



Londonderry Conservation Commission
Tuesday, October 23, 2018
Minutes

1 **Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Bob Maxwell, member; Mike Byerly,
2 member; Mike Noone, member; Deb Lievens, member; Roger Fillio, member; Mike Speltz, alternate
3 member and Julie Christenson-Collins, alternate member
4

5 **Absent:** Richard Floyd, alternate member and Ted Combes, Town Council member
6

7 **Also present:** Amy Kizak, GIS Manager/Comprehensive Planner and Beth Morrison, Recording Secretary
8

9 Marge Badois called the meeting to order at 7:30 pm.

10 **NHDOT Wetland Application – Derry-Londonderry, 13065:** M Badois informed the Commission that
11 there is a dredge and fill application for their review. She stated that there is no one is here to present
12 the application to them this evening. D Lievens asked if the Commission has the authority to comment
13 or make suggestions, as sometimes things pertaining to the highway are decided before the Commission
14 has seen it. G Harrington pointed out that there will be 50,000 SF of vernal pools impact covering 8
15 vernal pools. M Speltz said that he would like to be able to go back and compare what was presented
16 two months ago to this dredge and fill because he thinks there are discrepancies. G Harrington noted
17 that they are including some wetland impacts along existing southbound I-93, just north of Ash St. M
18 Byerly pointed out that this dredge and fill includes both Derry and Londonderry. M Speltz pointed out
19 that there is a 2.8 million dollars in lieu fee, which is payment to the Aquatic Resource Mitigation Fund.
20 He said he thought that implied there would be no mitigation in town. D Lievens disagreed stating if the
21 town had the right project, it might be considered. M Speltz asked if the Planning Board or Planning
22 Department had seen this dredge and fill. A Kizak said she did not know if Town Planner Mailloux had
23 looked at this yet. D Lievens stated she did not think that the Planning Board makes any comments
24 regarding dredge and fills. M Speltz asked how much time the Commission has to review this
25 application, as it is lengthy and involved. M Badois said she just received this application today. G
26 Harrington pointed out that Sherry Farrell, Town Clerk, had signed this on October 8, 2018. M Badois
27 inquired why she had not received this dredge and fill earlier. She noted the last meeting was October 9,
28 2018. D Lievens requested that the Commission receive things such as the dredge and fill in a more
29 timely fashion. G Harrington asked if the Commission should form a sub committee to review the
30 application or review the application this evening. M Badois stated that a subcommittee would probably
31 be best at this point. G Harrington said that M Badois should send a letter to New Hampshire
32 Department of Environmental Services (NHDES) right away. M Speltz suggested that M Badois send a
33 letter to NHDES telling them that the next meeting is in three weeks, and if that is not okay with NHDES,
34 the Commission could set up a special meeting in a week to hear what the subcommittee has learned
35 before the Commission responds. M Badois asked for volunteers for the subcommittee. M Speltz stated
36 that he has done a lot of work with I-93 and would like to compare the plans. He said that the
37 Commission will prepare to present at the first meeting in November, but if receive an adverse response



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38 from NHDES then a subcommittee would have to be formed. He stated that both he and G Harrington
39 will coordinate the subcommittee. D Lievens requested to be involved as well. A Kizak noted that she
40 could scan the application and send it to the Commissioners tomorrow. She also stated that she would
41 find out what happened with the dredge and fill not getting to the Commission in an appropriate time.

42 **Old Business**

43 **Water Resource Plan:** A Kizak noted that there would be bids for the project tomorrow at 2:15 p.m. in
44 the Moose Hill Conference Room. M Badois asked if the Commission would be the ones who approve
45 the bid. M Speltz stated that Kevin Smith, Town Manager, is appointing people to be in charge of the
46 project. A Kizak said that she knew Kevin Smith had been emailed a list of potential people, but to her
47 knowledge, nothing further had happened. M Speltz suggested that M Badois urge Kevin Smith to make
48 these appointments. M Badois noted that Kevin Smith had asked her how the study was handled last
49 time and she thought he wanted it done the same way. M Badois concluded that she will check with
50 Kevin Smith and A Kizak will check with Town Planner Mailloux.

51 **Mathes trail work day:** M Badois asked if the Commission wanted to do this trail work this weekend. M
52 Byerly pointed out that the weather is supposed to be rainy and cold and suggested the Commission do
53 this another weekend. M Badois said she received an email from Fish & Game that a rogue trail has
54 been created and needs to be fixed. M Byerly said that trail is a biker trail, which is not new, and asked if
55 they want it blocked off. M Badois said that Fish & Game told her the Commission could cut anything up
56 to 4 inches in diameter without a problem. M Noone asked if the Commission would know be
57 responsible for maintaining Fish & Game trails. M Badois said she would inquire with someone from Fish
58 & Game and make up small signs for now that say "Closed Per Fish & Game" to hang up. The
59 Commissioners decided on November 4, 2018, at 9 a.m. for the Mathes trail work day.

60 **Cross Farm Follow up:** M Badois said that there was no requirement for each individual owner
61 regarding pumping, inspection and maintenance of the septic tanks at Cross Farm. She stated that the
62 Commission could request a plan be incorporated into the condominium documents at Cross Farm. She
63 asked the Commissioners for suggestions. B Maxwell noted that Hickory Woods has something written
64 in their condominium documents. M Speltz said that at Sugar Plum the association is responsible for
65 maintaining the septic tanks and leach fields. The Commissioners agreed that M Badois would email
66 Town Planner Mailloux requesting the condominium documents be similar to Sugar Plum regarding
67 septic maintenance.

68 M Badois informed the Commission that there was confusion regarding whether the Commission
69 approved a Conditional Use Permit (CUP) for Cross Farm. She read the following statement: "The
70 Commission recognizes that best efforts have been made to minimize encroachment into the buffer, but



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71 the fact still remains that the site is ill-suited for the intensive use that is proposed, and reducing the
72 amount of roof area would reduce the size of the detention ponds required, which would in turn likely
73 reduce the impact the buffer" noting that the Commission did not recommend or disapprove the CUP. G
74 Harrington made a motion to not recommend approval of the CUP for Cross Farm in its current form and
75 instead the Commission recommends reduction of roof surface area to reduce the size of the retention
76 ponds to reduce the impact on the buffer. M Noone seconded the motion. The motion passed, 7-0-0.

77 **Hickory Hills Bike/Ped Count Results:** A Kizak passed out the results from having a counter at the
78 Hickory Hills trailhead for the Commissioners to review. M Noone noted that the results state that 89
79 people a day pass by the counter. The Commissioners reviewed the results with A Kizak.

80 **Terms:** M Badois reminded everyone whose term is up to email Kirby Brown, Executive Assistant.

81 **Kendall Pond sign:** M Badois stated that the sign for the Musquash is 18x24, and the new one for
82 Kendall Pond is 18x18 right now and asked if the Commissioners liked the sign. Jocelyn Dumas,
83 Londonderry resident at the meeting, stated that she thought the Musquash sign is not big enough. M
84 Byerly asked if there was a larger option available. D Lievens stated that she believed all conservation
85 signs are the same size throughout the state. B Maxwell asked for M Badois to inquire what the cost
86 would be to obtain a larger sign. M Byerly made a motion to authorize the chair to spend up to \$250
87 from the line item budget for Kendall Pond conservation signs. R Fillio seconded the motion. The motion
88 passed, 7-0-0.

89 **Camera:** B Maxwell updated the Commissioners stating that he pulled about another 2000 pictures in
90 28 days. He said that corresponds to about 500 groups. He noted that the majority are dog walkers. He
91 forwarded three curious pictures to the Police Department.

92 **Planning Board meeting:** M Badois passed out a spread sheet that she had received at the last Planning
93 Board meeting that outlined the Master Plan projects to the Commission. A Kizak stated that this
94 information could also be found on the town's website.

95 **Griffin Road:** M Badois informed the Commission that the deed has been updated and recorded. She
96 stated that the fee for this was \$20.50. D Lievens made a motion to allow the chair to pay \$20.50 for the
97 recording fee from the open space fund. R Fillio seconded the motion. The motion passed, 7-0-0.

98 **Southern New Hampshire Planning Commission (SNHPC):** D Lievens informed the Commission that at
99 the SNHPC meeting it was announced that Londonderry was picked to be as the next project for the next
100 mile of the Rail Trail.



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102 **New Business**

103 **Kendall Pond Improvement:** M Badois stated that she had emailed everyone Stantec's assessment for
104 Kendall Pond improvements. She asked if the Commission would like to come up with a wish list of ideas
105 that should be done first. M Noone reviewed the plans noting that there would be three picnic tables
106 (\$1500), platform (\$5000), upgrading the kiosk (\$500) and four benches (\$1000), which would total
107 \$9,000. He said that Richard Floyd knows someone at the prison who can build the benches and the
108 lumber at a lower price. M Badois asked about adding material to the trails for strollers or wheelchairs.
109 D Lievens stated someone has to be very strong to push a wheelchair on stone dust. M Speltz suggested
110 that strollers and wheelchairs could be used on the Rail Trail. M Noone stated he would reach out to
111 Richard Floyd and Steve Cotton on the next steps. M Noone made a motion to move ahead with Kendall
112 Pond improvements not to exceed \$10,000 to include four picnic tables, one platform, kiosk upgrade,
113 four benches and informational monuments from the Open Space Fund. M Byerly seconded the motion.
114 The motion passed, 7-0-0.

115 **NHACC:** M Badois stated the award went to Epping. She informed the Commission that NHACC is asking
116 for dues, which are \$1075. D Lievens made a motion for the chair to pay \$1075 for NHACC dues from the
117 line item budget. G Harrington seconded the motion. The motion passed, 7-0-0.

118 **Minutes:** The Commissioners went over the public minutes from October 9, 2018. M Byerly made a
119 motion to accept the minutes as amended. M Noone seconded the motion. The motion passed, 5-0-2
120 with M Speltz and R Fillio abstaining.

121 **Ranger:** M Speltz asked where the Commission was in the ranger position. M Badois stated that the
122 town attorney said it was an appropriate use. M Speltz suggested that M Badois confirm with Kevin
123 Smith, Town Manager, and the town attorney, if the ranger has the power to issue a summons would
124 that compromise the conservation purposes.

125 **DRC**

126 **Paul Farm LLA (Map 11 Lots 81-4 & 89):** The Commissioners reviewed the DRC for Paul Farm LLA
127 consolidation commenting that there is a structure that appears to be in the buffer and recommend it
128 be removed. The Commission recommended to put up conservation buffer signs.

129 **Paul Farm Subdivision (Map 11 Map 89):** The Commissioners reviewed the DRC from the Paul Farm
130 subdivision commenting that conservation buffer signs be placed and the property in the buffer must
131 comply with the Conservation Overlay District provisions.



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132 **Adjournment:** G Harrington made a motion to adjourn the meeting at 9:45 p.m. M Noone seconded
133 the motion. The motion passed, 7-0-0.

134 Respectfully Submitted,
135 Beth Morrison
136 Recording Secretary