



Londonderry Conservation Commission  
Tuesday, October 26, 2021  
Minutes

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

3

4   **Absent:** Jocelyn Demas, alternate member

5

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

8

9   Marge Badois called the meeting to order at 7:30 pm. She appointed M Speltz to vote for an open  
10   position.

11   **DRC – Freestone Holdings, LLC Subdivision – Map 013, Lot 060 – 61 Rockingham Rd – Earl Sanford:**  
12   Earl Sandford, P.E., from Sanford Surveying and Engineering, Inc., 597 New Boston Road, Bedford, NH,  
13   addressed the Commission. E. Sanford told the Commission that there is an existing commercial fleet  
14   management repair facility at the existing site with 10 acres and they want to sell seven acres to his  
15   client. He noted that there are pockets of wetlands that have been delineated around the edge of the  
16   site and none that require extensive setbacks. He explained that they will use the current access to the  
17   site and will have a shared easement/driveway for the first 50-feet. He pointed out that the main  
18   challenge on this site is that there is a lot of ledge. He added that he will be back before the Commission  
19   with the site plan project once the subdivision is complete. He showed the Commission the proposed  
20   site plan. He reviewed the drainage on the site noting they have a small infiltration basin and infiltration  
21   trench as well. M Byerly asked if there is a building or parking near the wetlands or wetland buffer. E.  
22   Sandford replied that there is one pocket wetland that is 1,550 SF and parking is about 30-feet from the  
23   edge of the wetland and the building is about 75-feet from the edge of wetland. M Speltz asked if  
24   infiltration would work well on this site with so much ledge. E Sandford replied that he was surprised by  
25   the test pits and if they choose their locations wisely, they can get an area of significant depth. The  
26   Commissioners had no comments for the DRC.

27   **DRC – 215 & 217 Rockingham Rd Site Plan – Map 15, Lots 23-2 & 22-1 – Doug MacGuire:** Doug  
28   MacGuire, P.E., from The Dubay Group, 136 Harvey Road, Building B101, Londonderry, NH, addressed  
29   the Board. D MacGuire handed out hard copies of the sheets from the plan set that he is discussing this  
30   evening to the Commission. He reviewed the two existing lots of record on Rockingham Road with the  
31   Commission noting that one is developed with an existing office building. He stated that the developed  
32   lot is not in the best of shape and the parking lot is not convenient to access points on Rockingham  
33   Road. He went on stating that the second lot is currently vacant. He explained that the proposal is to  
34   consolidate the two properties and construct something more in line with the Performance Overlay  
35   District (POD). He noted that would like to construct a new 6,000 SF building that will be two-stories,  
36   with the first floor commercial and second floor residential, which would be a mixed-use building. He  
37   added that it would have six residential units. He said that they are eliminating all the curb cuts, where



Londonderry Conservation Commission  
Tuesday, October 26, 2021  
Minutes

38 they technically could have three, into one, which will improve circulation around the building. He  
39 commented that the site is fairly flat with some wetlands in the rear of the property to the south. He  
40 said that the wetland is generated by existing run-off by these two parcels, noting the parking lot drains  
41 right to the wetland. He mentioned that the land owners have owned these parcels for quite some time  
42 and have tried to do some improvements over the years. He said that there is an existing culvert that  
43 was installed to collect the low point and bring it all the way under Rockingham Road, which is the  
44 drainage outfall for the wetland area. He explained that their proposal is to increase the elevation at the  
45 site approximately four feet to be able to collect the drainage in a closed drainage system. He added  
46 that they would like to do a wet pond at the lowest point of the property, which is adjacent to the  
47 wetland. He mentioned that they believe by improving the site, they will better protect the existing  
48 wetlands by providing drainage mitigation allowing it to naturalize. He added that all the proposed  
49 pavement is now curbed and collected to drainage catch basins that are directed to the treatment  
50 system prior to discharge to the wetland. He noted that they are not proposing any wetland impacts. He  
51 reviewed the landscaping plan with the Commission, pointing out that the hatch symbols are the  
52 proposed areas that will naturalize. He said that a fair amount of existing disturbed area that is directly  
53 behind the proposed building will be mitigated and restored. He stated that the wet pond will have a  
54 permanent pool of water that will be maintained and is comparable to the existing wetland areas that  
55 are on the site now. M Speltz asked for clarification on where the existing culvert is on the site. D  
56 MacGuire replied that on the existing conditions plan there is an existing parking lot along the side of  
57 the building and they installed a culvert right through the parking lot under Rockingham Road. He said  
58 that they are proposing to maintain the discharge point, but to collect everything and bring it through  
59 the drainage system, which will allow for treatment where the site does not have it now. M Speltz asked  
60 how much of the proposed drainage is closed. D MacGuire replied that there is one existing catch basin  
61 in the middle of their parking lot, which is the only portion of closed drainage on the site. M Speltz asked  
62 if the proposal would affect what goes under Route 28. D MacGuire replied that it would not. M Speltz  
63 stated that there must be a sub-watershed divide somewhere. D MacGuire replied that is correct. M  
64 Speltz asked if less water would be going north to the culvert. D MacGuire responded that is correct. M  
65 Speltz asked about the pavement in the buffer. D MacGuire replied that they are proposing some  
66 parking in the buffer because they are trying to work with what is already on site, as there is existing  
67 parking in the buffer right now that is unmitigated. He went on noting that they are proposing to still  
68 have pavement in the buffer, but from an erosion standpoint everything is collected and directed to the  
69 wet pond. D Lievens asked if they would be applying for a Conditional Use Permit (CUP). D MacGuire  
70 replied that they will be applying for a CUP. D Lievens remarked that this is not allowed. M Speltz  
71 explained that the Commission does not have the authority to give them that particular use of  
72 pavement in the buffer. D MacGuire noted that the Commission has the authority for access and  
73 vehicular circulation. M Byerly pointed out that usually the CUP is requested if there is no other access  
74 to the property. D MacGuire interjected that it just states for access and circulation rather than access  
75 to the property on the CUP application. He said that his assumption regarding the CUP requirement, is  
76 the goal is to limit impervious area that drains directly to wetlands from the buffer area. D Lievens  
77 commented that the buffer loses its significance or purpose by placing pavement there. D MacGuire  
78 stated that this is not new construction as this is an existing site that has pavement within five feet of



Londonderry Conservation Commission  
Tuesday, October 26, 2021  
Minutes

79 the wetland itself and drains the entire pavement area directly to the wetland. He added that all the  
80 drainage on the site has played a role in creating the wetland area. He mentioned that overall, he feels  
81 this is an improvement to the site, even with a fairly large buffer impact of approximately 16,000 SF. He  
82 said that currently there is 8,000 SF of buffer impact on the site. M Byerly asked if the existing building  
83 would be renovated. D MacGuire replied that it would be a new building, pulling it closer to the road  
84 and placing the parking in front of the building, which he stated are some criteria of the POD. M Byerly  
85 explained that this is the opportunity to shrink the building and parking spots, so pavement would not  
86 be placed in the buffer. D MacGuire replied that it is a valid point, but he does not think it is realistic for  
87 this development in his discussions with the owner. He said that when looking at the functions and  
88 values of the adjacent wetlands on site, he did not know if having a 50-foot buffer is really worth having,  
89 as the vast majority is related to the discharge from the parking lot. D Lievens mentioned that the  
90 landscaping plan is pretty good, but said that the honey locust and Callery pear trees should be replaced  
91 as they are not a good fit. D MacGuire asked what the Commission would like instead. D Lievens gave  
92 her recommendations. M Byerly commented that a concern he has is about snow storage and thought  
93 that the plan showed it right in the middle of the buffer. D MacGuire said that there is a snow storage  
94 area directly adjacent to the wet pond. G Harrington mentioned that it usually is a good practice to put  
95 the snow storage legend on the landscaping plan to make sure of where it is going. D MacGuire agreed.  
96 G Harrington pointed out that they are disturbing all of the soil within the buffer right up to the edge of  
97 wetland, which is not what the Commission likes to see. D MacGuire said that they were trying to keep  
98 the grade and reviewed the existing tree line noting that it may need to be reworked. G Harrington said  
99 that they should let it naturalize and be scrub shrub. D MacGuire said that if it is a nice pristine area then  
100 they should leave it alone, but his thoughts were to rework the area with new loam and wildflower seed  
101 mix to let it re-naturalize. G Harrington voiced his opinion, that they should not disturb soil in the buffer  
102 if they do not have to. D MacGuire responded that he understood the concerns and offered to change  
103 the contours and extend the retaining wall a little further to carry the grades out and away. G  
104 Harrington stated another problem he sees is the silt fence is right at the edge or even through the  
105 wetland and it should be well above the wetland. D MacGuire commented that they are working with an  
106 existing site and are pretty close to the edge of wet. G Harrington pointed out that if they shrunk the  
107 pavement by five to six feet, then it could be pulled back from the wetland to protect it. D MacGuire  
108 asked if he was talking about the pavement near the retaining wall. G Harrington replied that was  
109 correct. D MacGuire said that there is no parking there. G Harrington asked why they need it to be 20  
110 feet wide. D MacGuire replied that was the town requirements and said they could ask for relief from  
111 the Planning Board on this. G Harrington mentioned that the regulations are also to stay out of the  
112 buffer. D MacGuire commented that he understood, and he is all for protection of areas that are  
113 undisturbed and high value, but this site is not one of those situations. M Speltz asked for the parking  
114 requirement for the apartments they are proposing. D MacGuire replied it is two spaces per dwelling  
115 unit, which would equal 12 spaces. M Byerly asked for the building requirement setbacks for the POD. D  
116 MacGuire answered that the front building setback is 60-feet and side and rear building setback is 30-  
117 feet. M Byerly asked if they are requesting waivers to both the side and rear building setbacks. D  
118 MacGuire replied that was correct. D Lievens expressed her opinion that this is too much to fit into  
119 these parcels. M Byerly echoed the concerns of D Lievens. D MacGuire remarked that he heard the



Londonderry Conservation Commission  
Tuesday, October 26, 2021  
Minutes

120 Commission and said that he does not like to advocate for a project that he does not believe is  
121 appropriate. He said that he believes this project is appropriate and noted that he was unsure of what  
122 else could be done here on this parcel with the wetland. He reviewed a possibility of making the building  
123 a one story building and removing the 12 parking spaces, but noted that they still would have impact  
124 areas associated with the building and impact areas associated with the buffer. He mentioned that he  
125 was prepared for the Commission to have concerns this evening, but believes their presentation is a nice  
126 compromise for this site. D Lievens asked if there was documentation by the wetland scientist that this  
127 wetland was created by outflow. D MacGuire replied that he does not have this information on him  
128 tonight, but could get this to the Commission. He added that he can have the wetland scientist put  
129 together a packet for them to review. M Speltz asked if the proposed building could be reoriented 90  
130 degrees as the southeast corner of the building forces the access way into the buffer. D MacGuire  
131 replied that the building would encroach that area due to the shape of the building. M Speltz asked if  
132 this could be tabled until the next meeting. A Kizak stated that the DRC comments are due by November  
133 5, 2021, and they will be back before the Commission for the CUP. M Byerly asked if they need a  
134 variance for the project to move forward. D MacGuire replied that they are going in front of the Zoning  
135 Board of Adjustment (ZBA) for the use. M Byerly voiced his concern, that he was here before the  
136 Commission too early if the project has to get a variance to move forward. D MacGuire said that the  
137 client did not want to lose a month of design review while waiting for the ZBA. He pointed out that  
138 residential and commercial are allowed uses, but not combined, which he thinks is a technicality. He said  
139 that he is fine to hold off on comments, as the Commission needs more information. A Kizak reviewed  
140 the design review process with the applicant. She noted that the Commission could make one of their  
141 comments that they request the applicant come back with more information. B Maxwell suggested that  
142 the applicant should try and eliminate any work in the buffer, and gave an example of eliminating  
143 parking spaces to accomplish this. D MacGuire remarked that the buffer is already violated right now. M  
144 Byerly interjected that he understands that argument, but someone could come back with a better plan  
145 without impacting the buffer at all. He added that if there is parking in the buffer when D MacGuire  
146 comes back, he most likely will not get a favorable recommendation. D MacGuire stated that he  
147 respected M Byerly's point of view, but if the Planning Board likes the presentation, the project will  
148 proceed. He said that he believes this is a substantial improvement to the site. M Speltz said that the  
149 Commission could recommend the parking requirement be lessened. He asked if there could be one-  
150 way circulation. D MacGuire replied that one-way circulation is not clean. He said that he can look at  
151 eliminating the seven parking spaces, but did not think it would enhance much separation from the  
152 buffer, just the direct spot it discharges from. The Commission summarized the comments as follows:

- 153 1. Recommend not using the Callery pear tree or honey locust tree in their landscaping plan.
- 154 2. To keep snow storage out of buffer.
- 155 3. Avoid disturbing the buffer, noting the silt fence should be back from the edge of wetland.
- 156 4. Reduce/eliminate the pavement in the buffer.
- 157 5. To request the wetland scientist report.
- 158 6. To request visuals of the site.
- 159 7. Recommend reduce parking requirements (waiver) to eliminate spaces.



Londonderry Conservation Commission  
Tuesday, October 26, 2021  
Minutes

160 D MacGuire said that he works in all different towns and understands that the Commission is charged to  
161 protect the natural resources. He asked if the wetland has no value, why would the Commission be  
162 concerned about it. D Lievens replied that the wetland scientist report will help the Commission. D  
163 MacGuire noted that it is not an option to preserve the buffer at 100%. D Lievens mentioned that  
164 continued management of the green space might be a good mitigation strategy.

**165 Unfinished Business**

166 **Maps:** M Badois informed the Commission that she picked up maps and B Maxwell should take them.

167 **Monitoring:** M Badois said that they will be monitoring the Plummer property this Saturday.

168 **Planning Board meeting:** A Kizak told the Commission that another airport project will be on the  
169 Planning Board November 3, 2021, meeting for a new 1,536 SF modular office and two new covered  
170 carports at Pettengill Road Enterprise Drive.

**171 New Business**

172 **Financials:** D Lievens reviewed the financials (Exhibit 1) with the Commission, which is attached hereto.  
173 She said that she receives the reports the third week of the month, so she can present the information  
174 at the first meeting of the month. M Speltz pointed out that the state still owes them about \$387,000  
175 from the Mack purchase. D Lievens asked if the Commission should be following up on this. M Speltz  
176 replied that he is.

177 **Open Positions:** M Badois told the Commission that she has had no applications after the positions  
178 were posted. A Kizak noted that the positions have been posted twice. M Byerly said that the  
179 Commission should promote this on Facebook or the email newsletter. M Badois added that J Demas  
180 most likely will not be renewing her position when it expires.

181 **Hickory Hill Parking:** M Badois told the Commission that she received an email from someone at  
182 Eversource that stated they are working on it. She said that he found the plans that she sent him and he  
183 will get back to them.

184 **Gilcrest Orchard:** M Speltz asked who takes care of the orchard as Steve Cotton retired. A Kizak replied  
185 that she would reach out to Dave Wholley, who replaced Steve Cotton, and get back to him.

**186 Other Business**

187 **Minutes:** The Commissioners went over the public minutes of October 14, 2021. B Maxwell made a  
188 motion to approve the minutes as presented. M Speltz seconded the motion. The motion passed, 5-0-2,  
189 with D Lievens and M Byerly abstaining.

190 **Adjournment:** M Byerly made a motion to adjourn the meeting at 9:13 p.m. B Maxwell seconded the  
191 motion. The motion passed, 7-0-0.



Londonderry Conservation Commission  
Tuesday, October 26, 2021  
Minutes

192 Respectfully Submitted,  
193 Beth Morrison  
194 Recording Secretary