



Londonderry Conservation Commission  
Tuesday, January 10, 2023  
Minutes

**Present:** Marge Badois, Chair; G Harrington, Vice Chair; Bob Maxwell, member; S Malouin, member; David Heafey, member; Mike Speltz, alternate member; and Deb Lievens (arrived at 8:06 p.m.)

**Absent:** Tiffany Macarelli, member

**Also present:** Amy Kizak, GIS Manager/Comprehensive Manager; 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 until she arrived. D Lievens arrived at 8:06 p.m. M Badois appointed M Speltz to vote for T Macarelli once D Lievens arrived.

**DRC – Alta Woodmont Commons Site Plan – Map 10, Lot 41 – 15 Pillsbury Rd:** Michael Malynowski, P.E., from Allen & Major Associates, Inc., 400 Harvey Road, Manchester, NH, as well as Mark Seck and Jim Lampert from Wood Partners, and Jackie Trainer, landscape architect addressed the Commission. M Seck told the Commission that Wood Partners is a national development firm based in Atlanta with 22 offices across the country. He added that they are consistently one of the top five largest builders of apartment communities and that is all they do. He noted that they are general contractors as well and property managers, so they build the apartments themselves and stay with the property from inception through stabilization. He commented that this is their first deal in New Hampshire, noting that they have built 3,000 units in Massachusetts. He reviewed the site layout on the screen with the Commission, stating that they are proposing 11 standalone buildings with a club house in the middle. He mentioned that they have a mix of one, two- and three-bedroom units and private garages.

Michael Malynowski informed the Commission that they are developing a vacant property between Michels Way, Woodmont Avenue and Governor Bell Drive that has historically been used as a construction staging area. He said that they have a full comprehensive erosion control plan. He pointed out that there was an existing survey that was part of their design review submission that captures the existing conditions between Woodmont Avenue and Michels Way. He noted that there are currently no jurisdictional wetlands within the confines of that area, but two constructed stormwater basins that were designed as part of the overall Woodmont Commons Master Plan to address drainage within their project, as well as the neighboring projects. He commented that they have a net decrease in impervious cover and stormwater flows based on their proposed project versus what was conceived with the Woodmont PUD Master Plan. He explained that they have 11 buildings with a large green space in the middle of the project, which they are still determining what will be used there, such as a dog park and athletic areas. He said that they have a closed drainage system that drains to the existing stormwater basins that he showed the Commission previously. M Speltz asked if it was an increase or decrease. M Malynowski replied that it is a decrease. He went on noting why they have a decrease versus what was originally proposed. Jackie Trainer told the Commission that she is working with salt and drought



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tolerant plants with a variety of colorful flowering trees and full shade trees for cover in the parking area. M Seck informed the Commission that they have a full landscape plan as part of their submittal. M Speltz asked if the stormwater goes both east and west. M Malynowski replied that is correct and reviewed the drainage with the Commission. M Speltz asked who will manage the open space. M Malynowski replied that Wood Partners will manage this. M Speltz asked how their open space configures into the open space requirement of the Woodmont Commons PUD. M Malynowski replied that there is not a specific open space requirement for this portion. He added that this is not for the public and is not recognized as part of the Woodmont Commons PUD. M Badois asked about snow storage. M Malynowski replied that they have some areas for snow storage along the perimeter of their site, and if they need to, they will move it off site in accordance with the New Hampshire Department of Environmental Services (NHDES) regulations. M Speltz asked about the Pennichuck water pump station that is being proposed along Michels Way. M Malynowski replied that the proposed Pennichuck water pump station is not near their development. He added that this project has a will serve letter from Pennichuck and will be on sewer. M Speltz asked A Kizak about the Pennichuck water pump station. A Kizak replied that the Planning Board conditionally approved this and she believed it was going to be closer to Main Street versus Governor Bell Drive. M Speltz asked if the Pennichuck water pump is out of the Conservation Overlay District (COD). A Kizak replied that she is not sure. M Speltz asked about the landscape plan. S Malouin replied that there is a list of plantings on page 41 of 49. She mentioned that she believed white ash is susceptible to the emerald ash bore and asked if they have a plan for this. J Trainer replied that she would be happy to change this for the Commission. S Malouin pointed out that eastern redbuds die from fungal infections. J Trainer replied that she has four or five on site right now in a protected area, but again, she can easily change it. S Malouin recommended to change those two plants/trees. M Speltz asked if there are any plantings in the outdoor green space area. J Trainer replied that she has not done a plan until they have decided as what they would like to be here. M Malynowski commented that once they get through more of the technical review, they can add plantings there.

Ray Breslin, Three Gary Drive, addressed the Commission. R Breslin said that his concern is about storm water runoff. He stated that there is a lot of sediment that runs through and there are issues with water in town. He added that he has concerns about where the sewage is going as well.

M Speltz said that he thought R Breslin reiterated his concern about pumping the water/run-off across the site. M Malynowski replied that he is not sure why they are currently pumping from one side to another, but under their project, they will be responsible for managing their stormwater runoff appropriately. He pointed out that he cannot comment on what the developer of the overall site is doing as he has not been involved in the process. M Speltz asked if they considered putting up solar roofs. M Malynowski replied that they have not and the pitched roof does make this more challenging. The Commissioners had the following comments for the DRC:

1. Suggest replacing white ash and eastern red bud with species less vulnerable.
2. Commission is glad to hear that the developer will consider community solar.
3. Confirm with Woodmont Commons PUD developer that current stormwater systems in place will be compatible with activity generated during Alta construction.



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**CUP – Eversource Energy – Scobie Substation T30, T90, N124, and B 172 Structure Replacement**

**Project – Map 13, Lot 110 – 5 Brewster Rd:** Brad Newell, Senior Project Manager, from Eversource and Scott Egan, from AECOM, 1115 Elm Street – Suite 401, Manchester, NH, addressed the Commission. B Newell explained that their proposed project encompasses 10 structures, which are currently made out of laminated wood that come from multiple lines and terminate at the Scobie Pond substation property. He noted that six structures are located in Londonderry and four structures are in located in Derry. He said that they are replacing the laminated wood structures with steel structures as the wood structures have been known to rot and have damage from woodpeckers. S Egan reviewed the project on the screen with the Commission starting at the T-90 line, noting there are three structures in Londonderry that will be replaced. He pointed out there are temporary impacts off to the side of the first structure to be replaced that are part of the buffer zone for the stream that runs through here. He commented that they possibly will have 2,915 SF of temporary impact. He explained that the N-124 and 388 structure are located in Derry, but the work pad along the west side will be located in Londonderry. He mentioned that wetland #1 is an isolated wetland and a part of the pad will be chopped off to stay out of the wetland. He pointed out that the trickiest part of the project, is a group of structures that are part of the T-30 line, because the only way to access this is around the southern part of the substation, crossing wetland #7 and wetland #8. He added that there is an existing Eversource project in this location and the existing gravel access and mats will be used in the same spot to minimize any additional impacts to the wetlands. He stated that there is about 1,800 SF of wetland crossing and 3,996 SF of wetland buffer impact, which are already being used for the current project on the site now. M Speltz asked if any new structures are being proposed. B Newell replied that these are all one for one replacement. M Speltz asked if this was a continuation of the work that is being done on the lines to the northwest. B replied that this is all part of the same program that Eversource is conducting to replace all the laminate wood structures as they are rotting. M Speltz asked if there is any science to leaving the butts of the wooden poles in the ground. B Newell replied that they do leave the wooden butts in wetland environments as it would cause more damage to take them out, but he is unsure of any studies that have been done. D Lievens made a motion to recommend approval of the Conditional Use Permit (CUP) as presented. G Harrington seconded the motion. The motion passed, 6-0-0.

**DRC – Southgate Subdivision – Map 4, Lot 57 – 116 South Rd:** Jeffrey Merritt, P.E. and John Griffin from Granite Engineering, LLC, 150 Down Street, Tower 2, Suite 421, Manchester, NH, addressed the Commission. J Griffin passed out a plan set, Exhibit 1, to the Commission. J Merritt reviewed the site on the screen with the Commission noting is undeveloped with roughly 37 acres located in the AR-1 zone, with about 1,800 feet of frontage on South Road. He noted that they had the property delineated for wetlands, some are associated with Beaver Brook and some are isolated wetlands in the interior and reviewed those with the Commission. He explained that they are proposing a 19-lot subdivision that is comprised of five conventional lots, 13 open space lots, which are much smaller and non-buildable open space with one larger perimeter lot. He said that the conventional lots are about two acres in size and will have access of South Road, but the conservation lots will have a new roadway. He pointed out that the conservation lots are much smaller. He mentioned that they have no impacts to wetlands or buffers and they do not need a dredge and fill permit. He commented that they will have the buffer signs along



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117 the perimeter of the wetland buffers as noted on the plan. He stated that they have designed a  
118 stormwater management system that meets both state and town requirements and reviewed this with  
119 the Commission. He noted that they have a second stormwater practice on the other side of the project,  
120 which is a filtration system that helps them control run-off to abutting properties. He remarked that  
121 they are proposing a community water system, as there is no municipal water, that will be maintained  
122 by the homeowner's association. B Maxwell asked about sewage. J Merritt replied it would be septic  
123 systems as there is no sewer. M Badois asked if the sand filter on the first lot is just an open pit. J Merritt  
124 replied that it looks just like a storm water pond, other than the bottom of the pond has a specified  
125 media at the bottom of it. M Badois asked if it will be vegetated. J Merritt replied that is correct. M  
126 Speltz asked if the homeowners association would be responsible for maintaining the sand filter. J  
127 Merritt replied that they are going through the town's review process now, so he is not sure at the  
128 moment. D Lievens commented that this is right in someone's back yard and people might want to fence  
129 it in. J Merritt replied that it is normally dry and the only time it has water in it would be for a major  
130 storm event. D Lievens asked if the owners would have instructions on how to live with it. J Merritt  
131 replied that the homeowner's association as well as the owners would have instructions on how to use  
132 it. M Badois asked if all the proposed lots would be part of the association. J Merritt replied that they  
133 would as the water will be maintained by the association. B Maxwell asked if the septic systems would  
134 be individual. J Merritt replied that is correct. G Harrington noted that it is not Beaver Brook, but  
135 Wigwam. He mentioned that there are many people that fish in the wet area along the eastern side and  
136 asked if there was a possibility to extend the conservation area up along the edge of the road so people  
137 are not traipsing through someone's private back yard to get there. J Merritt replied that he is unsure.  
138 He said that from a development standpoint, this area is not crucial to the development, as it is already  
139 protected via the fact that it is wetlands. He pointed out that they cannot add this section to the green  
140 area due to the way the open space requirements work in Londonderry. He said that he could ask the  
141 property owner about an easement. G Harrington commended them from getting the detention areas  
142 out of the buffer. M Speltz asked for clarification on why he cannot add most of the northeast wetland  
143 into the open space. J Merritt replied that a minimum of 40% of the gross track area is required and of  
144 that 50% has to be open space. He went on stating that if they were to give land from Lot 57-5, even if it  
145 is just wetland, and add it to the green area, they would need to give 50% additional area, which is  
146 upland. He said that they cannot add additional wetland to the conservation area without giving up 50%  
147 of that area in terms of upland somewhere else. He added that he thought it was most likely a flaw in  
148 the way that it is written. M Badois asked if they could do a lot line adjustment and donate it to the  
149 town. J Merritt replied that this could be done at a later date. M Speltz said that he thought the state  
150 would be delighted about this as it is turtle habitat. He added that lots 1, 2, 3 & 4 could be made smaller  
151 as they do not need to be two acres, which would allow the line to be moved and pick up some more  
152 land. J Merritt replied that they had tried it but it was not as easy as it sounds because by moving the  
153 line, you pick up a wetland. M Speltz asked if they could get a waiver. J Merritt replied that they would  
154 have need to get a variance. M Speltz expressed his opinion that the Commission would support their  
155 efforts with a variance. He remarked that he could not believe it was written in such a manner. J Merritt  
156 reiterated that he did not think it was meant that way. M Speltz asked if the homeowners association  
157 would manage the open space. J Merritt replied that it will be written into the covenants of the



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homeowners' association. M Speltz asked where in the process would the homeowners association covenants be reviewed. A Kizak replied that they are reviewed by the Planning Department and Planning Board. M Speltz commented that he would like the Conservation Commission homeowner's association covenants. He added that the Commission would support a variance request to allow them to include the wetlands on lots 1-5 in the open space. J Merritt replied that he would take this input to the owner and applicant, but he is not sure if the owner would like to go through with this. D Lievens asked if the buffer signs are planned for the open space as well. J Merritt replied that they are on the 100-foot buffer and 50-foot buffer. M Badois thanked them for this, as the Commission usually has to ask. M Speltz asked if this small community/homeowner association would be able to manage the water. J Merritt replied that they would be able to. The Commissioners had the following DRC comments:

1. The Commission would like the opportunity to review association covenants with regard to the maintenance of the open space.
2. The Commission would support a request to the Zoning Board of Adjustment (ZBA) to include a higher percentage of wetland in the open space.

**CUP – 215 & 217 Rockingham Rd – Map 15, Lots 22-1 & 23-2:** M Badois told the Commission that there is no representative here this evening for the CUP. M Speltz asked if they would like to postpone this so someone can attend. A Kizak replied that representatives were invited but no one responded. M Speltz pointed out the Commission asked for the buffer signs to be placed on the Conservation Overlay bounds last time, but this was not done. He recommended the Commission ask them again. M Badois pointed out that the Commission asked them to move the patio out of the buffer, but that did not happen. M Speltz remarked that neither the Commission or the Planning Board has the authority to allow anything over 200 SF as an accessory structure in the buffer. B Maxwell asked if they changed anything. M Badois replied that they moved parking spaces out of the buffer. She reviewed the landscape plan as the Commission had asked for the removal of the Callery Pear and Honey Locust, noting the pear is still there. M Speltz made a motion to recommend the Planning Board not approve the CUP for the following reasons:

1. Snow storage should not be in the buffer.
2. Conservation Overlay signs should be on the actual edge of the buffer, not on the fence (or move the fence to wetland boundary to prevent mowing which is not allowed).
3. Recommend against using pear tree.
4. No more than 50% of detention pond should be in the buffer and of the 50-foot buffer, 25-feet should remain natural.
5. Both snow storage and patio are not allowed by CUP in the buffer according to the zoning ordinance as mentioned in comments of 10/25/22.

G Harrington seconded the motion. The motion passed, 7-0-0.

**Unfinished Business**



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194 **Maps:** M Badois informed the Commission that she gave B Maxwell a case and has some here if anyone  
195 needs it.

196 **Signs for Moose Hill & Kendall Pond:** M Badois told the Commission that she received estimates from  
197 FASTIGNS for the two signs, noting that each sign will be approximately \$3,500. She pointed out that she  
198 is concerned about the height at Kendall Pond and wants to address this before she orders the sign. She  
199 added that she does not want to attach the sign to the deck, as this would encourage vandalism. She  
200 said that all the signs at Kendall Pond that identified the trees need to be restored. D Lievens asked if  
201 the Commission had a list. M Badois replied that they do not. She suggested using the Boy Scouts for  
202 this. D Lievens suggested using Bob Saur as a resource. M Speltz asked if attaching the Moose Hill sign to  
203 weigh in station was a good idea or not. D Heafey suggested a field trip to take some measurements. M  
204 Badois said that would be a great idea.

205 **Moose Hill Lease:** M Speltz asked if there is a lease for the Moose Hill parcel. M Badois replied that they  
206 do not have a lease, and she has no new information from the Town Manager. M Speltz suggested a  
207 term of the lease should be that the Town reserves the right to place a sign. B Maxwell pointed out that  
208 the stand belongs to the Town now, so he did not think permission would be needed for a sign. M  
209 Badois remarked that is an interesting observation. She noted that the lease expired on Thanksgiving  
210 Day.

211 **Field Day:** M Badois mentioned that she has not heard back from the mountain bikers. She said that she  
212 has a flyer all made up and is just waiting on a reply. She asked if the Commission has a back up plan if  
213 the mountain bikers fall through. She suggested Fish & Game for an update on the bunny cut, but she  
214 noted that she did not get a response from them last year. M Speltz asked if Officer Aprile had any  
215 contacts that might be helpful.

216 **New Business**

217 **Lithia Spring Management Plan:** M Speltz informed the Commission that they are required to submit a  
218 management plan as part of the LCHIP grant and possibly the ARM grant as well. He added that the  
219 Town Council accepted the \$800,000 for the grants. D Lievens asked if there was any mention in the  
220 paper. M Speltz replied that he put together a news release and picture for the Londonderry Times, but  
221 has not seen it yet. D Lievens stated that she can put the new release on the Commission's Facebook  
222 page. A Kizak mentioned that she can also post the news release to the Conservation Commission's page  
223 on the town's website. M Speltz said that B Maxwell asked him who would be doing/performing the  
224 management plan. He went on stating that this is fairly specialized work that would be contracted out,  
225 which would be the same wetland scientist for the restoration. He pointed out that David Ellis, a  
226 Londonderry resident, has two concerns as follows:

- 227 1. If the Commission builds a trail, will this lead to an increased risk for vandalism.  
228 2. If the causeway is part of the historical structures this could be a problem.





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229 M Badois asked if the causeway was on a register. M Speltz replied that it is confidential to some degree,  
230 but he noted that D Ellis did submit an application to The Division of Historical Resources to have the  
231 causeway listed. He suggested that if an expert advises against something due to the historical value,  
232 that should be the Commission's position. He told the Commission that he wants to add a sentence to  
233 the management plan that states: "in addition any structural improvements to the property may  
234 require the application and approval of agencies such as the New Hampshire Division of Historical  
235 Resources." M Badois mentioned that Ann Chiampa, a member of Historical Society, is really concerned  
236 about taking some of the causeway out. She asked if there could be more of a compromise or something  
237 could be renegotiated. She asked if culverts could be allowed to preserve the causeway. M Speltz  
238 replied that he did not think so. G Harrington remarked that he has not been out to the site to see it, but  
239 asked if the wetlands were created by the causeway. M Speltz replied that is correct. G Harrington  
240 noted that if the causeway is removed, the other wetland might be reduced or changed in some way. M  
241 Speltz replied that this is a possibility. D Lievens pointed out that she thought the Commission might be  
242 spread thin for money to do this work. M Speltz noted that the price is about \$20,000. D Lievens  
243 commented that she would come back with some new numbers for the next meeting. G Harrington  
244 made a motion to approve the Lithia Springs Management Plan as amended by M Speltz this evening. D  
245 Heafey seconded the motion. The motion passed, 7-0-0.

246 **Upcoming Training from NHACC:** M Badois told the Commission there is a training coming up regarding  
247 wetlands. She pointed out that you have to register from the email that was sent, so if anyone needs her  
248 to resend it, she will. D Lievens made a motion to authorize the chair to spend up to \$100 out of the line  
249 item budget for two manuals from NHACC. G Harrington seconded the motion. The motion passed, 7-0-  
250 0.

251 **Conservation Ranger Report:** Officer Aprile told the Commission that he has nothing to report this  
252 evening. M Badois asked if he was seeing ATV tracks. Officer Aprile replied that he does.

253 **Beavers blocking Cohas on Rail Trail:** M Badois informed the Commission that she went to check on  
254 this last weekend and was shocked that she could not park at the end of the trail as they put in a new  
255 culvert and no parking is allowed. She added that she had to park at North School and there were only  
256 two more parking spaces left. She asked what people do for parking during week when North School is  
257 in session. She mentioned that the airport owns a small lot close by the end of the Rail Trail and  
258 wondered if this lot could be for parking. A Kizak explained that they are in the process of extending the  
259 Rail Trail, past the Airport Museum to the Manchester city line. She went on stating that if this goes  
260 through there will be parking at the Airport Museum. M Badois asked if it was about a mile away. A  
261 Kizak replied that it is about a mile long. M Badois voiced her concern about the parking. M Speltz asked  
262 if the airport owns the land. A Kizak replied the airport owns the land.

263 **Hickory Hill:** B Maxwell informed the Commission that where the Eversource contractors put additional  
264 gravel at Hickory Hill for their project, people parked there since they removed the cable that used to  
265 block it. He wondered if the Commission can continue to use this. M Badois pointed out that one of



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266 Eversource's concerns was to not have parking underneath the wires. Officer Aprile thanked B Maxwell  
267 for all his hard work clearing the trails.

268 **Other Business**

269 **Minutes:** The Commissioners went over the public minutes of December 13, 2022. B Maxwell made a  
270 motion to approve the minutes as amended. G Harrington seconded the motion. The motion passed, 7-  
271 0-0.

272 **Adjournment:** G Harrington made a motion to adjourn the meeting at 9:34 p.m. M Speltz seconded the  
273 motion. The motion passed, 7-0-0.

274 Respectfully Submitted,  
275 Beth Morrison  
276 Recording Secretary