



Londonderry Conservation Commission
Tuesday, January 10, 2023
Minutes

1 **Present:** Marge Badois, Chair; G Harrington, Vice Chair; Bob Maxwell, member; S Malouin, member;
2 David Heafey, member; Mike Speltz, alternate member; and Deb Lievens (arrived at 8:06 p.m.)

3

4 **Absent:** Tiffany Macarelli, member

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

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9 Marge Badois called the meeting to order at 7:30 pm. M Badois appointed M Speltz to vote for D Lievens
10 until she arrived. D Lievens arrived at 8:06 p.m. M Badois appointed M Speltz to vote for T Macarelli
11 once D Lievens arrived.

12 **DRC – Alta Woodmont Commons Site Plan – Map 10, Lot 41 – 15 Pillsbury Rd:** Michael Malynowski,
13 P.E., from Allen & Major Associates, Inc., 400 Harvey Road, Manchester, NH, as well as Mark Seck and
14 Jim Lampert from Wood Partners, and Jackie Trainer, landscape architect addressed the Commission. M
15 Seck told the Commission that Wood Partners is a national development firm based in Atlanta with 22
16 offices across the country. He added that they are consistently one of the top five largest builders of
17 apartment communities and that is all they do. He noted that they are general contractors as well and
18 property managers, so they build the apartments themselves and stay with the property from inception
19 through stabilization. He commented that this is their first deal in New Hampshire, noting that they have
20 built 3,000 units in Massachusetts. He reviewed the site layout on the screen with the Commission,
21 stating that they are proposing 11 standalone buildings with a club house in the middle. He mentioned
22 that they have a mix of one, two- and three-bedroom units and private garages.

23 Michael Malynowski informed the Commission that they are developing a vacant property between
24 Michels Way, Woodmont Avenue and Governor Bell Drive that has historically been used as a
25 construction staging area. He said that they have a full comprehensive erosion control plan. He pointed
26 out that there was an existing survey that was part of their design review submission that captures the
27 existing conditions between Woodmont Avenue and Michels Way. He noted that there are currently no
28 jurisdictional wetlands within the confines of that area, but two constructed stormwater basins that
29 were designed as part of the overall Woodmont Commons Master Plan to address drainage within their
30 project, as well as the neighboring projects. He commented that they have a net decrease in impervious
31 cover and stormwater flows based on their proposed project versus what was conceived with the
32 Woodmont PUD Master Plan. He explained that they have 11 buildings with a large green space in the
33 middle of the project, which they are still determining what will be used there, such as a dog park and
34 athletic areas. He said that they have a closed drainage system that drains to the existing stormwater
35 basins hat he showed the Commission previously. M Speltz asked if it was an increase or decrease. M
36 Malynowski replied that it is a decrease. He went on noting why they have a decrease versus what was
37 originally proposed. Jackie Trainer told the Commission that she is working with salt and drought



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38 tolerant plants with a variety of colorful flowering trees and full shade trees for cover in the parking
39 area. M Seck informed the Commission that they have a full landscape plan as part of their submittal. M
40 Speltz asked if the stormwater goes both east and west. M Malynowski replied that is correct and
41 reviewed the drainage with the Commission. M Speltz asked who will manage the open space. M
42 Malynowski replied that Wood Partners will manage this. M Speltz asked how their open space
43 configures into the open space requirement of the Woodmont Commons PUD. M Malynowski replied
44 that there is not a specific open space requirement for this portion. He added that this is not for the
45 public and is not recognized as part of the Woodmont Commons PUD. M Badois asked about snow
46 storage. M Malynowski replied that they have some areas for snow storage along the perimeter of their
47 site, and if they need to, they will move it off site in accordance with the New Hampshire Department of
48 Environmental Services (NHDES) regulations. M Speltz asked about the Pennichuck water pump station
49 that is being proposed along Michels Way. M Malynowski replied that the proposed Pennichuck water
50 pump station is not near their development. He added that this project has a will serve letter from
51 Pennichuck and will be on sewer. M Speltz asked A Kizak about the Pennichuck water pump station. A
52 Kizak replied that the Planning Board conditionally approved this and she believed it was going to be
53 closer to Main Street versus Governor Bell Drive. M Speltz asked if the Pennichuck water pump is out of
54 the Conservation Overlay District (COD). A Kizak replied that she is not sure. M Speltz asked about the
55 landscape plan. S Malouin replied that there is a list of plantings on page 41 of 49. She mentioned that
56 she believed white ash is susceptible to the emerald ash bore and asked if they have a plan for this. J
57 Trainer replied that she would be happy to change this for the Commission. S Malouin pointed out that
58 eastern redbuds die from fungal infections. J Trainer replied that she has four or five on site right now in
59 a protected area, but again, she can easily change it. S Malouin recommended to change those two
60 plants/trees. M Speltz asked if there are any plantings in the outdoor green space area. J Trainer replied
61 that she has not done a plan until they have decided as what they would like to be here. M Malynowski
62 commented that once they get through more of the technical review, they can add plantings there.

63 Ray Breslin, Three Gary Drive, addressed the Commission. R Breslin said that his concern is about storm
64 water runoff. He stated that there is a lot of sediment that runs through and there are issues with water
65 in town. He added that he has concerns about where the sewage is going as well.

66 M Speltz said that he thought R Breslin reiterated his concern about pumping the water/run-off across
67 the site. M Malynowski replied that he is not sure why they are currently pumping from one side to
68 another, but under their project, they will be responsible for managing their stormwater runoff
69 appropriately. He pointed out that he cannot comment on what the developer of the overall site is
70 doing as he has not been involved in the process. M Speltz asked if they considered putting up solar
71 roofs. M Malynowski replied that they have not and the pitched roof does make this more challenging.
72 The Commissioners had the following comments for the DRC:

- 73 1. Suggest replacing white ash and eastern red bud with species less vulnerable.
- 74 2. Commission is glad to hear that the developer will consider community solar.
- 75 3. Confirm with Woodmont Commons PUD developer that current stormwater systems in place
- 76 will be compatible with activity generated during Alta construction.



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77 **CUP – Eversource Energy – Scobie Substation T30, T90, N124, and B 172 Structure Replacement**
78 **Project – Map 13, Lot 110 – 5 Brewster Rd:** Brad Newell, Senior Project Manager, from Eversource and
79 Scott Egan, from AECOM, 1115 Elm Street – Suite 401, Manchester, NH, addressed the Commission. B
80 Newell explained that their proposed project encompasses 10 structures, which are currently made out
81 of laminated wood that come from multiple lines and terminate at the Scobie Pond substation property.
82 He noted that six structures are located in Londonderry and four structures are in located in Derry. He
83 said that they are replacing the laminated wood structures with steel structures as the wood structures
84 have been known to rot and have damage from woodpeckers. S Egan reviewed the project on the
85 screen with the Commission starting at the T-90 line, noting there are three structures in Londonderry
86 that will be replaced. He pointed out there are temporary impacts off to the side of the first structure to
87 be replaced that are part of the buffer zone for the stream that runs through here. He commented that
88 they possibly will have 2,915 SF of temporary impact. He explained that the N-124 and 388 structure are
89 located in Derry, but the work pad along the west side will be located in Londonderry. He mentioned
90 that wetland #1 is an isolated wetland and a part of the pad will be chopped off to stay out of the
91 wetland. He pointed out that the trickiest part of the project, is a group of structures that are part of the
92 T-30 line, because the only way to access this is around the southern part of the substation, crossing
93 wetland #7 and wetland #8. He added that there is an existing Eversource project in this location and
94 the existing gravel access and mats will be used in the same spot to minimize any additional impacts to
95 the wetlands. He stated that there is about 1,800 SF of wetland crossing and 3,996 SF of wetland buffer
96 impact, which are already being used for the current project on the site now. M Speltz asked if any new
97 structures are being proposed. B Newell replied that these are all one for one replacement. M Speltz
98 asked if this was a continuation of the work that is being done on the lines to the northwest. B replied
99 that this is all part of the same program that Eversource is conducting to replace all the laminate wood
100 structures as they are rotting. M Speltz asked if there is any science to leaving the butts of the wooden
101 poles in the ground. B Newell replied that they do leave the wooden butts in wetland environments as it
102 would cause more damage to take them out, but he is unsure of any studies that have been done. D
103 Lievens made a motion to recommend approval of the Conditional Use Permit (CUP) as presented. G
104 Harrington seconded the motion. The motion passed, 6-0-0.

105 **DRC – Southgate Subdivision – Map 4, Lot 57 – 116 South Rd:** Jeffrey Merritt, P.E. and John Griffin from
106 Granite Engineering, LLC, 150 Down Street, Tower 2, Suite 421, Manchester, NH, addressed the
107 Commission. J Griffin passed out a plan set, Exhibit 1, to the Commission. J Merritt reviewed the site on
108 the screen with the Commission noting is undeveloped with roughly 37 acres located in the AR-1 zone,
109 with about 1,800 feet of frontage on South Road. He noted that they had the property delineated for
110 wetlands, some are associated with Beaver Brook and some are isolated wetlands in the interior and
111 reviewed those with the Commission. He explained that they are proposing a 19-lot subdivision that is
112 comprised of five conventional lots, 13 open space lots, which are much smaller and non-buildable open
113 space with one larger perimeter lot. He said that the conventional lots are about two acres in size and
114 will have access of South Road, but the conservation lots will have a new roadway. He pointed out that
115 the conservation lots are much smaller. He mentioned that they have no impacts to wetlands or buffers
116 and they do not need a dredge and fill permit. He commented that they will have the buffer signs along



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117 the perimeter of the wetland buffers as noted on the plan. He stated that they have designed a
118 stormwater management system that meets both state and town requirements and reviewed this with
119 the Commission. He noted that they have a second stormwater practice on the other side of the project,
120 which is a filtration system that helps them control run-off to abutting properties. He remarked that
121 they are proposing a community water system, as there is no municipal water, that will be maintained
122 by the homeowner's association. B Maxwell asked about sewage. J Merritt replied it would be septic
123 systems as there is no sewer. M Badois asked if the sand filter on the first lot is just an open pit. J Merritt
124 replied that it looks just like a storm water pond, other than the bottom of the pond has a specified
125 media at the bottom of it. M Badois asked if it will be vegetated. J Merritt replied that is correct. M
126 Speltz asked if the homeowners association would be responsible for maintaining the sand filter. J
127 Merritt replied that they are going through the town's review process now, so he is not sure at the
128 moment. D Lievens commented that this is right in someone's back yard and people might want to fence
129 it in. J Merritt replied that it is normally dry and the only time it has water in it would be for a major
130 storm event. D Lievens asked if the owners would have instructions on how to live with it. J Merritt
131 replied that the homeowner's association as well as the owners would have instructions on how to use
132 it. M Badois asked if all the proposed lots would be part of the association. J Merritt replied that they
133 would as the water will be maintained by the association. B Maxwell asked if the septic systems would
134 be individual. J Merritt replied that is correct. G Harrington noted that it is not Beaver Brook, but
135 Wigwam. He mentioned that there are many people that fish in the wet area along the eastern side and
136 asked if there was a possibility to extend the conservation area up along the edge of the road so people
137 are not traipsing through someone's private back yard to get there. J Merritt replied that he is unsure.
138 He said that from a development standpoint, this area is not crucial to the development, as it is already
139 protected via the fact that it is wetlands. He pointed out that they cannot add this section to the green
140 area due to the way the open space requirements work in Londonderry. He said that he could ask the
141 property owner about an easement. G Harrington commended them from getting the detention areas
142 out of the buffer. M Speltz asked for clarification on why he cannot add most of the northeast wetland
143 into the open space. J Merritt replied that a minimum of 40% of the gross track area is required and of
144 that 50% has to be open space. He went on stating that if they were to give land from Lot 57-5, even if it
145 is just wetland, and add it to the green area, they would need to give 50% additional area, which is
146 upland. He said that they cannot add additional wetland to the conservation area without giving up 50%
147 of that area in terms of upland somewhere else. He added that he thought it was most likely a flaw in
148 the way that it is written. M Badois asked if they could do a lot line adjustment and donate it to the
149 town. J Merritt replied that this could be done at a later date. M Speltz said that he thought the state
150 would be delighted about this as it is turtle habitat. He added that lots 1, 2, 3 & 4 could be made smaller
151 as they do not need to be two acres, which would allow the line to be moved and pick up some more
152 land. J Merritt replied that they had tried it but it was not as easy as it sounds because by moving the
153 line, you pick up a wetland. M Speltz asked if they could get a waiver. J Merritt replied that they would
154 have need to get a variance. M Speltz expressed his opinion that the Commission would support their
155 efforts with a variance. He remarked that he could not believe it was written in such a manner. J Merritt
156 reiterated that he did not think it was meant that way. M Speltz asked if the homeowners association
157 would manage the open space. J Merritt replied that it will be written into the covenants of the



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158 homeowners' association. M Speltz asked where in the process would the homeowners association
159 covenants be reviewed. A Kizak replied that they are reviewed by the Planning Department and Planning
160 Board. M Speltz commented that he would like the Conservation Commission homeowner's association
161 covenants. He added that the Commission would support a variance request to allow them to include
162 the wetlands on lots 1-5 in the open space. J Merritt replied that he would take this input to the owner
163 and applicant, but he is not sure if the owner would like to go through with this. D Lievens asked if the
164 buffer signs are planned for the open space as well. J Merritt replied that they are on the 100-foot buffer
165 and 50-foot buffer. M Badois thanked them for this, as the Commission usually has to ask. M Speltz
166 asked if this small community/homeowner association would be able to manage the water. J Merritt
167 replied that they would be able to. The Commissioners had the following DRC comments:

- 168 1. The Commission would like the opportunity to review association covenants with regard to the
169 maintenance of the open space.
- 170 2. The Commission would support a request to the Zoning Board of Adjustment (ZBA) to include a
171 higher percentage of wetland in the open space.

172 **CUP – 215 & 217 Rockingham Rd – Map 15, Lots 22-1 & 23-2:** M Badois told the Commission that there
173 is no representative here this evening for the CUP. M Speltz asked if they would like to postpone this so
174 someone can attend. A Kizak replied that representatives were invited but no one responded. M Speltz
175 pointed out the Commission asked for the buffer signs to be placed on the Conservation Overlay bounds
176 last time, but this was not done. He recommended the Commission ask them again. M Badois pointed
177 out that the Commission asked them to move the patio out of the buffer, but that did not happen. M
178 Speltz remarked that neither the Commission or the Planning Board has the authority to allow anything
179 over 200 SF as an accessory structure in the buffer. B Maxwell asked if they changed anything. M Badois
180 replied that they moved parking spaces out of the buffer. She reviewed the landscape plan as the
181 Commission had asked for the removal of the Callery Pear and Honey Locust, noting the pear is still
182 there. M Speltz made a motion to recommend the Planning Board not approve the CUP for the following
183 reasons:

- 184 1. Snow storage should not be in the buffer.
- 185 2. Conservation Overlay signs should be on the actual edge of the buffer, not on the fence (or
186 move the fence to wetland boundary to prevent mowing which is not allowed).
- 187 3. Recommend against using pear tree.
- 188 4. No more than 50% of detention pond should be in the buffer and of the 50-foot buffer, 25-feet
189 should remain natural.
- 190 5. Both snow storage and patio are not allowed by CUP in the buffer according to the zoning
191 ordinance as mentioned in comments of 10/25/22.

192 G Harrington seconded the motion. The motion passed, 7-0-0.

193 **Unfinished Business**



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194 **Maps:** M Badois informed the Commission that she gave B Maxwell a case and has some here if anyone
195 needs it.

196 **Signs for Moose Hill & Kendall Pond:** M Badois told the Commission that she received estimates from
197 FASTIGNS for the two signs, noting that each sign will be approximately \$3,500. She pointed out that she
198 is concerned about the height at Kendall Pond and wants to address this before she orders the sign. She
199 added that she does not want to attach the sign to the deck, as this would encourage vandalism. She
200 said that all the signs at Kendall Pond that identified the trees need to be restored. D Lievens asked if
201 the Commission had a list. M Badois replied that they do not. She suggested using the Boy Scouts for
202 this. D Lievens suggested using Bob Saur as a resource. M Speltz asked if attaching the Moose Hill sign to
203 weigh in station was a good idea or not. D Heafey suggested a field trip to take some measurements. M
204 Badois said that would be a great idea.

205 **Moose Hill Lease:** M Speltz asked if there is a lease for the Moose Hill parcel. M Badois replied that they
206 do not have a lease, and she has no new information from the Town Manager. M Speltz suggested a
207 term of the lease should be that the Town reserves the right to place a sign. B Maxwell pointed out that
208 the stand belongs to the Town now, so he did not think permission would be needed for a sign. M
209 Badois remarked that is an interesting observation. She noted that the lease expired on Thanksgiving
210 Day.

211 **Field Day:** M Badois mentioned that she has not heard back from the mountain bikers. She said that she
212 has a flyer all made up and is just waiting on a reply. She asked if the Commission has a back up plan if
213 the mountain bikers fall through. She suggested Fish & Game for an update on the bunny cut, but she
214 noted that she did not get a response from them last year. M Speltz asked if Officer Aprile had any
215 contacts that might be helpful.

216 **New Business**

217 **Lithia Spring Management Plan:** M Speltz informed the Commission that they are required to submit a
218 management plan as part of the LCHIP grant and possibly the ARM grant as well. He added that the
219 Town Council accepted the \$800,000 for the grants. D Lievens asked if there was any mention in the
220 paper. M Speltz replied that he put together a news release and picture for the Londonderry Times, but
221 has not seen it yet. D Lievens stated that she can put the new release on the Commission's Facebook
222 page. A Kizak mentioned that she can also post the news release to the Conservation Commission's page
223 on the town's website. M Speltz said that B Maxwell asked him who would be doing/performing the
224 management plan. He went on stating that this is fairly specialized work that would be contracted out,
225 which would be the same wetland scientist for the restoration. He pointed out that David Ellis, a
226 Londonderry resident, has two concerns as follows:

- 227 1. If the Commission builds a trail, will this lead to an increased risk for vandalism.
228 2. If the causeway is part of the historical structures this could be a problem.



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229 M Badois asked if the causeway was on a register. M Speltz replied that it is confidential to some degree,
230 but he noted that D Ellis did submit an application to The Division of Historical Resources to have the
231 causeway listed. He suggested that if an expert advises against something due to the historical value,
232 that should be the Commission's position. He told the Commission that he wants to add a sentence to
233 the management plan that states: "in addition any structural improvements to the property may
234 require the application and approval of agencies such as the New Hampshire Division of Historical
235 Resources." M Badois mentioned that Ann Chiampa, a member of Historical Society, is really concerned
236 about taking some of the causeway out. She asked if there could be more of a compromise or something
237 could be renegotiated. She asked if culverts could be allowed to preserve the causeway. M Speltz
238 replied that he did not think so. G Harrington remarked that he has not been out to the site to see it, but
239 asked if the wetlands were created by the causeway. M Speltz replied that is correct. G Harrington
240 noted that if the causeway is removed, the other wetland might be reduced or changed in some way. M
241 Speltz replied that this is a possibility. D Lievens pointed out that she thought the Commission might be
242 spread thin for money to do this work. M Speltz noted that the price is about \$20,000. D Lievens
243 commented that she would come back with some new numbers for the next meeting. G Harrington
244 made a motion to approve the Lithia Springs Management Plan as amended by M Speltz this evening. D
245 Heafey seconded the motion. The motion passed, 7-0-0.

246 **Upcoming Training from NHACC:** M Badois told the Commission there is a training coming up regarding
247 wetlands. She pointed out that you have to register from the email that was sent, so if anyone needs her
248 to resend it, she will. D Lievens made a motion to authorize the chair to spend up to \$100 out of the line
249 item budget for two manuals from NHACC. G Harrington seconded the motion. The motion passed, 7-0-
250 0.

251 **Conservation Ranger Report:** Officer Aprile told the Commission that he has nothing to report this
252 evening. M Badois asked if he was seeing ATV tracks. Officer Aprile replied that he does.

253 **Beavers blocking Cohas on Rail Trail:** M Badois informed the Commission that she went to check on
254 this last weekend and was shocked that she could not park at the end of the trail as they put in a new
255 culvert and no parking is allowed. She added that she had to park at North School and there were only
256 two more parking spaces left. She asked what people do for parking during week when North School is
257 in session. She mentioned that the airport owns a small lot close by the end of the Rail Trail and
258 wondered if this lot could be for parking. A Kizak explained that they are in the process of extending the
259 Rail Trail, past the Airport Museum to the Manchester city line. She went on stating that if this goes
260 through there will be parking at the Airport Museum. M Badois asked if it was about a mile away. A
261 Kizak replied that it is about a mile long. M Badois voiced her concern about the parking. M Speltz asked
262 if the airport owns the land. A Kizak replied the airport owns the land.

263 **Hickory Hill:** B Maxwell informed the Commission that where the Eversource contractors put additional
264 gravel at Hickory Hill for their project, people parked there since they removed the cable that used to
265 block it. He wondered if the Commission can continue to use this. M Badois pointed out that one of



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266 Eversource's concerns was to not have parking underneath the wires. Officer Aprile thanked B Maxwell
267 for all his hard work clearing the trails.

268 **Other Business**

269 **Minutes:** The Commissioners went over the public minutes of December 13, 2022. B Maxwell made a
270 motion to approve the minutes as amended. G Harrington seconded the motion. The motion passed, 7-
271 0-0.

272 **Adjournment:** G Harrington made a motion to adjourn the meeting at 9:34 p.m. M Speltz seconded the
273 motion. The motion passed, 7-0-0.

274 Respectfully Submitted,
275 Beth Morrison
276 Recording Secretary