

# **Rochester Conservation Commission**

Minutes of April 28, 2021

*(These minutes were approved on May 26, 2021)*

## Members Present:

Mark Jennings      Dan Nickerson      Sheila Lulek      Mike Kirwan

Members Absent: Mike Dionne      Meredith Lineweber      Barbara Soley      Kevin Sullivan

Staff: Seth Creighton, Chief Planner

Mr. Jennings convened the meeting at 6:42 pm.

## **1. Conservation Overlay District:**

a) NM Cook Development, LLC, 21 Farmington Road (by Berry Surveying & Engineering) Site plan and conditional use permit to construct a bank with drive thru teller and ATM. Wetland buffer impacts are proposed.

James Hayden, Professional Engineer c/o Berry Surveying and Engineering introduced himself and explained the proposal, with a focus on the proposed wetland buffer impact. He explained that the impact is 800 +/- sq. ft. and is for grading only.

Mr. Creighton suggested that there is another potential future wetland buffer impact, only relevant if the applicant or Planning Board decides that parking spaces should be in the rear of the lot. Mr. Creighton suggested that this area also be voted on, either via a motion that is combined with the 650 sq. ft. impact, or via a separate motion. Mr. Hayden explained that potential future parking area would create slightly more impact, but that all stormwater from this area would be pitched towards the development/away from the wetland buffer.

Mr. Kirwan asked about snow storage area; Mr. Hayden pointed out areas on the plan, Mr. Kirwan commented that these areas may not be enough to store all the snow. Mr. Jennings asked how far this was from the Cocheco River; Mr. Hayden said it is approximately 650-feet. Mr. Kirwan asked about stormwater treatment; Mr. Hayden explained it. Mr. Nickerson suggested that it would be less environmentally impacting to only impact the wetland buffer once, and as such suggested that the future parking area be built now. Mr. Creighton concurred and suggested that if the future parking area is built now, the parking spaces in the front could be abandoned and the area could be vegetated; Mr. Kirwan said this area could be used for snow storage while keeping stormwater and snow away from the buffer.

Mr. Kirwan made the following motion, "To minimize the impact to the wetland buffer, the buffer area/area at the rear should only be impacted once; to this end we'd like to see the 'proposed future parking' area be built now and the 9 parking spaces up front be discontinued." Mr. Nickerson seconded the motion, the motion passed unanimously.

## **2) Discussion:** Review of Crowhill Rd Easement Language.

Mr. Creighton said this was a continued discussion from previous months. He asked if there were any questions or comments on the easement language South East Land Trust (SELT) is proposing. The members only had general questions, such as “Is hunting, public access, and trails permitted? Is there a need to create a public parking area?” Mr. Creighton said he would forward these questions to SELT.

### **3. NH DES Wetland/Shoreland Applications**

a) NH Dept. Of Transportation (NH DOT) – Route 16 improvements associated with All Electronic Tolling including proposed sound walls and stormwater treatment. Wetland impacts proposed.

Mr. Creighton said this was a continued discussion from previous months. He said that NH DOT is unable to attend in-person meetings still, but reminded the Commission of the email he had forwarded them from NH DOT. The amount of wetland impact proposed requires mitigation, and NH DOT is planning to pay into the mitigation fund.

Mr. Jennings said that page 50 of the 400 +/- document NH DOT sent, that the State’s agent Normandeau Associates note they will look into any mitigation/conservation options with the City, but elsewhere in the document NH DOT states they propose to make an in-lieu payment. Mr. Jennings suggests that the City Manager and/or Mayor inform the State that they want the in-lieu payment to be used for a Rochester project, or that mitigation be made via conserving a piece of land that the Conservation Commission is working on in Non-Public.

### **4 Minutes:** Review Meeting Minutes of February 24 and March 24, 2021

Mr. Nickerson suggested edits to the February 24<sup>th</sup> minutes, there were no other suggested edits. Mr. Kirwan seconded. The motion passed unanimously.

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

Mr. Creighton and Mr. Nickerson said that there had been a few Intent to Cuts and/or Intent to Excavates submitted between last meeting and this meeting. Mr. Nickerson asked if there was an Intent to Cut for the Hanson Pines property. Mr. Creighton and the Conservation Commission members were not aware of one. Mr. Nickerson said State Law requires that whoever sells the wood on any municipality or State owned land pays the timber tax, and all other sales is the landowner’s responsibility.

### **6. New Business:**

a) Ms. Lulek asked for a status of drainage improvements at Ela Court. Mr. Creighton and the Commission agreed that this project was put on the backburner for funding reasons, but that it is

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believed that it is now funded and most permits have been issued. The Dept. of Public Works would know more details.

b) Mr. Kirwan asked if the Bacon Felt Dam was built to spec, and he has noticed that a rubber membrane is blistering from the dam. It was agreed that NH DES / NH Fish & Game should be contacted.

## **7. Reports:**

a) **Technical Review Group (TRG).** Mr. Jennings mentioned there were several new TRG applications, but not all have Conservation/wetland concerns. The ones that do are: 215 Rochester Hill Rd, a proposal for new multifamily development, some wetland buffer impact proposed; and, a vacant lot on Peaslee Rd, a new house is proposed and the driveway will impact the wetland buffer.

b) **Planning Board (PB).**

## **8. Old Business:**

a) Update on ZBA decision regarding 480 Gonic Rd - Mr. Creighton said that the Zoning Board denied this application, based on the Conservation Commission's input.

**9. 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.

**10. Adjournment.** Mr. Jennings motioned to adjourn at 8:36 pm, and Mr. Kirwan seconded. The motion carried.

Respectfully submitted,

Seth Creighton, AICP  
Chief Planner