

Rochester Conservation Commission

Minutes of the January 22, 2013

Public Hearing and Regular Meeting

(Approved 02-26-2014)

Members Present:

Deborah Shigo, Chair

Michael Dionne, Vice Chair

Jack Hackett

Meredeth Lineweber

Mark Jennings

Members Absent:

Jeff Winders (absence not excused)

Staff: Seth Creighton

REGULAR MEETING

The Chair convened the regular meeting at 6:31 p.m.

Minutes: The regular meeting minutes of December 18th were reviewed. Jack Hackett made a motion to accept the minutes as presented, Mark Jennings seconded. The motion passed unanimously.

1. Discussion:

a) David Thayer, 22&24 Farmington Road, (by Norway Plains Associates) Application to excavate existing ledge and overburden to the rear of the parcels to create lots that are more conducive to commercial development. Planning Board Case# 216 – 2&3 – GRD – 14
Scott Lawler c/o Norway Plains Associates presented this proposal to the Commission and explained site access, drainage, erosion control, and stabilization. Seth Creighton (Staff Planner) explained to the Commission that this project does not require a Conservation Overlay District Conditional Use Permit because there are no wetland or wetland buffer encroachments proposed; he asked that the Commission review the application in order to meet the requirements of RSA 155-E. The Commission discussed drainage entering the wetlands, blasting concerns, and stabilization. Mr. Lawler and Seth Creighton answered all questions. Mark Jennings motioned that there were no concerns with this excavation site plan, Meredith Lineweber seconded, the motion passed unanimously.

2. Conservation Overlay District - None to discuss.

3. Dredge and Fill Application/Wetland Permit Application: None to discuss.

4. Violations: Deborah Shigo said that the City of Rochester needs to enforce maintenance of drainage structures and maintain their own structures. Several examples of privately and publicly owned failing drainage systems were discussed, and how these failures are impacting wetlands and water bodies. Michael Dionne stressed that the City needs to lead by example because developers are going to question why the City doesn't follow their own rules. Meredith Lineweber said that the City spends money on clean-up efforts, and that Code Enforcement needs to understand the importance and enforcing maintenance. The

Commission said the City needs to charge those who don't maintain their systems. Mark Jennings motioned to have Seth Creighton email DPW to stress that the City needs to lead by example and follow their own rules, regarding stormwater systems, Meredith Lineweber seconded, the motion passed unanimously.

5. Correspondence: (emailed/sent prior to meeting):

- a) NH DES Utility Maintenance Notification – PSNH ROW's throughout the City The Commission spoke briefly about the work that has been occurring, and how this project was mitigated over a year ago.
- b) NH DES Wetland Impact Forestry Notification – 74 Estes Rd (Map-Lot: 247-23) The Commission discussed that this cutting was finished.
- c) NH DES Wetlands monitoring report update – 2 & 8 Plante St (Map-Lots: 128-34&54) No concerns.
- d) NH DES Wetlands request for more information – Amazon Park, White House Rd (Map-Lot: 255-40) No concerns because the Commission has previously discussed and commented on this project.

6. Notice of Intent to Cut Wood or Timber / Intent to Excavate

- a) Notice of Intent to Cut – Chestnut Hill Rd (Map/Lot 203-7) The Commission noted that this cutting was complete.
- b) Notice of Intent to Cut – Farmington Rd (Map/Lots 216-2&3) This was directly related to the "Discussion" matter at the beginning of the meeting. The Commission noted that the City should start enforcing the no-cut policy for properties that are actively under review by the Planning Board, of which these lots are.
- c) Notice of Intent to Cut – Flat Rock Bridge Rd (Map/Lots 210-50&51) The Commission noted that most of this land is wetland and that Planning Board had recently approved a site plan on one of these lots, and because the site plan didn't proposed all of this cutting, the Commission asked that this application be stopped until the legality of the cutting can be reviewed.

7. Reports:

- a) Conservation Easement Audit – Seth Creighton explained the status of consultant Chris Kane's progress, and will forward a section of Mr. Kane's report once formatting problems are resolved. Seth Creighton said that Mr. Kane spent a full day in the Planning office looking through old files and working on the database, and that the database is huge. Seth Creighton thinks that Mr. Kane has found 60 or more easement parcels that the City of Rochester has rights and/or responsibilities to. Mark Jennings said that the map showing the location of these easements needs to be easy to use.

8. Old Business:

- a) "Conserving Your Land" books- Seth Creighton noted that he had contacted the supplier and that the cost of the books is \$4.00 each picked up in Concord, or \$5.00 each shipped. Mark Jennings said that these books offer a good general overview of the conservation easement process and benefits. Deborah Shigo said this book has proven useful in educating landowners about the Conservation Easement process. Michael Dionne made the motion to purchase ten books and have them shipped, Mark Jennings seconded, the motion passed unanimously.

9. New Business:

a) Hope Farm Easement Update – Deborah Shigo explained that the Commission appeared before the City Council on 1-14-14 and was successful in having the Council approve expenditures for placing an easement on Hope Farm. The Commission also was granted \$4,999 from a Moose Plate Grant. The Commission will now work with the property owner on drafting easement language. Deborah Shigo said that the Clement easement is a well written easement, and suggested the Commission members each read and give thought to easement language because this is the next step with Hope Farm.

Seth Creighton said that he had discussed with his boss what the protocol is for talking with media about projects like the Hope Farm. The protocol is that the landowner, consultant, Commission, and staff can each speak to the media, but that a joint meeting is preferred and that Staff should always be contacted whenever any party speaks to the media.

Deborah Shigo noted that she will meet with LCHIP on February 10th at 1:00pm to discuss how to improve future applications.

b) RFP for Land Conservation Specialist – Upon staff's suggestion, Michael Dionne voted that an RFP to find professionals with land acquisition/conservation easement backgrounds be drafted, the purpose is to have someone on call to assist the Commission on future conservation easement acquisitions; Jack Hackett seconded, the motion passed unanimously.

10. Other Business: The Commission re-discussed the purpose of the Green Infrastructure grant and is excited to help update the City's stormwater requirements. They also are hopeful that the City will take a proactive role in enforcing maintenance of stormwater systems and leading by example.

11. Non-Public Session pursuant to RSA 91-A:3 II(d):- (if necessary)

Discussion of acquisition of real property (recent site walks/LACE sheets)

At 7:48 pm Michael Dionne voted to go into non public, Jack Hackett seconded, the motion passed unanimously.

At 8:29pm the public session resumed.

Adjournment:

At 8:29 p.m. Michael Dionne made a motion to adjourn, Jack Hackett seconded the motion, the motion passed unanimously.

Respectfully submitted,

Seth Creighton, Staff Planner