



Londonderry Conservation Commission  
Tuesday, July 14, 2020  
Minutes

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

5 **Absent:** Mike Byerly, member; Richard Floyd, member and Jocelyn Demas, alternate member

7 **Also present:** Amy Kizak, GIS Comprehensive Manager; Conservation Officer Aprile; and Beth Morrison,  
8 Recording Secretary

10 Marge Badois called the meeting to order at 7:30 pm with a roll call vote. She appointed M Speltz to  
11 vote for M Byerly and S Malouin to vote for R Floyd

12 **DRC** – Estate of Richard Innie LLA, (Map 11, Lots 102, 102-4 & 102-6) – Nick Loring, P.E. from Benchmark  
13 Engineering, 1F Commons Drive, #39, Londonderry, NH introduced himself to the Commission. N Loring  
14 reviewed the three parcels (12, 16 and 20 Harvey Road) for the lot line adjustment with the Commission  
15 on the screen. He explained that Lot 102, the parent parcel, is giving about 3.5 acres to Lot 102-6 and  
16 about 10,000 SF to Lot 102-4. He noted that the parent parcel, Lot 102, is about 15 acres currently and  
17 will go down to about 11 acres after the lot line adjustment. He mentioned that all the existing dwellings  
18 on each lot will stay the same. He added that there are no new lots, development or construction with  
19 this project, simply adjusting the land between the three lots. He pointed out that they are looking for  
20 waivers, noting the Commission would be concerned about the waivers regarding soils and wetlands. He  
21 said that in 2007, there was a plan done, noting it was not stamped by a wetland scientist, but in the  
22 area of study they found no wetlands. He stated that they have performed a full boundary survey of the  
23 three parcels, noting there was nothing they observed. He said that the soils have stayed the same and  
24 they would like to use the existing plan. D Lievens asked why the lot line adjustment was being done if  
25 no other changes are being made. N Loring replied that he is not privy to the reasons why they want to  
26 adjust the lot lines of this family estate. M Badois asked why he needs waivers to adjust lot lines. N  
27 Loring responded that they are required for a lot line adjustment t. M Speltz commented that the plans  
28 show where the previous limited soil survey took place, but there is a significant slice on the eastern side  
29 where there was no soil surveyed. He said that he saw a note that part of the property is a flood hazard  
30 zone and asked where that is on the plan. N Loring reviewed Sheet 3 of the presentation illustrating the  
31 area of the soil and wetlands mapping. M Speltz remarked that when they performed the boundary  
32 survey, it appeared to the surveyor that there are no wetlands along the boundary, but they do not  
33 know what is in the interior eastern slice. N Loring responded that was correct. M Speltz asked A Kizak  
34 what the requirements would be if the owner of Lot 102 chooses to put in an accessory dwelling or  
35 some other structure in the eastern portion that has not been mapped out. A Kizak replied the answer  
36 would depend on what the property owner wanted to do. She said that if they want to put in a shed,  
37 they would need permits from the Building Department, but if they wanted to do something more



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substantial with the site plan then they would have to go before the Planning Board. M Speltz suggested the Commission include a condition that there be no development or structure beyond the line shown on Sheet 3, to ensure a wetland survey would be performed before anything took place in that area. N Loring stated that the owner would be required to do a plot plan and show where the structure would be located. M Speltz asked N Loring to illustrate where the flood hazard area is on the plan. N Loring replied that he believes this was an error with the note, because it should say there is no flood hazard. M Speltz mentioned the note should be corrected if it is not appropriate. N Loring said that he would look into this and correct it. M Badois reviewed the two comments so far: (1) If a flood hazard exists it should be shown on the plan and (2) The Planning Board should impose a condition on their approval of the lot line adjustment that no further development of the area that has not been mapped for wetlands occur without formal wetland mapping. N Loring asked what the concern is because if there is a wetland in the area he is concerned about, they would not be able to build. M Speltz stated that the Conservation Commission cannot control what the Building Department or the Planning Board does and this is to make sure nothing untoward would happen back there. N Loring voiced his concern that he would not want to limit what the property owner could do on his or her property. M Speltz commented the condition does not prohibit development, but rather the owner would have to complete the wetland mapping if future development were to take place. M Speltz make a motion to recommend approval of the plan noting if a flood hazard exists it should be shown on the plan and the Planning Board should impose a condition on their approval of the lot line adjustment that no further development of the area that has not been mapped for wetlands occur without formal wetland mapping. G Harrington seconded the motion. The motion passed by a 7-0-0, unanimous roll call vote.

**Unfinished Business**

**Stream brochure:** A Kizak told the Commission that they were sent the final draft to the Commission. She asked if there was anything else the Commission would like in it. M Speltz asked for the second sentence on the third page to be eliminated and for the title of the booklet to be on top of the picture. A Kizak replied that she could do that. M Speltz asked to make the title of the booklet "Living next to a Stream: How to be a Stream & Fish Friendly Homeowner." He asked for "Be Stream Smart" to be more centered. A Kizak told him that could be done. D Lievens asked for page numbers to be inserted. A Kizak replied that would be done. M Speltz asked about price. M Noone told the Commission said at the last meeting there was an original quote for 500 copies at \$1.89 each, but he has a new quote for 1,000 copies at \$1.37 each. M Noone mentioned that the brochure would fit in a 9x12 envelope, which would be another \$200. He asked if the Commission would want a one-page letter as to why they are sending out the brochure to be included as well. M Speltz asked if there was a bulk mailing price with the town. A Kizak said that she would look into it. M Noone commented that he roughly thinks the project could be completed for \$2,000. M Speltz asked if the letter part could go inside the cover page. A Kizak pointed out that if this would be handed out at Old Home Day, the Commission might not want to add the letter directly to the brochure. M Badois said that she does not believe that many people would pick up a brochure at Old Home Day and that 1,000 copies would be a good starting point for mailing. D



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Lievens asked if A Kizak thought 1,000 copies was correct. A Kizak replied that she would refine the search for the Commission and get back to them. M Speltz mentioned that he would draft a letter, as he agreed with A Kizak about not putting it directly in the brochure.

**Land Donation:** M Badois told the Commission that the Town Council voted to accept the land donation. She said that Mike Malaguti, Town Prosecutor, is working with the family on the donation. She asked for M Malaguti to keep her in the loop regarding the language in the deed for the conservation protection. M Speltz suggested language such as "not to be developed for any purpose." He said that he would work with M Malaguti on this.

**Faucher Road Bridge:** D Lievens told the Commission that she checked with New Hampshire Department of Environmental Services (NHDES), and if the Commission is just going to replace the bridge, they do not need a wetland permit. She said that the Commission needs to figure out what the next step might be.

**Hickory Hill:** M Badois said that Eversource is not willing to give the Commission permission to do this because of concerns regarding accidents, random spontaneous shocks and interfering with equipment. She mentioned that Eversource is willing to help the Commission with an alternative. M Speltz suggested having John Trottier, Assistant Director of Public Works and Engineering out there to look at the drainage.

**New Business**

**Encroachment procedure:** M Badois told the Commission that they are working on the new procedure. M Noone explained that there was a procedure that had been in place, but now that Officer Aprile is on board they are working on a new plan. He mentioned that the new plan would have a single point of contact and immediately classify any complaint, as either Conservation related or Code Enforcement related. M Badois asked if M Speltz had reviewed this. M Speltz mentioned that M Noone had a concern with who is responsible for defending the Conservation Overlay (CO) District. He stated that the CO District is part of the zoning ordinance, therefore, the zoning administrator should be responsible; however, the Commission is responsible for all the natural resources in town. He noted that the clear choice for town staff is to have all encroachment issues go through Officer Aprile, whether the encroachment is on town property or CO District. He commented that one problem with this is that Officer Aprile only has so many hours that he works, as he is part time. He added that the Commission could try this out for six months to a year and see if this works, but he feels that Officer Aprile is going to get overwhelmed. M Noone said that would be reasonable to try this out, but stated he thought there would be one point of contact from the Commission who would then field the concerns to Officer Aprile. M Badois remarked that she is concerned about Officer Aprile being the one who would resolve CO District issues, as this can involve site plans to identify where the boundaries of the CO District are. Officer Aprile commented that it was his understanding there would be a point of contact within the



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116 Commission, such as M Badois, who would field the concern and then bring it to the appropriate  
117 department. A Kizak stated that it was her understanding that issues would go directly to Officer Aprile  
118 who would then decide what department would handle the issue. M Noone said he was under that  
119 understanding as well. M Badois read from the draft "any encroachment complaints regarding  
120 Conservation properties, including CO District, should be directed to the Conservation Officer." A Kizak  
121 reiterated that was her understanding noting that Office Aprile will work with town staff to determine  
122 which department needs to resolve the issue. M Badois expressed her concern about Officer Aprile  
123 resolving issues that are zoning. M Noone reassured M Badois that he can make this point clear in the  
124 draft he is working on.

125 **Treasurer report:** D Lievens told the Commission that they have about \$1.5 million in the Conservation  
126 Fund. She said that she did not have the yearend report yet, but felt these numbers were very accurate.

127 **Hickory Hill:** Officer Aprile told the Commission that at the start COVID, there were complaints about  
128 parking there, so there were 26 temporary "No Parking" signs put up. He said that all but two of these  
129 temporary signs have been taken down. He commented that in working with the Department of Public  
130 Works and Engineering (DPW) they are going to install five permanent metal "No Parking" signs out  
131 there now.

132 **Other Business**

133 **Minutes:** The Commissioners went over the public minutes of June 23, 2020. M Speltz made a motion  
134 to approve the minutes as presented. D Lievens seconded the motion. The motion passed by a  
135 unanimous roll call vote, 7-0-0.

136 The Commissioners went over the non-public minutes of June 23, 2020. M Speltz made a motion to  
137 approve the minutes as presented. D Lievens seconded the motion. The motion passed by a unanimous  
138 roll call vote, 7-0-0.

139 **Non-Public Session**

140 D Lievens made a motion to go into non-public session per RSA 91-A:3 to consider the acquisition, sale  
141 or lease of real or personal property which for discussion purposes be likely done to the party or parties  
142 interested are adverse to the general community. The motion was seconded by G Harrington. The  
143 motion was passed by M Badois, D Lievens, B Maxwell, M Noone, G Harrington, M Speltz, and S Malouin  
144 with a unanimous roll call vote. D Lievens made a motion to leave non-public session and to seal the  
145 minutes of the non-public session indefinitely per RSA 91-A:3. G Harrington seconded the motion. The  
146 motion passed, 7-0-0, by a unanimous roll call vote.



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147 **Adjournment:** D Lievens made a motion to adjourn the meeting at 9:20 p.m. B Maxwell seconded the  
148 motion. The motion passed, 7-0-0, by a unanimous roll call vote, M Badois, G Harrington, D Lievens, B  
149 Maxwell, M Noone, M Speltz, and S Malouin.

150 Respectfully Submitted,  
151 Beth Morrison  
152 Recording secretary  
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