



Londonderry Conservation Commission  
Tuesday, May 12, 2020  
Minutes

1 **Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Deb Lievens, member; Mike Noone,  
2 member; Mike Byerly, member; Bob Maxwell, member; Richard Floyd, member; Mike Speltz, alternate  
3 member; Susan Malouin, alternate member and Jocelyn Demas, alternate member

4

5 **Also present:** Deb Paul, Town Council liaison member; Amy Kizak, GIS Comprehensive Manager and  
6 Beth Morrison, Recording Secretary

7

8 Marge Badois called the meeting to order at 7:30 pm with a roll call vote.

9 **Review and Approve Flush Mounted CO District signs - The Meadows of Londonderry Site Plan – Map**  
10 **3, Lot 155 – 48 Old Nashua Rd – Doug MacGuire:** Doug MacGuire, P.E., Dubay Group, introduced  
11 himself to the Commission. D MacGuire told the Commission that they changed the name of the project  
12 to Hanafin Farms from The Meadows. He said that he is here before the Commission to get their  
13 approval for a flush-mounted conservation buffer sign for this project. He explained that they are  
14 proposing to use a flush mounted disc that would be installed right into the ground. He showed the  
15 Commission a plan of houses, 11, 12, 13 & 14, which were in close proximity to the buffer and where  
16 they are proposing the flush mounted signs. He presented the picture of the flush mounted signs to the  
17 Commission. He reviewed the picture of the flush mounted signs with the Commission noting they are  
18 permanent and not going to be taken down. He commented that the current buffer signs the Town uses  
19 are more prone to being moved or disturbed than the proposed flush mounted signs. M Badois said that  
20 she edges her garden with bricks and feels that the flush mounted signs will disappear into the turf, as  
21 she cannot even see the bricks anymore in her garden. D MacGuire remarked that the sign is a plastic, 4-  
22 inch disc and would be visible to the landscapers, as there will be a clear line between the undisturbed  
23 land and the buffer. J Demas asked if the signs would be in the turf or the meadow area. D MacGuire  
24 said the signs would be in the turf area, as the landscaper can mow right over it. M Badois asked if the  
25 signs would be up during construction. D MacGuire answered that they would and noted the plans  
26 require an orange colored silt fence in the area where the houses are in close proximity to the buffer. He  
27 stated that those fences are to be installed before any earth moving. M Badois asked how wide the  
28 houses are. D MacGuire said he believed they are 34 feet wide. M Badois said that the current buffer  
29 signs have to be placed 50-feet apart, and if they were placed where they should be, she does not think  
30 it would be a problem. M Byerly expressed his concern that people will not see the sign as it would be  
31 flush in the turf. He suggested placing a sign on a smaller post than what is currently used now as well  
32 and to decrease the distance between the flush mounted signs to every 25-feet. D Lievens agreed with  
33 M Byerly about spacing every 25-feet. M Speltz asked for clarification on why they want to put the signs  
34 flush to the ground. He agreed with the other members on having a sign on a smaller post and closer  
35 together. He mentioned that he believed the Commission should not dictate a method to marking the  
36 buffer, but thought he remembered the Commission suggesting a picket fence the last time D MacGuire  
37 was here. D MacGuire stated that he is trying to help with the enforcement of the sign, as he believes  
38 someone could pull the currently used sign right out of the ground. He stated that in his opinion he does  
39 not believe putting a fence along the buffer line would be a good solution for the property owners. He



Londonderry Conservation Commission  
Tuesday, May 12, 2020  
Minutes

40 said that if the flush mounted signs are placed every 25-feet, the landscaping company will be briefed  
41 and know what they should and should not mow. He added that the property owner can use their  
42 backyard with limits. D Lievens commented that she is unsure if people will use the meadow, given the  
43 risk of ticks. M Badois asked for the diameter of the disc. D MacGuire responded that the disc has a 4-  
44 inch diameter. D Lievens asked if the landscaper would mow over the disc. D MacGuire confirmed that  
45 they would. M Badois asked if they would make the flush mounted sign bigger. D MacGuire said he used  
46 the buffer sign the Commission uses now as an example and did not think it should be bigger. G  
47 Harrington suggested putting in a post with the currently used buffer signs with a birdfeeder on top of it,  
48 as the property owners might find that more visually appealing. D MacGuire remarked that he felt the  
49 signs only need to be visible for the landscaping company, as the home owner does not have the ability  
50 to disturb the meadow. M Badois stated that in her experience residents in these types of communities  
51 have put up stone walls, gardens, etc. in their backyard, which is in the buffer. D MacGuire said that the  
52 intent is not to allow for the residents to be able to put anything in the buffer. B Maxwell said that he  
53 felt D MacGuire was inconsistent with what he told the Commission, as he first said the flush mounted  
54 signs would help with enforcement, but then said he felt the home owners would not find the current  
55 sign to be visually appealing. D MacGuire voiced his opinion, that he felt the property owners would  
56 remove the sign as they do not want to look at it. M Byerly remarked that there are signs throughout  
57 town that people do not have a problem with, but noted that these houses are very close to the buffer  
58 and might try and remove a sign if it was five feet from the house. D Lievens mentioned that the current  
59 buffer sign system has been in place for a few years and there have been no requests like this before  
60 and cautioned against setting a precedent. M Speltz reiterated that the Commission was very clear in  
61 the first two meetings with D MacGuire, that these houses were a problem as they are too close to the  
62 buffer. D MacGuire stated that there is a 50-foot buffer in town, which they are following, but maybe  
63 the town should have a 75-foot buffer. J Demas asked if he was asking for the Commission to change the  
64 buffer. D MacGuire said that the Commission claims that the houses are too close to the buffer, as there  
65 is not a buffer to the buffer. M Byerly asked the Commission for a consensus. The Commission agreed  
66 that they would like to use the current buffer signs and not the flush mounted sign. M Byerly made a  
67 motion that the Commission requires conservation buffer signs on posts along the buffer boundary  
68 every 50-feet in distance apart from each other. G Harrington seconded the motion. The motion passed  
69 by a unanimous roll call vote, 6-0-0.

70 **Conceptual Discussion – Sanborn Crossing CO Buffer Encroachment - Map 15, Lot 83-2 – Doug**  
71 **MacGuire:** Doug MacGuire addressed the Commission. D McGuire noted that this project has been  
72 approved and has been under construction. He reviewed the plans on the computer with the  
73 Commission. He said that there are wetland impact and buffer impacts for which they were before the  
74 Commission in the past. He noted that Area 1 has 26,000 SF of buffer impact and Area 2 has 11,000 SF of  
75 buffer impact. He commented that these particular wetlands are not classified as high value wetlands.  
76 He told the Commission that a large amount of material they excavated could not leave the site, since it  
77 was classified as “dirty” and had to be utilized on the property. He explained that Steve Lewis, one of the  
78 co-owners of the site, suggested creating a buffer berm with the excess material on the side where  
79 there is a natural gas compressor facility, which is loud. He stated that they created an SK-drawing and



Londonderry Conservation Commission  
Tuesday, May 12, 2020  
Minutes

80 worked with staff to accommodate the berm. He reviewed the SK-drawing with the Commission. He said  
81 unfortunately, the contractor impacted some of the conservation overlay buffer when creating the  
82 berm. He explained that in his opinion because of the existing impacts, even though the silt fence was  
83 placed correctly, the contractor was not aware that he placed the berm in the conservation overlay  
84 buffer. He said that this mistake was detected during the site walk looking at the as-built plans. He noted  
85 that the contractor did a good job placing the berm and it has been loamed and seeded. He said that  
86 there are no erosion problems at this point and the berm is intended to be fully naturalized. A Kizak told  
87 the Commission that Staff did review the SK-drawing and approved that, but did not authorize the  
88 contractor to place the berm in the conservation overlay district. She noted that they can remove it and  
89 restore it or go through the Conditional Use Permit (CUP) application to be allowed to keep the berm in  
90 the conservation overlay district. She pointed out that this is a zoning violation right now. M Byerly  
91 asked if this was just a conceptual discussion or if the Commission would be voting on it this evening. A  
92 Kizak said it was just conceptual at this time. D MacGuire commented that the owners are more than  
93 willing to fix this problem and could remove the berm. He said that he went out there to view the  
94 mistake and feels the berm is placed well even though it is not in the right place. D Lievens asked for the  
95 picture of the berm to be shown again. D MacGuire put the picture of the berm on the screen for the  
96 Commission. D Lievens stated that she is inclined to say leave it, but wants to know how to prevent this  
97 kind of mistake from happening again. D MacGuire said that he believes the silt fencing from the prior  
98 impact work created a problem for the contractor. He said that because the berm was done as a SK, it  
99 was not in the plans that had been approved, as this was done after the fact. He said that they are  
100 looking for feedback, as the CUP process would take 6 weeks. M Badois noted that there are CO buffer  
101 signs, but asked if the signs were placed in the wrong place. D MacGuire said that he could not speak for  
102 that as he was not there, but it was a mistake. B Maxwell expressed his frustration that he feels that it  
103 was a choice, not a mistake. D MacGuire said that the intent of the berm was for noise impact and was  
104 approved by the town. D Lievens asked what an SK was. D MacGuire said SK stands for sketch and is  
105 proposed after the fact that a plan had been approved. A Kizak mentioned that Staff has been working  
106 on this site to make sure that something like this would not happen again. M Noone said that this is a  
107 perfect example of how the signs need to be up during construction and someone needs to be  
108 monitoring them. A Kizak commented that the signs were placed before construction, but unfortunately  
109 not in the right place. M Speltz asked if the berm was removed where the extra material would go. D  
110 MacGuire said he believed it would be used on the site given the requirement, but would have to talk to  
111 the applicant. M Speltz said that the Commission would want a detailed planting diagram to be  
112 presented if they chose the CUP application. D MacGuire asked if the Commission would like the berm  
113 to stay where it is with further plantings, which will be presented to the Commission at that time, or go  
114 through the CUP process. B Maxwell reiterated that he believes this was not a mistake, but does not  
115 know if it is worth tearing up. M Byerly said that he was inclined to look favorably on the CUP, but would  
116 also be okay with them tearing it up. D MacGuire said that the wetlands are not high value. D Lievens  
117 told him how the wetland buffer functions. M Speltz said he is okay with some of the berm staying, but  
118 would like to decrease the steepness of the berm. He stated that they should come back with a  
119 professional plan designed by a landscape architect, so the right plants are planted. M Badois said she  
120 would like the buffer signs to be in the correct location. M Noone agreed with M Speltz's proposal. D



Londonderry Conservation Commission  
Tuesday, May 12, 2020  
Minutes

121 MacGuire said he would take the feedback back to the property owner. S Malouin asked A Kizak when a  
122 zoning violation occurs are there fines that go along with this. A Kizak said she would have to check on  
123 the fines and get back to the Commission. S Malouin asked if the Commission could ask for money to be  
124 given to the Town because of the mistake, but noted that this might be more of a Planning Board  
125 process. A Kizak said that she would check with Richard Canuel, Chief Building Inspector, Health Officer,  
126 Zoning Administrator & Code Enforcement Officer.

127 **Unfinished Business**

128  
129 **Island donation:** M Badois asked if the next Town Council meeting on June 1, 2020, was to accept the  
130 island donations, as the agenda is to accept non-monetary donations. D Paul said that she mentioned it  
131 to the Council, but is not sure. M Badois said she would check with Kirby Brown, Administrative  
132 Assistant, and get back to the Commission. A Kizak commented that she believed it was on the agenda  
133 for May 18, 2020.

134  
135 **DOT land:** M Badois informed the Commission that M Speltz is working on the conservation  
136 stewardship plan.

137 **ATV:** M Badois said that she has been working with Officer Aprile and the Department of Public Works  
138 and Engineering (DPW) to get an excavator in to move rocks and logs on NEC3. B Maxwell asked if they  
139 could also block access where Eversource power line crosses the White Trail. M Badois asked for a  
140 drawing or sketch, so it might be done on the day they have the big equipment there.

141 **Articles:** D Lievens thanked J Demas for all her work with the articles. She asked if there was anyone  
142 who would volunteer for the next article. J Demas asked if the bat article was published. D Lievens said  
143 she thought so, but would double check. M Byerly suggested an article on blue herons.

144 **Butterfly:** D Paul told the Commission that she had been in contact with Andy Mack and would like a  
145 volunteer from the Commission to come see the piece of land that he would donate for the butterfly  
146 garden.

147 **New Business**

148 **Encroachment:** M Badois told the Commission that Officer Aprile has been busy with encroachments.  
149 She said that he was out at 15 Gilcreast and 33 Gilcreast, where the homeowner was cutting trees that  
150 border along the stonewall. She said that G Harrington spotted someone dumping yard debris and he  
151 spoke to the resident. She said that she thought the resident needs a permit. G Harrington said she was  
152 correct. J Demas said that there was an issue on her road and DPW came by and fixed it. M Noone said  
153 that he found an encroachment when reviewing the GIS map where a resident put a permanent  
154 structure in a conservation easement. He suggested the land to be surveyed and do a land swap  
155 exchange for other land to go into the conservation easement that is adjacent to their property. D  
156 Lievens asked if it was an out building. M Noone stated an inground swimming pool. M Byerly asked if  
157 the resident would need a permit. A Kizak noted that this occurred 30 to 40 years ago and code



Londonderry Conservation Commission  
Tuesday, May 12, 2020  
Minutes

158 enforcement does not want to make the resident remove the pool. M Noone reiterated that he felt a  
159 land swap would be the most prudent. M Byerly said he would not want the Commission to pay for  
160 anything related to this. He said that it might be a good idea to just fill in the pool. M Noone said that  
161 was an option. M Badois asked if M Noone could email the Commission the GIS diagram to the rest of  
162 the Commission. M Noone said he would.

163 **CIP:** M Badois told the Commission that any projects need to be submitted by July 1, 2020.

164 **Turtle signs:** M Speltz informed the Commission that he was contacted by Deanna Meale with two  
165 concerns. He said the first concern is regarding the naming of the island and the second is the turtle  
166 signs not being flipped. M Badois told the Commission that two turtle signs and posts were stolen, so for  
167 two days they were not up, but are now up.

168 **Maps:** M Badois said they are going through a lot of maps. She said that one camera is not working well  
169 and asked if they should get another camera. B Maxwell said that they will need more maps sooner than  
170 later. M Speltz asked if this is a replacement camera. M Byerly noted that the Town has a budget freeze  
171 now, so thought a camera should not be purchased, but the maps would be okay. M Noone said that he  
172 does not believe they need a camera for Kendall Pond parking lot. M Badois suggested rotating a  
173 camera for now and revisiting this when the freeze is lifted. B Maxwell asked if the Commission needs to  
174 vote on money to be allocated from maps. D Lievens made a motion to spend up to \$1,000 for up to  
175 2,000 maps from the Conservation Fund. B Maxwell seconded the motion. The motion passed by a  
176 unanimous roll call vote, 7-0-0. M Speltz asked if A Kizak could talk to Justin Campo, Finance Director, as  
177 maybe the maps could be part of COVID relief. A Kizak said she would talk to him and get back to the  
178 Commission.

179 **Minutes:** The Commissioners went over the public minutes of April 28 2020. M Byerly made a motion to  
180 approve the minutes as presented. M Noone seconded the motion. The motion passed by a roll call  
181 vote, 6-0-1, with R Floyd abstaining.

182 **Adjournment:** M Byerly made a motion to adjourn the meeting at 9:20 p.m. G Harrington seconded  
183 the motion. The motion passed, 7-0-0, by a unanimous roll call vote, G Harrington, D Lievens, B Maxwell,  
184 M Byerly, M Noone, M Badois and R Floyd.

185 Respectfully Submitted,  
186 Beth Morrison  
187 Recording secretary  
188