



Londonderry Conservation Commission
Tuesday, May 9, 2023
Minutes

1 **Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Deb Lievens, member; Bob Maxwell,
2 member; Susan Malouin, member; Tiffani Macarelli, member (arrived at 7:33 pm); David Heafey,
3 member; Jim Leary, alternate member; and Mike Speltz, alternate member

4 **Absent:** none

5 **Also present:** Amy Kizak, GIS Manager/Comprehensive Planner and Kirsten Hildonen, Interim Recording
6 Secretary

7 Marge Badois called the meeting to order at 7:30pm. M Badois appointed M Speltz to vote for T
8 Macarelli until her arrival.

9 **Environmental Risk Assessment Report:** Emily DiFranco, CEI Engineering, presented the report. This is
10 the same presentation as was made to Town Council on April 10, 2023. In 2019, CEI Engineering did a
11 town-wide water resources management and protection plan. One next step identified in the plan was
12 to assess septic systems in the town. About 90% of town residents rely on private septic systems to
13 dispose of waste water, which is common for towns in New Hampshire. The total number of people
14 assumed to be on septic is 5780 residences. A conventional septic system is a holding tank for designed
15 for settling, connected to a leach field where effluent goes after all pollutants are removed. A working
16 septic system will treat all pollutants before the effluent reaches ground water. The water coming out of
17 a septic system goes into the ground water, which connects to wells, and can pollute drinking water. In
18 conjunction with A Kizak, they applied for grant money from the New Hampshire DES source water
19 protection grant. They then developed environmental risk assessment (funded directly by the Town and
20 counted as a match toward the grant) and a septic system database and outreach effort (funded by the
21 grant).

22 E DiFranco described environmental risk assessment as targeting the most "at risk" areas in the Town,
23 judged solely by soil and environmental factors. These factors included flood zones, proximity to
24 wetlands, filtering capacity, depth of bedrock, and slope, among others. The assessment broke the town
25 into three tiers. Tier 1 is the most at risk, because they have limited soils, are in a FEMA flood zone, and
26 are within 100 feet of a body of water or wetland. Tier 2 has all the factors of Tier 1, except these
27 properties are not in a FEMA flood zone. Tier 3 is all other properties with septic. 1370 properties are in
28 in Tier 1 or 2. These were the first properties targeted for the database. The database was initially
29 limited to source water protection areas (SWPA), which is any property not on a private well. They then
30 created septic system inventory. There is no current method to track system installation and
31 replacement at the Town level. They created an electronic tracking system to use when reviewing a
32 building application or buying a new home. If regulation of septic systems is needed in the future, this is
33 the starting point. They retrieved information from paper records and state records. M Speltz asked if
34 the database exists. E DiFranco said yes, for the 736 Tier 1 and 2 properties in the SWPA. M Speltz asked
35 if adding to it will be ongoing? A Kizak answered that they are putting a process in place to expand to



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36 the Tier 1 and Tier 2 properties that were not included in the initial survey. E DiFranco and A Kizak
37 established a process to update the database as new applications come in. The framework is done and
38 will be continued to be used in the future. M Speltz asked where it lives. A Kizak replied that it lives in
39 her data sets and Town staff is working on a methodology to update. The Building Department will likely
40 add new data and interns will pull existing data.

41 E DiFranco summarized the findings of the survey of the 736 properties Tier 1 and 2 with septic systems
42 in the SWPA. 702 properties had a record of replacement, but 547 were replaced more than 20 years
43 ago. The shelf life for a conventional septic system is 20-30 years if maintained properly and placed
44 where it can function properly. Many homeowners don't even know they have a septic system, where it
45 is, or what they need to do to keep it maintained, which is where education is needed. Most Town septic
46 systems are old and use less efficient technology. The Town developed a basic outreach and education
47 program. First, they are sending a brochure and a letter to everyone in Tier 1 and 2 describing the
48 findings of the study. The next step is to complete an inventory of the rest of the town (about 5000). The
49 last step is to consider regulatory change. State regulations require a 75-foot setback from surface
50 water, 50-75 feet from wetlands, 4 feet above the seasonal high water table for leach fields, and for the
51 system to be repaired or replaced when failed. Some New Hampshire communities have put in
52 additional regulations to protect beaches and drinking water. In Londonderry, any changes would likely
53 be in the service of protecting drinking water and private wells.

54 D Heafey stated this information seemed like something a home buyer would want to know. E DiFranco
55 answered that it is the law to include this information with home purchases in Massachusetts, but not
56 the state of New Hampshire. Some individual New Hampshire towns do require it. M Speltz asked if
57 Town Council gave any guidance. A Kizak replied no, but they encouraged staff to continue the
58 database. M Speltz asked if Town Council mentioned the possibility of regulatory changes. A Kizak said
59 not yet. E DiFranco added that would likely take place down the road, depending on findings and
60 expanding the database. Regulatory changes can get a lot of pushback from homeowners. B Maxwell
61 stated they talked a lot about traditional low-density housing areas and asked if high-density housing is
62 treated differently. E DiFranco replied yes and no. Capacity needs to be bigger in high density areas. As
63 the density goes up, the chance of failing increases. B Maxwell stated the Commission might want to
64 add that as a concern. M Speltz asked how much a homeowner would pay for a septic evaluation. E
65 DiFranco replied it is about \$250. A New Hampshire 319 grant can be used to reimburse evaluations or
66 replacements, so there is a precedent to get funding. E DiFranco and the Commissioners discussed the
67 merits of making a water impairment plan, and which bodies of water in the Town might have a chloride
68 impairment, which the State is starting to fund. E DiFranco stated it is also worth exploring other funding
69 sources too. D Lievens asked if the Commission would be the sponsor these projects. E DiFranco replied
70 that it would depend on project. Town Council would most likely want the Commission's support, but
71 she has worked with a variety of municipal bodies.



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72 M Badois recognized Ray Breslin, 3 Gary Drive. R Breslin thinks all of this is really good but he also thinks
73 the town needs a plan moving forward. He believes there is grant money available and the town needs
74 to do some studies to see if this is feasible. He goes to New Hampshire DES groundwater and drinking
75 water meetings and he thinks there needs to be more representation from the Town at those meetings.
76 He believes that they might need more regulation, but education is more important. He pumps his
77 septic every 2-3 years but his system is old and is likely not up to standards, but it is expensive to
78 replace.

79 M Speltz asked if E DiFranco had worked with any towns looking at both sewer and water issues and if
80 there were any synergies. E DiFranco replied yes but no, because they are different infrastructure. M
81 Speltz asked if there was a narrative report. A Kizak replied yes, and it is on the Commission's page on
82 the Town website. M Badois asked if properties with both private wells and public sewer risked ground
83 water depletion. E DiFranco said it should be okay because rainwater recharges them.

84 **Design Review Committee – 33 Londonderry Rd Site Plan Amendment – Map 10, Lot 87:** Mike
85 Malynowski, Allen & Major Associates, introduced himself and Scott Fawcett, applicant and property
86 owner. They are filing for a site plan amendment. They had been before the Commission about two
87 years prior to do some parking lot rehabilitation that had never been completed. S Fawcett has since
88 purchased the property. There are about 15 commercial condo suites on the property, the tenants of
89 which have mostly been relocated. S Fawcett will be moving his business into the property, which will
90 consist of as office space, light fabrication, and material storage. He plans to construct a covered loading
91 dock where suites three and five are currently. M Malynowski stated they are looking to remove the
92 existing overhead doors in the back of the building as well as approximately 1500 square feet of
93 impervious surface. They want to remove the overhead doors that face the highway and replace it with
94 glass storefront. The existing pavement will remain the same with restriping. There are 60 parking
95 spaces where a minimum of 58 are required. Traffic around the building will be single direction. There
96 are some wetlands on the property that are an extension of the drainage swale off of I-93. They are not
97 proposing any improvements in that area. Existing utilities on the properties are water and sewer, and
98 those will remain the same. S Fawcett is also proposing to beautify the building exterior, including paint
99 and façade work.

100 M Speltz asked if they weren't required to have 58 parking, would they have less? M Malynowski replied
101 that there is currently a vast amount of pavement, and S Fawcett just proposes restriping. A previous
102 proposal had more parking, but S Fawcett does not need it. 60 parking spots provide enough parking for
103 the uses going into the property. M Speltz asked what the motivation was for removing the 1500 square
104 feet of pavement. M Malynowski replied it was to beautify the property and to remove the overhead
105 doors. Most suites had an overhead door and an office in the front. S Fawcett wants to infill the
106 overhead doors to make a nice storefront. The property lost frontage to the west through eminent
107 domain when I-93 was widened, so the face of the building is extremely visible from the highway. D
108 Lievens asked how they are accessing the units and how it relates to where the parking is. Most of the



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109 parking is in the back for staff, with some in front for customers, and some parallel along Londonderry
110 Road. S Malouin asked if there is a planting list for the new landscape islands that face I-93. M
111 Malynowski stated that yes, one is included with the plan distributed to them.

112 **Design Review Committee – Gardocki Subdivision – Map 16, Lots 42-4 & 50-3 – 10 & 13 Sheridan Dr:**
113 Paul Chisholm, Keach-Nordstrom Associates, presented on behalf of Bill & Gail Gardocki and their son
114 Tom, who are in the audience. The Gardockis live on these properties and used to run a landscaping
115 business from it. There is an existing garage and a gravel driveway running to Old Derry Road. They are
116 looking to subdivide the property to create three additional lots that will be accessed from Old Derry Rd,
117 with both existing houses remaining. Some of the properties will be on Town water and some will be on
118 wells. All properties will be on septic and there will be stormwater area to mitigate effects of
119 development.

120 M Speltz concurs with the recommendations of the staff and asked what the plan is for dealing with the
121 encroachment on the property. G Gardocki joined P Chisholm and stated that they weren't planning on
122 asking the abutter to move the Quonset hut, and that they were working with the abutter on the issue.
123 M Speltz said that as long as the engineers were there, they could do a lot line adjustment. M Badois
124 stated it would not be an issue unless the Gardockis sold. M Speltz asked if a survey was done. P
125 Chisholm said yes, the property has been fully surveyed. M Speltz asked if there were wetlands on the
126 property. P Chisholm stated there is a small area of runoff off Sheridan Drive that goes through the
127 property in a pipe toward the back and towards Old Derry Road. There is no impact to the area and it is
128 easy to avoid. M Badois asked if they considered a rain garden instead of a retention pond. P Chisholm
129 replied it is a shallow site and there had been issues getting drainage on the property to work to balance
130 runoff. There are limitations to how much they can grade up or down. The plan is to add in plantings,
131 but the retention pond is best option. M Speltz asked if the landscaping business will be discontinued. P
132 Chisholm answered that the business had already been sold, and no operations have happened in the
133 past two years on the property. The barn will stay and be used as a garage for one of the houses. M
134 Speltz asked if there was any intent to restore the area they were using for the business into a natural
135 setting. P Chisholm replied no, because the Gardockis intend to build three new homes for their family
136 and sell the two existing houses.

137 **Old Business** - none

138 **New Business**

139 **Adams Trail Flooding:** B Maxwell reported that the Adams Trail has been flooded to the point of being
140 unusable for the past two months at least. Water on the trail is 6-10 inches deep. The culvert that runs
141 from Mack's Pond to Adams Pond gets clogged, and it gets cleared periodically. B Maxwell reported that
142 it was cleared last 1-2 years ago. M Badois reported that there had been email between Bob Rimol of
143 Londonderry Trailways and Kyle Chrestensen of Mack's Apples about fixing it. B Maxwell stated that all
144 the former parking for the south orchard is barricaded, so it no longer accessible to the public.



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145 Therefore, the Adams Trail is not accessible and the public does not have access to the conservation
146 easement land. You can get to the north orchard from Pillsbury Road parking at Moose Hill or the
147 Morrison House, and walk the Adams Trail to the south orchard when it is passable. M Badois reported
148 that there were a couple of parking spots on the gas line. B Maxwell replied that it can get quite wet.
149 There is room for 1-2 cars off Adams Rd but that is also wet and partially blocked by a tree. M Speltz
150 asked if clearing the culvert solves the problem. B Maxwell replied yes. There is a possibility of beaver
151 activity but it is unlikely because he saw no visible evidence. M Speltz asked if the small wetland is
152 unable to drain. B Maxwell stated that the Mack Pond is running across the trail. M Badois asked if it is a
153 design flaw that could be solved permanently. B Maxwell stated that the metal structure there has been
154 visibly damaged for a while. The pipe that gets clogged is an 18-24-inch. A Kizak asked how long would B
155 Maxwell say the trail has been underwater. B Maxwell believes that it has been more than 6 weeks, and
156 possibly up to 3 months. Historically, the blockage has never self-corrected and always requires
157 intervention. The Commissioners discussed the placement of the culvert, the placement of drainage,
158 and the condition of the culvert. M Badois asked if a septic company could run a camera in to see what
159 is going on. B Maxwell stated that culvert on the Adams Pond side is usually visible above the water
160 level. M Badois said it was good news that groups are willing to look at it, including Mack's Apples and
161 Londonderry Trailways. She said it would be great to find a permanent fix.

162 **Northern Woodlands Magazine:** D Lievens informed the Commission about the article "Working Land
163 Aids At-Risk Species" in the Winter 2022 issue of *Northern Woodlands Magazine*, which lays out why
164 certain areas are being cleared. She will send the link to M Badois. M Badois suggested this article
165 connects well to having Heidi come to talk about the bunny cut.

166 **Boat Launch Grant:** M Speltz explained that the American Rescue Plan allocated money to states for
167 infrastructure improvements. One use for which they are offering grants is to improve boat launches. M
168 Speltz thought of the possibility of using one to improve the boat launch at Scobie Pond. He and M
169 Badois researched accessible dock options. The suggested dock is 14 feet wide at deep end. The
170 Commissioners discussed a similar dock in Auburn at Lake Massabesic, the accessibility features of the
171 EZ Launch dock, including ADA accessibility, and the space available on the site. D Lievens asked if a
172 wetlands permit might be involved. M Badois replied there would be. The Commissioners discussed
173 potential removal and storage in winter. D Lievens suggested that the Commission look at the long-term
174 investment of time and energy in getting one of these docks. M Speltz stated that he would ask the
175 vendor about maintenance. The available grant has a \$100,000 limit with 25% match requirement. M
176 Speltz stated that bid they have, which includes installation and transportation, is \$25,000. Additional
177 costs would include a wetland permit and some work on the shore, including a concrete pad. The
178 application for the grant is due at the end of the May. D Lievens asked if this was the last round of the
179 grant, because she is hesitant to apply and then the project turns out to be bigger than the funding
180 obtained. M Badois replied that they can apply, and don't need to take it. B Maxwell stated that maybe
181 the vendor could take the dock out in winter. G Harrington pointed out that there is not a lot of current



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182 there, so the ice won't move that the dock that much. The Commissioners discussed the land
183 surrounding the boat ramp and possible options for winter storage. M Speltz was looking for consensus
184 to keep working on a potential grant. The Commission provided their general assent. If the ADA
185 component is included in the grant application, it will also increase the grant match commitment. This
186 dock would improve accessibility even without the ADA component. G Harrington stated that if they
187 would also need to make changes to the whole route from parking to the dock to truly be ADA
188 compliant. M Speltz will come back to this at the next meeting. M Badois will get more information from
189 the dock manufacturer.

190 **Twin States Clean Energy Link:** G Harrington reported that this project was originally proposed as an
191 alternative to Northern Pass to bring hydropower from Canada to Massachusetts. The current proposal
192 would come down through Vermont and New Hampshire mostly on the existing power line right of way
193 and would terminate at a new substation in Londonderry. If the project goes through, it could possibly
194 impact the Musquash. The project plan indicates a new substation to be built in Londonderry. The
195 Commissioners reviewed maps of the proposed route, indicating an end site near the border with
196 Litchfield. The Commissioners discussed existing substations, power lines, and structures in the area. M
197 Speltz suggested a new action item to research this project further.

198 **Other Business**

199 **Minutes:** The Commissioners went over the public minutes of April 25, 2023. B Maxwell made a motion
200 to approve the minutes as amended. D Heafey seconded the motion. The motion passed, 6-0-1. S
201 Malouin abstained.

202 The Commissioners went over the non-public minutes of April 25, 2023. D Lievens made a motion to
203 approve the minutes as amended. G Harrington seconded the motion. The motion passed, 6-0-1. S
204 Malouin abstained.

205 **Non-Public Session**

206 G Harrington made a motion to go into non-public session per RSA 91-A:3 for the purpose of considering
207 the acquisition of property at 9:11pm. The motion was seconded by B Maxwell. The motion was passed
208 by M Badois, G Harrington, B Maxwell, D Lievens, D Heafey, T Macarelli and S Malouin with a roll call
209 vote.

210 B Maxwell made a motion to leave non-public session at 9:25pm. The motion was seconded by D
211 Lievens. The motion passed, 6-0-1. M Badois abstained.

212 G Harrington made a motion to seal the minutes of the non-public session indefinitely per RSA 91-A:3.
213 The motion was seconded by B Maxwell. The motion passed, 6-0-1. M Badois abstained.

Approved 5/30/23



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214 **Adjournment:** B Maxwell made a motion to adjourn the meeting at 9:26pm. G Harrington seconded the
215 motion. The motion passed, 7-0-0.

216 Respectfully Submitted

217 Kirsten Hildonen

218 Interim Recording Secretary