



Londonderry Conservation Commission
Tuesday, February 22, 2022
Minutes

Present: Marge Badois, Chair; G Harrington, Vice Chair; Mike Byerly, member; Bob Maxwell, member; Susan Malouin, member; David Heafey, member; and Mike Speltz, alternate member

Absent: Deb Lievens, member

Also present: Amy Kizak, GIS Manager/Comprehensive Planner; Michael Malaguti; Assistant Town Solicitor; Officer Aprile; and Beth Morrison, Recording Secretary

Marge Badois called the meeting to order at 6:30 pm. M Badois appointed M Speltz to vote for D Lievens.

114 Pillsbury Road Lease (orchard) – Map 9 Lot 49: Michael Malaguti – Michael Malaguti, Acting Town Manager, told the Commission that he is here tonight regarding the lease of 114 Pillsbury Road. He said that on December 29, 2021, the Town put out an application for the lease of this parcel that was acquired by the Town last year, and was farmed by Andy Mack's successor last summer. He explained that they received 12 applications, including one that was submitted by Mack's apples. He went on stating that the growing season is at hand, and in looking for infrastructure that is both in place and proximal to Mack's apples, his recommendation is that Mack's apples is the only applicant that fits the bill at this point in time. He commented that he spoke briefly to Mack's attorney who indicated that they would be interested with the same terms of the lease as last year. He pointed out that Tiger Lily Terrafarming, LLC was initially marked on the matrix as not having any experience growing apples, but they do in fact have experience and wanted the record to be correct. M Badois asked if the Commission had any comments or questions. M Speltz voiced his opinion that after careful examination of the applicants, he agrees with M Malaguti's recommendation for this coming year. M Badois asked if the recommendation would be to the Town Council. M Malaguti replied that was correct. M Speltz made a motion to authorize the Town Manger to pursue a renewal lease agreement to Mack's orchard for one year with the Town Council. G Harrington seconded the motion. The motion passed, 7-0-0. M Malaguti expressed his gratitude to everyone that put in an application.

Amended Wetland Permit – Harvey Rd: Mike Leach – Mike Leach, P.E., from Stantec, Five Dartmouth Drive, Suite 200, Auburn, NH, addressed the Commission. M Leach explained that the town decided to revisit the project and they are now proposing putting in a new 96-inch culvert about 20-feet further north from the existing culvert. He noted that the wetland impacts have been reduced by about 1,800 SF. M Speltz asked about the interim plan that was discussed previously with the Commission. M Leach replied that after the bidding, they looked at reducing the amount of retaining walls out there and performed an assessment of the existing culvert and found it was oblong and more damaged. He commented that based on discussions with the New Hampshire Department of Environmental Services



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(NHDES), they recommended replacing the pipe, so they went with this. M Speltz mentioned that J Trottier was worried that this would cost more in previous discussions and asked what had changed. M Leach replied that the original permit was in 2019, and at the end of 2019 all the rules changed. He said that when the rules changed, it made it easier to replace the culvert. M Badois asked if they needed to vote or comment. A Kizak replied that it is comment. M Speltz made a motion to recommend to NHDES the amended plan be approved. M Byerly seconded the motion. The motion passed, 7-0-0.

DRC & CUP – Northeast Turf & Golf Supply Site Plan – Map 15 Lot 62-3: Steve Keach, P.E. from Keach-Nordstrom, 10 Commerce Park North, Suite 3B, Concord, NH, addressed the Commission representing Northeast Turf & Golf Supply. He added that Paul Carey and Michael Claire are here from Northeast Turf & Golf this evening as well. M Claire gave a review of the business stating that this proposed location will be used as a smaller, satellite location to supply the more northern towns. S Keach reviewed the parcel with the Commission, noting it is undeveloped, and 6.2 acres in total. He explained that the application contemplates a 7,431 SF impact to buffer areas on the site. He reviewed the plan on the map with the Commission noting there are two areas of buffer impact. He commented that the proposal will have a single driveway and a 7,200 SF warehouse building. He added that there will not be tremendous activity for employees at this site. He mentioned that stormwater will be handled by an underground detention StormTech system and reviewed that with the Commission. He asked if the Commission had any questions for them. D Heafey asked what would be stored in the building. M Claire replied that they would store such things as ice melt, turf, grass seed, fertilizer, equipment, spreaders and hand tools. He remarked that it would resemble the garden section of Home Depot. D Heafey asked if they were wholesale. M Claire replied that was correct. D Heafey asked about chemicals. M Claire replied that they would have chemicals in small quantities, noting that the state has two levels of chemical use, and they are not using any restricted chemicals. He added that you can buy these chemicals at Home Depot. D Heafey asked if they planned on trenching for utilities. S Keach replied that all utilities are required to be underground. M Speltz asked what would be stored outside. P Carey replied that such things as granite stones and hardscapes would be stored outside. M Speltz asked if it would be crushed rock. M Claire replied that they would not. M Byerly asked if there was any pavement or impervious surface in the buffer, as it appears there are bleachers on the plan. S Keach replied that that there is no impervious surface in the wetland. M Speltz asked if the Department of Public Works and Engineering (DPW) was consulted about the underground detention system. S Keach replied that he is here tonight because the engineer for the project could not make it, so he cannot say whether or not the engineer has spoken to anyone in DPW yet. M Speltz asked for more explanation on why they cannot terminate the stormwater flow away from the wetland. S Keach replied that it is because of the grade of the site and reviewed this with the Commission. M Badois asked where the outlet is. S Keach reviewed exactly where the proposed outlet is on the plan. M Speltz asked if the outdoor storage area drains the same way. S Keach replied that 100% of the paved area goes into the drainage system. M Speltz asked about the maintenance plan. S Keach replied that they have an operation and maintenance plan which will be submitted to the Planning Department for review, which will become part of the plan itself. M Speltz asked if they have



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74 experience with this system. S Keach replied that he has about a dozen or so experiences with the
75 StormTech drainage system. M Speltz asked what the lifetime expectancy of this system was. S Keach
76 responded that it should last a lifetime if it is taken care of correctly. He explained that he has used this
77 system since the early 1990s and the only time he has seen a failure is when it was not properly
78 maintained. M Speltz asked about winter salting operations. M Claire responded that they try to use
79 products with less salt, such as Magic Salt that uses about an eighth of the amount of salt. M Speltz
80 expressed his concern about the swale being within 50-feet of the brook. S Keach replied that they are
81 really not within 50-feet of the brook, but stated they are 50-feet to the wetland. M Speltz said that he is
82 concerned about the chloride with the drainage system they are installing. S Keach responded that
83 when they are designing a stormwater system, most of the weather patterns they are concerned with
84 are in the late summer and fall and not during the winter months. He added that they will typically not
85 get a large storm during the winter months when chemicals are being placed on pavement. M Speltz
86 asked what it would take to move the swale out of 50-foot buffer. S Keach replied that the engineer that
87 designed this was trying to eliminate the amount of encroachment into the buffer, but in order to come
88 out of these systems at the plateau of the surface, they needed to construct the swale at the lowest
89 point. M Badois remarked that she had a comment from a Commissioner that could not be here this
90 evening, that the proposal is too big for the site. S Keach replied that he takes an exception to that as
91 they are placing a 7,200 SF building on a 6.2 acre site, and argued that there are bigger houses on one
92 acre parcels in town. He said that he believes the proposal is very reasonable and does not believe they
93 would be here if they have to make the building smaller. M Claire mentioned that right now they are
94 leasing a site on Tinkham Avenue with a building that is 8,200 SF, so they will be losing 1,000 SF moving
95 here. He commented that the drainage system was a surprise to them as well specifically the cost. S
96 Keach asked the Commission to endorse the Conditional Use Permit (CUP) for the 7,431 SF impacts and
97 provide comments to the Planning Board. M Speltz said that the town has a chloride TMDL (Total
98 Maximum Delay Load) and asked if they are involved in that. S Keach replied that the data reporting
99 under MS4 or something similar will have an assignment of a value on a per acre of pavement. M Speltz
100 recommended that the Planning Board put a condition on the plan that limits soluble deicing
101 agents/compounds. He added that a careful review of the Operation and Maintenance Plan of the
102 underground drainage system to see how it functions over the long-term should be recommended as
103 well. M Byerly asked about the CUP criteria, as this CUP application is different from the one they are
104 more familiar with. M Speltz explained that there are two different sets of CUP criteria. M Byerly
105 mentioned that most CUP applications have five criteria, but this application only has three. M Speltz
106 asked for the Planning Staff to verify that the applicant applied for the correct CUP. He said that this in
107 his opinion, this proposal is for economic advantage, as they stated this evening they cannot make it any
108 smaller as it does not work. S Keach interjected that this is a practical consideration. M Speltz made a
109 motion to recommend approval of the CUP subject to confirmation the applicant applied under the
110 correct ordinance. G Harrington seconded the motion. The motion passed, 7-0-0.



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CUP – (for use in the Rt 28 Performance Overlay Zone) – 215 & 217 Rockingham Rd – Map 15 Lots 22-1

& 23-2 A Kizak informed the Commission that this CUP for the use only and they will be back for any impacts to the wetlands. Jake Doerfler from the Dubai Group, 136 Harvey Road, Bldg 101, Londonderry addressed the Commission. J Doerfler told the Commission that Doug MacGuire from the Dubai Group presented a multi-use development plan to them a couple months ago, of which the Commission had multiple concerns. He noted that the current proposal is a three-story, 16 unit residential building. He explained that unlike the previous proposal, this meets all building setbacks. He added that they did reduce buffer impacts, as well as overall impervious area. S Malouin asked for the distance from the edge of the building and the start of the wetland buffer. J Doerfler replied that it is approximately five feet. S Malouin expressed her concern regarding maintenance of the building, as it is so close to the wetland buffer. M Speltz asked what is normally allowed for machinery to get between the foundation and Conservation Overlay District signs that will need to be in place. J Doerfler replied that he is not sure and this raises a good point that he will take back to the applicant. A Kizak reiterated that if the change of use is approved, then the applicant will be back before the Commission. M Speltz mentioned that there is still a big chunk of impervious surface in the buffer even though it is not relevant to the discussion today. J Doerfler replied that they consolidated the pavement as much as they could and reduced the turning radius as well. M Byerly expressed his opinion that residential would be less intense than commercial. B Maxwell stated that he was not opposed to the change of use. The Commissioners consensus was that they are not opposed to the change of use.

DRC – All Purpose Londonderry Business Park Site Plan – Map 17 Lot 17 John Noonan, P.E., from Fieldstone Land Consultants, PLLC, 206 Elm Street, Milford, NH addressed the Commission. He reviewed the parcel noting it is off Planeview Drive, which is off Harvey Road by the airport. He explained that they have submitted a design review application proposing to build two buildings, which will have 21 units per building. He mentioned that it is a business park where they are targeting construction type companies, that can store materials there. He added that there will be an option to connect to water and sewer if they need it. M Byerly asked what would happen if they do not connect to sewer. J Noonan replied that it would just be a storage unit without a restroom. He said that access will be off Planeview Drive. He commented that the wetlands are bisected by a road and reviewed where they are on the plan with the Commission. He reviewed the drainage with the Commission. He said that the 50-foot wetland buffer is maintained and all the green space setbacks are maintained as well. He pointed out that they are not impacting any wetlands. He stated that they will follow woods Road to connect to the sewer if needed. M Badois asked about snow storage. J Noonan replied that it would be at the edges of the parking lot. D Heafey asked about utilities. J Noonan reviewed the utilities with the Commission. M Speltz asked if the sewer was sanitary or storm. J Noonan replied sanitary. M Speltz asked about sinks. J Noonan reviewed how a tenant might connect to sewer if needed. M Speltz asked if there will be temporary impact to the wetlands when they run the sewer line. J Noonan replied that there would be no temporary impact and reviewed how they would use woods Road sewer pipe. M Speltz asked if they will be in the wetland buffer. J Noonan replied that he believed they can cross the buffer for utility work.



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149 M Speltz asked if woods Road is existing. J Noonan replied that it is an existing gravel road. M Speltz
150 asked if they own the road. J Noonan replied that they own a portion that is on their parcel. G
151 Harrington mentioned that he believes the applicant needs to apply for a CUP to cross the wetland for
152 the utility.

153 **DRC – Orchard Christian Fellowship Site Plan – Map 6 Lot 18-2:** Ken Glasier, pastor at Orchard Christian
154 Fellowship, and Ian MacGregor, P.E., from Northpoint Engineering, 119 Storrs Street, Suite 201,
155 Concord, NH addressed the Commission. I MacGregor reviewed the proposal which is the construction
156 of a two-story 7,500 SF addition on the existing church. K Glasier explained that they built the building in
157 2008, which is about 6,000 SF where there is an office, childcare area, restrooms, lobby and more. He
158 said that they want to add a childcare space, to offer a preschool to the community. He said that the
159 second floor would be office space and large meeting rooms. I MacGregor noted that there is significant
160 reduction in impervious surface from the 2011 plan. He discussed that they were formerly proposing to
161 construct two buildings comprising of 3,500 SF of impervious area. He mentioned that all utilities are on
162 site and the landscaping has already been established as well. He added that they are proposing
163 additional landscaping. G Harrington asked if they are proposing any additional parking. I MacGregor
164 replied that they would not. M Byerly asked if the existing shed would be moved. I MacGregor noted
165 that it would be moved. The Commission had no objections or comments to the DRC.

166 **Unfinished Business**

167 **Musquash Field Day debriefing:** M Badois informed the Commission that there was a good turn out
168 with a warm day. She said that the trails were sloppy, but people could maneuver just fine. She noted
169 that she thought there was about 100 people in all.

170 **New Business**

171 **Financials:** M Badois reviewed the financials with the Commission. B Maxwell asked if the grant money
172 was received. M Badois replied that it was.

173 **Warrant Articles 17 & 18:** M Badois told the Commission that there is an article written by the
174 Commission that will be in next week's Londonderry Times that tries to explain the situation and
175 educate the public. She added that she thought they need to get this information out on social media as
176 well. She mentioned that there is a graphic that will help alleviate any concerns the residents of the
177 Nevins have. B Maxwell mentioned that he has heard comments from the public regarding setting a
178 precedent about taking conservation land. M Byerly asked if the Commission should be advocating more
179 about this versus being silent. He voiced his opinion that the Commission should make a statement one
180 way or the other. B Maxwell commented that M Byerly made a good point. M Byerly commented that
181 he does not feel that the town is receiving enough money for this, but the article does not consummate
182 the deal. M Badois noted that the monetary value states it must be at least this amount and it all has to
183 be negotiated. M Byerly reiterated that he believes if the Commission is silent the warrant articles will



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184 fail. S Malouin asked if there are any other properties in town with a clause in the easement/restriction
185 like this. M Badois replied that there is no other parcel in town like this. S Malouin remarked that it
186 seems like a slippery slope if the public is not aware of the fact that there are no other parcels in town
187 like this. M Byerly echoed S Malouin's comment, noting that this should be explicitly stated. M Speltz
188 explained that most easements have amendment provisions that can be changed/altered and it is also
189 possible to nullify an easement in court. B Maxwell pointed out that there are comments on social
190 media that are stating the residents should not vote for this as it would be setting a precedent for future
191 conservation easements. M Byerly mentioned that they can all individually advocate or have their
192 opinions on this, but it might be more strongly received as a statement from the Commission. He
193 reviewed the warrant articles with the Commission. He asked what would happen if one passed but the
194 other one did not. M Speltz replied that they both have to pass. M Byerly asked if both warrant articles
195 pass, but no deal is made with the developer, would the conservation restriction still be released. M
196 Speltz replied that the town has no obligation to release the restriction, but rather gives the Council the
197 authority to release the restriction through the warrant articles. D Heafey asked why a resident would
198 be hesitant. M Speltz responded that a resident might think that something can happen to the other
199 conservation easements in town, such as Musquash or Mack's. M Byerly made a motion that the
200 Commission resolves to support warrant articles 17 & 18, so that we and the town have an opportunity
201 to reach a satisfactory agreement for a price and find a parcel of land with equal or higher conservation
202 value. B Maxwell seconded the motion. The motion passed, 7-0-0.

203 **Hickory Hill:** M Badois told the Commission that J Trottier has been working on the project and they
204 should get a design estimate soon, which might be \$15,000. She asked if the Commission would like to
205 move forward and have Stantec draw up an amended design to the parking area. B Maxwell commented
206 that he remembers Stantec had drawn a plan before. M Badois replied that was correct, noting the
207 original design needs to be tweaked. B Maxwell pointed out that the Town does not plow any parking
208 areas. He added that this is a hill and if it is not plowed, it will be a sheet of ice. M Badois mentioned
209 that the Commission will need DPW to be on board. M Speltz remarked that there probably should be a
210 night time limit, like Kendall Pond, to avoid any problems. M Byerly asked what it will cost. M Badois
211 replied that this is based on the participation of other entities. M Byerly asked regardless of who is going
212 to pay for this, what will be the total cost. M Badois replied that she does not know. She added that this
213 project started because the residents of Hickory Hill have been asking for this. M Byerly made a motion
214 to designate up to \$15,000 from the Conservation Fund for the survey permitting Stantec to amend the
215 plans. G Harrington seconded the motion. The motion passed, 7-0-0.

216 **Trailways:** M Byerly informed the Commission that he received a message from a resident by Adams
217 Pond that discovered trash and what appeared to be an abandoned campsite. He said that he is going to
218 assess this tomorrow and reach back out to the concerned resident. B Maxwell commented that this has
219 got to be reasonably new, as he did the monitoring recently and did not see anything. Officer Aprile
220 asked if there was a tent out there. M Byerly replied that he was not sure as he has not been there, but
221 the resident stated that there was a sleeping bag out there.



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222 **Other Business**

223 **Minutes:** The Commissioners went over the public minutes of February 8, 2022. M Byerly made a
224 motion to approve the minutes as presented. M Speltz seconded the motion. The motion passed, 6-0-1,
225 with B Maxwell abstaining.

226 The Commissioners went over the non-public minutes of February 8, 2022. M Speltz made a motion to
227 approve the minutes as amended. G Harrington seconded the motion. The motion passed, 6-0-1, with B
228 Maxwell abstaining.

229 **Non-Public Session**

230 M Speltz made a motion to go into non-public session per RSA 91-A:3 to consider the acquisition, sale or
231 lease of real or personal property which for discussion purposes would be likely if the party or parties
232 interests are adverse to the general community and consideration of legal advice. The motion was
233 seconded by G Harrington. The motion was passed by M Badois, G Harrington, M Byerly, S Malouin, D
234 Heafey, B Maxwell and M Speltz with a roll call vote. G Harrington made a motion to leave non-public
235 session and to seal the minutes of the non-public session indefinitely per RSA 91-A:3. M Speltz
236 seconded the motion. The motion passed by M Badois, B Maxwell, G Harrington, M Byerly, S Malouin, D
237 Heafey, and M Speltz with a roll call vote.

238 **Adjournment:** M Byerly made a motion to adjourn the meeting at 8:57 p.m. M Speltz seconded the
239 motion. The motion passed, 7-0-0.

240 Respectfully Submitted,
241 Beth Morrison
242 Recording Secretary
243
244