they moved it out of the buffer. D Lievens asked how the regulations deal with landscaping in the
78 buffer if they are not allowed to mow. G Harrington noted that agriculture is allowed in the buffer, but
79 turf is not. M Badois said that they have loam and seed in the buffer. B Maxwell noted that in the
80 project notes they still discuss commercial, but there is no commercial shown. G Harrington remarked
81 that they never updated their plan. The Commissioners comments on the DRC are as follows:

- 82 1. Snow storage should not be in the buffer.
- 83 2. Conservation overlay signs should be on the actual edge of the buffer, not on the fence, or move
84 fence to wetland boundary to prevent mowing in the buffer, which is not allowed.
- 85 3. Recommend reducing parking spaces to minimum requirement to facilitate reducing buffer
86 impact, for example, move the patio out of the buffer.
- 87 4. Recommend against planting Calary pear or honey locust in landscaping.
- 88 5. No more than 50% of the detention pond should be in the buffer and of the 50-foot buffer, 25-
89 feet should remain natural.
- 90 6. Both snow storage and patio are not allowed by CUP in the buffer according to the zoning
91 ordinance.

92 **CUP:** A Kizak explained that change of use previously was for the mixed-use commercial, but now they
93 are just residential. M Speltz asked what they were zoned before they asked for the change of use to
94 mixed use commercial. A Kizak replied that they are zoned C-II. She explained that the CUP is for buffer
95 impact. D Lievens noted that it is 13,140 SF of buffer impact and no wetland impact. M Speltz said that
96 the wetland scientist report was written, but the Commission never saw it. He recommended that if the
97 detention pond cannot be moved out of the buffer, it should not occupy more than the first 25-feet of
98 the buffer. He asked if the wetland scientist report would be in the Planning Department files. A Kizak
99 replied that it should be, as well on the website. M Speltz mentioned he respectfully disagrees with their
100 answer to condition #3 on the CUP stating "The site cannot be developed with appropriate circulation
101 and drainage treatment without the requested buffer impact." He went on stating that as discussed on
102 the DRC above, the buffer impact can be minimized. He added that even though they have to get the
103 wet pond close enough to the water table so it does not dry out, he believes there is still some economic
104 advantage to make the building bigger than it should be to fit on the parcel. D Lievens asked if the
105 consensus of the Commission was to not recommend approval of the CUP. The Commission cannot
106 recommend a CUP for such things that are not authorized by the zoning ordinance, such as a patio.

107 **Unfinished Business**

108 **Signs:** M Badois informed the Commission that she touched base with Steve Young and he is too
109 engrossed in a big project right now. M Speltz asked M Badois to ask him for a proposed date the next
110 time she speaks to him.

111 **Moose Hill Lease:** M Badois explained that she asked M Malaguti for some information, but she has not
112 received this yet, so this has been postponed. She mentioned that at one point the Commission had



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113 Kyle’s wish list, but she could not find it. M Speltz noted that he has the term sheet from Kyle and will
114 send it to M Badois.

115 **White Trail tree:** B Maxwell mentioned that he cleared a five-foot space through the tree that is down
116 on the White Trail. M Badois asked if it was hanging mid-air. B Maxwell replied that it was off the ground
117 and it was about a 10-inch to 12-inch tree.

118 **Unnamed Trail:** M Badois told the Commission that the trail work has been done to reroute the trail.
119 She said that she is going out to the trail site on Thursday with A Kizak to GIS the route on the map. A
120 Kizak asked if the trail had a name. M Badois replied that there are a couple of suggestions such as Dish
121 Dirt, Moose Tracks, and Steep No More. She that “Steep No More” is her favorite. B Maxwell noted that
122 the placards will need to be updated. M Badois said that the metal trail signs are easy to add. A Kizak
123 asked how long the trail is. M Badois replied that the length is on the map and it is pretty short. She
124 added that she did not think anyone could get lost on it. B Maxwell noted that the trail is a tenth of a
125 mile.

126 **New Business**

127 **Metal detectors in conservation areas:** M Badois mentioned that David Ellis had encountered someone
128 that wanted to do metal detection in the Musquash. She said that David Ellis told her if someone was to
129 use metal detectors and started digging, they can disrupt cellar holes. She did not know how the
130 Commission could disallow something like this. D Lievens noted that the recreational guide should be
131 updated to include no camping and no metal detectors. B Maxwell remarked that he would be more
132 specific and state the soil cannot be disturbed versus just no metal detectors.

133 **Commissioner terms:** M Badois pointed out that Bob Maxwell and David Heafey terms are expiring at
134 the end of this year and they should email Kirby to get on the Town Council agenda.

135 **Other Business**

136 **Minutes:** The Commissioners went over the public minutes of October 11, 2022. B Maxwell made a
137 motion to approve the minutes as presented. D Heafey seconded the motion. The motion passed, 5-0-1,
138 with M Speltz abstaining.

139 **Adjournment:** G Harrington made a motion to adjourn the meeting at 8:32 p.m. M Speltz seconded the
140 motion. The motion passed, 6-0-0.

141 Respectfully Submitted,
142 Beth Morrison
143 Recording Secretary