



Londonderry Conservation Commission  
Tuesday, March 12, 2019  
Minutes

1 **Present:** Marge Badois, Chair; Mike Noone, member; Bob Maxwell, member; Mike Byerly, member;  
2 Jocelyn Demas, alternate member; Mike Speltz, alternate member and Raymond Brown, alternate  
3 member

4  
5 **Absent:** Gene Harrington, Vice Chair; Deb Lievens, member; Richard Floyd, member, and Town Council  
6 liaison member

7  
8 **Also present:** Beth Morrison, Recording Secretary

9  
10 Marge Badois called the meeting to order at 7:30 pm. She appointed J Demas to vote for G Harrington, R  
11 Brown to vote for D Lievens and M Speltz to vote for R Floyd.

12 **Nashua Road Town Houses CUP at 244 Nashua Rd (Map 3 Lot 135):** Peter Holden, Holden Engineering  
13 & Surveying, 9 Constitution Dr, Bedford, NH, introduced himself to the Commission. He reviewed the  
14 request for the expedited wetland application with the Commission. He said that he is here tonight with  
15 a Conditional Use Permit (CUP) request. He noted that he talked with John Trottier; P.E., Assistant  
16 Director of Public Works and Engineering, about the soil/grass slope and J Trottier said unless the slope  
17 is 4:1, the project has to use riprap. He said that he must make the slope 2:1 because of the impact to  
18 the wetland, which is about 10,000 SF. He said that the feedback from the Planning Board was that they  
19 wanted a town standard roadway, which they have done, and the drainage from the roadway does not  
20 flow into the wetland, but rather into the drainage system. M Badois said that she is not a fan of riprap  
21 for impact on wildlife, as it can be treacherous to turtles especially. P Holden stated that he did a project  
22 on the Connecticut River with riprap where he covered it with soil and planted trees on it and said you  
23 would never know that there is riprap underneath it. He mentioned that J Trottier did not like this idea  
24 when he talked to him. M Speltz asked if J Trottier explained why he did not like the idea. P Holden said  
25 he did not give a reason. M Speltz said that the Commission could make the recommendation to use the  
26 model of the Connecticut River and asked if there were any technical terms to describe this. P Holden  
27 stated that there was not, it was simply to retain the 2:1 slopes with riprap with vegetative cover, as he  
28 does this on a lot of his designs. M Speltz asked if there have been any erosion problems using this  
29 design. P Holden explained that the Connecticut River was done over ten years ago and there are no  
30 erosion problems to date. M Speltz asked if the buffer from the septic field to the Nesenkeag Brook was  
31 100 feet. P Holden said it is 100 feet from the brook, but from the wetland it is less. M Speltz asked if the  
32 wetland was connected to the brook. P Holden said there is a connection, as the brook is the channel. M  
33 Speltz commented that the Commission would like to see the riprap covered with soil and planting  
34 based on the recommendation of the success of projects on the Connecticut River it will not cause  
35 erosion problems or diminish effectiveness of riprap. He also noted that the Commission thinks the  
36 septic system serving 10 units is dangerously close to the Nesenkeag Brook and consideration should be  
37 given to moving the septic system away from the Nesenkeag, even at the expense of reducing the



Londonderry Conservation Commission  
Tuesday, March 12, 2019  
Minutes

38 number of units. He further noted that the Planning Board should carefully consider the requirements  
39 for granting a CUP for residential use in a commercial zone as a way of mitigating potential impacts to  
40 the wetland. He stated that they should follow the protocol for bittersweet as well. The Commission  
41 commented that approval of the CUP is subject to a consulting engineer confirming that a 10 unit septic  
42 system in its proposed location will not export nutrients to the Nesenkeag Brook.

43 **Edgewood at Woodmont Assisted Living CUP (Map 10 Lots 41, 41-1, & 41-2):** Jeff Kevan, Project  
44 Manager, TF Moran, Melissa Flynn, engineer and Bob Coppola, Director of Facilities, Edgewood 575  
45 Osgood Street | North Andover, MA introduced themselves to the Commission. J Kevan reviewed the  
46 overall Woodmont Commons plan with the Commission. M Flynn noted that they are before the  
47 Commission this evening because of the impact to the buffer and the intermittent stream crossing on  
48 the plan. She explained that the proposed site is a 294 unit senior living facility. She noted that this is the  
49 only option to get to their site as there are not a lot of other options. She explained that they are  
50 requesting an open box culvert to cross the stream in the main entry way and impacting about 5,400 SF  
51 of buffer in the southwest corner near the pond. She noted that they are not impacting any wetlands on  
52 the site. She stated that the plan in front of the Commission tonight is felt to represent the most  
53 efficient layout of the driveways with minimal impact to the site. She explained that the bottom of the  
54 box culvert was created to match the stream and flow to minimize any long-term impact. M Byerly  
55 asked for a breakdown of the impact. M Flynn said that the permanent impact at the intermittent  
56 stream crossing is 535 SF with 213 SF of temporary impact to construct the box culvert and retaining  
57 wall and the driveway and retaining wall in the buffer to be 5720 SF. M Byerly asked if the project could  
58 be redesigned to move the buildings out of the buffer. M Flynn explained that they are trying to  
59 maximize the number of units that Edgewood needs to be functional. M Byerly asked if Building B on the  
60 plan be cut short with no parking and just a driveway for access and emergency vehicles, would that  
61 move impact out of the buffer. J Kevan pointed out that he feels the Commission needs to look at the  
62 functions and values of the land that they are impacting and does not feel there is a loss of function or  
63 values with their plan. M Byerly explained that he feels something can be changed to move impact out  
64 of the buffer, which may affect the number of residents with less money for the applicant that may be  
65 less economically viable for the developer. B Coppola said that Edgewood is a not for profit and  
66 economically they need 250 independent apartments for this to be feasible along with a 40 bed memory  
67 care unit. M Speltz said that he agrees with M Byerly and reviewed the four criteria the applicant  
68 submitted for the CUP. He noted that there is only one criteria that he agrees with, #2, to minimize  
69 wetland impact and the rest he feels are not true. He said that he feels there may be a feasible  
70 alternative route that does not cross the Conservation Overlay District, noting that it is through Building  
71 B on the plan. J Kevan again said that he feels the Commission has to look at the functions and values of  
72 the current intermittent stream are now and what would be lost by development. He said that this a  
73 dense development within the Planned Unit Development (PUD), but within a PUD it states a developer



Londonderry Conservation Commission  
Tuesday, March 12, 2019  
Minutes

74 can work within the buffer. He said that they do feel that have meet the four criteria to be granted the  
75 CUP. He also pointed out a design feature of this site is that a majority of the parking will be under the  
76 building, instead of surface parking, which he felt was conservation minded. M Speltz asked for a rough  
77 estimate of how many units would be lost if Building B was modified the way the Commission was  
78 asking. M Flynn stated that in a rough estimate she thought 16 units and a second dining room would be  
79 lost. M Byerly asked if the developer would walk away from the project if 16 units were lost. B Coppola  
80 said that he would walk away. M Speltz asked if the some of the parking could be taken away outside, so  
81 that the driveway could move up and out of the buffer. M Flynn said she was unsure if that would work  
82 and still be able to comply with the Fire Department or delivery trucks without impacting the building  
83 footprint itself. B Maxwell said that if the last four or five parking spaces were not there it would impact  
84 the buffer less. M Flynn said that is something they could look at, but noted that they are trying to  
85 provide adequate staff and resident parking. M Byerly asked how the PUD looks at parking, as there are  
86 other parking spots in the PUD where staff might be able to park. J Kevan said that this site is different  
87 because in the downtown in the PUD there is mixed use parking calculation, so there is not a need for  
88 1:1 parking, as it is at this site. B Coppola stated that there is nothing really close for staff to park at and  
89 did not feel that is a feasible alternative. J Kevan said that he felt as if the Commission is just working  
90 numbers rather than looking at the functions and values of the current buffer. M Byerly asked why the  
91 plan was broken down into two phases. B Coppola explained that Phase 1 is built to pay for Phase 2. B  
92 Maxwell asked what the timeline was for construction. B Coppola said that have to do 70% presale prior  
93 to starting construction, so they are looking to start construction in 2020 and finish in 2022. M Badois  
94 said that she thought the name of the project, The Baldwin, may be confusing in calling 911 as there is a  
95 Baldwin Road. M Flynn said they have meetings with the Fire Department, Planning Department for  
96 street naming, etc. which will be thoroughly reviewed. J Kevan asked for the comments to be separated  
97 into stream and buffer impact from the Commission. The Commission commented that they are okay  
98 with granting the CUP for wetland impact. The Commission commented that they would not  
99 recommend approval of the CUP for buffer impact as proposed, as the applicant has not adequately  
100 addressed conditions #1, 3, and 4, and the access road and parking should be removed from the buffer.

101 **Unfinished Business**

102 **Rabbit Cut - current & future:** M Badois informed the Commission that they should be done by the end  
103 of the week. She said she received a letter from Fish & Game about cutting on the Mathes property. She  
104 said that would be a fall or winter cut. B Maxwell said that he thought the Commission should get the  
105 word out to the public regarding this.

106 **Parking at Hickory Hill:** M Badois said that she spoke to John Trottier about the parking lot and asked  
107 for direction on how to proceed. She said she gave J Trottier the design the Commission had from  
108 Stantec and J Trottier said he would go with Stantec. M Byerly thought the Commission should obtain



Londonderry Conservation Commission  
Tuesday, March 12, 2019  
Minutes

109 approval from Eversource would be the first step. M Badois said she would reach out to Liz Rocca from  
110 Eversource regarding this.

111 **Musquash Field Day - missing items:** M Badois said all missing items are accounted for except a tan  
112 bungee cord belonging to M Speltz.

113 **Kendall Pond:** M Noone said he has been working with Richard Canuel, Chief Building Inspector, Health  
114 Officer, Zoning Administrator & Code Enforcement Officer, and New Hampshire Department of  
115 Environmental Services (NHDES). He said that NHDES recommendation is the platform has to be 20 feet  
116 from the water line. M Noone mentioned that G Harrington suggested a docking lumber, so it could be  
117 put right into the water, but there are different regulations for that per NHDES. M Byerly said he was not  
118 in favor of the dock due to liability issues. M Badois asked if the legs of the dock would have to be 20  
119 feet from the water and it would cantilever out farther. M Noone said that is his thought. M Noone  
120 asked the Commission if they wanted to proceed with the current design of the observation platform.  
121 The Commission's agreed to proceed.

122 **Cross Farm easement:** M Speltz explained that he has been in contact with Lori Summers, NHDES. He  
123 said that he thought that NHDES was going to do a deed restriction, with NHDES having a right of  
124 enforcement, but for some reason it appears that NHDES has changed their minds. He said that Lori  
125 Summers sent an email to the Attorney General and she is waiting to hear back if it is ok without an  
126 easement holder or if there needs to be an easement holder. He said that if the latter is the decision,  
127 then Cross Farm would be back to square one. He said that he felt it would be a very difficult easement  
128 for the Commission. M Byerly suggested that the Commission accept the easement with money for  
129 another entity to monitor the easement. M Speltz said he has heard of one town that did that, but does  
130 not know if it was ever legally vetted. He suggested that the Commission wait and see what the  
131 outcome of the Attorney General's decision before any action. The Commission agreed.

132 **Trailways:** M Badois asked if anyone from the Commission was interested on being on the Trailways  
133 Board. J Demas said that she is interested, but needs to make sure she can handle the Commission's  
134 commitment before adding anything else. R Brown asked what the commitment would be. M Badois  
135 said she was unsure, but thought it would probably be a monthly commitment. M Byerly noted that he  
136 is interested. M Badois said she would email Bob Rimol that both R Brown and M Byerly are interested.

137 **New Business**

138 **Approval of Expenses:** M Badois informed the Commission that there was a second bill from  
139 Comprehensive Environmental for the water study for \$14, 677.50. M Byerly made a motion to approve  
140 the payment to Comprehensive Environmental for \$14, 677.50 from the Conservation Fund. J Demas  
141 seconded the motion. The motion passed, 7-0-0.



Londonderry Conservation Commission  
Tuesday, March 12, 2019  
Minutes

142 M Badois informed the Commission that she spent \$49.03 for prizes for Musquash Field Day. M Speltz  
143 made a motion to reimburse M Badois \$49.03 for prizes for Musquash Field Day from the line item  
144 budget. M Noone seconded the motion. The motion passed, 7-0-0.

145 **Hunting tree stands:** M Badois said she received a call about a tree stand falling apart and when they  
146 went to take it down another one was found bolted to a tree, which is prohibited. She said that this  
147 prompted her to consider putting up information regarding tree stands on their kiosks and possibly  
148 adopting a policy regarding this. J Demas said she thought that a hunter does not need permission for a  
149 tree stand unless it is posted otherwise. B Maxwell said there is a regulation about taking down the  
150 stands by such a date on state land. J Demas said she would look into this further and get back to the  
151 Commission at the next meeting. M Speltz said he would like to ask the town attorney if the town can be  
152 more stringent than the state.

153 **Letter:** M Badois read a letter regarding that the Commission was awarded a Fish & Game award and  
154 will receive the award on April 18, 2019, at 1:00 p.m.

155 **Minutes:** The Commissioners went over the public minutes from February 26, 2019. B Maxwell made a  
156 motion to accept the minutes as amended. J Demas seconded the motion. The motion passed, 4-0-3,  
157 with M Speltz, M Byerly and M Noone abstaining.

158 **DRC**

159 **Edgewood at Woodmont Assisted Living CUP (Map 10 Lots 41, 41-1, & 41-2):** The Commissioners  
160 reviewed the DRC Edgewood commenting that the access road and parking spots around Building B  
161 should not affect the Conservation Overlay District. The Commission commented that the developer  
162 needs to indicate snow storage.

163 **Nashua Road Town Houses CUP at 244 Nashua Rd (Map 3 Lot 135):** The Commissioners reviewed the  
164 DRC for the Nashua Road Town Houses commenting they would like to see the riprap covered with soil  
165 and planting based on the recommendation of the success of projects on the Connecticut River it will  
166 not cause erosion problems or diminish effectiveness of riprap. The Commission commented that the  
167 septic system serving 10 units is dangerously close to the Nesenkeag Brook and consideration should be  
168 given to moving the septic system away from the Nesenkeag, even at the expense of reducing the  
169 number of units. The Commission further noted that the Planning Board should carefully consider the  
170 requirements for granting a CUP for residential use in a commercial zone as a way of mitigating potential  
171 impacts to the wetland. The Commission commented that they should follow the protocol for  
172 bittersweet as well.



Londonderry Conservation Commission  
Tuesday, March 12, 2019  
Minutes

173 **Adjournment:** M Byerly made a motion to adjourn the meeting at 10:00 p.m. B Maxwell seconded the  
174 motion. The motion passed, 7-0-0.

175 Respectfully Submitted,  
176 Beth Morrison  
177 Recording Secretary