

**Town of Auburn  
Conservation Commission  
March 5, 2024**

**Members present:** Jeff Porter-Chairman. Peg Donovan, Vice Chair. Richard Burnham, & Patricia Elwell, Members. Stephanie Hanson (7:20pm), Alternate Member. Minutes recorded by Denise Royce.

**Absent:** Diana Heaton, Member.

**Also Present:**

Mr. Porter called the meeting to order at 7:03 p.m. and moved on to the first item on the agenda which was R&L Carriers.

**GENERAL BUSINESS**

**R&L Carriers**

**Londonderry Turnpike, Tax Map 1, Lots 22, 23 & 24-1**

**Zoned Industrial**

**Discuss Potential Warehouse Trucking Facility**

**Wetland Buffer Reductions**

Attorney Morgan Hollis began the presentation on behalf of Governor's Hill Corp. Attorney Hollis also pointed out that Brian Pratt of Fuss and O'Neill was also present along with Luke Hurley of BSC Group who is a wetland Scientist. Attorney Morgan explained that there were three (3) lots owned by Governor's Hill Corp. which include Tax Map 1, Lots 22, 23 & 24-1 which is located off Londonderry Turnpike. Attorney Hollis passed out a set of plans and some additional plans that will help clarify what's going on to each of the Board members. Attorney Hollis directed everyone to the first plan which can be found on the first page (ZBA00) which shows the three (3) lots. Attorney Hollis stated that the three lots consisted of 117 acres total and are zoned Industrial. Attorney Hollis explained that they are looking to make use of the land noted in the Master Plan. They have a planned Industrial Park and that this land consists of heavy and intense wetlands. Attorney Hollis moved on to page 2, which shows a proposed future subdivision and went through the plan with the Board members. Attorney Hollis pointed out the R&L Carrier lot and that Attorney Laura Gandia would be speaking on this particular lot. Attorney Hollis went through the future proposed lots which would be proposed lot 1-22-1, 1-22-2 and 1-22-3 of which would be industrial development. Attorney Hollis directed the Board to page 3 which is (ZBA02) which indicates the wetlands along with the buffers

for these wetlands. What they tried to do is to layout a roadway and layout plans for future development that in some fashion avoids the critical wetlands. Attorney Hollis stated that Mr. Hurley would be speaking on each of these wetlands are and what their functions and values are as well. The Board will also hear from Mr. Hurley about his opinion of what the proposed impacts would be with the proposed development. Attorney Hollis indicated that there has been a lot of site analysis done with this property by identifying the wetlands and obtaining a wetlands map and complete the survey and then to investigate the site both from the surveying team, the engineering team and from our biologist scientist Luke Hurley.

Attorney Hollis stated that R&L Carriers was attracted to this site as a National Trucking Facility for its location, its area and its size. In order to put the size building that they need and the size of the parking area to accommodate these trucks there would be some impacts. They have done their best to try to identify the best area to put it and the least amount of impacts. They have presented to the Conservation Commission and the Planning Board, and this is what is being presented to them today. Attorney Hollis explained why they will be going before the Zoning Board as it is stated in the Zoning Ordinance that in order to build where they would like to build, they would need to go before the Zoning Board to seek relief. Attorney Hollis stated that they are before the Board tonight to seek the Board's comments to see if they can work around them and if they have to adjust then they will.

Attorney Hollis pointed out that, if they were not in a Level One wetland, they could potentially seek a Conditional Use Permit with the Planning Board. Attorney Hollis noted that he is looking for guidance from the Conservation Commission to give to the Planning Board. Attorney Hollis talked about Article 5, Section 5.11 which requires if the applicant wants to dredge and fill, and they are proposing some dredge and fill, so they have come before the Conservation Commission prior to going to DES.

Attorney Hollis stated that they will be asking for Variances for impacts under Section 5.05, 5.06 and 5.08 of the Zoning Ordinance where all three (3) prohibit activity within the wetland or the 125-foot buffer. They have 27 impacts which is slightly more than 39,000 square feet where some are fills and some are pushing back on the buffer, and they will hear from them about the roadway impacts and the R&L Carrier site impacts as well as the future development sites. Attorney Hollis commented that they have divided the requests into three (3) segments and that the first will be the roadway and why they designed it and what the impacts would be. The second segment will be the R&L Carrier site which again will talk about the design and the impacts on the various wetland areas and then finally they will get to the proposed potential future development sites.

Again, Attorney Hollis stated that they would be looking for any comments or concerns might be that he's covered the purposes of Article 5.03(2) which is the creation of the wetland and watershed protection area. Attorney Hollis went into more detail about

filtering pollution and wastewater collection. There are 27 impacts of which 6 are fills and 21 reductions of the 125-foot wetland buffer. Attorney Hollis began by going through the road impacts (#1 through #9) and then Luke will touch upon the wetland impacts. Attorney Hollis also pointed out that with regard to the future pad sites that they tried to identify a reasonable envelope for future development, but they currently do not have any buyers. They believe the impacts to the future pad sites would be minimal and they did their best to minimize it.

At this time, Attorney Hollis asked the Board members to turn to page 4 (ZBA03) and went through all 9 buffer impacts shown on the list provided of which a copy can be found in the file and shown below.

**Road Impacts – Variances Article 5, Section 5.05, Section 5.06(1) and 5.08(1)(a) – to allow filling of a wetland and construction activity within the wetland buffer for the following - (For Subdivision & Road)**

1. Buffer impact to Wetland Area B – reduce buffer from 125' to 35'
2. Buffer impact to Wetland Area F – reduce buffer from 125' to 45'
3. Buffer impact to Wetland Area I - reduce buffer from 125' to 40'
4. Buffer impact to Wetland Area J – reduce buffer from 125' to 30' (road) and from 125' to 100' (for stormwater for road)
5. Buffer impact to Wetland Area K – reduce buffer from 125' to 30' (road) and from 125' to 30' (for stormwater to road)
6. Buffer impact to Wetland Area M – reduce buffer from 125' to 100'
7. Buffer impact to Wetland Area N – reduce buffer from 125' to 10'
8. Buffer impact to Wetland Area O – reduce buffer from 125' to 8' (stormwater basin for road)
9. Wetlands fill of Wetland Area O – 1,925 SF

Attorney Hollis stated that these were the nine (9) impacts for just the road that would connect to Londonderry. With that said, Attorney Hollis asked the Board members if they had any questions. Mr. Porter asked about the proposed roadway that would connect to Londonderry. Attorney Hollis stated that the first phase would be to the first cul de sac which would be in tune with the requirements of the Zoning Ordinance of 1,200 feet. Attorney Hollis also added that they would have to have a way into Londonderry or ask for a waiver for length of road to build that far. They wanted to show the entire road to show the ultimate plan. Attorney Hollis stated that it would have to be approved by Londonderry and approved by the Planning Board in Auburn. There were no further questions and Attorney Hollis turned the discussion over to Luke Hurley, Wetland Scientist.

Mr. Hurley began going through the buffer impacts above that Attorney Hollis previously went through and stated that Area B was basically shrub habitat and the hatched areas that were vernal pools. Mr. Hurley stated that the reduction from 125 feet to 35 feet was low in function and value. Mr. Hurley went through the list for the Board members. Mr. Porter asked about stormwater retention and/or discharge and asked if they would be basing it on the 100-year plan and what the volume would be. Mr. Pratt indicated that they would have to design for the NH Alteration of Terrain so they would be designing it for the 2-, 10-, 25- and 50-year storm and traditionally for the 100-year storm. They will be capturing the stormwater for the road. Mr. Porter was more concern with the Cohas Brook and the flooding that went on with the Mother's Day flood a few years back. Mr. Pratt stated that he has been over designing for like the 100-year. Mr. Porter was also concerned with the number of areas that they were looking at reducing the buffer to a very small footprint.

Mr. Porter commented that, with regard to the future pads, he believed it was premature to bring these up because there are no real plans for these future pad lots. Mr. Porter stated that they don't know what's going to be put in there right now. Attorney Hollis pointed out that he realizes that there is nothing proposed at this time, but they tried to put a building envelope that would work, and they know that if the time comes and it doesn't work that they will have to come back before the Zoning Board of Adjustment. Mr. Porter was just talking about the future pad sites and believed that the roadway off of Londonderry Turnpike for the R&L Carrier site was appropriate but believed that the future pad sites were premature to go before the ZBA to seek relief at this time. Mr. Porter also commented about the phase to extend the roadway to Londonderry was also premature and did not believe that they should be seeking relief for something that was not occurring right now. Attorney Hollis believed they had to present it and that their objective tonight was to try to identify each of those lot areas of potential future development, identify the wetlands that are impacted and what those impacts are and what the comment is from the Conservation Commission and if the Board had no comments then you would have no comment. Mr. Porter suggested that they review the copy of the wetland study that was done by Mark West, which can be found in the Planning Department.

At this time, Attorney Hollis asked if Mr. Hurley could continue with his presentation regarding the road. Mrs. Hanson mentioned Wetland Area "B" and asked if they had a separate wetland function analysis for R&L because it was stated that no toxic retention to Wetland "B" because there was no threat but that was not really the case because they are proposing to fill 1,200 square feet of Wetland "B" because they would be basically paving it. Attorney Hollis stated that they have not reached the R&L site yet. A brief discussion ensued with regard to the function and values were not realistic because it's not taking into account what is truly being proposed with regard to R&L Carrier. Mr. Hurley stated that they would get to those later and continued on to the discussion. Mr. Hurley indicated that they are proposing to fill that area so there would be no impact since it's being filled in. Mr. Burnham asked how much of that wetland area is slated to get filled

in. Mr. Hurley believed they would be filling in all of it. Mr. Burnham asked why they were going through these steps when they knew that in the end that these wetland buffer impacts will be eliminated in the end. Mr. Hurley pointed out that they were separate steps that have to be taken. Mr. Pratt explained that they were two (2) separate projects as there was a roadway project and a site plan project that are submitted separately, and they have separate variances for each of them. A brief discussion ensued with regard to filling and asking for relief for the buffer reduction and how they would be presenting this project. Mr. Porter stated that the beginning of the roadway off the bypass was less of a concern as it was already impacted in that area. Mr. Pratt stated that they cannot do the site plan without the roadway and subdivision so the subdivision has to be in to approve first and then the site plan for the R&L Carrier site will occur.

Mr. Hurley moved on to the discussion in accordance with the list of proposed buffer impacts previously listed above. Mr. Hurley believed that most of the wetlands were small, isolated wetlands with little to no function and value. Mr. Hurley also indicated that with regard to wildlife there were no endangered species found. Mr. Porter had some concerns with regard to the slope. Mr. Pratt commented that the roadway would be a 60-foot right of way and that the roadway would be contained as there would be closed drainage. A brief discussion ensued with regard to moving the road away from the wetland. Mr. Pratt stated that there was a gravel pit to the side with a 60-foot shear ledge face and believed that where they were proposing to put the road would be better than having to blast the ledge. In conclusion, Mr. Pratt stated that they could not move the road further away from the wetland for two (2) reasons, which is to eliminate the need for blasting and to be able to align the road to connect in Londonderry.

Mr. Hurley continued on the list of proposed buffer impacts and talked about Vernal Pool #2 and indicated that it was a low value vernal pool as it was shallow water and that they were looking to reduce the buffer from 125-feet down to 30-feet. It was also noted that there would be a vegetated buffer along the front as well. Mr. Porter mentioned that they indicated that there would be no sheet flow, but they did not factor in plowing and salting of the roadway so the potential for impact is huge in that area. Mrs. Donovan believed that they would be closer than 30 feet to the vernal pool with the road. Mr. Pratt stated that it was closer to 50 feet from the pavement to the actual wetland. A brief discussion ensued with regard to the vegetated buffer that would be in place between the vernal pool and the roadway. Mrs. Donovan asked what the elevation would be from the road to the vernal pool. Mr. Pratt stated that the contours were 300 for the road and 292 to the wetlands and then there's a 3 to 1 side slope and then a wooded area. Mr. Hurley went on through the list and moved on to Vernal Pool #1 which had a low value and did not have any wildlife habitat. Mr. Hurley talked about the detention pond and that it would be a gravel road which would be at grade. Mr. Hurley moved on to Vernal Pool #6 which was a small, isolated wetland that had a low to minimal functions and values and that had the existing house and driveway. Mr. Hurley also pointed out the area where they were proposing to place an open box culvert, which is also called a wildlife crossing culvert to

give smaller critters a way to cross through it. There is no wetland impact as it's a natural valley. Mr. Hurley went on to talk about Vernal Pool #7 which had about 6 inches of water which had low function and value which would probably not last the summer. Mr. Hurley moved on to Vernal Pool #8 which was a small open and sandy and kind of scrubby area with no drainage and had no function and value. Mr. Hurley talked about the alignment of the intersection and lengthening the culvert that is already there to obtain the road connection. This area is part of the Cohas Brook and Mr. Hurley did not believe that there would be any impact to that based on what they are proposing. Mr. Pratt informed the Board that the sight distance wasn't really great and that they met with DOT, and this was the safest spot to locate the road. Mrs. Donovan stated that all the future development ideas make it hard to see what will occur in the future because there are too many questions.

Mr. Lamontagne commented that the idea of having that roadway go through is that they are trying to bring water and sewer which is one of the things that R&L ultimately wants. You cannot put a waterline unless you have a road to bring water out to the Bypass. A brief discussion ensued with regard to water and sewer coming into Auburn through this road.

At this time, Mrs. Hanson asked Mr. Hurley if the Board would be getting a copy of the functions and values that he prepared. Mr. Hurley stated that they could forward the almost 18 pages but that they could do that. Mr. Hurley stated that he completed the functions and values per the ordinance but not according to the Army Corp of Engineers. Mr. Hurley thanked the Board and Attorney Hollis turned the discussion over to Attorney Laura Gandia to speak on behalf of R&L Carrier.

Attorney Gandia began by talking about proposed Lot #5 which will be the R&L Carrier trucking site. Attorney Gandia is seeking to make Auburn one of its new homes with a trucking facility with 100 loading docks and an attached administrative office building, a bay maintenance building with a fleet fueling station. Attorney Gandia stated that they have been working with the town for almost a year now with multiple trips to the Planning Board and believed that this was the third time with the Conservation Commission. Attorney Gandia informed the Board that they have filed multiple requests for relief from Article 5 with regard to the wetlands. Attorney Gandia passed out a packet to each of the Board members to follow along regarding her presentation. Attorney Gandia explained that she has reviewed the Town of Auburn's 2018 Master Plan which one of the goals is to encourage economic development. Attorney Gandia discussed the map that was included in the packet which was Map 23 – Future Land Use.

At this time, Attorney Gandia went through wetland A to H as shown below:

### **Trucking Facility**

#### **Future Proposed Lot 1 – 22 – 5 – Variances – (Site Plan for R&L Carriers)**

**Variances from Article 5, Section 5.05, Section 5.06(1) and Section 5.08(1)(a) to allow filling of wetlands, permitted & prohibited uses and construction activity within the wetland buffer for the following:**

1. Wetlands fill of Wetlands Area A – fill 8,787 SF
2. Wetlands fill of Wetlands Area B – fill 12,655 SF
3. Wetlands fill of Wetlands Area C – fill 11,365 SF
4. Wetlands fill of Wetlands Area D – fill 2,000 SF (drive/accessways & parking areas)
5. Wetlands fill of Wetlands Area E – fill 3,000 SF (drive/accessways)
6. Buffer impact to Wetlands Area F – reduce buffer to 75' (drive/accessways & parking areas)
7. Buffer impact to Wetlands Area G – reduce buffer to 65' for stormwater management facility
8. Buffer impact to Wetlands Area H – reduce buffer to 50' for stormwater management facility

Attorney Gandia went through the impacts of each wetland that will be filled. Attorney Gandia began with "A" and stated that a Dredge and Fill permit is required and that the impact would be less than one acre out of 117 acres. A discussion ensued with regard to the amount of impact that would occur with filling in these wetlands. Attorney Gandia went on to Wetland "B" which is the area proposed for the trucking facility. Wetland "C" is a Vernal Pool that would be filled which will be used for the proposed trucking facility. Wetland "D" is a partial fill of 2,000 square feet for a driveway. Wetland "E" is not a Vernal Pool which is to be utilized for the access and the driveway. Wetland "F" is a Level One Vernal Pool, and the proposed action is to reduce the buffer to 75 feet. Wetland "G" is a Level One Vernal Pool, and the proposed action is to reduce the buffer to 65 feet for stormwater management. Wetland "H" is to reduce the buffer to 50 feet for stormwater management. Mr. Porter asked if they were seeking a reduction from the 125-foot wetland buffer. Attorney Gandia stated that all of these will require relief on whether it's to fill or impact or the Variances for the use. Mr. Porter asked what the total impact was not only to the wetlands but the buffer area for retention. Basically the volume you're disturbing with fill and buffer impact will be important to understand. Mr. Pratt stated that he did not have that today but would get that information to the Board. A brief discussion ensued with regard to the wetlands and infiltration for the R&L site. Mr. Pratt talked about a level spreader because of the grades for buffer impact to Wetland "H".

At this time, Attorney Gandia turned the discussion over to Mr. Hurley to go through A through H. Mr. Hurley began with Wetland "A" which was not a vernal pool. Wetland "B" had no function or value. Wetland "C" was Vernal Pool #4 with 6 inches of water with no function and low value because it was so shallow. Mr. Porter commented that the fact that these wetlands would be filled in that there was no wetland to value. Mr. Hurley agreed and understood what the Board was saying that he was just doing his job. Mr. Hurley went on to Wetland "D" which is a small, isolated wetland and not a vernal pool about 2,600 to 2,800 square feet and has no function and value. Mr. Hurley skipped over to Wetland "G" and stated that it was an excavated area closer to the house and had low to no function and value. Wetland "E" has little impact and is very large and has high functions and values. They are proposing a large open culvert crossing for critters to cross because of the roadway. Mr. Hurley informed everyone that all the drainage on the site has to meet AOT and all EPA Stormwater standards so the post runoff cannot be more than predevelopment. It all has to be contained and treated. Mr. Hurley talked a little about the aquifer and stated that there was no impact to the aquifer because its clean water going back in. Mr. Hurley indicated that they were not pulling from the aquifer. Discussion ensued with regard to well and septic in the beginning for the R&L Carrier site and would eventually hook up to water and sewer. Discussion also ensued regarding having a truck washing facility as well which would require approximately 6,000 gallons per day. Wetland "F" would be seeking a reduction in the buffer from 125 feet to 75 feet. Wetland "H" would be seeking a reduction in the buffer from 125 feet to 50 feet for stormwater management.

Mr. Burnham asked about the pad sites and asked to show the plan for those. Mr. Pratt stated that once they were done talking about the R&L Carrier site, they would move on to discuss the potential pad sites. Mr. Pratt asked the Board members if there were any questions regarding the R&L Carrier site. Mr. Porter wanted to take a 5-minute break to speak with the other applicant to see if they could come back on another date as this will be going on for a while longer.

**All Purpose Storage Auburn, LLC  
248 Old Candia Road/212 Depot Road, Tax Map 13, Lot 23A  
Zoned Residential Two  
Major Site Plan Review  
(Expansion of the Existing Self-Storage Facility)  
Wetland Buffer Reductions**

Mr. Porter spoke with Mr. Ritchie with regard to meeting on another date to discuss the All Purpose Storage Auburn, LLC project as the first applicant is taking longer than expected and will presumably go on for a little longer. Mr. Porter and Mr. Ritchie discussed meeting next Tuesday, March 12<sup>th</sup> at 7:00pm at which time they would be the

only ones presenting at that time. Mr. Ritchie agreed to meet next Tuesday, and the Board made a motion to continue this portion of the meeting until next Tuesday, March 12<sup>th</sup> at 7:00pm.

**Mr. Burnham made a motion to continue All Purpose Storage Auburn, LLC, 248 Old Candia Road/212 Depot Road, Tax Map 13, Lot 23A until next Tuesday, March 12<sup>th</sup> at 7:00pm due to the length of time the first applicant took during the meeting. Mrs. Elwell seconded the motion. A vote was taken, all were in favor and the motion passed unanimously.**

Mr. Porter stated that this discussion would be the only discussion for next Tuesday, March 12<sup>th</sup> at 7:00pm. The applicant exited the meeting with the Board members apologizing for the delay.

#### **R&L Carriers**

**Londonderry Turnpike, Tax Map 1, Lots 22, 23 & 24-1**

**Zoned Industrial**

**Discuss Potential Warehouse Trucking Facility**

**Wetland Buffer Reductions**

The discussion for R&L Carriers resumed from above. Attorney Gandia explained that they were looking for input from the Conservation Commission in order to move forward with the ZBA meeting on Tuesday, March 26<sup>th</sup>. With that said, Attorney Gandia indicated that, that was it for R&L and asked the Board members for their comments pertaining to the R&L site before they move on to the pad sites. Mr. Porter asked if they were presenting all of the reductions to Zoning. Attorney Gandia said yes that she would be presenting the relief for just the R&L site. Attorney Hollis informed the Board that the application that has been submitted to the Zoning Board of Adjustment includes all of the relief pertaining to all the wetland impacts discussed tonight. Attorney Gandia stated that there is also a presentation regarding the pad sites as well and that they were doing the subdivision and roadway first and then the R&L Carrier site and the last thing was the future pad sites. Mr. Porter stated that it makes it really challenging to address the buffer reductions from a future standpoint. The immediate needs for R&L and the subdivision and roadway they could address fairly quickly. Mr. Porter again commented that it was premature to seek relief on the future pad sites when the impacts may affect all the other sites. A brief discussion ensued with regard to future pad sites and seeking relief from the ZBA when it's futuristic. Basically, Attorney Gandia indicated that they are looking for comments from the Board that will give them the ability to move forward. If the Board can at least give a comment on the impacts to the road that leads down to the first cul de sac to the R&L Carrier site. Mr. Porter believed they were headed that way. Mr. Porter stated that R&L did an excellent job laying everything out and where it becomes challenging is the secondary pads and the secondary areas and believed it was extremely premature.

With that said, Attorney Gandia asked if there were any further questions with regard to R&L Carriers. Mr. Burnham asked if they were looking for a recommendation to move forward for the R&L site and the road. Attorney Hollis stated that they were looking for everything as a whole. Mr. Burnham believed there was a lot of information to be hit with in a short timeframe and make a recommendation. To clarify, Attorney Gandia stated that they were looking for feedback for the roadway up to the cul de sac and the R&L Carrier site. Mr. Porter informed the Board members that what they are looking at tonight is the trucking facility parcel and asked the Board if they wanted to look at it in its entirety and look at a vote of acceptance for A through H or did the Board want to take them up individually. Mrs. Donovan believed they would have to take them all together for the trucking facility. Mr. Porter agreed and believed it was appropriate and they would also have to do the road. Mr. Pratt wanted to add that they are proceeding with a design to do the whole road all the way to the Townline because, as Mr. Lamontagne mentioned, about the utilities. Mr. Pratt indicated that they are designing the road all the way to the Townline and Attorney Gandia and her team would be designing the R&L Carrier site. Mr. Pratt also commented that it would be constructed in phases as they would do the first phase to the first cul de sac which would be 1,200 feet but they are designing and permitting the road all the way to the Townline because that includes the future utilities as well and water and sewer would be in Phase II. There would be a separate application to the Planning Board for the road and a separate application for the site plan for R&L Carriers. Attorney Hollis informed the Board that they could recommend, no comment or not recommend and they could do it individually or do it in segments. Attorney Hollis believed that what Attorney Gandia was asking for a favorable comment for R&L and what they are saying is that they would like a favorable comment on the other items. Mr. Porter believed from an R&L standpoint that they did not believe it was disagreeable with what they are proposing with R&L Carriers, but he does have his personal take on the road plans is a little concerning with the road after the first cul de sac. Attorney Gandia wanted to comment on behalf of her client and believed that they could develop up to the first cul de sac and have well and septic and they can get the utilities. Mr. Porter was much more comfortable with that type of statement. Mr. Lamontagne commented that, when they were in front of the Planning Board that Stantec, the engineering consultant requested that the whole road be designed, and they thought the best way to do it was to design the whole road to the Townline as requested. Mr. Lamontagne also mentioned that they would be bringing natural gas through there as well. Mr. Porter was concerned about bringing natural gas coming through a wetland and being so close to Maine Drilling & Blasting. A brief discussion ensued with regard to bringing natural gas through the area.

With that said, Mr. Porter believed the Board could comment on any type of reduction for the roadway from the Bypass to the first cul de sac and the R&L site and asked Attorney Gandia if she had the list of requested relief. Attorney Gandia stated #2, #6, #7, #8 and #9 for the roadway and for the R&L Carrier site would be #1 through #8. Mr. Burnham

believed there were 13 Variances for the R&L Carrier based on what they were talking about.

Mr. Porter asked Mrs. Elwell about a blanket for accepting or not accepting or making comments. Mrs. Elwell believed that they needed to make a blanket comment on the R&L site and a separate comment on the roadway. Mr. Porter asked Mr. Burnham for his thoughts. Mr. Burnham agreed and believed it would make it easier for them. Mrs. Donovan talked about the Master Plan, and they should support the Master Plan and understands the need and agrees that she would support just the R&L and up to the cul de sac but cannot comment on any more than that. Mrs. Elwell also agreed with Mrs. Donovan. Mrs. Donovan stated that she would really be interested in the calculation of the number of acres including the buffer for the overall impact due to construction.

Mr. Porter asked the Board members to put a motion together in support for relief for #2, #6, #7, #8 and #9 for the roadway and relief for A through H for the R&L Carrier site.

**Mrs. Donovan made a motion to support the request for relief regarding the buffer impacts for #2, #6, #7, #8 and #9 for the roadway and the impact to the wetlands for future lot number 1-22-5 (future R&L Carrier site) for 1 through 8 for R&L Carriers, Londonderry Turnpike, Tax Map 1, Lots 22, 23 & 24-1.**

Mrs. Hanson wanted it documented in the minutes that this motion is based on the fact that it's located in an Industrial Zone and supporting the Master Plan and use Map 23 – Future Land Use from the 2018 Master Plan. Mr. Burnham reiterated that they also asked for full impact of the site. Mrs. Donovan asked what the percentage that would be filled would be. Attorney Gandia indicated she gave a percentage of 3.64% for just fill and did not include the buffer impacts. A brief discussion ensued with regard to the percentage. Mr. Pratt explained that they gave the numbers according to what the Zoning Ordinance requested because if the wetland goes away then there is no buffer. With regard to the R&L Carrier site they will be forwarding the calculations for what the acreage is for the wetland impacts and one for the calculations for the buffer reduction. The Board liked that idea and thought it was totally appropriate.

Mrs. Hanson asked what the percentage was for fill. Attorney Gandia indicated that it was 3.64% for the three (3) lots combined of 117 acres. With regard to the R&L site, Mr. Pratt stated that the R&L site was approximately 40 acres with 2.5% of it being filled. Mrs. Hanson wanted to have this noted in the minutes. Mr. Pratt explained that it was a 40-acre lot, and they have to disturb approximately one acre that would be filled in as it was small pockets of wetlands that add up to one acre.

**Mr. Burnham seconded the motion. A vote was taken, all were in favor with Mrs. Elwell against and the motion passed by a vote of 3 to 1.**

Mr. Porter stated that the Board will not make any comment on the future pad sites. The Board members all agreed and there was a lot of stuff they did not know. Attorney Hollis commented that they have not even presented anything regarding the future development lots. Mrs. Hanson believed that the Board was here, and they were already here and believed the Board should hear the presentation. With that said, Attorney Hollis presented to the Board with regard to the future pad lots and began with future lot 1-22-4 which was looking for a reduction in the wetland buffer from 125 feet to 100 feet for Wetland "M". Attorney Hollis explained that it was the lot located right on the roadway. Attorney Hollis went on to future lot 1-22 to reduce the wetland from 125 feet to 70 feet for the same Wetland "M". Wetland "L" is looking for a reduction from 125 feet to 30 feet for disturbance envelope for future development and from 125 feet to 100 feet for stormwater structure for Wetland "E". Wetland "E" is a larger more extensive wetland that is closer to the driveway for R&L, and they are looking for a reduction from 125 feet to 100 feet. Attorney Hollis went on to Wetland "N" which is across the street when you first come in it's on the left side of the proposed lot 1-22-1 and they are looking for a reduction from 125 feet to 45 feet. Wetland "K" is the wetland farther down the road known as proposed lot 1-22-2 and they are looking for a reduction from 125 feet to 100 feet. Wetland "P" which is associated with Cohas Brook is located on proposed lot 1-22-2 as well and they are seeking a reduction from 125 feet to 100 feet. At this time, Attorney Hollis asked the Board members if they had any questions. Mr. Porter stated that without any building plans it would be premature for the Board members to comment at this time so they will not be making any comments on any of the future pad sites.

Attorney Hollis appreciated the Board's time and thanked the Board for hearing their presentation. Mr. Porter asked the Board members for a motion 1-22-4, 1-22, 1-22-1 and 1-22-2 of non-acceptance for all the proposed future pad sites.

**Mrs. Elwell made a motion to not support the request for relief regarding the proposed future pad sites for Lots 1-22-4, 1-22, 1-22-1 and 1-22-2 for R&L Carriers, Londonderry Turnpike, Tax Map 1, Lots 22, 23 & 24-1. Mrs. Donovan seconded the motion.**

Mr. Porter asked if there was any discussion. Mr. Burnham commented that he agreed with what Mr. Porter had said, that it's hard to give relief for something that we have no plans for.

**A vote was taken, all were in favor and the motion passed unanimously.**

Attorney Hollis asked the Board members to address the remaining issues for the road all the way through to the Londonderry Townline because he did not believe anything was said about this portion. Mrs. Elwell believed it would be the same as the future pad lots and it would be the same motion. Attorney Hollis stated that they are proposing to do the whole road and respect the Board if they decide not to comment. Mr. Porter stated that

he was struggling with the road and understands what the plan is and what the design is but there is a lot of uncertainty. Mr. Porter believed that they did not have enough information to make that call. Attorney Hollis pointed out that the road is critical to be able to bring in water and sewer. Attorney Hollis added that, what goes on the future pad sites there's no way of knowing right now but it will support the roadway to be built to bring in utilities of which the Planning Board will make those decisions. A brief discussion ensued with regard to whether or not the road goes through. Mr. Porter indicated that whether or not the road goes through or not has not yet been determined and he is unable to make a comment at this time. Mr. Pratt informed the Board that they are looking to submit an application to the Town of Londonderry. Attorney Hollis commented that what he's hearing from the Board members is that, if the road doesn't get built that they were not in favor of these wetlands being reduced. Attorney Hollis went on to say that, if it does get approved to be built are you or are you not in favor of the wetland buffers being reduced. Mr. Porter pointed out the Master Plan and the property being located in an Industrial zone, but the problem is that it's in an Industrial area right in the middle of very large wetlands. Attorney Hollis believed that if the Board felt that way and if you're in favor of it should it be approved as a true road, they have no objection and believed that it was a fair condition to make. Mrs. Elwell commented on what Mrs. Hanson had stated in the minutes about the reason if they were to approve it would be because it was part of the Industrial zone and part of the Master Plan. Mr. Burnham indicated that he was not in favor of the buffer reduction as he had a hard time for that piece of the road. With that said, Mr. Porter asked Mr. Burnham to put a motion together.

**Mr. Burnham made a motion to not accept the proposed road impacts for #1, #3, #4 and #5 for R&L Carriers, Londonderry Turnpike, Tax Map 1, Lots 22, 23 & 24-1. Mrs. Donovan seconded the motion.**

Mr. Porter asked if there was any discussion. None were noted.

**A vote was taken, all were in favor to not support, and the motion passed unanimously.**

Attorney Hollis thanked the Board for their time and Attorney Gandia also thanked the Board and the discussion ended.

## **OTHER BUSINESS**

Mr. Porter reminded the Board members of the meeting scheduled for next Tuesday, March 12<sup>th</sup> for All Purpose Storage.

Mr. Porter also informed the Board members about clean-up day, which is scheduled for Saturday, April 20<sup>th</sup> with a rain date of April 27<sup>th</sup>. Mr. Porter also stated that he would be placing it in the Crier and on the Board outside of town hall and at the school. Mr. Porter also added that there would be a cookout after the clean-up was done. Mrs. Hanson asked about the police possibly doing a detail during the clean-up day on the busy roads. Mr. Porter stated that he would look into that.

Mr. Porter asked about the Garden Club. Mrs. Hanson talked a little about it but wanted to make sure they word it correctly if they were to put it out there. A brief discussion ensued with regard to the Garden Club.

On another note, Mrs. Hanson asked if the Board could put a time limit on presentations as this one was pretty lengthy. Mr. Porter believed they could and they would have to announce it at the beginning of the meeting. A brief discussion ensued with regard to the length of the presentation tonight.

## MINUTES

**Mrs. Elwell moved to approve the minutes of February 6, 2024 as written. Mrs. Donovan seconded the motion. A vote was taken, all were in favor and the motion passed unanimously.**

## ADJOURN

**Mrs. Donovan moved to adjourn the meeting. Mrs. Elwell seconded the motion. A vote was taken, all were in favor, the motion passed unanimously, and the meeting stood adjourned at 10:45pm.**

**The next Conservation Commission meeting is currently scheduled for Tuesday, April 2, 2024 at 7:00 p.m. at the Town Hall, 47 Chester Road unless otherwise noted.**