



Londonderry Conservation Commission
Tuesday, April 9, 2019
Minutes

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

4

5 **Absent:** Town Council liaison member

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7 **Also present:** Amy Kizak, GIS Manager/Comprehensive Planner, Ray Breslin, Three Gary Drive

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

10 **Page Road Site Prep (Map 17 Lot 45) Wetlands Permit – Bruce Gilday:** B Gilday informs the
11 Commission that he is here to review the Page Road project mitigation. He reviewed the existing
12 conditions with the Commission. He said that they have cut back on the impervious surface reducing the
13 impact from 38,000 SF to 29,000 SF. He pointed out that Fish & Game have concerns regarding a
14 wetland that is about 2,275 SF, so he has done a vernal pool assessment and characteristics for them on
15 this wetland. He told the Commission that this is a new assessment tool and passed out the form for the
16 Commission to review. He explained that the form is graded either with a low, medium or high that
17 comes with associated square footage that would be applied. He said that the vernal pool he did was
18 graded low, but there is 13,000 SF that is added on to this with the new assessment tool. He said there is
19 21.8 acres of compensation accepted by the ARMY CORP, which is a 20:1 ratio. He stated that the permit
20 had eleven questions that have been addressed and is now being written up as a declaration of
21 conservation restrictions. A Kizak explained that this is not a DRC, but the Planning Board needs a
22 motion from the Commission that the mitigation proposed is acceptable. M Speltz said he had spoken
23 with Town Planner Mailloux about the Commission coming up with a guideline for the amount of
24 mitigation the Commission would recommend for buffer impact. He said that he does not have an
25 answer for B Gilday tonight, as he has a little research to do, but also does not want to get in the way of
26 this project starting. He asked B Gilday if it would be acceptable for the Commission to vote on this in
27 two weeks' time. B Gilday said that he did not think that would be a problem as he has a May 13, 2019
28 deadline. M Byerly asked if this would only take two weeks or if this process would be longer. M Speltz
29 said he thought two weeks would be sufficient.

30 **MuShield Site Plan (Map 28 Lot 22-28) Wetlands Permit – Northpoint Engineering:** Randal Shuey,
31 Wetland Scientist from Northpoint Engineering and Bill Frisella, from Northpoint Construction addressed
32 the Commission. R Shuey told the Commission they were here tonight representing MuShield, a light
33 manufacturing business by the airport. He said they are a growing business that needs to add on at their
34 current site or move. He informed the Commission that he conducted a wetland survey of their property
35 and found two wetlands, which he reviewed on the map with the Commission. He said one of the
36 wetlands on the eastern side of the property is a seep discharge wetland with cattails, reed canary grass



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37 and some small shrubs. He said the wetland does not have a lot of functions and values other than it
38 discharges water. He pointed out the other wetland that is behind the existing building. He said the
39 proposal is to add on manufacturing space, by pushing out the building about 9,600 SF, which forces the
40 driveway to be pushed out as well. He told the Commission that they are adding storm water
41 management to replace some of the functions and values of the wetland. He said the impact would be
42 1658 SF. B Frisella said that he has been working with the Public Works Department as there is concern
43 regarding washout with heavy rains and they are going to regrade that piece of land to prevent any run-
44 off into the street. G Harrington said that there is a lot of drainage coming down the hill and was not
45 sure if it goes under Akira Road or Harvey Road. B Frisella said it goes underneath the street and drains
46 into an open trench where the town has a drainage line that comes under Harvey Road onto this
47 property and across the site. M Badois asked if this was impacting the drainage. B Frisella said they were
48 not impacting it and there will be a drainage easement with the approval of the plan. M Speltz asked if
49 they had to file an Alteration of Terrain (AOT) Permit. R Shuey said they are not required to do so. G
50 Harrington said that he has no problems with the Dredge and Fill Permit as it is a small isolated pocket
51 that will end up under the parking lot. M Speltz asked if this plan was proposing more parking spots than
52 what the normal requirements in town are. B Frisella said that was correct as once the addition is built,
53 the company will be hiring more employees, and they will need more spaces. R Shuey said they are
54 proposing 45 parking spaces where only 35 are required. M Speltz asked if they were comfortable that
55 the ground water that is there now will not be a problem with the parking area that is proposed. R
56 Shuey told the Commission that he was not sure if that question had been addressed yet and was a
57 good question for the Planning Board or town engineer. G Harrington made a motion to approve the
58 Dredge and Fill permit for MuShield Site Plan (Map 28 Lot 22-28). M Byerly seconded the motion. The
59 motion passed, 7-0-0.

60 **Unfinished Business**

61 **Kendall Pond projects:** M Noone told the Commission that M Speltz submitted the Permit by
62 Notification and it was approved by the state. He said the vendor came out Friday for the platform and
63 Richard Canuel needs the framing details from the vendor. He noted the picnic tables will be available to
64 be picked up from the Concord prison by the end of the week. He stated that the vendor needs to be
65 able to get in and they cannot find the key to the metal gate, so it will be cut open and replaced. He said
66 a key will be given out to all the appropriate departments that need one. M Badois said that she and J
67 Demas had thought about a doing a grand opening event for this project and thought of fly fishing as
68 one of the neighbors is into it to include them in the process. M Byerly suggested sending a letter or
69 email to the neighbors to keep them informed on the project.



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70 **Parking at Hickory Hill:** M Badois informed the Commission that she spoke to Charlie Moreno yesterday
71 and he might have a solution regarding Hickory Hill. She said that Charlie told her to create a scope of
72 work and send that out for engineers to bid on. She stated that he will be in the area next week and will
73 mark off the area they want to be the parking lot too. She noted that Charlie met with Heidi from Fish &
74 Game to find out how much money the Commission earned from the timber cuts. She said that Cooper
75 is a wash, NEC2 is \$32,141 and NEC3 is \$14,569. D Lievens said that NEC1 was around \$68,000. M Byerly
76 asked if that was all profit. M Badois said that was profit. D Lievens said she would keep track of this
77 money as the Commission promised the Town they would use this money to maintain the rabbit cut.
78 She asked if it would go into the Open Space Fund or Conservation Fund. M Byerly said that there is only
79 one account. M Badois said she has two account numbers that are all under the Conservation Fund. D
80 Lievens said that when the Commission donated to the Rail Trail and payment to Stantec came out of
81 the Open Space Fund. M Byerly explained that the only money that went into the Land Purchase Fund
82 was the \$5 million dollar bond that was created many years ago, which has been spent, so there is no
83 money in the account to be used. D Lievens said she is going to talk to Justin Campo, Finance Director,
84 about closing the account with no money in it, so it will be less confusing. J Demas asked what the
85 maintenance to the rabbit cut is.

86 **Conservation Ranger:** M Badois informed the Commission that the Commission can either fill out an
87 expense voucher or write a memo to transfer funds. D Lievens said that she felt as if the Commission
88 should ask the police department if they want the money ahead of time in case supplies need to be
89 purchased. M Speltz said that he worked out a deal with the Forest Society to have the ranger be able to
90 go to their land steward course. He said the course is offered once a year and unfortunately is next
91 weekend, so the ranger will go next year. R Brown asked if the ranger could be deputized to enforce Fish
92 & Game law. J Demas said that the Londonderry Police Department already are deputized.

93 **Brownfield Assessment:** M Badois asked M Speltz what the next step would be as the money was
94 approved for this. M Speltz explained that there was a condition to a violation settlement agreement
95 called the Selective Enhancement Project (SEP), which has allocated \$125,000 for this assessment. He
96 said that money will go towards the assessment and hopefully the restoration. He stated that the
97 Commission will not know what to expect until after the assessment is completed. He said that instead
98 of the state funding the assessment with a grant, it is going to be funded through his SEP. Ray Breslin,
99 Three Gary Drive, asked if he could speak at the meeting at this point. M Badois told him he could. R
100 Breslin stated this site was part of a superfund. G Harrington told him he was wrong and this site is not
101 part of a superfund site. R Breslin said that the site is owned by Mesiti and how is taking money from the
102 state to develop it allowed. M Speltz said that the town has an easement on it and Mesiti cannot
103 develop the land. B Maxwell explained that Mesiti offered to clean up the property for the town, but it
104 could not be done as it is a Brownfield site and has to be evaluated first. R Breslin said that he thought



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105 this money should go to the two superfund sites in town and not this site. M Speltz said that the other
106 superfund sites are funded by entities that are required by law to clean up. R Breslin said that the
107 superfund site is leaking out into the wetlands and this is very important and should be addressed. B
108 Maxwell said that the Environmental Protection Agency (EPA) monitors the superfund sites and
109 detected no movement a month ago. R Breslin said he spoke to someone from the EPA who told him
110 movement was detected and asked if the town was aware. M Speltz said that the town receives a report
111 every five years and he has not seen anything in those reports to indicate the plume is spreading out
112 horizontally from the site. R Breslin strongly suggested that someone contact the Boston office for the
113 EPA as he has been told it is still leaching out into the bedrock. He said that the contamination of water
114 is a big problem. The Commission agreed with him.

115 **Cross Farm:** M Speltz told the Commission that he forwarded them the marked up draft of the
116 Conservation Restriction as it changed. He said that a section had been inserted on what to do if have a
117 violation. M Byerly made a motion to approve the Cross Farm Conservation Restriction agreement
118 provided to the Conservation Commission on April 9, 2019. G Harrington seconded the motion. The
119 motion passed, 7-0-0.

120 **ATVs:** B Maxwell reviewed a map with the Commission noting one power line to belong to Eversource
121 and the other to belong to Granite Ridge. He reviewed where there is ATV activity on the map. He said
122 that Mike Stanek from Eversource agreed to help block some access from the power by dropping some
123 unhealthy trees over the trail so an ATV could not get over them. Bob pointed out where the new
124 landing site and said there is nothing to prevent ATVs from going through it to the trails. He said he
125 thought the pond was gone and they have built bridges across the stream. He stated that Mike Stanek
126 told him to go in with chainsaws to break up the bridge. He pointed out another violation where they
127 created a canal across Musquash Swamp. He said Mike Stanek told him to ask Granite Ridge for help. M
128 Speltz suggested using trail cameras to get pictures of them violating the wetland as that would be a
129 bigger offense versus the town ordinance. M Speltz said he would contact Kevin Smith, Town Manager,
130 to see if he has a contact at National Grid. B Maxwell suggested engaging Fish & Game to help because
131 of the turtles in the area. M Speltz told B Maxwell to contact Fish & Game and have someone come out
132 and walk the trails with him.

133 **New Business**

134 **Saving Special Places:** M Badois said that at the conference someone used the Bockes/Ingersoll
135 property as an example of where ATVs were coming in and how they would like to put a gate. She said
136 that someone said that property has a lot of lost potential as well. She said someone asked J Demas how



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137 to access the Hick's property as well. G Harrington asked if M Badois had the name of the person who
138 spoke at the conference. M Badois said she would look at the course description and reach out.

139 **Groups requesting to help:** M Badois said that there are two groups that had reached out asking if the
140 Commission needs help. She said one was a church and they were looking to do a day of service at Old
141 Home Days and asked if the Commission had a project for this. She said a second group was the Girl
142 Scouts who are studying the wonders of water and asked to help out with a pond.

143 **Applications:** M Speltz said all grant programs such as LCHIP, ARM Fund, Moose Plate, etc., presented in
144 one day this year. M Badois said she heard that these programs are favoring culvert and stream
145 restoration projects. M Speltz said he would talk to John Trottier, P.E., Assistant Department of Public
146 Works and Engineering, about culverts. He said that the deadline for pre-applications are coming up
147 next month.

148 **Minutes:** The Commissioners went over the public minutes from March 26, 2019. M Byerly made a
149 motion to accept the minutes as amended. G Harrington seconded the motion. The motion passed, 7-0-
150 0.

151 **DRC**

152 **MuShield Site Plan (Map 28 Lot 22-28):** The Commissioners reviewed the DRC for the MuShield site
153 plan commenting that there is no evidence of snow storage on site. The Commissioners commented
154 that the callery pear trees should be replaced with another species. The Commissioners commented
155 that they are concerned the ground water may infiltrate the parking area from below and think it should
156 be investigated. G Harrington made a motion to make the DRC comments for the MuShield Site Plan
157 available to the Planning Board. M Noone seconded the motion. The motion passed, 7-0-0.

158 **Mohawk Drive Cell Tower Site Plan (Map 6 Lot 35-3):** The Commissioners reviewed the DRC for the
159 Mohawk Drive Cell Tower Site Plan commenting that they would like to see a diverse planting of eastern
160 red cedar and ink berry versus just arbor vitae.

161 **Adjournment:** D Lievens made a motion to adjourn the meeting at 10:08 p.m. B Maxwell seconded the
162 motion. The motion passed, 7-0-0.

163 Respectfully Submitted,
164 Beth Morrison
165 Recording Secretary
166