



Londonderry Conservation Commission
Tuesday, May 9, 2023
Minutes

Present: Marge Badois, Chair; Gene Harrington, Vice Chair; Deb Lievens, member; Bob Maxwell, member; Susan Malouin, member; Tiffani Macarelli, member (arrived at 7:33 pm); David Heafey, member; Jim Leary, alternate member; and Mike Speltz, alternate member

Absent: none

Also present: Amy Kizak, GIS Manager/Comprehensive Planner and Kirsten Hildonen, Interim Recording Secretary

Marge Badois called the meeting to order at 7:30pm. M Badois appointed M Speltz to vote for T Macarelli until her arrival.

Environmental Risk Assessment Report: Emily DiFranco, CEI Engineering, presented the report. This is the same presentation as was made to Town Council on April 10, 2023. In 2019, CEI Engineering did a town-wide water resources management and protection plan. One next step identified in the plan was to assess septic systems in the town. About 90% of town residents rely on private septic systems to dispose of waste water, which is common for towns in New Hampshire. The total number of people assumed to be on septic is 5780 residences. A conventional septic system is a holding tank for designed for settling, connected to a leach field where effluent goes after all pollutants are removed. A working septic system will treat all pollutants before the effluent reaches ground water. The water coming out of a septic system goes into the ground water, which connects to wells, and can pollute drinking water. In conjunction with A Kizak, they applied for grant money from the New Hampshire DES source water protection grant. They then developed environmental risk assessment (funded directly by the Town and counted as a match toward the grant) and a septic system database and outreach effort (funded by the grant).

E DiFranco described environmental risk assessment as targeting the most "at risk" areas in the Town, judged solely by soil and environmental factors. These factors included flood zones, proximity to wetlands, filtering capacity, depth of bedrock, and slope, among others. The assessment broke the town into three tiers. Tier 1 is the most at risk, because they have limited soils, are in a FEMA flood zone, and are within 100 feet of a body of water or wetland. Tier 2 has all the factors of Tier 1, except these properties are not in a FEMA flood zone. Tier 3 is all other properties with septic. 1370 properties are in in Tier 1 or 2. These were the first properties targeted for the database. The database was initially limited to source water protection areas (SWPA), which is any property not on a private well. They then created septic system inventory. There is no current method to track system installation and replacement at the Town level. They created an electronic tracking system to use when reviewing a building application or buying a new home. If regulation of septic systems is needed in the future, this is the starting point. They retrieved information from paper records and state records. M Speltz asked if the database exists. E DiFranco said yes, for the 736 Tier 1 and 2 properties in the SWPA. M Speltz asked if adding to it will be ongoing? A Kizak answered that they are putting a process in place to expand to



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the Tier 1 and Tier 2 properties that were not included in the initial survey. E DiFranco and A Kizak established a process to update the database as new applications come in. The framework is done and will be continued to be used in the future. M Speltz asked where it lives. A Kizak replied that it lives in her data sets and Town staff is working on a methodology to update. The Building Department will likely add new data and interns will pull existing data.

E DiFranco summarized the findings of the survey of the 736 properties Tier 1 and 2 with septic systems in the SWPA. 702 properties had a record of replacement, but 547 were replaced more than 20 years ago. The shelf life for a conventional septic system is 20-30 years if maintained properly and placed where it can function properly. Many homeowners don't even know they have a septic system, where it is, or what they need to do to keep it maintained, which is where education is needed. Most Town septic systems are old and use less efficient technology. The Town developed a basic outreach and education program. First, they are sending a brochure and a letter to everyone in Tier 1 and 2 describing the findings of the study. The next step is to complete an inventory of the rest of the town (about 5000). The last step is to consider regulatory change. State regulations require a 75-foot setback from surface water, 50-75 feet from wetlands, 4 feet above the seasonal high water table for leach fields, and for the system to be repaired or replaced when failed. Some New Hampshire communities have put in additional regulations to protect beaches and drinking water. In Londonderry, any changes would likely be in the service of protecting drinking water and private wells.

D Heafey stated this information seemed like something a home buyer would want to know. E DiFranco answered that it is the law to include this information with home purchases in Massachusetts, but not the state of New Hampshire. Some individual New Hampshire towns do require it. M Speltz asked if Town Council gave any guidance. A Kizak replied no, but they encouraged staff to continue the database. M Speltz asked if Town Council mentioned the possibility of regulatory changes. A Kizak said not yet. E DiFranco added that would likely take place down the road, depending on findings and expanding the database. Regulatory changes can get a lot of pushback from homeowners. B Maxwell stated they talked a lot about traditional low-density housing areas and asked if high-density housing is treated differently. E DiFranco replied yes and no. Capacity needs to be bigger in high density areas. As the density goes up, the chance of failing increases. B Maxwell stated the Commission might want to add that as a concern. M Speltz asked how much a homeowner would pay for a septic evaluation. E DiFranco replied it is about \$250. A New Hampshire 319 grant can be used to reimburse evaluations or replacements, so there is a precedent to get funding. E DiFranco and the Commissioners discussed the merits of making a water impairment plan, and which bodies of water in the Town might have a chloride impairment, which the State is starting to fund. E DiFranco stated it is also worth exploring other funding sources too. D Lievens asked if the Commission would be the sponsor these projects. E DiFranco replied that it would depend on project. Town Council would most likely want the Commission's support, but she has worked with a variety of municipal bodies.



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M Badois recognized Ray Breslin, 3 Gary Drive. R Breslin thinks all of this is really good but he also thinks the town needs a plan moving forward. He believes there is grant money available and the town needs to do some studies to see if this is feasible. He goes to New Hampshire DES groundwater and drinking water meetings and he thinks there needs to be more representation from the Town at those meetings. He believes that they might need more regulation, but education is more important. He pumps his septic every 2-3 years but his system is old and is likely not up to standards, but it is expensive to replace.

M Speltz asked if E DiFranco had worked with any towns looking at both sewer and water issues and if there were any synergies. E DiFranco replied yes but no, because they are different infrastructure. M Speltz asked if there was a narrative report. A Kizak replied yes, and it is on the Commission's page on the Town website. M Badois asked if properties with both private wells and public sewer risked ground water depletion. E DiFranco said it should be okay because rainwater recharges them.

Design Review Committee – 33 Londonderry Rd Site Plan Amendment – Map 10, Lot 87: Mike Malynowski, Allen & Major Associates, introduced himself and Scott Fawcett, applicant and property owner. They are filing for a site plan amendment. They had been before the Commission about two years prior to do some parking lot rehabilitation that had never been completed. S Fawcett has since purchased the property. There are about 15 commercial condo suites on the property, the tenants of which have mostly been relocated. S Fawcett will be moving his business into the property, which will consist of as office space, light fabrication, and material storage. He plans to construct a covered loading dock where suites three and five are currently. M Malynowski stated they are looking to remove the existing overhead doors in the back of the building as well as approximately 1500 square feet of impervious surface. They want to remove the overhead doors that face the highway and replace it with glass storefront. The existing pavement will remain the same with restriping. There are 60 parking spaces where a minimum of 58 are required. Traffic around the building will be single direction. There are some wetlands on the property that are an extension of the drainage swale off of I-93. They are not proposing any improvements in that area. Existing utilities on the properties are water and sewer, and those will remain the same. S Fawcett is also proposing to beautify the building exterior, including paint and façade work.

M Speltz asked if they weren't required to have 58 parking, would they have less? M Malynowski replied that there is currently a vast amount of pavement, and S Fawcett just proposes restriping. A previous proposal had more parking, but S Fawcett does not need it. 60 parking spots provide enough parking for the uses going into the property. M Speltz asked what the motivation was for removing the 1500 square feet of pavement. M Malynowski replied it was to beautify the property and to remove the overhead doors. Most suites had an overhead door and an office in the front. S Fawcett wants to infill the overhead doors to make a nice storefront. The property lost frontage to the west through eminent domain when I-93 was widened, so the face of the building is extremely visible from the highway. D Lievens asked how they are accessing the units and how it relates to where the parking is. Most of the



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109 parking is in the back for staff, with some in front for customers, and some parallel along Londonderry
110 Road. S Malouin asked if there is a planting list for the new landscape islands that face I-93. M
111 Malynowski stated that yes, one is included with the plan distributed to them.

112 **Design Review Committee – Gardocki Subdivision – Map 16, Lots 42-4 & 50-3 – 10 & 13 Sheridan Dr:**
113 Paul Chisholm, Keach-Nordstrom Associates, presented on behalf of Bill & Gail Gardocki and their son
114 Tom, who are in the audience. The Gardockis live on these properties and used to run a landscaping
115 business from it. There is an existing garage and a gravel driveway running to Old Derry Road. They are
116 looking to subdivide the property to create three additional lots that will be accessed from Old Derry Rd,
117 with both existing houses remaining. Some of the properties will be on Town water and some will be on
118 wells. All properties will be on septic and there will be stormwater area to mitigate effects of
119 development.

120 M Speltz concurs with the recommendations of the staff and asked what the plan is for dealing with the
121 encroachment on the property. G Gardocki joined P Chisholm and stated that they weren't planning on
122 asking the abutter to move the Quonset hut, and that they were working with the abutter on the issue.
123 M Speltz said that as long as the engineers were there, they could do a lot line adjustment. M Badois
124 stated it would not be an issue unless the Gardockis sold. M Speltz asked if a survey was done. P
125 Chisholm said yes, the property has been fully surveyed. M Speltz asked if there were wetlands on the
126 property. P Chisholm stated there is a small area of runoff off Sheridan Drive that goes through the
127 property in a pipe toward the back and towards Old Derry Road. There is no impact to the area and it is
128 easy to avoid. M Badois asked if they considered a rain garden instead of a retention pond. P Chisholm
129 replied it is a shallow site and there had been issues getting drainage on the property to work to balance
130 runoff. There are limitations to how much they can grade up or down. The plan is to add in plantings,
131 but the retention pond is best option. M Speltz asked if the landscaping business will be discontinued. P
132 Chisholm answered that the business had already been sold, and no operations have happened in the
133 past two years on the property. The barn will stay and be used as a garage for one of the houses. M
134 Speltz asked if there was any intent to restore the area they were using for the business into a natural
135 setting. P Chisholm replied no, because the Gardockis intend to build three new homes for their family
136 and sell the two existing houses.

137 **Old Business** - none

138 **New Business**

139 **Adams Trail Flooding:** B Maxwell reported that the Adams Trail has been flooded to the point of being
140 unusable for the past two months at least. Water on the trail is 6-10 inches deep. The culvert that runs
141 from Mack's Pond to Adams Pond gets clogged, and it gets cleared periodically. B Maxwell reported that
142 it was cleared last 1-2 years ago. M Badois reported that there had been email between Bob Rimol of
143 Londonderry Trailways and Kyle Chrestensen of Mack's Apples about fixing it. B Maxwell stated that all
144 the former parking for the south orchard is barricaded, so it no longer accessible to the public.



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Therefore, the Adams Trail is not accessible and the public does not have access to the conservation easement land. You can get to the north orchard from Pillsbury Road parking at Moose Hill or the Morrison House, and walk the Adams Trail to the south orchard when it is passable. M Badois reported that there were a couple of parking spots on the gas line. B Maxwell replied that it can get quite wet. There is room for 1-2 cars off Adams Rd but that is also wet and partially blocked by a tree. M Speltz asked if clearing the culvert solves the problem. B Maxwell replied yes. There is a possibility of beaver activity but it is unlikely because he saw no visible evidence. M Speltz asked if the small wetland is unable to drain. B Maxwell stated that the Mack Pond is running across the trail. M Badois asked if it is a design flaw that could be solved permanently. B Maxwell stated that the metal structure there has been visibly damaged for a while. The pipe that gets clogged is an 18-24-inch. A Kizak asked how long would B Maxwell say the trail has been underwater. B Maxwell believes that it has been more than 6 weeks, and possibly up to 3 months. Historically, the blockage has never self-corrected and always requires intervention. The Commissioners discussed the placement of the culvert, the placement of drainage, and the condition of the culvert. M Badois asked if a septic company could run a camera in to see what is going on. B Maxwell stated that culvert on the Adams Pond side is usually visible above the water level. M Badois said it was good news that groups are willing to look at it, including Mack's Apples and Londonderry Trailways. She said it would be great to find a permanent fix.

Northern Woodlands Magazine: D Lievens informed the Commission about the article "Working Land Aids At-Risk Species" in the Winter 2022 issue of *Northern Woodlands Magazine*, which lays out why certain areas are being cleared. She will send the link to M Badois. M Badois suggested this article connects well to having Heidi come to talk about the bunny cut.

Boat Launch Grant: M Speltz explained that the American Rescue Plan allocated money to states for infrastructure improvements. One use for which they are offering grants is to improve boat launches. M Speltz thought of the possibility of using one to improve the boat launch at Scobie Pond. He and M Badois researched accessible dock options. The suggested dock is 14 feet wide at deep end. The Commissioners discussed a similar dock in Auburn at Lake Massabesic, the accessibility features of the EZ Launch dock, including ADA accessibility, and the space available on the site. D Lievens asked if a wetlands permit might be involved. M Badois replied there would be. The Commissioners discussed potential removal and storage in winter. D Lievens suggested that the Commission look at the long-term investment of time and energy in getting one of these docks. M Speltz stated that he would ask the vendor about maintenance. The available grant has a \$100,000 limit with 25% match requirement. M Speltz stated that bid they have, which includes installation and transportation, is \$25,000. Additional costs would include a wetland permit and some work on the shore, including a concrete pad. The application for the grant is due at the end of the May. D Lievens asked if this was the last round of the grant, because she is hesitant to apply and then the project turns out to be bigger than the funding obtained. M Badois replied that they can apply, and don't need to take it. B Maxwell stated that maybe the vendor could take the dock out in winter. G Harrington pointed out that there is not a lot of current



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there, so the ice won't move that the dock that much. The Commissioners discussed the land surrounding the boat ramp and possible options for winter storage. M Speltz was looking for consensus to keep working on a potential grant. The Commission provided their general assent. If the ADA component is included in the grant application, it will also increase the grant match commitment. This dock would improve accessibility even without the ADA component. G Harrington stated that if they would also need to make changes to the whole route from parking to the dock to truly be ADA compliant. M Speltz will come back to this at the next meeting. M Badois will get more information from the dock manufacturer.

Twin States Clean Energy Link: G Harrington reported that this project was originally proposed as an alternative to Northern Pass to bring hydropower from Canada to Massachusetts. The current proposal would come down through Vermont and New Hampshire mostly on the existing power line right of way and would terminate at a new substation in Londonderry. If the project goes through, it could possibly impact the Musquash. The project plan indicates a new substation to be built in Londonderry. The Commissioners reviewed maps of the proposed route, indicating an end site near the border with Litchfield. The Commissioners discussed existing substations, power lines, and structures in the area. M Speltz suggested a new action item to research this project further.

Other Business

Minutes: The Commissioners went over the public minutes of April 25, 2023. B Maxwell made a motion to approve the minutes as amended. D Heafey seconded the motion. The motion passed, 6-0-1. S Malouin abstained.

The Commissioners went over the non-public minutes of April 25, 2023. D Lievens made a motion to approve the minutes as amended. G Harrington seconded the motion. The motion passed, 6-0-1. S Malouin abstained.

Non-Public Session

G Harrington made a motion to go into non-public session per RSA 91-A:3 for the purpose of considering the acquisition of property at 9:11pm. The motion was seconded by B Maxwell. The motion was passed by M Badois, G Harrington, B Maxwell, D Lievens, D Heafey, T Macarelli and S Malouin with a roll call vote.

B Maxwell made a motion to leave non-public session at 9:25pm. The motion was seconded by D Lievens. The motion passed, 6-0-1. M Badois abstained.

G Harrington made a motion to seal the minutes of the non-public session indefinitely per RSA 91-A:3. The motion was seconded by B Maxwell. The motion passed, 6-0-1. M Badois abstained.

Approved 5/30/23



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- 214 **Adjournment:** B Maxwell made a motion to adjourn the meeting at 9:26pm. G Harrington seconded the
215 motion. The motion passed, 7-0-0.
- 216 Respectfully Submitted
217 Kirsten Hildonen
218 Interim Recording Secretary