



Londonderry Conservation Commission
Tuesday, February 11, 2020
Minutes

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

3
4 **Absent:** Deb Lievens, member; Mike Noone, member; Jocelyn Demas, alternate member and Mike
5 Speltz, alternate member; and Town Council liaison member

6
7 **Also present:** Amy Kizak, GIS Manager/Comprehensive Planner; Beth Morrison, Recording Secretary;
8 Joshua Lanzetta from Bruton & Berube, PLLC; Chris Tymula Senior Project Manager from GPI/Greenman-
9 Pedersen, Inc.

10
11 Marge Badois called the meeting to order at 7:30 pm. She appointed S Malouin to vote for D Lievens.

12 **ZBA Variance Review - Map 009 Lot 017 1- 72 Shasta Drive- Josh Lanzetta:** Josh Lanzetta from Bruton
13 & Berube, PLLC, 601 Central Avenue, Dover, NH 03820 introduced himself to the Commission. J Lanzetta
14 explained they are here before the Commission as the first step in the process to add a drive-thru
15 window to an existing Dunkin Donuts store on Shasta Drive. He introduced Chris Tymula and Heather
16 Monticup, who are engineers working on the project. C Tymula, a civil engineer from GPI/Greenman-
17 Pedersen, Inc., reviewed the existing conditions plan with the Commission. He noted there is a large
18 PSNH easement, as well as wetlands, which were delineated back in August of 2019, on the site. He
19 commented that the current site is congested and the drive-thru would add a safety component to
20 remove the ten vehicles that currently take up the parking spaces now at the site. He said they are
21 proposing adding a drive-thru lane around the site to accommodate 10 vehicles with a bypass lane
22 around the drive-thru lane. He added that they would like to place a 6-foot by 12-foot cooler on the site
23 noting a portion of this would be in the 50-foot buffer. He said that they are proposing a three-foot-tall
24 retaining wall with a guard rail, which would be in the 50-foot buffer. M Badois asked how far the
25 retaining wall was from the edge of wet. C Tymula said about five feet to the edge of the wetlands. He
26 noted that there is approximately 300 SF of the current building and pavement within the 50-foot buffer
27 zone now. He stated that by adding the drive-thru and a portion of the freezer, they are adding another
28 2,600 SF of impervious surface within the 50-foot buffer. M Badois asked how far they will be from the
29 wetlands during construction. C Tymula said they have no wetland impact during construction. He noted
30 this is a preliminary site plan, so they are not showing any erosion control at this time. M Byerly asked C
31 Tymula to trace the buffer on the plan. C Tymula traced the buffer on the plan with his finger, noting
32 where the drive-thru lane and a portion of the freezer would be in the buffer. G Harrington asked why
33 they are proposing a bypass lane, as that is expanding the impact to the buffer. C Tymula stated that the
34 bypass lane is for safety to add some buffer for vehicles to maneuver. He commented that they had



Londonderry Conservation Commission
Tuesday, February 11, 2020
Minutes

35 conceptual discussions with Town Staff, who were in favor of a bypass lane. M Badois asked if a wetland
36 scientist has looked at the plan. C Tymula stated that the wetlands were delineated by a wetland
37 scientist in August of 2019. M Badois asked if the wetland scientist was concerned about the impact to
38 Bear Meadow marsh. C Tymula explained that he cannot speak for the wetland scientist, but the
39 wetland scientist knew about the plan with the impacts. M. Badois informed C Tymula that Bear
40 Meadow is a named wetland and therefore would require a 100-foot buffer and not a 50-foot buffer. C
41 Tymula pointed out that the 100-foot buffer is shown on the plan and the entire building as well as 90%
42 of the parking lot are located within the 100-foot buffer currently. J Lanzetta told the Commission that
43 this is a unique property, noting the building has been built like this for some time. He said it is a corner
44 lot, abuts Mammoth Road, has wetlands on it and also has a very large PSNH utility easement. He said
45 they cannot change the property. M Byerly asked about the uniqueness, as it has to be unique relative
46 to similar properties in Londonderry. J Lanzetta stated that the property is unique as it is the only
47 property in the C-IV zone in Londonderry. He said that they are trying to affect the safety of the current
48 use of the property. He commented that they are proposing to do work in the buffer zone, which is not
49 actually the wetlands. He said that they are not impacting the function of the wetland as they are in the
50 buffer. M Byerly said that putting impervious surface with cars, motor oil, gas, salt, etc., in the buffer,
51 actually defeats the purpose of the buffer, as it is there to protect the wetlands. C Tymula said that they
52 would design deep catch basins for erosion control to try and catch the fluid that may come out of the
53 cars to counter the buffer impact. A Kizak told the Commission that the purpose of tonight's discussion
54 is regarding the retaining wall in the CO district, as the applicant has to present to the Commission
55 before they go before the Zoning Board of Adjustment (ZBA) for a variance for this. She said that if they
56 are granted the variance, they would go before the Planning Board with the new site plan. C Tymula said
57 that they do not need a variance if they design a retaining wall that is less than three feet. M Byerly
58 asked if they would need a Conditional Use Permit (CUP). A Kizak said they would need a CUP for the
59 additional pavement and the impact to the buffer. M. Byerly said that he believes they will need a CUP
60 for the entire site, as the site is a non-conforming use now, but once the site is changed, they will no
61 longer be grandfathered from CO district buffers. A Kizak said that they would come before the
62 Commission for the CUP for the buffer impact and then the Planning Board would handle a CUP for the
63 use. J Lanzetta said this project is going to take a long time, going back between the Commission, ZBA
64 and Planning Board. B Maxwell said that the property elevation is four feet above the wetland and asked
65 if they are intentionally making the retaining wall undersized to avoid the regulation. G Harrington
66 commented that in his opinion, it will be hard to place a drain pipe four feet below soil level without
67 freezing and may require some type of pump system. C Tymula said that they could request a waiver for
68 less cover for the pipe, do a drainage swale, do an above ground stormwater system to make sure that it
69 drains correctly. G Harrington strongly objected that there is no room for a drainage swale. He said that
70 the existing building should be moved toward Shasta Drive, which would be the safest option. J Lanzetta



Londonderry Conservation Commission
Tuesday, February 11, 2020
Minutes

71 said that the property owner is dealing with the current conditions of the property and the engineering
72 would be presented to the Planning Board where they will have to make this project the best-case
73 scenario. He said that the proposal would eliminate the concerns regarding congested parking and
74 traffic flow on the property. He reiterated that the Commission is only being asked about the retaining
75 wall in the CO District this evening, stating they are not designing the retaining wall to get around an
76 ordinance, but for functionality.

77 Bill Abbott, 69 Shasta Drive voiced his concern regarding the traffic safety at the current existing site and
78 said he does not think this new proposal would help.

79 Cindy Abott, 69 Shasta Drive voiced her concern regarding safety as she is an abutter. She said that they
80 should not be allowed to build a drive-thru in her opinion. Chairman Badois told the residents that they
81 should go to the ZBA meeting on February 19, 2020, and voice these concerns there.

82 J Lanzetta told the residents that he would be happy to discuss these concerns with them after the
83 meeting. He said that no one is trying to hide anything from the residents, but be as up front and
84 transparent as they can be. He said the safety is regarding moving vehicles around at the site, not the
85 safety of the current road conditions. G Harrington asked how wide the retaining wall is. C Tymula said it
86 can be anywhere from 28 inches to somewhat larger and drew out a proposed wall for the Commission
87 noting it would be five feet from the edge of the wetland. M Byerly asked if the Commission needed to
88 review the five points of law as the ZBA would when discussing the retaining wall. A Kizak said the
89 Commission does not need to review the five points in detail as the ZBA does, but rather make a motion
90 to either recommend or not recommend the applicant be allowed to construct a retaining wall in the CO
91 district. G Harrington made a motion for the Zoning Board of Adjustment to not approve a retaining wall
92 to be built in the buffer as it is too close and would have too many impacts to the wetlands. R Floyd
93 seconded the motion. The motion passed, 6-0-0.

94 **Unfinished Business**

95 **Hickory Hill/Eversource:** M Badois informed the Commission that she is meeting with Eversource on
96 Thursday at 2 p.m. and will hopefully include information on ATVs. G Harrington asked if anyone from
97 NH F&G enforcement would be there. M Badois said not this time. She said that Londonderry
98 Conservation Officer Aprile and Robert McDermott, Conservation Officer from NH F&G, have
99 communicated about a Facebook post and an article in the local paper regarding ATVs, who feel this is
100 the best approach at this time. She showed the Commission the signs Officer Aprile was able to get from
101 NH F&G to put up. M Badois asked B Maxwell if he remembered the contact at Eversource he spoke to
102 regarding the gates before. B Maxwell said he would review his email and let her know. M Byerly looked
103 through his email and found the contact's name of Mike Stanek.



Londonderry Conservation Commission
Tuesday, February 11, 2020
Minutes

104 **DOT land:** S Malouin told the Commission that there is nothing new to report.

105 **Gilcreast Road - Orchard Soil Testing:** M Badois told the Commission that there is nothing new to
106 report as M Speltz was not present this evening.

107 **Monitoring:** M Badois told the Commission that there was nothing new to report as M Noone was not
108 present this evening.

109 **WRMPP:** A Kizak told the Commission that there is a meeting scheduled in March to review the current
110 proposal written by M Speltz.

111 **Articles:** M Badois told the Commission that she believes they are current but would check with D
112 Lievens on this.

113 **Musquash Field Day:** M Byerly offered to take care of the shopping. M Badois said that they need a fire
114 permit from the Fire Department and should pick up the first aid kit as well. She said that she would
115 email, Kevin Smith, Town Manager about writing a letter for the Commission to obtain a fire permit. B
116 Maxwell said that in his opinion, the first aid kit is not needed and reviewed what they have in case of an
117 emergency. M Badois said that Heidi Holman from NH F&G is going to speak at 12:30 p.m. to talk about
118 the rabbit habitat and possibly tracking if there is snow. She said that someone from Trailways is going
119 to present with M Badois at the Mike Considine dedication. A Kizak asked if they would like some
120 printed maps that show the new trail dedicated to Mike Considine. The Commissioners agreed and R
121 Floyd will pick them up.

122 **Pollinator:** S Malouin said that she reached out to Pollinator Pathways in Kingston, NH and she spoke to
123 Vicki Brown, who would love to come speak to the Commission about their mission. She said the date of
124 March 24, 2020, would work. She said that they are looking for co-members in Rockingham County. M
125 Badois said that she would add them to the agenda on that date.

126 **Logging:** B Maxwell said the logging at Preserve Drive is finished. M Badois said that Jim Oehler from NH
127 F&G called her and said if the Commission has any more questions or concerns regarding the logging to
128 reach out. She said they intentionally respected the Mathes trail, but went along the mountain bike trail
129 planting saplings, so they will grow and cover the trail. B Maxwell said that there are large trees across
130 the Piper trail.

131 **New Business**

132 **E-Bike issues:** B Maxwell said that he made a presentation for the Commission and passed out copies.
133 He noted that e-bikes are recognized as motorized vehicles in New Hampshire, which are not allowed on



Londonderry Conservation Commission
Tuesday, February 11, 2020
Minutes

134 the trails. He said they look like mountain bikes. He said some can go as fast at 50 mph and as far as 100
135 miles on a charge. He said an average speed for an e-bike is 20 mph. M Badois asked if this would be
136 potentially lobbied against in the future. B Maxwell said that Governor Sununu has told to the forest
137 service that he does not want e-bikes to be called motor vehicles. He said that if e-bikes are not going to
138 be called motor vehicles in national and state forests, it would be a greater challenge to keep them out
139 of trails in Londonderry. He said that e-bikes are allowed anyplace a motorcycle is allowed to go now. He
140 said in Maine they are allowed on carriage roads, which he understands, but does not believe that
141 someone should be allowed to ride an e-bike in the Musquash because the terrain is challenging. M
142 Badois asked how this will impact the Rail Trail. B Maxwell said that these will be problematic on the Rail
143 Trail. M Badois asked if they should notify the store in Londonderry that sells e-bikes to make sure they
144 know they are not allowed on the trails. B Maxwell said that would be a good idea.

145 **Bird Walk:** M Badois said that this would be May 23, 2020, which is Memorial Day weekend. She asked
146 if two hours would be appropriate for this. M Byerly said that two hours is more than enough, especially
147 for families with little children. M Badois asked what a good time to start would be. M Byerly suggested
148 9 a.m.

149 **Planning Board meeting:** M Badois told the Commission that there is a Planning Board meeting
150 tomorrow night regarding rezoning property on Mammoth Road, which is close to conservation
151 property. She said that the owners are looking for help to keep the property residential and not be
152 rezoned to industrial. She commented that ARM funding is not interested in preserving land when the
153 property is surrounded by industrial land. M Byerly said that he would prefer to not have any AR-1
154 property rezoned to industrial as it will invite uses that will not be good for the environment.

155 **Education - LCHIP:** M Badois informed the Commission that LCHIP stands for Land and Community
156 Heritage Investment Program. She said that their mission is to protect lands from development. She
157 stated the land can be conserved for water quality protection, wildlife habitat protection and
158 enhancement, preservation of scenic views, and conservation of forest and agricultural lands. She said
159 that there are three properties in Londonderry that were purchased with LCHIP monies, which are
160 Bockes (107 acres in south Londonderry), the Doyle property (26 acres) and Mathes property (138
161 acres).

162 **Minutes:** The Commissioners went over the public minutes of January 28, 2020. B Maxwell made a
163 motion to approve the minutes as presented. R Floyd seconded the motion. The motion passed, 6-0-0.

164 **Adjournment:** M Byerly made a motion to adjourn the meeting at 8:47 p.m. G Harrington seconded
165 the motion. The motion passed, 6-0-0.



Londonderry Conservation Commission
Tuesday, February 11, 2020
Minutes

166 Respectfully Submitted,
167 Beth Morrison
168 Recording secretary
169