

Rochester Conservation Commission

Minutes of February 24, 2021
(These minutes were approved on April 28, 2021)

Members Present:

Mike Dionne Mark Jennings Meredith Lineweber
Dan Nickerson Kevin Sullivan

Members Absent:

Barbara Soley Sheila Lulek

Staff: Seth Creighton, Chief Planner

Mr. Dionne convened the meeting at 7:07 pm. Mr. Dionne stated the order of the items on the agenda would be changed so that any applicant/agent could be heard first.

1. Conservation Overlay District and/or Review of Related Zoning Variance Application:

a) Zaremba Program Development, LLC, 480 Gonic Road, Tax Map 262 Lot 29: Site plan to construct a 9,100 s.f. retail building, with related parking and other site improvements. Wetland and wetland buffer impacts are proposed.

Chris Nadeau, PE of Nobis Engineering, Cindy Balcius of Stoneyridge Environmental, and Philip Hastings attorney c/o Cleveland, Waters, and Bass, and Matt Casey, developer, were digitally present.

Mr. Creighton reminded the members that this had been presented and reviewed in November 2020, and that a letter summarizing the review had been sent to the Zoning Board, but the Zoning Board had continued the application. Mr. Creighton suggested the Commission had gained a better understanding of the project since November and that the Zoning Board was interested in hearing the Commissions more definitive thoughts. Mr. Nadeau presented a slightly revised plan that showed four fewer parking spaces in the wetland buffer, and also a revised stormwater treatment system. Ms. Balcius recalled from November that the Commission had questions regarding potential vernal pools; she went on to say that the any vernal pools are located at the back of the lot, outside the areas of proposed impact.

Mr. Sullivan asked staff to explain if the plan being presented differed from the one the Commission received in their packets; Mr. Creighton confirmed that the copy in their packets is not the revised version Mr. Nadeau was showing, Mr. Creighton said this was the first he was seeing of the revision. Mr. Dionne shared that he had not seen so much wetland/buffer impact proposed on such a small lot during the entirety of his Conservation Commission tenure, and that this proposal also shows encroachment in the Shoreland Protection area.

Mr. Creighton suggested the Commission could approve, deny, or continue the application. Mr. Sullivan proposed the following motion, "I motion to not support the proposal due to the amount of wetland and buffer impact, proximity to the NH DES Protected Shoreland, and inability to further reduce wetland/buffer impacts. The lot is 50% wetland and the proposal calls for 80-90% of the wetland buffer to be permanently impacted/lost.

Minimization of impact has not been demonstrated; this lot is too small and encumbered for this development.

The proposed parking lot, structure, snow storage, and storm water pond are in the wetland buffer/wetland and as such there is essentially no wetland buffer remaining.

Furthermore, the site design will likely result in future disturbances to the remaining wetlands; as such the Conservation Commission should object to the wetland/buffer impacts proposed.” Mr. Jennings seconded. A roll call vote was taken and the motion passed unanimously. Mr. Creighton said he would forward this information to the Zoning Board for their consideration when hearing the zoning variance request.

2. NH DES Wetland/Shoreland Applications.

a) 326 Chestnut Hill Rd, Tax Map 206 Lot 7, proposed wetland crossing for driveway, NH DES Minimum Impact Wetland Application

Property agent/wetland scientist Cyndi Balcius was present. She explained that her client is seeking a Minimum Impact Expedited application to build a new house and longer driveway. The driveway will cross a narrow wetland. The proposal also includes restoring some historically disturbed wetland. Mr. Jennings said he visited the lot and met the property owner, and agrees this proposal is the least impacting. Mr. Sullivan asked if the driveway will be paved; Ms. Balcius said that hadn't been determined yet, but if not paved it would be hard-pack gravel. Ms. Lineweber said this application makes sense. Mr. Creighton said he was not familiar with this property.

Mr. Jennings motioned to support this application and have Mr. Creighton inform NH DES and sign the application if Mr. Dionne wasn't able to; Ms. Lineweber seconded. Mr. Creighton conducted a roll call vote; all voted in favor. The motion passed unanimously.

b) 162 Autumn St, Tax Map 102 Lot 3, proposed single family home in the NH DES Shoreland Protection area

Property owner Scott Gerry was present. He explained that he is seeking permits to build a house on this currently vacant lot. This lot falls within NH DES's protected shoreland area because of its proximity to the Salmon Falls River and as such needs a permit from DES. Mr. Creighton stated he had walked this property before, and much of it is exposed ledge and that this location is the best/least impacting location for a house. Ms. Lineweber said she sees this lot each day and agrees.

Mr. Jennings motioned to support this application and have Mr. Creighton inform NH DES; Ms. Lineweber seconded. Mr. Creighton conducted a roll call vote; all voted in favor. The motion passed unanimously.

c) 61 Huckins Ln, Tax Map 262 Lot 58, proposed single family home in the NH DES Shoreland Protection area

Property owner/agent Norman Vetter was present. He explained that he and his daughter are seeking permits to build a house on this currently vacant lot. This lot falls within NH DES's protected area, and as such needs a permit from DES. Mr. Creighton stated he had walked this property before, and much of it is field/grass and that this location of the proposed house is in this cleared area. Mr. Vetter agreed and said this will be his daughter's house and that she is very into the environment. Mr. Dionne noted that there are sensitive turtles in this vicinity, as well as eels in the abutting Isinglass River, but stated that both are not of concern because the eel will stay in the water and the turtles can be moved if they are seen. Mr. Jennings noted he was familiar with this lot and stated most of it was cleared but was a beautiful lot. Mr. Nickerson asked if any trees would need to

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be removed and cautioned that NH DES would need to know; Mr. Vetter said no trees will need to be removed.

Mr. Nickerson motioned to support this application; Mr. Jennings seconded. Mr. Creighton conducted a roll call vote; all voted in favor. The motion passed unanimously.

3. Minutes: The meeting minutes of January 27, 2021 were reviewed. Mr. Jennings suggested several changes. Mr. Nickerson motioned to accept the minutes with changes. Mr. Sullivan seconded. Mr. Creighton conducted a roll call vote; all voted in favor. The motion passed unanimously.

4. Discussion: Mr. Creighton reminded the members to submit Statements of Interest if their terms have expired. He also stated that Ms. Soley and Ms. Lulek have been having technical difficulties accessing these remote meeting.

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

Mr. Nickerson said he had no concern with the Intent To Cut applications that had been submitted since the last meeting. Mr. Creighton said that there were no other applications received.

6. New Business: None.

7. Reports:

a) Technical Review Group.

b) Planning Board.

Mr. Jennings and Mr. Creighton updated the Commission on what is currently under review.

8. Old Business: None.

9. Adjournment: Mr. Dionne motioned to adjourn at 8:34 pm, and Ms. Lineweber seconded. The motion carried unanimously by a roll call vote.

Respectfully submitted,

Seth Creighton, AICP
Chief Planner