



Londonderry Conservation Commission  
Tuesday, July 27, 2021  
Minutes

**Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Bob Maxwell, member; Deb Lievens, member; Mike Byerly, member; and Mike Speltz, alternate member; Jocelyn Demas, alternate member

**Absent:** Susan Malouin, member; and George Herrmann, alternate member

**Also present:** Amy Kizak, GIS Manager/Comprehensive Planner; and Beth Morrison, Recording Secretary

Marge Badois called the meeting to order at 7:30 pm. She appointed M Speltz to vote for the open position and J Demas to vote for S Malouin.

**DRC – Pittore Bros. Paving Site Plan – Map 013, Lot 099 – 15 Rockingham Rd** – Eric Mitchell, from Eric Mitchell & Associates, 38 South River Road, Bedford, NH addressed the Commission. E Mitchell noted that this project was before the Commission quite a while ago noting the site has an existing single family house where the Pittore's have been running their company. He said that he is not sure when they started running their business out of this site, but he was last before the Commission for this project in 2008. He went on stating that the plans were before the Commission and Planning Board in 2012, where there was a question regarding the flood plain and if they were going to increase the flood elevations or not. He stated that a flood study was started by his office, but not fully completed; therefore, the project has sat until recently. He pointed out that the flood study was redone by the Turner Group in Concord who determined any work that has already been done out there has not impacted the level of the flood. He explained that they are back to complete the project and in essence are starting over. He added that they have been before the Heritage Commission noting they had some comments on the type of landscaping and trees, which they will consider. He said that the site is going to be smaller, in terms of the pavement. He stated that the green space right now is about 59% and when the pavement is removed it will be closer to 70%, where 33% is required. He mentioned that the dredge and fill permit was approved and taken into account for the current access, as the old access was discontinued. He pointed out the access driveway has a double culvert, which was approved a while ago, and there is a proposed detention pond to help reduce the flow over time. He said that the site has two parking spaces for the house and the rest of the parking spaces will be used for trucks, equipment storage, trailers, and employee parking. He reviewed the plans on the screen with the Commission noting the vehicular flow around the building. He said that there are no wetlands that are larger than half an acre at the site. M Badois asked if there was going to be a buffer to screen the Rail Trail. E Mitchell replied that he believes the Heritage Commission asked for a buffer and reviewed on the screen where this would be. M Badois asked about the tree comments from the Heritage Commission. D Lievens voiced her concern, that she believes the Heritage Commission is addressing Conservation Commission issues and they might not have the best knowledge for this, and would like the Conservation Commission's concerns addressed first. E. Mitchell responded that he agreed. D Lievens reviewed the tree species on the plan and said that she did not see anything inappropriate. E Mitchell



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39 told the Commission that he was not at the meeting, but his colleague took notes. M Speltz asked why  
40 the arbor vitae stop in the south end. E Mitchell replied that is an area for parking. M Badois asked if  
41 there was a fence. E Mitchell replied that there is not, but stated that was some of the Heritage  
42 Commissions comments. M Speltz said that the note 1 on the plan states "the purpose of this non-  
43 residential site plan is to add proposed commercial use to a pre-existing non-conforming single family  
44 use" but note 3 states it is currently zoned C-II, which can be misleading. E Mitchell replied that it is for a  
45 commercial use, but the single family use is the pre-existing non-conforming use on the commercial lot.  
46 D Lievens asked if someone lives on the site. E Mitchell replied that he believes a family member lives  
47 there. G Harrington asked if the dredge and fill was finalized. E Mitchell replied that he believed the  
48 work for the entrance was completed. G Harrington mentioned that a note states the dredge and fill  
49 expired in 2013. E Mitchell replied that the main dredge and fill permit was to get access into the  
50 driveway, which was completed and the culverts installed. G Harrington asked if the landscaping was  
51 part of the dredge and fill back in 2013. E Mitchell answered that he did not believe any site  
52 improvements have been completed since 2008. G Harrington commented that they essentially  
53 culminated the dredge and fill because it stated that certain things would have to be installed before the  
54 dredge and fill was finalized. E. Mitchell replied that he would have to look into this. G Harrington asked  
55 if all the triangles were white pines. E Mitchell responded that they are. G Harrington said that is where  
56 the detention pond is and white pines will not survive if flooded. E Mitchell noted that was a great catch  
57 and will be corrected. M Byerly expressed his opinion that he believes there are many issues with the  
58 plan and wondered if this was premature for the Commission to be giving DRC comments. E Mitchell  
59 said that they are before the Commission for the first review and will expect to be back to answer  
60 questions. A Kizak stated that the Commission can add a comment that they would like to see the  
61 applicant back again. G Harrington asked if the detention pond was a concern being in the 100-foot  
62 buffer for the flood plain. D Lievens mentioned that the previous statement about there being no  
63 wetlands on the plan is irrelevant as there is a brook. M Byerly remarked that the house is perhaps also  
64 in the buffer. G Harrington said that they received a variance for parking in the buffer. E Mitchell  
65 reviewed the variances on the front sheet with the Commission. G Harrington stated that the  
66 restoration was not completed and yet the site is still being used for parking. E Mitchell said that before  
67 the parking can be used the restoration work has to be done, but the physical pavement has not been  
68 pulled back, as the plan was never given town approval. He noted that the town might have gone to  
69 court with the owners to get resolution. He added that none of the pavement was taken up because  
70 they did not know if the flood zone was inaccurate or not, as that was the major unanswered question.  
71 M Speltz asked to help him understand, as there is a plan that was never approved. E Mitchell replied  
72 that the site was being used for commercial use prior to 2008 without site plan approval. He said that  
73 they have been working on this since 2008 to bring this up to current standards. M Speltz asked if they  
74 have a NHDOT permit. E Mitchell replied that they did. M Speltz expressed his opinion that this is a  
75 brand new project that is proposing uses throughout the buffer and asked why the Commission should  
76 consider this. G Harrington stated that they already received a variance to allow the parking in the  
77 buffer and a Conditional Use Permit (CUP) would be needed for the detention pond. M Byerly asked why  
78 having a detention pond in the buffer would be considered an improvement to the site. E Mitchell  
79 answered that any surface run-off goes directly towards the brook and wetland, so by putting in the



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80 pond it helps slow down the flow towards the brook. He added that if they need a CUP, they would need  
81 to justify it. M Speltz said that if the pond was moved 10-15 feet northeast, there could be more  
82 screening for the Rail Trail. He noted that he does not quite remember 2008, but thought that picking up  
83 the pavement and detaining water was an improvement from the current situation. M Badois said that  
84 having parking right up to the Rail Trail invites vandalism. D Lievens asked if they are intending to store  
85 their equipment at their site year-round and if there is any way to deal with oil dripping. E. Mitchell  
86 replied that he would get this information and get back to the Commission. G Harrington asked about  
87 reducing the amount of ice melt on the pavement. E Mitchell replied that someone would still be living  
88 in the house so the driveway would need to be used. G Harrington commented that his thought is to  
89 restrict the use of the other spots in the winter time. E Mitchell said that the Fire Department might  
90 want to have the area around the building plowed for access. M Speltz asked if there was anything that  
91 prohibits this existing residential use on the C-II lot. A Kizak answered that you can have a non-  
92 conforming use on a commercial lot. M Speltz asked if a change in the site plan would compromise the  
93 grandfathered use. A Kizak replied that she would check with Town Planner Mailloux or Assessing. E  
94 Mitchell asked if the Commission has any recommendations on specific ice melt, such as Snowpro, as  
95 they are certified to use more environmentally safe substances given the location of the brook and  
96 wetland. M Badois summarized the comments as follows: complete items needed for dredge and fill  
97 (plantings and headwalls); white pine in retention pond will not survive; need conditional use permit for  
98 retention pond; where is equipment stored during winter; restrict use of salt for ice melting; move  
99 retention pond farther away from Rail Trail; move four parking spaces away from Rail Trail and/or  
100 screen it; and request opportunity to review once plan has been updated. E Mitchell said that he would  
101 be back and incorporate all the Commission comments.

102 **Unfinished Business**

103 **Water Resource Management Plan:** M Badois told the Commission that Town Planner Mailloux  
104 presented the Planning Board a sample wetland protection ordinance at their last workshop meeting.  
105 She said that she was at the meeting and thought the Commission could come up with a presentation on  
106 how the protection areas are determined. A Kizak pointed out that this was the first meeting on the  
107 topic of a groundwater protection ordinance. M Badois commented that she believes the Commission  
108 should be involved in this as the questions the Planning Board members were asking made it clear that  
109 there needs to be education. She mentioned that there is a map that shows where the well head  
110 protection areas are and asked how this was determined. M Speltz pointed out that figuring out a well  
111 head protection area can be done two ways. He stated that most towns do this based on the volume of  
112 water that is being drawn out. He went on stating the better way to do this is to do test borings, as this  
113 is more accurate. He added that there is no jurisdictional authority for anyone to do anything other than  
114 place a protective radius around a well. He said that a hydrogeologist determines the aquifers, but there  
115 is no jurisdictional authority over aquifers either. He remarked that this is why having an ordinance is so  
116 important. He mentioned that if the Commission is going to be a resource to the Planning Board, the  
117 Commission should read through the sample ordinance and then at the next meeting discuss any  
118 questions or concerns. He asked if the Planning Board would be willing to have the Commission make a



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119 presentation. A Kizak replied that they would and she would email the model ordinance to the  
120 Commission for their review.

121 **Old Home Days:** M Badois told the Commission that she reserved a booth. She pointed out that NHDES  
122 has a week in September about septic systems and she was thinking about contacting someone at  
123 NHDES to see if the Commission could give this to residents at the booth. She added that she would like  
124 to get information on PFOA testing for residents at the booth as well.

125 **Articles:** D Lievens said that they need another article in the queue. She said that maybe an article on  
126 easements if M Speltz has time.

127 **Beetles:** D Lievens told the Commission she went to check on the flax fields. She commented that all  
128 three plants were there. She said that Kyle is very interested to coordinate mowing, as right now it is  
129 standing water. She said that one of the plants sets seeds in September, so you do not want this cut  
130 down on August. She mentioned that the purple loosestrife is being chewed on and the beetles are  
131 apparently still there. M Speltz noted that the beetles were placed about five or six years ago.

132 **Dracut:** M Badois said that she and D Lievens had a lovely walk through the Musquash with members of  
133 the Dracut Open Space committee. She commented that they are interested in learning more about  
134 how the Commission functions.

135 **Birds:** G Harrington presented the Commission with a booklet on what birds you would expect to see at  
136 Kendall Pond that was done by Paul Nickerson. M Speltz said that it would be great to put an interactive  
137 plaque there. J Demas mentioned that she has/uses an app to help identify birds when out in the trails.  
138 A Kizak stated that she would like to scan the booklet and attach it to the outdoor recreation guide and  
139 can link the app there as well.

140 **New Business**

141 **Events:** M Badois asked the Commission if they wanted to do any events after Old Home Days. M Speltz  
142 mentioned that they can announce when the walk through the new orchard is at Old Home Days.

143 **Monitoring:** M Badois stated that since M Noone has resigned, someone will have to take over his  
144 monitoring duties and ordering maps. B Maxwell commented that M Noone gave him all the maps he  
145 had. M Badois asked J Demas if she put the spreadsheet into the cloud. J Demas replied that she has not  
146 received it. M Badois said that Officer Aprile must have a version. A Kizak suggested that J Demas and  
147 Officer Aprile sit down and talk. M Badois pointed out that the point of contact for the Commission will  
148 be delegating to Officer Aprile, and then Officer Aprile will be reporting back. M Speltz mentioned that  
149 the Police Department is also reviewing procedures. M Badois expressed her opinion, that sending the  
150 encroachment letter should be the first response, rather than sending Officer Aprile first, as it seems to  
151 alarm residents. She asked about a state law that should have passed giving the Commission more teeth  
152 to prosecute encroachers. M Speltz said that M Malaguti would be the point of contact on this.



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153 **Other Business**

154 **Minutes:** The Commissioners went over the public minutes of July 13, 2021. B Maxwell made a motion  
155 to approve the minutes as presented. D Lievens seconded the motion. The motion passed, 6-0-1, with J  
156 Demas abstaining.

157 **Adjournment:** M Byerly made a motion to adjourn the meeting at 8:36 p.m. J Demas seconded the  
158 motion. The motion passed, 7-0-0.

159 Respectfully Submitted,  
160 Beth Morrison  
161 Recording Secretary