Members Present:

Merry Lineweber Kevin Sullivan Keith Johnson

Mark Jennings Michael Kirwan Barbara Soley

Members Absent: Mike Dionne Jack Hackett

Staff:

Seth Creighton, Chief Planner

Mr. Sullivan convened the meeting at 6:33pm.

**1) Conservation Overlay District**

a) Real Estate Advisors Inc., 24 Jeremiah Lane proposed 53-Lot subdivision for single and duplex housing proposal involving with wetland/wetland buffer impacts.

Chris Berry c/o Berry Surveying and Engineering and Alex Shlieder c/o Real Estate Advisors introduced themselves. Mr. Berry reminded the Con Com that this application has been presented to them several times, and most of the Con Com had walked the site. He gave an update on where the project started, and where it stood currently, namely that there are now two main entrances and the previous stream crossing at the rear of the lot has been discontinued and lots behind that stream have been discontinued. There is a newly proposed wetland impact at the north side of the property due to the needed second entrance at Portland St.

Mr. Berry said that there are three wetland impact areas: 1) Franklin St box culvert replacement; 2) Access road near Franklin St; and, 3) Access road near Portland St. Each area has associated wetland buffer impacts. Mr. Berry said that efforts have been made to reduce all impacts as much as practical.

Mr. Jennings and Mr. Sullivan noted that Lot 23 was of concern due to wetlands. Mr. Berry said they will reevaluate lot layout in this area.

Mr. Sullivan noted that there were several small isolated wetlands at the northwest corner of the lot and none had wetland buffers. Mr. Creighton stated that the Zoning Ordinance only required wetland buffers for wetlands that were ½ acre or greater in size. Mr. Sullivan questioned if these smaller wetlands were connected; Mr. Berry stated that they are not and that the wetland scientist specifically was asked by City Staff to verify this, and as such did and issued a letter stating they were not connected.

Staff suggested that the agent explain the wetland crossings. Mr. Berry spoke to culvert style and sizing. The Commission stated they prefer oversized open/live bottom culverts; Mr. Creighton said that he will work with DPW to see that the culverts are sized correctly.

All of the Con Com members, agent, applicant, and Staff had a lengthy discussion about proper disposal/storage of yard waste

Mr. Sullivan motioned to approve the application with the following conditions and defer to Staff to ensure that the changes have been made upon submission of revised applications:

1) Address proper handling and placement of yard waste in the Home Owners Association Documents, and if necessary designate an area for placement of yard waste;

2) Install ‘protected natural area’ signage at the 25’ wetland buffers;

 3) Restrict fertilizer within all wetland buffer areas to lime and/or wood ash [per Ordinance 42.12(h)(2)(H)] and low phosphorus slow release nitrogen elsewhere. Note this on the plans and in the HOA documents.

4)For lots containing wetland buffers, install natural shrubs along wetland buffers, proposed species must be listed on plans;

5)Restrict mowing of field areas such that it is mowed no more than a few times per year, please address this in the HOA documents

6) Include restrictive and educational language in the Home Owners Association documents which speak to wetland and wetland buffer protection and functions and values.

7) Note on plans that invasive species are to be removed in the areas of wetland/buffer disturbance.

Mr. Kirwan seconded the motion, all voted in favor.

After the motion was made, Paul Martin introduced himself as an abutter and spoke to concerns he had regarding wetlands. He stated that his basement is very damp and he has invested thousands of dollars trying to deal with the dampness. Mr. Martin’s concerns included: 1) According to the US Government’s NOAA website, it was a dry time of year when the wetlands were delineated; 2) The wetlands shown on the subdivision plan do not match the wetlands shown on the City’s 2008 Natural Resource Master Plan map.; 3) Vernal pools were not shown. Mr. Sullivan allowed Mr. Creighton to respond to these concerns. Mr. Creighton said: 1) That he agreed that it was a dry time of year, summer 2016, when the wetlands were delineated, but that this is OK because wetland scientists can delineate wetlands in the winter too, and as such it doesn’t need to be wet to verify the presence of a wetland; 2) The wetlands shown on the 2008 Master Plan are essentially an educated guess as to where wetlands are, and that guess is based primarily off of aerial photos and county soil maps; the wetland delineation depicted on the subdivision plan is site specific and much more accurate; and, 3) The areas that Mr. Martin suggested were vernal pools staff suggested were not.

b)LaPerle Family Rev. Trust, Haven Hill RoadMap + Lot #*225 – 24-1* proposed 10-Lot subdivision involving wetland/wetland buffer impacts.

Project engineer Paul Blanc introduced himself and the proposal. Mr. Blanc explained the wetland crossing that involves an intermittent stream crossing related to the proposed road, and the wetland buffer encroachment related to a proposed drainage basin. Mr. Blanc offered that ‘protected area’ signs would be posted at the 25’ wetland setback, and that the stream crossing can be increased to a live bottom 48” culvert. Project wetland scientist Barry Keith explained that this was an intermittent stream that didn’t have a well defined channel, but could be up to seven feet wide, and does dry up part of the year. The Commission expressed concern with the amount of wetland on the site, and the lack of useable land area. Mr. Blanc explained that the proposal meets and exceeds Zoning requirements, and then handed out site development plans for a few of the most restrictive lots. The Commission considered this information but voted to withhold voting on this application until a site walk can be held; Mr. Jennings made this motion, Mr. Kirwan seconded, all voted in favor. Mr. Blanc stated he is happy to meet with Commission and looks forward to hearing from Staff on what date and time that will be scheduled for.

c) Waste Management, Rochester Neck Rd, Preliminary review of proposed landfill expansion involving wetland/wetland buffer impacts.

Waste Management employees Anne Reichert and Bob Magnusson, wetland scientist Barry Keith, and project engineer Eric Steinhauser c/o Sanborn Head presented preliminary plans for expanding a landfill, relocating a city road and other landfill related uses, and preserving land to meet NH DES mitigation rules. Ms. Reichert showed a large aerial photo over the entire Waste Management facility, and she and Mr. Magnusson noted the existing conditions and use locations. Ms. Reichert then explained what uses would be relocated and described the proposed area to become a new landfill area. She explained that this new landfill area will allow for 12 more years of capacity. However, to construct this, 1.6 acres of wetlands and 2+ acres of manmade wetlands will be impacted. Mr. Jennings asked how deep the excavation will be, Ms. Reichert said approximately 50’ deep. Mr. Creighton suggested that during construction dewatering plan be proposed. The Commission offered suggestions about during construction erosion control and dewatering, and stressed the importance of protecting the Isinglass and Cocheco Rivers. Mr. Keith pointed to the area of land that is proposed for conservation, and explained its natural characteristics and proximity to other conserved lands. He also said that NH DES had preliminarily discussed this and were supportive; the Commission agreed this land area was valuable to conserve. Mr. Sullivan asked what the anticipated begin date is. Ms. Reichert said that there are several local and State permits to obtain and that the first thing to be started and completed is the relocation of construction Rochester Neck Rd, which is slated for 2018. Mr. Jennings asked if all services will remain open during construction; Mr. Magnusson said yes.

**2**. **Non-Public Session pursuant to RSA 91-A:3 II(d):** Discussion of acquisition of real property and/or recent site walks and LACE sheets.

At 8:57 pm Mr. Kirwan motioned to move into a nonpublic session, Mr. Jennings seconded, the motion passed.

At 9:23 pm the public session resumed.

**3. Notice of Intent to Cut Wood or Timber / Intent to Excavate:**

a) Notice of Intent to Excavate - Tax Map # 268-5, Rochester Neck Rd, Brox Industries

The Commission had no concerns with this.

**4. New Business:** Educating public about Conservation Commission’s duties and budget, etc…

The Commission expressed concern about residents, City Councilors, and others not fully understanding what the Conservation Commission does or how it accumulates money to purchase land easements. Staff suggested the Commission work the City’s IT Dept/Videographer to create an informative video. The Commission suggested that the City’s Public Relations contractor work with them to make an informative release.

**5. Adjournment:** Mr. Kirwan motioned to adjourn at 9:36pm; Mr. Johnson seconded. The motion passed.

Respectfully submitted,

Seth Creighton, Chief Planner