



Londonderry Conservation Commission  
Tuesday, January 26, 2021  
Minutes

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

4

5 **Absent:** Mike Noone, member; and Jocelyn Demas, alternate member

6

7 **Also present:** Amy Kizak, GIS Manager/Comprehensive Planner; Officer Aprile; Deb Paul, Town Council  
8 Liaison; and Beth Morrison, Recording Secretary

9

10 Marge Badois called the meeting to order at 7:30 pm with a roll call vote. M Badois appointed G  
11 Herrmann to vote for M Noone.

12 **DRC – CSI Tunnel Systems – Map 016, Lot 081-3 – George Chadwick:** George Chadwick, P.E. from  
13 Bedford Design Consultants, 177 E. Industrial Park, Manchester, NH, addressed the Commission. G  
14 Chadwick started by giving background, noting in 1998 a site plan for CSI Tunnel Systems (CSI) was  
15 conditionally approved, but unfortunately a condition was not fulfilled; therefore, the town never had  
16 an approved site plan on file. He explained that CSI was cited by the town for having too much material  
17 on site and onto abutting properties. He noted that Bedford Design was hired to get an approved site  
18 plan and reign in the amount of storage at the site. He pointed out that CSI produces culvert parts that  
19 were being shipped down to New York and Connecticut, but with COVID the delivery schedule was  
20 delayed and therefore the material piled up. He added that they are now hauling off material to another  
21 site where it can be stored. He presented the existing conditions survey explaining that his firm told CSI  
22 that they needed to get everything out of Independence Drive first, make sure they clean up the  
23 abutting site and lastly to reign in the amount of material that they are spilling onto the abutting parcel.  
24 He said that the areas that they are storing material have been cleared for many, many years, going back  
25 to the construction in 1998 when they first built the facility. He noted that they did not cut any  
26 additional trees or vegetation, but worked within the confines of the disturbed areas that were already  
27 there. He told the Commission his firm prepared another site plan that illustrates where CSI would like  
28 to store materials, which will be the only areas in the future that they will be allowed to store material.  
29 He commented that there is no new building, no new pavement and no other construction with this  
30 proposal other than defining the areas of storage and striping the pavement as it exists today. He  
31 mentioned that during the survey some areas have been identified where material was pushed into the  
32 wetlands. He stated that the material has been pulled out of the wetlands and he would like them to be  
33 able to loam and seed the area and replant with wetland vegetation in the spring. M Badois asked why  
34 the plan mentions demolition. G Chadwick replied that this means they are removing material from the  
35 proposed storage areas, not traditional demolition. He remarked that there are two areas of pavement,  
36 to define the curb cut, where the pavement would be removed. D Lievens asked for clarification on what  
37 pavement would be removed. G Chadwick illustrated this on the screen for the Commission. M Speltz



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38 asked what the restoration plan was for the area that was encroaching on the abutting property. G  
39 Chadwick replied that they have been asked to loam and seed it at this point. M Speltz asked what the  
40 vegetation is beyond the area of encroachment. G Chadwick replied that it is a treed wetland. M Speltz  
41 commented that one can assume it was trees before they stored material and asked if they could plant  
42 trees. G Chadwick stated that he appreciates M Speltz's concern, but showed them an aerial photo from  
43 1992 noting that the area was cleared well before CSI purchased the property. M Byerly asked if CSI had  
44 added onto the building at any point after viewing the aerial pictures. G Chadwick replied that sometime  
45 between 1992 and 2003, the addition was there, but he does not know how this was done. M Speltz  
46 asked if there was a gravel base laid down in the encroachment area. G Chadwick responded that there  
47 was, noting all the disturbed areas are gravel. D Lievens asked if there will be a system in place, so  
48 nothing like this happens again. G Chadwick replied that now the town will have an approved site plan,  
49 which allows them to enforce any issues. M Byerly asked if the town had an approved site plan on file. G  
50 Chadwick replied the town does not because there was one condition that was not met at the time  
51 regarding an easement. He noted that easement was distinguished in 1999. M Byerly asked if this DRC  
52 was to be treated as a new site plan. G Chadwick said that unfortunately this is a situation where the  
53 building was constructed and the town is trying to get a plan of record, so moving forward if anything  
54 were to happen, they can enforce the plan. M Speltz asked what was underneath the overhang. G  
55 Chadwick responded that it was pavement. Officer Aprile remarked that last Friday he went out and  
56 walked the property with permission from Rick Perini, manager at CSI, and noted that all the violations  
57 that were brought forward to his attention have been addressed and cleared. G Chadwick replied that  
58 was correct and said the only outstanding item that was brought as part of that action is to submit a site  
59 plan for approval. G Harrington asked if they should be concerned that there is a conservation easement  
60 on the parcel to the northeast side. M Badois commented that this is not the first time CSI has  
61 encroached onto this property and have promised in the past to not do it again. She said that she would  
62 like to see a significant fence along the northeast boundary and not just jersey barriers that can be  
63 removed at whim. M Speltz voiced his concern about putting loam over gravel, as water will run right  
64 through it, so he suggested removing the gravel to get back down to native soil. G Chadwick replied that  
65 this can be done, but noted the gravel is very compacted as it has been there for about thirty years. M  
66 Speltz commented that he would like trees planted in the reclaimed area and would defer to a wetland  
67 scientist for spacing and varieties. S Malouin asked if the encroachment got worse in 2020 and is there a  
68 plan going forward to prevent this from happening again. G Chadwick replied that when CSI constructs  
69 these parts they must be cured for 60 days before they can be shipped out to the job site. He noted that  
70 early on there was some encroachment onto abutting properties and conservation easement land that  
71 continued to get worse. He explained that there is no more manufacturing occurring at CSI and they are  
72 hauling off the material to be stored off site. D Lievens asked if he knew the future of CSI. G Chadwick  
73 stated that he cannot answer that, as he does not know. D Lievens asked what the pavement is like by  
74 the overhang and in the back by the buffer. G Chadwick answered that right up to the edge of the  
75 building is all paved and reviewed the dashed line showing where the pavement ends on the plan. M  
76 Byerly asked if in discussions with town staff there was a time frame for the owner to comply with the  
77 violations. G Chadwick replied that he is not aware of a specific time line for getting the site plan



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78 approved. M Byerly suggested that he would like a more aggressive time line to rectify the situation. M  
79 Badois commented that Officer Aprile was just out there noting everything was clear. M Byerly asked for  
80 clarification on what is cleared, such as is material off the abutting properties and out of the road.  
81 Officer Aprile explained that the front of the building was not a concern of the Commission's, but all the  
82 other violations have been removed. A Kizak commented that as part of the enforcement process, CSI  
83 has to continue to show forward progress until there is a resolution. M Speltz asked if a large portion of  
84 the wetland had been paved. G Chadwick replied that is correct, but this was done prior to the  
85 conservation buffer ordinance being enacted. M Speltz stated that the problem the Commission has is  
86 being asked to approve a site plan that shows the buffer being paved, as opposed to having the  
87 pavement removed. G Chadwick replied they would lose access around the building and reviewed the  
88 plan on the screen. M Speltz voiced his concern that they are being asked to approve a plan that paved  
89 part of the buffer. D Lievens mentioned that this was historical. M Speltz said that was correct, but  
90 would like to go on record noting that the site plan would be approving a large portion of pavement in  
91 the buffer. G Harrington asked if they would need a Conditional Use Permit (CUP) to keep the pavement  
92 there. B Maxwell and M Speltz said they agreed with G Harrington on the CUP. G Chadwick asked if a  
93 CUP was set up to allow construction of something that is already there, as this area predated the buffer  
94 ordinance. He added that CSI is trying to do what they can to come into compliance and if there are  
95 more roadblocks making it more difficult, it is going to take longer and cost CSI more money. M Byerly  
96 expressed his opinion, that he would like to see a CUP unless the Planning staff disagrees. A Kizak noted  
97 that she would ask Town Planner Mailloux. M Speltz commented that a CUP is used for a limited number  
98 of uses and one of which does not include running a road through the buffer. He said that there is a  
99 provision to access part of the property that could not otherwise be used, noting that would be what CSI  
100 might use for the CUP. M Badois summarized the Commission's comments for the DRC as follows: due  
101 to long term, repeat encroachment issue, recommend installation of a significant fence along the  
102 northeast boundary, not jersey barriers that can easily be moved; remove the compacted gravel in the  
103 conservation area; plant trees in the reclaimed area, defer to the wetland scientist for spacing and  
104 varieties; place appropriate signage along the wetland buffer boundary; the Commission is concerned  
105 with being asked to recommend approval of a plan that has a large portion of pavement in the buffer;  
106 and inquire as to whether a conditional use permit should be required. S Malouin asked if the  
107 encroachment on the northwest side is to be reseeded. G Chadwick replied that would be reseeded and  
108 not to be used for storage. M Speltz asked if the sand and gravel enclosure is going away. G Chadwick  
109 replied that CSI would like that to stay. M Speltz asked if this was in the buffer. G Chadwick responded  
110 that it is. M Speltz suggested that he would recommend the sand and gravel area be removed as it is in  
111 the buffer. The Commissioners agreed.

112 M Byerly asked if these companies were fined for something like this. Officer Aprile replied that all the  
113 encroachments he has been involved with since starting this position have been taken care of right away  
114 by the property owner. He commented that he believes after the second violation there is a system in  
115 place for fines. He added that he would get back to the Commission on this. M Byerly stated that the  
116 state has an enforcement mechanism if someone were to encroach on a wetland and asked if the town



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117 was lacking such a mechanism. M Badois mentioned that they would have to follow the encroachment  
118 protocol. M Speltz reminded the Commission that until about three to four years ago, there was not a  
119 building inspector in town, so now issues are coming into the spotlight.

120 **Unfinished Business**

121 **Water Resource Action Plan:** M Badois asked for the Commissioners input. D Lievens said that she did  
122 not see a lot of things that would be low cost, but suggested looking at ordinances. M Badois suggested  
123 coordinating with realtors in the area, as every time a home is sold a septic inspection is done, and  
124 educational material could be passed along for task #2 from the table. She went on noting that at one  
125 point there was funding available from the Office of Strategic Initiatives (OSI) and thought that someone  
126 could investigate to see if there is funding for task #3 from the table. She pointed out that the  
127 Environmental Protection Agency (EPA) has a program called Septic Smart that runs for a week in the  
128 middle of September where they have flyers, a sample proclamation, etc., and thought the Commission  
129 could promote this at Old Home Days. She added the New Hampshire Department of Environmental  
130 Services (NHDES) has a similar event on oil tanks, and the EPA has information on well protection that is  
131 geared toward home owners with a well owner manual, which she thought could be put on the website.  
132 She said that she recently watched a couple of the New Hampshire Association of Conservation  
133 Commissions (NHACC) luncheons, noting one was about filtering run-off that was headed toward  
134 wetlands where they talked about permeable reactive barriers. She explained that the permeable  
135 reactive barrier is basically a trench filled with woodchips that as long as it stays wet, it filters out the  
136 chemicals from the road run-off and thought this might apply to task #9 from the table. She referenced  
137 task #13 from the table stating that local water, well and water softener companies have a lot of  
138 information on arsenic levels in neighborhoods and thought this might be a resource to look into. B  
139 Maxwell commented that he likes all of these ideas, as most people are moving here from  
140 Massachusetts and do not know about wells and septic systems. M Badois said that the Water Resource  
141 Management and Protection Plan (WRMPP) done in 1991 was officially adopted and asked how the  
142 current WRMPP would get adopted. M Speltz replied that he believed it would have to be taken to the  
143 Town Council to be adopted. M Badois asked if they have to solve all the problems first or if it could be  
144 adopted now. M Speltz stated that he believes it could be adopted now. M Byerly asked what "adopt" it  
145 meant. M Speltz replied that it makes it town policy as he understands it. M Byerly mentioned that he  
146 believes this has already been tried and they stated that they cannot address these things until the next  
147 budget cycle. M Byerly remarked that he believes the Commission can take credit for task #4 from the  
148 table with the Stream Brochure. He noted that the Open Space Plan has not been updated, but the  
149 Commission recently did a land inventory updating the conservation values, which might qualify for task  
150 #3 from the table. M Speltz said that this is already done in the existing Open Space Plan. He added that  
151 this would be helpful for the Planning Board to have, so that when they are reviewing plans they would  
152 know that a plan might be more important due to water concerns. M Speltz suggested an aquifer  
153 ordinance, which would be regulated by zoning. M Badois said that Master Plan did not include a natural  
154 resource section, which is the basis for ordinances and zoning. M Speltz stated they might not have used  
155 exactly those words, but there is a lot of natural resource information in the Master Plan. He suggested



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156 making the Open Space Plan part of the Master Plan. He mentioned that he believes there is a fair  
157 amount of data between the well diggers report and septic system reports, and the Commission might  
158 be able to obtain some of this data. M Badois stated that there is data from the water quality study that  
159 is out there as well. M Speltz mentioned that the Commission might be able to get help from OSI on  
160 brainstorming on the best way to do this, as well as rules. M Byerly asked if the Commission thought  
161 that people were not pumping their septic systems. M Badois commented that she knew someone that  
162 did not pump their septic system for twenty years. S Malouin pointed out that if a septic system is not  
163 pumped regularly, it does not mean that it will overflow into their basement. M Badois concluded that  
164 education seems like an issue that would be a low cost that the Commission can work on. B Maxwell  
165 offered his opinion, that a packet be given to new homeowners as it would be a great resource.

166 **Musquash Field Day:** M Badois told the Commission that she came up with three potential trail walks.  
167 She commented that the trail walk she is proposing from Faucher, was about a two hour walk, noting  
168 there was no stopping and talking. She asked if D Lievens would guide the Deer Trail walk. D Lievens  
169 replied that she does not know that trail at all. Byerly remarked that he believes M Badois suggestions  
170 are fairly ambitious hikes and suggested finding an easier hour trail walk. He suggested Adams Pond or  
171 Kendall Pond. D Lievens stated that she could do Kendall Pond and talk about trees. M Speltz mentioned  
172 that he was thinking about the Mathes Trail, going over to the Heron Rookery, which is about a mile in  
173 and mile out. M Badois asked if the times should be staggered. D Lievens replied that all the trail walks  
174 should start at 10 a.m. with two Commissioners for each walk. She asked about a possible signup  
175 system. M Badois asked if the Commission agreed on the trail walks starting at Mathes, Kendall Pond  
176 and Faucher. M Byerly said that he can handle creating the Sign Up Genius for registration. Officer Aprile  
177 said that he can make it and asked if she wanted someone from conservation or biology from Fish &  
178 Game. M Speltz suggested a biologist. M Badois remarked that the heron rookery could be featured in  
179 Mathes and the beaver dam and bunny cut in Faucher. D Paul informed the Commission she would need  
180 the information by February 1, 2021, for the February 4, 2021, paper.

181 **Moose Hill Purchase:** M Badois informed the Commission that the soil test samples were taken last  
182 week on Tuesday. She pointed out that the survey will cost \$5,800, and noted the Commission's half  
183 would cost \$2,900. D Lievens asked if this seemed high. A Kizak replied that this is for the survey and the  
184 subdivision plan. M Byerly asked if the Commission was splitting this with the town. M Badois replied  
185 that was correct.

186 D Lievens made a motion to authorize up to \$2,900 for the shared cost of a Surveyor/Subdivision plan  
187 for the Moose Hill parcel (Map 9 Lot 49-0) from the Open Space Protection Fund. B Maxwell seconded  
188 the motion. The motion passed, 7-0-0, by a roll call vote.

189 **New Business**

190 **Earth Day:** M Badois said that it is April 22, 2021, and did not know if the Commission wanted to do  
191 something, suggesting a joint effort with the Green Team. She asked if the Commissioners have any



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192 ideas. D Paul said the next meeting for Beautify Londonderry is remote on February 3, 2021 at 6:30 p.m.  
193 She suggested the Commission, Green Team and Beautify Londonderry could collaborate.

194 **Horses at Musquash:** M Badois told the Commission that she was talking to a resident who was  
195 concerned about having no place to park multiple vehicles with horse trailers. She asked if the  
196 Commission had any ideas. S Malouin agreed that it was difficult as well, but did not have any solutions  
197 at this time.

198 **Other Business**

199 **Follow-up items:** M Badois told the Commission that she went through her notes and minutes looking  
200 for follow-up items. She pointed out that back in March there was an issue with the naming of Bears  
201 Meadow versus Cauldwell Meadow and in her notes, it suggested checking an ordinance. D Lievens  
202 suggested contacting David Ellis. M Badois commented that the Hickory Hill entrance is washed out and  
203 asked if the Commission could do something here. B Maxwell replied that the water flow changed by the  
204 kiosk, which makes the entrance a big swamp. M Badois asked if the Commission could put in drainage  
205 to smooth it out. B Maxwell suggested crushed gravel and getting the water out from around the kiosk.  
206 M Badois pointed out that the Commission suggested making an interpretive sign for people to identify  
207 what they are looking at the Robie Island donation site and asked if someone would work on this. M  
208 Speltz suggested looking into the vendor that Trailways used for the Rail Trail signs. M Byerly said that  
209 he would find out for the Commission. D Lievens suggested identifying the most common birds that are  
210 seen at the site. M Badois asked about the New Hampshire Department of Transportation (NHDOT)  
211 mitigation list that the Commission sent out, as they have not heard back yet. M Speltz replied that  
212 these types of things take some time and it was just submitted in November. M Badois mentioned that  
213 there is a random tire lying next to the road where Alexander Trail meets the Blue Trail and wondered  
214 how this could be taken out. M Speltz asked if Officer Aprile could get the tire using his ATV. Officer  
215 Aprile responded that he would take a look the next time he was out there. M Badois asked if Charlie  
216 Moreno told the Commission when he would be getting back to them regarding the plan. M Speltz  
217 replied that he believed C Moreno did give them a timeline and to look into the minutes.

218 **Minutes:** The Commissioners went over the public minutes of January 13, 2021. B Maxwell made a  
219 motion to approve the minutes as presented. G Harrington seconded the motion. The motion passed, 5-  
220 0-2, with S Malouin and G Herrmann abstaining.

221 **Adjournment:** M Byerly made a motion to adjourn the meeting at 9:13 p.m. B Maxwell seconded the  
222 motion. The motion passed, 7-0-0, by a unanimous roll call vote.

223 Respectfully Submitted,  
224 Beth Morrison  
225 Recording secretary  
226