



Londonderry Conservation Commission
Tuesday, October 22, 2019
Minutes

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

4
5 **Absent:** Richard Floyd, member; and Town Council liaison member

6
7 **Also present:** Amy Kizak, GIS Manager/Comprehensive Planner, Kevin Smith, Town Manager and Beth
8 Morrison, Recording Secretary

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

11 **Water Resource Management and Protection Plan Presentation - CEI:** Emily DiFranco-

12 M Badois informed the public that this is not a public hearing and therefore public comment and
13 questions will not be taken tonight. M Byerly asked when there will be public comment available. A.
14 Kizak told the public to send her questions or comments by email. Emily DiFranco introduced herself to
15 the Commission and said that the report is very dense, so for this evening's presentation she would be
16 addressing the main bullet points. A Kizak pointed out that the full draft version of the report is available
17 on the website. E DiFranco explained that they looked at surface and ground water inventory, potential
18 pollutant sources, current drinking water demand, as well as future demand and finally gave
19 recommendations. She explained that the last water study in town was the Londonderry Water
20 Resource Management and Protection Plan (WRMPP), which was written in 1991 by the Southern New
21 Hampshire Planning Commission (SNHPC), to inventory all the water resources available in town. She
22 said that for this study there was a kickoff meeting with representatives from different departments
23 including Public Works, Planning Department, Conservation Commission and the Town Council that
24 conducted an analysis of water resources. She said that they focused on non-point sources, which is
25 everything that happens on the land, and how it affects the water. She noted that a watershed approach
26 is the way to look at water resources at this point, stating that whatever happens on the land will make
27 its way to the water, even if it is miles away from the water. She reviewed the demographics of the
28 Town and looked at land use, impervious cover, soils, bedrock geology, flood hazard areas, conservation
29 land, wetlands, public/private dams, and drinking water sources. She gave an example of land use to the
30 Commission pointing out that the land in Town is mostly forested, residential and has quite a bit of
31 wetlands. She reviewed the map with the Commission that showed where the land use is in Town. She
32 said that Londonderry has 10.3% of impervious cover, such as roads, parking lots and roofs. She told the
33 Commission that if impervious cover goes over 10% there is impact to the drinking water. She pointed
34 out that 90% of Londonderry rely on septic systems and 10% have access to public/private sewer. M
35 Byerly asked if the town should know the age of septic systems. E DiFranco said that every town is
36 different and it depends, as there is no state tracking system. She pointed out that there are 41 ponds in



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37 town with Scobie Pond being the largest, 183 stream reaches of which 10 are named, as well as
38 impaired water bodies that are rated by New Hampshire Department of Environmental Studies (NHDES).
39 She reviewed the impaired water bodies in town with the Commission. D Lievens asked if the chloride
40 from Beaver Brook would spread to other water bodies. E DiFranco responded that the chloride will
41 travel downstream and does not degrade until the source is treated. She explained how they arrived at
42 the nine major watershed areas (Derry, Chester, Auburn, Windham, Pelham, Hudson, Litchfield, Bedford
43 and Manchester) for their research and how they analyzed the data. She said that all the water in Town
44 flows and drains out to the Merrimack River. She commented that there are areas in Londonderry with
45 increased impervious surface and the Town might not want to add development there as it would
46 increase the run off. She noted the type of aquifers in Town to be Stratified drift at 24%, Bedrock Till 4%
47 and Bedrock 72%. She said that there are about 3,000 private wells in town. She pointed out that there
48 was a study in 2013 of the wells that found arsenic, lead, VOCs, no PAHs and stated there is currently
49 another study underway. She presented threats to water resources with the Commission by reviewing
50 the slide in the presentation. M Byerly asked if there were any hot spots in town that would note a high
51 risk area. E DiFranco responded that there is not a good way to answer the question without more
52 analysis. M Speltz said that there are clusters, such as Route 102 and the airport, which could be
53 potential hot spots. E DiFranco moved on to drinking water noting where water comes from in the town,
54 such as Manchester Water Works (MWW), Pennichuck Water Works (PWW), Derry Water Department
55 (DWD), private wells and public water supply system wells. She pointed out that 54% of the drinking
56 water comes from MWW in the norther portion of Town where there is more industrial use even though
57 only 422 customers use it. She reviewed the drinking water current usage slide with the Commission.
58 She summarized the average day demand and the maximum daily demand in town noting that this is
59 average use in her opinion. She also said that they projected the future use of daily demand in
60 Londonderry to 2040, which would increase about 20%, stating that is not abnormal. She said that to
61 address future water demand the town should work with existing water suppliers, conduct a study to
62 assess the Town's groundwater supply, and assess Scobie Pond as a water source. She said that Scobie
63 Pond is a Class B pond and would need to become a Class A pond to be used a water source. She noted
64 that Londonderry needs to address the impaired water bodies in town, as they are technically
65 responsible once NHDES classifies it as impaired. M Badois asked who monitors the impaired water
66 bodies. E DiFranco told her it should be NHDES or the Environmental Protection Agency (EPA). She
67 explained that the next step for the impaired water bodies in town is to assess existing surface water
68 quality data and collect additional data as needed, as well as develop watershed-based plans for
69 impaired waters. She said that there are grants available for money for the impaired waters. She
70 concluded the presentation recommending that Londonderry continue to protect land from
71 development, revise existing town regulations, conduct a septic system assessment and assess areas of
72 impervious surfaces. D Lievens asked if there is printed copies of the report. A Kizak told her that there



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73 are copies in the Planning Department. M Noone asked about water quality. A Kizak told him that that
74 study is not completed and she does not know when it will be.

75 **DRC & CUP - 174 & 178 Rockingham Road Lot 15 061 & 015 061 7:** Jeff Kevan introduced himself to the
76 Commission. J Kevan pointed out the parcel on the map noting it is over 3.5 acres in a C-II zone stating
77 they are proposing a lot line adjustment to balance the properties. He told the Commission the proposal
78 is to have a convenience store and bank. He informed them that the driveways have been dictated by
79 New Hampshire Department of Transportation (NHDOT) from a previous taking of the property by
80 NHDOT. He pointed out that there are 690 SF of wetland impact for the project that is due to the
81 driveway location. He said that they are proposing to revegetate the impacted area. M Byerly asked for
82 clarification about the driveway on Symmes Drive. J Kevan told him that due to the bank proposal, they
83 believe there should be two ways of access for the property. D Lievens asked if they found any invasive
84 plant species. J Kevan said they did not. M Speltz asked if a left turn could be made out of the site. J
85 Kevan said no, it is a right turn only and to take a left you would have to drive through the site. M Badois
86 asked about a left turn into the site. J Kevan told her that you could turn left into the site. M Noone
87 asked about snow storage. J Kevan reviewed the snow storage and said that anything extra would be
88 removed from the site. M Byerly asked about the driveway being as far away from Symmes Drive as
89 possible. J Kevan told him that NHDOT selected the location and it cannot be moved. J Demas asked if
90 the left hand turn into the site was eliminated, could the driveway be moved. J Kevan answered that
91 NHDOT has dictated the location of the driveway. He told the Commission that the wetland was
92 determined to be a low functioning wetland by the wetland scientist. M Noone asked if the salt from
93 plowing and snow storage could possibly affect wetlands downstream from the site. J Kevan responded
94 that the private site would be less than what NHDOT puts on Route 28 and thinks it would not be a
95 problem. M Speltz asked if he had spoken with the Fire Department about only using the Symmes Drive
96 entrance. J Kevan said that he does not have a letter from the Fire Department, but feels that would be
97 a concern regarding circulation. Alex Vailas, owner of the parcel, told the Commission that through the
98 NHDOT mitigation they provided a point of access to the far parcel on Symmes Drive, to eliminate three
99 separate curb cuts out onto Route 28. D Lievens recommended approval of the lot line adjustment. M
100 Byerly seconded the motion. The motion passed, 6-0-0.

101

102 D Lievens asked if the wetland permit was accepted. J Kevan said they had not submitted one yet. D
103 Lievens said once the permit is accepted it will change the buffer line. M Speltz said he would
104 recommend getting rid of the bank. J Kevan told the Commission that there are three buildable parcels
105 and they are only developing two, so in his opinion, the request is reasonable. Alex Vailas told the
106 Commission that you cannot deny access to a parcel and explained how it was dictated by NHDOT. He



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107 said that they have allowed cross access to try to improve efficiency. M Speltz asked about the middle
108 lot. A Vailas explained that when the access for Symmes Drive was created they did a forecast and two
109 curb cuts were set at that time. S Malouin asked about the curb cut location and if it was specified at the
110 time of purchase. A Vailas told her that it was set by NHDOT in the deed that was done by the previous
111 land owner. He said that the wetlands have changed. M Badois added that the buffer regulations have
112 changed since then as well. S Malouin asked when the ownership transferred. A Vailas said that they
113 purchased it a year ago. M Badois asked for DRC comments. M Byerly said that he would want to see
114 written evidence from NHDOT that is where the curb cut must be. D Lievens said that there was concern
115 regarding snow storage at this site.

116 The Commission reviewed the conditional use permit (CUP). D Lievens made a motion to recommended
117 approval of the CUP with the condition that there be proof that NHDOT requires the driveway locations
118 as presented. M Speltz gave an example of another gas station in Londonderry that does not have a curb
119 cut on Route 102 and does fine in his opinion. He said that the bank is requiring the curb cut and would
120 be for economic advantage. A Vailas said that the gas station requires the curb cut. M Badois appointed
121 M Speltz to vote for R Floyd. M Speltz said he would recommend approval of the CUP subject to them
122 getting the dredge and fill by NHDES. J. Kevan said that they have to do this. M Speltz made a motion to
123 recommend approval of the CUP to the Planning Board contingent upon the applicant receiving the
124 NHDES dredge and fill permit as shown on the plan. D Lievens seconded the motion. The motion passed,
125 7-0.0.

126 **Conservation Ranger:** G Aprile told the Commission that the ATVs are hitting the trails hard. He has put
127 a lot of miles on the ATV, but does not seem to be able to catch anyone. M Noone suggested adding
128 more trail cameras to help determine times and dates of use. G Aprile commented that he is going to
129 ride with someone from Fish & Game to help him as well. M Byerly suggested putting a camera in the
130 sand pit to capture someone and put it on social media. M Speltz suggested purchasing another camera
131 instead of moving one from Kendall Pond at this point. M Badois said there is already money in the
132 budget for the camera, so no need for a vote.

133 **Unfinished Business**

134 **Mike Considine memorial:** M Badois showed the Commission the trail signs she made. She suggested
135 holding off on a ceremony until Musquash Field Day.

136 **Scobie Pond vegetation:** M Badois told the Commission that this is on hold until spring.

137 **NHACC Nov 2:** M Badois asked who was going and if anyone wanted to carpool.



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138 **DOT site on Gilcreast:** M Badois told the Commission that G Harrington was able to cut down the logs.

139 **Hickory Hill/Eversource:** M Badois told the Commission that she emailed John Trottier with the
140 recommendations after the last meeting. She said that he suggested creating a smooth gully with
141 rocks that you can drive over and Eversource loved the idea.

142 **Gilcreast Road - Orchard Soil Testing:** M Speltz said they discovered dieldrin out there uniformly and
143 there were not any other concerns other than the ongoing saga at the Tinkham site. He said the next
144 step is figuring out what the Commission could do with the site. He commented that he will talk to Steve
145 Cotton and see what the next step is. He said that the dieldrin might have traveled to the Nevins
146 conservation easement. D Lievens commented that she did not believe that dieldrin travels that way as
147 it is not water soluble. M Speltz said that he is thinking it was more from over spraying, so drifting that
148 way.

149 **Monitoring:** M Badois said that the Plummer property will be monitored this Saturday at 9 a.m. She
150 told the Commission that she received an email from NHDES pointing out that the Nesenkeag was
151 purchased by an ARM fund and should be monitored. D Lievens told M Badois that Nesenkeag was not
152 purchased with ARM funds and she would follow up on this.

153 **Stream Brochure:** A Kizak said this project is on hold until 2020.

154 **Turtle signs:** M Badois said that she is missing two signs on Wiley Hill and emailed Steve Cotton to find
155 out where they are.

156 **Broken Trail post:** M Badois said the trail post is fixed. B Maxwell said that the trail post is still out
157 there. G Aprile offered to get it with the ATV.

158 **New Business:** None

159 **Minutes:** The Commissioners went over the minutes from October 8, 2019. D Lievens made a motion to
160 accept the minutes as amended. M Byerly seconded the motion. The motion passed, 5-0-2, with M
161 Byerly and G Harrington abstaining.

162 **Non-Public Session**

163 M Speltz made a motion to go into non-public session per RSA 91-A:3 to consider the acquisition, sale or
164 lease of real or personal property which for discussion purposes be likely done to the party or parties
165 interested are adverse to the general community. The motion was seconded by G Harrington. The
166 motion was passed by M Badois, M Byerly, D Lievens, B Maxwell, M Noone, G Harrington, M Speltz, J



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167 Demas and S Malouin with a unanimous roll call vote. G Harrington made a motion to leave non-public
168 session and to seal the minutes of the non-public session indefinitely per RSA 91-A:3. M Byerly seconded
169 the motion. The motion passed, 7-0-0.

170 M Speltz made a motion to authorize up to \$4,000 for the purposes discussed in the non-public meeting
171 from the conservation fund. M Noone seconded the motion. The motion passed, 7-0-0.

172 **Adjournment:** M Byerly made a motion to adjourn the meeting at 9:42 p.m. B Maxwell seconded the
173 motion. The motion passed, 7-0-0.

174 Respectfully Submitted,
175 Beth Morrison
176 Recording secretary