



Derry Conservation Commission
14 Manning St
Derry, NH 03038

Minutes of Public Meeting August 8th, 2022

On August 8th, 2022, the Derry Conservation Commission met at the Derry Municipal Center, 3rd floor meeting room at 7:00 pm. The following members were present in person: James Degnan (Chair), Will Lowenthal, Bob Boonstra, and Jeannie Cunningham. Following members were absent Rick Buzzanga, Eileen Chabot, Grace Reisdorf, Margie Ives, and Bob Spoerl. Jeannie Cunningham sat for Eileen Chabot.

Approval of Minutes:

Approval of minutes from July meeting is pushed to our next meeting.

Chair's Report, Correspondence & Bills:

SELT: Monitoring report for Corneliusen has been received dated August 2nd. Mostly good feedback in terms of the parcel. Some standing water identified believed to be from ATV use. Parcel needs to be posted prohibiting ATV use. 8' brush pile has been located from an abutter dropping brush over the stone wall.

DES notice: Shoreland Permit application, 246 Island Pond Rd Tax map 7 Lot 12-2. Permit Received; Check One Stop for Updates. This was accidentally sent to Deering NH Commission first.

DES notice: 12 Dixons Grove, Tax map 17 Lot 16. Notice of alleged violation.

DES notice: 19 Weston St, Tax map 17 Lot 006-016. Notice of alleged violation.

DES notice: 18 Weston St, Tax map 17 Lot 11. Notice of alleged violation.

Project Review:

140 Rockingham Road Tax Map 3 Lot 110 presented by Tim Peloquin of Promised Land Survey

Site-walk completed August 5th at 4:30. Bob Boonstra and James Degnan along with presenter Tim Peloquin. Tim Peloquin advised there was discussion during the walk on quantifying the size of the wetland. The plan is showing two wetlands within the boundaries but onsite it is connected as one system. Tim Peloquin stated for the record that the North Easterly wetland is under 1/3 of an acre and

the Southern wetland is just over an acre. Tim noted the site is heavily forested and states he cannot definitively state the size of the wetland outside the boundaries of the projects parcel. Tim Peloquin spoke with Code Enforcement Official Bob Mackey. Tim Peloquin shared his methodology on mapping wetlands. Tim Peloquin stated if he cannot see it on GIS or identify scale by looking at abutting plans he will not map it. Tim Peloquin noted that his wetland scientist would scale this as low grade; it is extremely over-grown with invasives. Tim Peloquin also shared the soil mapping from NH GRANIT. Soils are primarily 140D and 446B. The area of concern is primarily 446B Soils, Scituate New Fields Complex. It is classified as a well-drained soil. Tim Peloquin advised that Code Enforcement agreed in his methodology in mapping and that the wetland parcels mapped as two systems would be accepted by code enforcement. Tim Peloquin stated the commissions preference to remove the Bradford Pear trees was shared with the applicant. The applicant is not accepting of the recommendation and would prefer to continue with the current landscape plan. Tim Peloquin also stated the building is over 100'+ away from the wetland. Tim Peloquin then brought commentary forward that even though the 25' no cut buffer was drawn in good faith he has changes his thoughts on keeping it. Tim Peloquin advised that the applicant could clean up a large volume of invasives by cutting into that area; noting the applicant could not cut into the wetland. Tim Peloquin stated that since the no cut buffer has been shown and is in record, he will keep it we prefer. Tim Peloquin asked for additional questions.

Chair noted the Soil Mapping topo shared by Tim Peloquin is dated May 2020 – Sept 2020. The 446B Soil is over 43% of the parcel and the Chair reiterated it is a well-draining soil. Chair noted that on the site-walk the group walked along Rockingham Rd and the wetland system was dry. Chair noted current drought conditions likely having an effect. The group also checked across Route 28 and noted the culvert outflow was also dry. Chair described where members walked along the wetland; it was noted, visually the wetland system does appear to be part of one system after it crossed the boundary line. Chair noted for transparency he would like Bob Boonstra to share his comments from the site walk. Prior to Bob Boonstra's comments the Chair stated if the wetland system was identified as Prime the process for reviewing the wetland beyond the boundary would be different. Since there is no mapping on Map 3 Lot 11, we must move forward with the plan as drawn. In terms of the Bradford Pear the Chair stated we need to move any recommendation forward using the term Non-Native and not Invasive. The plant is currently not listed as an Invasive species in New Hampshire. The Chair noted to the board that if we are to move forward on a motion tonight; a note regarding the Bradford Pear could be included in the motion. If the applicant does not agree to the approved motion with planting restrictions, there is a waiver process. Tim Peloquin advised that the wetland eventually flows to an area behind Rockingham Acres. Tim Peloquin also stated that between the two mapped wetlands there is a berm separating them onsite.

Bob Boonstra shared that he prefers to have the 25' no buffer remain. Bob Boonstra commented that if the 25' buffer were cut the remaining area beyond would still include invasives. Bob Boonstra shared that visually the wetlands are one system. Bob Boonstra said that topo doesn't indicate any major change and he did not see the berm Tim Peloquin mentioned separating the two systems. The conversation moved toward Trespass Law. Will Lowenthal asked if the adjacent parcel was posted or if permission was requested to gain access. Tim Peloquin advised he did not ask for permission and also advised he does not need to based on current requirements. Bob Boonstra shared his concern that if we consider wetland sizes only to the boundary line; it could set a precedent on future plans. The concern is that an applicant could dissect land in a way that could be potentially detrimental to wetlands with closer setbacks. Tim Peloquin shared he works with a set of standards and has to follow all state and town requirements. Commissioners Lowenthal and Boonstra stated that they do not believe there is any

negative intention on this plan. Chair noted we need to continue this discussion further outside of this plan. Chair stated he feels comfortable moving forward voting on this plan as two systems with separate setbacks. Chair asked Tim Peloquin to confirm that the plan has zero wetland impact as drawn. Tim Peloquin confirmed there are no wetland impacts. Chair asked if the 25' no cut buffer was removed would there still be zero impact. Tim Peloquin confirmed there would still be no impact. The Chair moved discussion to crafting a motion. The board was reminded that if the motion crafted encompassed removing the Bradford Pear; the applicant could apply for a waiver. Will Lowenthal stated he does not believe the commission has enough information regarding the total size of the wetland to render a decision. Chair advised that the board entertains motions in the positive and members of the board should utilize their vote. Applicant plans to be at the planning board September 7th.

Will Lowenthal motions for the Chair to sign the plan with the 25' no cut buffer intact. Jeannie Cunningham seconds. Roll Call vote.

Will Lowenthal- No Bob Boonstra-No Chair-Yes Jeannie Cunningham -Yes
Motion Fails. Applicant will move forward without the Commissions Signature.

Other Conservation Activities

Broadview Farm – Tent had to be removed from the property. DPW helping take the tent from the parking lot. Trail work needs to be done on trails to the camping area. Chair asked about engaging Dave Ahern from Field of Dreams mowing about returning potentially this year or next.

Doolittle Invasive Plane – RCCD confirmed fall meeting to discuss plan. Tracy Degnan also looking for opportunity to present on invasives.

Walk with a Cop – RCCD confirmed fall meeting to discuss plan. Tracy Degnan also looking for opportunity to present on invasives.

Eversource Update – Ongoing line replacement project continuing. They will file a permit with DES.

Derry TV – Media Day at the Broadview Garden

Adjournment: Will Lowenthal motions to end the meeting. Bob Boonstra seconds. All in favor. Motion Carries.

Meeting Adjourns 7:52pm

Recorder: James Degnan

