



Londonderry Conservation Commission
Tuesday, November 8, 2022
Minutes

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

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4 **Absent:** Deb Lievens, member; and 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 7:31 pm. M Badois appointed M Speltz to vote the open
10 (vacant) position.

11 **Wetland Permit – Vista Ridge East & West – Map 15, Lots 051, 059, 060, 060-2 & 064 – Vista Ridge Dr**
12 **& Route 28:** Jason Lopez, from Keach-Nordstrom Associates, LLC, 10 Commerce Park N., Suite 3B,
13 Bedford, NH, addressed the Commission. J Lopez told the Commission that on October 20, 2022, the
14 wetland consultant, Chris Danforth, as well as himself, M Badois and D Lievens walked the site where
15 the wetland impact will be. He commented that he thought it went well, noting there was one item to
16 address, which was a concern of the feeding hydrology of the remaining wetland. He noted that they
17 discussed a couple of options and reviewed the new drainage pattern with the Commission. He
18 mentioned that he had a meeting with Town Planner Caron, John Trottier, Director Of Engineering &
19 Environmental Services, himself and Jean Gagnon to discuss the fact that these might be condominiums,
20 versus apartments. He pointed out that the Commission had wanted the language in the Conditional
21 Use Permit (CUP) to be changed regarding ownership, and now it might actually be the correct
22 language. He stated that he has the minimum expedited wetland impact permit with him and if the
23 Commission is okay he could get signatures. M Badois remarked that this is what the Commission asked
24 for, so she has no problem signing the permit. G Harrington pointed out that that the two people that
25 walked the wetlands on site are the people to sign the permit and D Lievens is not here tonight. M
26 Badois commented that D Lievens can stop in the Planning Department to sign the permit. M Speltz
27 asked if D Lievens concern was brought up and resolved. M Badois replied that it was.

28 J Lopez informed the Commission that he had another item for discussion this evening. He explained
29 that the drainage from the apartments that are there now comes down into the that wetland area on
30 the corner of Perkins Road. He said that during his discussion with John Trottier, they thought this was a
31 detention pond. He went on noting that John Trottier mentioned that he would like the detention pond
32 mucked out, dredged out, and reestablished back to the conditions of the original apartment approval.
33 He noted that he reached out to the New Hampshire Department of Environmental Services (NHDES) to
34 check into this detention pond and found out they received a permit for a dam. He remarked that the
35 original approved site plan for the apartments were utilizing wetlands for storage and detention, and
36 they constructed a dam through the wetlands in order to retain the water on the site. He added that it



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was never permitted to disturb wetlands or to be built as a detention pond. He stated that he contacted the dam bureau and they sent him some information about the dam, noting it is classified as a non-menace dam, there is no need for annual registration or reporting. He pointed out that the dam, under the original approval, had an operation and maintenance procedure, which required during the growing season that the dam embankments be mowed once a month and with an inspection semi-annually. He mentioned that he has not reviewed this information with John Trottier, but would like to propose putting the operation and maintenance plan of the dam into this project. He said that the state has no records of the dam being maintained since 2000. M Badois asked if this was the responsibility of Vista Ridge. J Lopez replied that Jean Gagnon took over the permits for the apartments, so the ownership of the dam moved over to Jean. He reviewed the packet, Exhibit 1, with the Commission, which is attached hereto. He pointed out that the dam is in the buffer of a previously approved site plan that was permitted and required maintenance, which has never been done. M Speltz asked how the conversation between him and John Trottier went. J Lopez replied that he has not spoken to John Trottier, but his anticipation is that John will want the approved operation and maintenance for the dam to be included in the approval for the Vista East & West Site Plan project. He remarked that he did not want people to drive out there and see clearing and have people think that Jean is in violation of the Conservation Overlay (CO) District. M Speltz asked if John Trottier pointed this out to him. J Lopez replied that John Trottier and Jean Gagnon were discussing old flooding and beaver activity at this location years ago at their meeting, which lead John Trottier to start talking about drainage. M Speltz pointed out that the Commission relies on these maintenance plans to be carried out so that the purpose they serve, which is to ensure the water quality does not get worse. He asked how this happened and why it was not caught for such a long period of time. J Lopez reiterated that is why he wanted to discuss this tonight with the Commission and that his proposal to John Trottier will be to take verbatim what was approved and put that in the new operation and maintenance plan. He added that since they are looking at condominiums this maintenance agreement will be part of items needed to be maintained by the homeowner's association. M Speltz stressed that there is a systemic problem and the Commission needs to find out what happened. He asked if the dam had a weir in it. J Lopez replied that it is an outlet structure with a catch basin with two pipes going in and one pipe going out.

Status Update (informational) – Pittore Bros. Paving Site Plan – Map 13, Lot 99 – 15 Rockingham Rd:
Eric Mitchell, from Eric Mitchell & Associates, Inc., addressed the Commission. E Mitchell told the Commission that he has been before the Commission several times for this project. He reviewed the site stating that Pittore Bros. uses the site to park their vehicles, noting they do not have an office on site, but there is a two-bedroom housing unit there. He mentioned that they have been back and forth with Staff over the last couple of months, to try and get on the Planning Board's agenda. He explained that back in 2008 variances were approved to allow for the parking of the vehicles within the Conservation Overlay District and also in the 50-foot AR-1 buffer. He pointed out that initially when they submitted their application to the Planning Department back in 2021, they were told the variances from 2008 still applied. He went on stating that sometime later they were told the variances did not apply anymore and were asked to reapply. He commented that this project has been going on for a very long time and staff



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members who were involved originally no longer work for the town. He discussed that they had a meeting with Staff a couple of weeks ago, and it was determined that the original 2008 variances stand and they can go forward on the Planning Board agenda. He noted that he is here for informational purposes only this evening. He pointed out that during the discussions with Staff, adding more parking spaces in the CO District was determined to be contrary to the originally approved variances; therefore, they are leaving the four existing parking spaces against the Rail Trail. He added that they have at least 40-feet of buffer before the CO District and there will be more landscaping. M Badois asked if there was going to be a fence to block the four parking spaces from the Rail Trail. E Mitchell replied that the Rail Trail is about 12-feet higher than the four parking spaces, so they are not proposing to do this. M Speltz asked if the four parking spaces were to meet the minimum parking spaces requirement. E Mitchell replied that they are there for the use, not because it is required for parking, as this is for vehicle storage of the paving company. He said that they have been using this site since 2006 and all the spaces are being used for their equipment or for employee cars if they take the equipment out. He stated that the house will have two parking spaces for the tenants, and a couple visitor parking spaces. M Speltz remarked that he does not believe there would be anything to prevent this company from transferring the Derry office into the house. E Mitchell replied that there is based on the language in the variances from 2008 when it was originally approved. He went on stating the variance was to allow for parking within the CO District and any other changes or any other uses would have to go before the Zoning Board of Adjustment (ZBA). M Speltz asked if they would have to go before the ZBA if they did not change the footprint of the house. E Mitchell replied that some of the house is in the CO District, which is the difference here, so they would have to go back to the ZBA for this.

DRC – Page Rd Warehouse Site Plan – Map 017, Lot 027: David Fenstermacher, P.E, from VHB, 2 Bedford Farms Drive, Suite 200, Bedford, NH, and Michael Cavanaugh, Owner's Project Manager, from Rhino Capital, LLC, 125 Broad Street, Boston, MA, addressed the Commission. M Cavanaugh gave the Commission an overview of Rhino Capital, noting that they are new to southern New Hampshire. D Fenstermacher started with a brief overview noting that they have been onsite, a wetland delineation has been performed, a field survey performed, and they have coordinated with the Natural Heritage Bureau (NHB). He noted that they have an Alternation of Terrain (AOT) application that is pending. He reviewed the site on the screen with the Commission. He pointed out that the site is previously disturbed and had a previous AOT permit that was used for water quality control with the clearing. He added that there are stormwater features on the site such as detention basins. He said that they will be maintaining the one access in the site. He explained that as part of their NHB investigation they discovered four endangered species on site, such as two turtles, New England cottontail rabbit and a snake. He mentioned that they have submitted their letter with the proposed conservation measures to New Hampshire Fish & Game (NHFG), which are to limit disturbance, no wetland impacts, working with the contractors to give them education on the applicable species in the area, and to look at only wildlife friendly biodegradable silt controls. He discussed that they are proposing a 75,000 SF building, with 75 parking spaces, 18 loading areas in the back and utilizing some existing stormwater features that are currently on site. He showed an early rendering of the building for reference, noting that they will be



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going to the Heritage Commission later this month to discuss architecture. He reviewed their stormwater plan with the Commission. M Speltz asked about changing the language to “no work in the buffer” rather than “avoiding work in the 50-foot buffer”. D Fenstermacher replied that it should say no work in the 50-foot buffer. M Speltz asked if they coordinated with John Trottier about the underground system. D Fenstermacher replied that they did and even though there might be infiltration, they are not taking credit for infiltration. D Fenstermacher reviewed the landscaping noting they have proposed native species. M Speltz asked if the dirt pile was from the previous disturbance. M Cavanaugh replied that it was and noted that it is a wood chip pile. A Kizak pulled up imagery from the spring of this year for the Commission to view of the site. G Harrington mentioned that the Fire Department usually requires access all the way around the building. M Cavanaugh explained that they met with the Fire Chief, who viewed the plans and is okay with vehicular access on three sides and an access walkway on the left side. M Speltz asked why they want 25 more parking spaces than what is required. D Fenstermacher replied that they do not have a tenant right now, but they have found with the uses that are allowed from an operational standpoint, the parking spaces are usually 1:100 which is higher than the town standards. He added that if the tenant requires less parking, they can reduce the number of parking spaces. M Speltz asked if it would be built before they have an occupant. M Cavanaugh replied that ideally, they would like to have a tenant, but it all depends on the timing. M Speltz made a recommendation to reduce the excess parking spaces as soon as an occupant has been identified. M Speltz asked if the species identified by NHB were prior to any site development, as he is trying to figure out if they are still out there. D Fenstermacher replied that the hits for the endangered species were outside of the site, but close enough that they would like them to monitor it. M Speltz asked for the neighbor to the east. M Cavanaugh replied that it is a sprinkler company. M Speltz asked if they are proposing any improvements to Page Road. D Fenstermacher replied that it is under discussion between John Trottier and the owner, as sewer and water are going in and there is an opportunity to improve it. B Maxwell asked if the Commission would like the buffer to be marked with signs. D Fenstermacher replied that they would do this. The Commissions comments for the DRC are as follows:

1. Recommend efforts be made to reduce the number of parking spaces once an occupant is determined.
2. CO boundaries should be marked with signs.
3. Indicate snow storage areas.

DRC – Jack’s Bridge Warehouse Site Plan – Map 015, Lot 103: David Fenstermacher, P.E, from VHB, 2 Bedford Farms Drive, Suite 200, Bedford, NH, addressed the Commission. D Fenstermacher pointed out that there were no endangered species identified at this site. He reviewed the site on the screen with the Commission. He noted that the site was previously disturbed and had an AOT permit for the clearing with onsite stormwater that is for water quantity control. He pointed out that there is a cell tower on the site that they will maintain access to. He added that the town has sewer that runs along the back and he has had conversations with John Trottier to keep the access open. He said that there are two access points, one for the sewer easement and one for the main entrance. He explained that they are proposing a larger building here, approximately 100,000 SF and they would have the same approach to



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parking of 1:100, with 24 loading areas in the back. He said that they will also be going to the Heritage Commission later in the month. He pointed out that there are no wetlands and therefore no impacts. He reviewed the stormwater plan with the Commission. M Badois asked if there was any snow storage. D Fenstermacher replied that they have not identified any on the plan, but would correct this. M Speltz asked if they can speak to the history of the site and if they were the new owners. M Cavanaugh replied that they will be the new owners and the previous owners are still using it right now. He added that once they take over the property all the debris will be removed. D Fenstermacher clarified that they have a purchase and sale right now. M Speltz asked if the owner was Charlie Evans. D Fenstermacher replied that he was correct. B Maxwell asked about the slide with language noting limited work. D Fenstermacher replied he would correct the language. He informed the Commission that on the landscaping plan for the employee parking lot is where the snow storage is depicted. The Commissions comments for the DRC are as follows:

1. Recommend reducing parking spaces once an occupant is determined.
2. Indicate snow storage areas.

DRC – Winni Estates Subdivision – Map 006, Lots 053 & 058-2: Jeffrey Brem, PE., from Meisner Brem Corp., 202 Main Street, Salem, NH, and Aaron Orso from DHB Homes, was also in attendance. J Brem reviewed the existing conditions plan on the screen with the Commission, noting the two lots total 25.4 acres and there are two existing houses and a barn on the site. He reviewed the wetland areas on the screen with the Commission. He noted that the site has water but not sewer, so they are proposing septic systems. He explained that they are proposing a 21-unit project in the R-III zone, noting that they recently went through the rezoning process for these parcels last year. He said that the wetland delineation was performed by Luke Hurley, from Gove Environmental, as well as the soils. He added that they are not proposing any work within 50-feet of the wetland. He noted that the drainage is on site, collected in catch basin underground systems that goes through filtration and cleansing that eventually discharges out, which will require an AOT permit. He mentioned that they have huge open space areas noted on the plan, to give them a buffer from Cross Farm and to protect the natural area. He expressed his opinion that he thinks this plan is a star from a Commission standpoint as they are only required to have 10.16 acres of open space and they are providing 17.83 acres of open space. He commented that they have not gone to the design review committee yet, but he is proposing to keep an old driveway for utility access and so residents can access the recreation field. He concluded that they worked hard to stay away from the wetlands and buffer. M Badois asked for the square footage of the units. A Orso replied 2,500 SF to 2,600 SF. M Speltz asked if they have to be next to commercial with an R-III zone. A Orso replied that that they went through the rezoning process to have the both parcels zoned R-III, as 22 Young Road was originally zoned C-I and 20 Young Road was originally zoned AR-1. M Speltz asked if the wetland to the southeast of the recreation field or Bennett house was too small to have a buffer. J Brem replied that it was 48 SF. M Badois asked if the wetland connected to another wetland off-site. J Brem replied that one wetland is 48 SF on one side of the culvert and 1,030 SF on the other side of the culvert on site. He noted that they are not touching the bigger wetland that is going off-site. M Speltz asked if J Brem was proposing that the driveway completely separates the two wetlands. J Brem replied that it is



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correct. M Badois wondered if this was correct even though it is man-made. M Speltz commented that he would have to go back and look at the ordinance. He voiced his opinion, that this is a restoration opportunity, to connect and restore both wetlands, but it would affect the access they spoke about to the site. J Brem replied that the access was secondary, and if it is important to the Commission to have this restored, they can do this. M Badois asked what impact the buffer would have with the restoration to the site. J Brem responded that he did not want to restore it and then have a buffer impact as it was very challenging to make the drainage work on the site. He clarified that he would restore it after they built it in this case. M Speltz asked if the detention pond can be moved farther up the field. J Brem replied that they cannot, as the hill goes up. M Speltz suggested that a reasonable exchange would be to support a CUP to keep the detention pond in the buffer but to restore the connection between the two wetlands. G Harrington noted that they would not need a CUP as long as he puts the detention pond in before he restores the wetlands. M Badois pointed out that they need an answer to the question about the wetland ordinance. J. Brem commented that he spoke to Luke Hurley about the ordinance and he felt it would not create a buffer. G Harrington mentioned that the ordinance references the original book the state put out for the identification of prime wetland, which explained how to handle two wetlands connected by a culvert on either side of the road, which he thought was similar to this project. He offered that he believed the culvert had to be greater than 50-feet, and if it was not, then they were considered one wetland. He pointed out that there are no buffer signs noted for the wetland to the north in the back of the property. J. Brem replied that they would add the buffer signs to the plan. G Harrington asked if there was a tree line noted on the plan. J Brem replied that they do not have a tree line noted on the plan as they are still working with NHDES on the septic systems. G Harrington remarked that the wetland buffer ordinance does not allow turf in the buffer, so when the septic systems start to encroach, they do not want this to become turf. M Speltz asked about ownership. A Orso replied that it would be a single-family development with a homeowner's association (HOA) with a monthly fee to maintain landscaping and keep up with the neighborhood appearance. He stated that they are going before the Heritage Commission later in the month to present the landscaping plan. M Speltz asked what language will be in the HOA documents for restriction in open space. A Orso replied that there would be language for maintenance, for residents to walk and enjoy, but no clearing or use of motor vehicles. M Speltz suggested that the Commission wants to ensure the deeds to the HOA provide restrictions to preserve the conservation areas. J Brem asked if the Commission was concerned that a future homeowner might go into the buffer and cut the trees. G Harrington replied that the can cut the trees, but they cannot plant grass and pointed out that the buffer signs help with this. The Commissions comments for the DRC are as follows:

1. Is the small wetland on the Bennett property connected to the larger wetland on the abutting property? If so, does this create a CO buffer requirement.
2. Recommend restoration of the connection between the two wetland segments by removing the drive way. We would recommend approval of a CUP for the detention pond if restoration is completed.
3. CO buffer should be marked with signs.



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232 4. Deeds to homeowners should include requirements to preserve the conservation areas.

233 **Unfinished Business**

234 **Musquash trail re-route:** M Badois told the Commission that she and A Kizak went out and were able to
235 map the new trail. She said that they decided not to rename it and leave it as is for now. She mentioned
236 that she needs to order maps, but needs authorization. She noted that when they last ordered 1,000
237 maps it cost \$880, which was almost one year ago. She commented that the cost has gone up and
238 suggested the Commission could authorize up to \$1,000. Maxwell remarked that this was the trail with
239 an extremely sharp incline and said that they did a nice job of it. M Badois agreed.

240 G Harrington made a motion to authorize up to \$1,000 for maps out of the line item budget. M Speltz
241 seconded the motion. The motion passed, 5-0-0.

242 **New Business**

243 **Budget:** M Badois mentioned that she included the 2023/2024 budget for the Commission to review
244 noting it was categorized differently, but totaled the same amount of \$3,500.

245 **Town Report:** M Badois pointed out that she started the Town Report and would be going through the
246 minutes to review what the Commission did throughout the year.

247 **Musquash Sign:** M Badois informed the Commission that the big brown wood sign needs to be
248 repainted, but when she was out there last she touched it and it is falling apart. She stated that this
249 needs to be replaced. G Harrington commented that this is a boy scout project. The Commission agreed
250 that this would be a good boy scout project.

251 **Sign & Kiosk Maintenance:** M Badois told the Commission that it might be helpful to establish a
252 maintenance schedule for other signs and kiosks in conservation areas. M Speltz suggested that the
253 Conservation Ranger might be the best person for this. B Maxwell noted that the kiosk at the Adams
254 Pond Trail has two-inch saplings that he cuts back every other year. M Speltz mentioned that he thought
255 there might be commercial vendors to build signs for them. He added that the NHFG contact that Officer
256 Aprile works with might be helpful with this. D Heafey said that he would walk over to the NHFG
257 headquarters as he works close by and ask them.

258 **End of the year monitoring:** M Speltz told the Commission that he got an email from the Groundwater
259 Trust Fund and they are ready for their annual monitoring report from the Commission. He said that he
260 found the LCC monitoring file that came from a spreadsheet, of which he believes there are more than
261 30 properties on the file. M Badois seemed surprised that there were that many properties to monitor.
262 M Speltz noted that theoretically the Commission should monitor every property they own. M Badois
263 named all the properties that require a monitoring from other sources, such as Ingersoll, Macks, Merrill
264 and the newly acquired Mack's parcel. M Speltz added the Plummer properties. M Badois pointed out



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265 that Rockingham County Conservation District (RCCD) performs monitoring for Ingersoll and Merrill. She
266 said that the Commission is responsible for Macks and the Plummer properties. D Heafey explained that
267 he is working on a spread sheet that can be stored in the cloud so that all Commissioners can access it
268 anywhere and anytime. M Badois noted that she does not think that Officer Aprile is aware of how many
269 properties the Commission monitors. D Heafey pointed out that some parcels are monitored annually
270 and some are biannually. M Speltz mentioned that there is no problem using the aerial GIS to find out
271 where a potential violation might exist, noting you have to verify it in the field. M Badois stressed that
272 the Commission cannot claim a violation using the GIS software. M Speltz agreed with M Badois, and
273 stated the GIS can be used to find out where to look for potential violations.

274 **Watershed Survey:** M Badois said she received an email about a clean watershed survey, but she
275 thought it was more for waste water. She commented that a citizen expressed an opinion that
276 watershed protection should fall under the Conservation Commission charter. She stated that she did
277 not know who would perform this survey. M Speltz asked if any other staff was working on something
278 like this. A Kizak replied that she did not know, but if they forwarded the email to her, she would find
279 out. She added that some of this might already being done.

280 **NHACC:** M Badois told the Commission that she went to the NHACC convention. She explained that the
281 keynote speaker discussed how to get kids involved in Conservation, as you need the parents involved in
282 order to get the kids involved. She said that a family attraction works best. She pointed out that one of
283 the breakout sessions was about climate change and a piece of information she thought was important
284 was that we are going to have wetter winters and drier summers. She went on stating that they
285 discussed that culverts should be 15% larger to handle these major rainfalls, the need to change the way
286 we manage water and how to store water during the rain events. She said she attended the wetland
287 permitting planning tool (WPPT), which she thought had a ton of great information.

288 **Applicants:** M Badois informed the Commission that they have two people that have applied for the
289 open positions. M Speltz said that the applicants will come to a Conservation meeting to discuss their
290 interest and then the Commission will make a recommendation to the Town Council. M Badois said that
291 there is one fulltime position and two alternate positions that are vacant.

292 **Charlie Moreno:** M Badois mentioned that she spoke to someone at the NHACC conference about
293 Charlie Moreno, noting that they also have not been able to get a response from him. She said that her
294 contact at NHACC suggested contacting Granite State Forestry out of Wilton for a forestry plan for the
295 Musquash. She noted that D Lievens offered to reach out to Charlie Moreno by email to see if she can
296 get a response.

297 **LCHIP:** M Speltz informed the Commission this will be awarded on November 16, 2022, and he really
298 expects to hear the results of the ARM grant before November 16, 2022.

299 **Gilcreast:** M Speltz mentioned that Mike Malaguti, Town Manager, announced that the appraisal for the
300 Gilcreast orchard parcel came in substantially less than the \$2.65 million that was in the town warrant



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301 article. He went on stating that in terms of cash value the Commission can proceed if the other
302 organization was to go ahead with the project. He said that \$750,000 would come to the Commission,
303 but did not know when they would get this money.

304 **Recreational Guide:** M Badois suggested adding a line at the bottom the page to include: "No digging or
305 disturbing the soil in any Conservation area, metal detectors included." She asked if A Kizak could do
306 this. A Kizak replied that she can and asked M Badois to forward along the exact verbiage that she
307 wanted.

308 **Other Business**

309 **Minutes:** The Commissioners went over the public minutes of October 25, 2022. B Maxwell made a
310 motion to approve the minutes as presented. G Harrington seconded the motion. The motion passed, 5-
311 0-0.

312 **Adjournment:** G Harrington made a motion to adjourn the meeting at 9:25 p.m. B Maxwell seconded
313 the motion. The motion passed, 5-0-0.

314 Respectfully Submitted,
315 Beth Morrison
316 Recording Secretary