



## City of Rochester Conservation Commission Meeting Minutes

Wednesday November 30, 2022

Rochester Police Department (2<sup>nd</sup> Floor)  
23 Wakefield Street, Rochester, NH

(These minutes were approved on February 1, 2023)

### Attendance

Presence	Commission Member	Notes	Members of the Public
Present	Mike Dionne, <i>Chair</i>		Those offering comment are listed in the meeting minutes.
Absent	Kevin Sullivan, <i>Vice Chair</i>	excused	
Present	Mark Jennings		
Present	Mike Kirwan		
Absent	Merry Lineweber	excused	
Present	Dan Nickerson		
Present	Barbara Soley		
Present	Renée McIsaac, <i>Planner I</i>		
Present	Shanna Saunders, <i>Planning Director</i>		

### I. Call to Order:

Mike Dionne called the meeting to order at 06:31pm.

### II. Approval of Minutes:

Mike Dionne asked the Commission if it would be acceptable to table minutes for discussion after the Conservation Overlay District permit review. There were no objections.

Mike Dionne asked for the presentation of the proposal for 797 Portland Street, however, no one was present on behalf of the proposal. Shanna Saunders offered to call Chris Berry of Berry Surveying & Engineering who submitted the proposal. Mike Dionne suggested that the Commission return to minutes review while waiting for an update on the proposal presentation.

#### a. Review Meeting Minutes of September 28, 2022

Mark Jennings requested an update to page 2, paragraph 2, line 3. The following to be updated "Mr. Garrepy indicated this would require increasing the radius of the turnaround and would further push the lot lines and reduce individual lot area. Minutes to be revised accordingly.

#### b. Review Meeting Minutes of October 26, 2022

Barbara Soley commented that she really enjoyed the student presentation. The Commission agreed with this statement. There were no revisions requested.

Motion made by Mark Jennings to approve the Meeting Minutes for September 28<sup>th</sup> with specified revision and the October 26<sup>th</sup> as presented. Motion was seconded by Dan Nickerson; motion carried unanimously.

### III. Conservation Overlay District:

#### a. Portland Street Subdivision, 797 Portland Street, Map 108-50

Review of wetland and wetland buffer impacts for a proposed 16 lot subdivision. 4,693 sqft of permanent wetland impacts is proposed.

Shanna Saunders stated that the consultant has requested a continuance of the application for 797 Portland Street. They were addressing concerns raised in the third party stormwater review report and would not be in attendance.

Because of the amount of abutters in attendance Mike Dionne opened the floor for public comment, with the understanding that the board would not be discussing the merits of the application with no applicant presentation.

Carl Goodwin of 817 Portland St. Expressed concerns about the amount of water on the property and how area properties would be protected from flooding. The resident stated that he wanted the environment, the land and properties to be protected. He also expressed concerns about people speeding down the road. That kids walking without sidewalks under icy conditions are in danger from drivers losing control of their vehicles.

Mike Dionne stated a reminder that traffic concerns are not an element of review by the Conservation Commission.

Karl Stevens of 61 Crowhill Rd. Explained that as a result of the logging operations and the installation of a manmade ditch, he has had to put in a retaining wall and riprap to protect his property. He is concerned with the stormwater controls currently in place and what is being proposed will not help address the flooding issues.

Mike Kirwan of the Conservation Commission stated that the new pond on Katie Lane is huge and should alleviate flooding.

Dottie McLain of 63 Crowhill Rd. Brought pictures of her a flooded property and the proposed site with flooded soils. She expressed concerns about the Homeowners Association being responsible for maintaining the stormwater infrastructure. She stated that the plan relies on homeowner participation and there is no guarantee that they could pay for the maintenance.

Susan Correia of 9 Bronze Ct. Stated that the issues with Katie Lane are an example of tax payers paying for site maintenance. She asked who designed the previous retention pond for Katie Lane.

Mike Kirwan of the Conservation Commission stated he did not know who, but that it was not Chris Berry.

Susan Correia requested a copy of the Third Party Stormwater Review and the Wetlands Delineation Report.

Shanna Saunders stated that once received, these could be requested for review at the Planning Department.

Susan Correia expressed concern about the HOA not having members and this would result in it not being funded. She stated a concern that the amount of the surety bond would be insufficient to address subsequent problems. She indicated that the previous development in the area was not completed and left the property a mess. She was concerned that East Rochester development is not being adequately considered.

Luann Jones of 127 Crowhill Rd. Stated her property abuts the proposed project site. She was concerned with water quality and asked that we consider what is flowing into the Salmon Falls River. Attention should be given to the impacts of fertilizer, additional septic systems and increases in asphalt. She stated that her family are beekeepers and they worry about the quality of the environmental habitat. Honeybees are considered an endangered species and within 5 years without bees, we would be in a dire situation. She stated that we need safe water and her major concern is those of her neighbors and the quality of the environment.

Mike Dionne commented that conservation is a key focus of the Commission and they worked to put land in the area into a conservation easement.

Dottie McLain asked if conservation of the proposed property was considered.

Mike Dionne stated that the Commission had previously reached out to SELT and they did not have the funding for conservation of the property. He reiterated that the Commission is concerned about water quality issues and the protection of water resources.

John McLain of 63 Crowhill Rd. Wanted to clarify that the site pictures depicting the flooded conditions were taken 2 days after the rain event. He stated that the water stays on the property, that he was able to walk over a frozen surface that had water flowing underneath. He is concerned that with the construction of 32 units using a shared leach field, that the system is destined to fail under the conditions of the site. He is concerned that the level of filtering required to safely treat the effluent water would be insufficient and this would impact water quality. He reiterated that he does not believe it is the right type of land for a leach field system. He believes that the Planning Board and other City departments lean on the Commission's insight on such issues. He encouraged the Commission to look hard at this issue. Stating the overwhelming number of people impacted should be considered over the profit of a few individuals. He requested that the Commission give careful consideration to the proposal, and stated the project is not worth it to the community.

Matthew Morgenson of 34 Copper Lane. Stated that he and his family walk the roads of Stair Falls Dr and Crowhill Rd all the time. He is concerned with the additional traffic to an area that has blind corners and minimal road shoulders, as this would create unsafe conditions.

Carl Goodwin. Stated a concern about the cemetery on Crowhill Rd. He asked if impacts to the cemetery had been considered. He explained that the cemetery had been dealing with water issues in the grave sites.

Dottie McLain. Mentioned that she read the traffic study for the project online and that anyone interested could also read it. She said that the conclusion of the report found that the area could accommodate the increase in traffic, but expressed some doubt about some of the assumptions.

John Kirchdorfer of 67 Crowhill Rd. Stated a concern about a potential conflict of interest with Mike Kirwan being a member of the Commission and that he has been involved with previous activities at the site.

Rather than a back and forth between a Conservation Commission member and a member of the public, Shanna Saunders requested that any such concerns be submitted in writing to the City.

Mike Kirwan stated that he would recuse himself in any voting decisions for the property. He acknowledged that flooding is an issue for all the properties in the area.

John Kirchdorfer stated that his property has suffered from the water issues. This includes the destruction of his pool and basement.

Susan Corriea reminded the audience of the flooding in 2006, when the area was advised to evacuate. She is concerned about adding additional strain to the system and further stretching emergency services. She stated she has been living in area since 2005, and since then she has seen a decline in wildlife in the area. She has been asking the City to address these issues and feels that these have not been addressed.

Mike Dionne commented that the Salmon Falls River is rated by EPA as one of the most impacted rivers. (clarification – it was cited in 2010 by DES as one of the most at-risk rivers for development and associated contamination)

Susan Corriea requested that the strain on wildlife be taken into consideration.

Tom Guimond of 33 Copper Lane. Expressed concerns with the impacts of increases in impervious surface. He stated that area residents had to replace their leach fields within 10 years of installation

and this demonstrated the challenges of these systems in this environment. He asked if the project required a wetlands permit.

Both Shanna Saunders and Mike Dionne affirmed that if there were wetland impacts than yes, the project would require a wetlands permit.

Dottie McLain stated she has been checking the NHDES website and no application has been submitted so far.

John McLain stated appreciation for the opportunity to be heard. He stated the Conservation Commission review will have a big impact on the whole of Rochester.

Luanne Jones. Stated she has observed the decline of the habitat. She wants to see the East Rochester forest remain. Stating it is our home, we love it and we want to keep it.

John McLain asked how residents can learn of upcoming meetings.

Shanna Saunders stated the agendas for meetings are posted to the City website about a week in advance, and anyone interested can call the Planning Department the day of the next meeting to confirm the agenda.

Luann Jones asked if residents needed to attend the next meeting when Chris Berry presents the proposal to the Commission. She also asked if the Planning Board could continue without the Conservation Commission.

Mike Dionne encouraged all to come to the next meeting. He suggested that there could be changes or new information that would result in new questions for stakeholders. He indicated it is unlikely that the Planning Board would make any decisions on the proposal until after the Commission has made a recommendation.

Susan Corriea mentioned that the Planning Department needed to confirm completeness of the abutter list and not rely solely on the developer's list. She stated there were two abutters missed in the original mailing.

Mike Dionne thanked everyone for coming and providing comments.

b. Packy's Investment Properties, LLC; 17 Sterling Drive - Map 208, Lot 18

Review of conditional use permit for temporary and permanent wetlands disturbance as part of a solar tracker installation project

Scott Lawler of Norway Plains representing Packy's Investment Properties presented an overview of the project. He stated that the lot was vacant up until about 2 years ago when approval was given to construct self storage business with 11 solar trackers on site. The applicant is seeking an amendment to the approved site plan. Included in the amendment is the construction of an electronic lift gate (to track vehicle access). There is no fence proposed for site. The applicant is seeking a Conditional Use Permit for impacts associated with the installation of 13 additional trackers. There are 4 proposed along the parking, 3 in the stormwater management system and 6 in the wetlands. There would be permanent and temporary wetlands impacts. The installation would require digging an 8'x8' hole that is approximately 5 to 3 feet deep. Once the concrete is set, existing soils are used to cover the foundation. Scott stated this proposal was calculated to be 19 square feet of a permanent wetland impact. The remaining disturbances would be restored with the original wetland soils. The conduits would be installed underground. There would be approximately 852sqft of temporary wetland impacts for installation. If the applicant needed to service the trackers, he would seek new permit from NHDES for any disturbances.

Mike Dionne asked why the foundation would not be considered a permanent wetland impact.

Scott Lawler stated that the applicant is seeking approval from the City and then will go to the State for approval. A permit has not yet been submitted to NHDES. The applicant considers these installations to have very little impact on the environment. Scott explained that the panels do not create concentrated flow and have a small footprint. Additionally, the area under the trackers would be restored with the existing soils.

Mark Jennings commented that he has seen the trackers do not always tilt and face the same way.

Renée McIsaac stated that each tracker has its own sensor tracking the sun.

Mike Dionne asked if there are any other solar tracker installations sited in a wetland.

Scott Lawler indicated he did not know but would inquire.

Mike Dionne asked about the findings of a Natural Heritage Bureau review.

Scott Lawler indicated that it had previously been conducted, he was not sure of the details but did not think there were any significant findings.

Renée McIsaac asked for the specifications of the concrete to be used for installation, to evaluate potential chemical leaching into the soil.

Dan Nickerson noted that the timing of construction could be critical for certain wildlife species.

Scott Lawler stated that when the Wetlands Permit is submitted to the NHDES, it will also be reviewed by the Conservation Commission.

Mike Dionne stated he was not comfortable making any decisions on the project without NHDES's review, as he had spoken with David Price about this project prior to the meeting and DES had some concerns.

Scott Lawler stated the project is subject to a special exception use approval from the Zoning Board of Adjustment (ZBA) and the proposal will be heard at the upcoming December ZBA meeting.

Dan Nickerson requested information on any other examples of solar tracker installations within wetlands.

Mark Jennings made a motion for a continuance so that the applicant can provide examples of other installations similar to this and provide feedback from DES that the impacts to install the tracker "foundations" were actually considered temporary. It was seconded by Dan Nickerson; motion carried unanimously.

Scott Lawler confirmed that the next Conservation Commission meeting is on December 28<sup>th</sup>.

c. GNM Solar 17, LLC; 60 Shaw Drive - Tax Map 240, Lot 49

Review of conditional use permit for permanent wetlands disturbance as part of a solar tracker installation project.

Scott Lawler of Norway Plains representing GNM Solar presented an overview of the proposal to install 60 solar trackers on the site.

Mike Dionne stated that ZBA approved the project for 50 trackers and even though the Planning Board approved the proposal it was only authorized to approve 50 trackers.

Mark Jennings asked if the change in numbers brought the electricity generation over 1 megawatt.

Scott Lawler acknowledged that the number of trackers did change over the course of the proposal. However, solar tracker placement is outside of the wetland and its buffer, and the requested approval is only for impacts associated with the upgrade to Shaw Drive. The exact number of trackers could be sorted out at another time. Scott explained that Shaw Drive is Class VI road and in 2019 the City installed a new water line along the road. There are 3 wetlands crossings along Shaw Dr. There is a proposed 18" culvert for crossing A and 12" culvert for crossing B. (12" is the minimum size Scott will use when a culvert is necessary.) Scott introduced Damon Burt as the Certified Wetland Scientist for the project. He will be submitting a Wetlands Permit application to the State shortly. Once it is complete, it will also be submitted to the Commission.

Scott indicated that the road section to be upgraded would remain gravel. The decision to run the electricity overhead or underground was still being worked out by Eversource and the railroad company.

Damon Burt indicated that the wetland application has been prepared and will be submitted shortly. A component of the application is for wetlands restoration. He indicated that the package was currently awaiting signature by the City Manager.

Scott Lawler requested input from the Commission for the CUP to upgrade Shaw Drive.

Mike Dionne stated he wanted to see the mitigation plan for the impacted wetlands on site, as well as the impacts associated with the roadway so that there was one complete CUP package for the whole site. He also stated that he wanted temporary impacts as part of the road upgrades to be indicated on the plans. The grading plan does not show temporary impacts, limits of disturbance, or treatment of slopes as part of the proposed road upgrades. In addition he and Kevin Sullivan want to review the property with David Price from NHDES. He stated he wants to see the restoration of all the wetland impacts. That he is not going to separate the two issues of mitigation and the road upgrade approval. Since the CUP only applies to the road, the Commission will review the rest of the mitigation plan and maintenance plan for the whole property. He wants a decision to be all-encompassing for the project.

Damon Burt indicated he has generated a full report.

Mark Jennings remarked that there had not been a definition applied to the term "heavy equipment" in terms of the ordinance and the maintenance of a lawn up to the wetland buffer.

Damon Burt indicated that he will also work with the applicant on the site maintenance plan for vegetation after installation.

Mike Dionne commented that trimming and maintenance of vegetation around wetlands and buffer partially depends on the type of the wetland. He commented that the site looks to fit the type that can have maintained vegetation.

Damon Burt agreed that the site did not meet the definition of an exemplary habitat.

Mike Dionne commented that the areas of wetland that are not impacting the panels, would not need to be maintained. He indicated if the plan proceeds with 50 trackers there would be even more space for buffering and less maintenance required. Mike concluded that he wants to see the additional information requested first and then make a judgement.

Mark Jennings agreed, stating he wants to see the whole proposal for the project prior to recommendation.

Mike Dionne made a motion for continuance so that the applicant can submit the restoration plan for the impacted wetlands on site, this was seconded by Mark Jennings; the motion passed unanimously.

Damon Burt indicated the restoration plan will be provided with the wetlands permit application.

**IV. NH DES Wetland / Shoreland Applications: none**

**V. Notice of Intent to Cut Wood or Timber / Intent to Excavate: none**

**VI. New Business:**

- a. Review proposed schedule for Conservation Commission meetings in 2023.

Mark Jennings indicated the statement that the Commission meets on the fourth Wednesday of the month needed a qualifier for the months where it is shifted for a holiday.

Renée indicated the schedule would be updated accordingly.

All Commission members agreed to the proposed schedule.

- b. Mark Jennings mentioned that Watson Dam was up for permit renewal. This item had come up in talks with the Cocheco LAC and the Isinglass LAC.

Mike Dionne indicated that the Federal Regulatory Commission submitted a Ready for Environmental Assessment. He and NH Fish & Game had already submitted comments on the case. The current comment period has already closed.

- c. Mike Dionne mentioned that Sawmill Dam in Gonic is being removed. There have been a number of issues to work through and the process is moving slowly.
- d. Renée McIsaac mentioned meeting with John Mullen the chair of the Cocheco River LAC. She stated they were in need of increased participation and water quality monitoring of the Cocheco River was also an element of need. She asked if members were interested in participating in VRAP. Mark Jennings indicated that he did monitoring in 2019, but not since. Coordination between Spaulding High School and surface water quality monitoring was suggested again. Renée indicated that an email inquiry had been sent to Darren Scopel at Spaulding High School, John Mullen and Ted Walsh. Renée indicated interest in conducting water quality monitoring through the VRAP and Mark Jennings offered to assist. Renée will also follow-up with Darren about student participation and Ted Walsh about VRAP.

**VII. Reports**

- a. Technical Review  
Mark Jennings provided an overview of the current projects going through the TRG process.
- b. Planning Board Review: not discussed.

**VIII. Old Business and Adjournment:**

Mike Dionne made a motion to table discussion of old business to the next meeting and to adjourn at 9:27pm. The motion was seconded by Mark Jennings and motion passed unanimously.

Respectfully submitted,  
Renee McIsaac  
Planner I