

Rochester Conservation Commission

Minutes of the October 23, 2013

Public Hearing and Regular Meeting

(Approved November 20, 2013)

Members Present:

Deborah Shigo, Chair

Michael Dionne, Vice Chair (arrived at 6:37 pm)

Meredeth Lineweber

Mark Jennings

Jack Hackett

Jeff Winders (arrived at 6:51pm)

Staff: Seth Creighton

REGULAR MEETING

The Chair convened the regular meeting at 6:32 p.m.

Minutes: The regular and non public meeting minutes of September 25th were reviewed. Mark Jennings made a motion to accept both meetings minutes with changes, Meredeth Lineweber seconded. The motion passed unanimously.

Discussion:

a) John O'Keefe and Bill Martin regarding an anticipated wetland buffer encroachment at 29 Milton Rd (215-65-3) for a new commercial auction/function hall building:

John O'Keefe explained that he and Bill Martin are the property owners and developers, and that they would be making the presentation tonight because the engineer was at another meeting. John O'Keefe and Bill Martin presented the draft site plan of a new auction hall, and associated parking and drainage. An application has not yet been made to the Planning Board, but the owners were seeking Conservation Commission feedback prior to submittal. John O'Keefe said the lot will be built up, drainage will be swaled at the edge of pavement, flow along the sides, and outlet into a proposed detention pond at the rear of the proposal. John O'Keefe pointed to where the building corner is proposed to be within the 50' wetland buffer and where the drainage pond and grading is inside the 50' and 25' wetland buffers, and as near as 5' to 8' from the wetland buffer. He said a 'conservation seed mix' will be applied to the detention pond. The Conservation Commission discussed that they had these concerns with the proposal: a) The buffer impacts were too great, especially because this area is part of the Heath Bog system. They requested that alternative layouts (moving the building, parking, and drainage) be investigated to eliminate the wetland impacts; b) The building should be resized or angled so that it is not in the buffer...John O'Keefe responded to this by stating that resizing is not an option for him as this is the smallest footprint he can have to run a successful auction/function hall; c) Stormwater design and treatment should be changed to utilize a system that offers better treatment, incorporates vegetation, and keeps roof runoff of the paved areas. There was some discussion about the positives and negatives of using porous pavement. The Conservation Commission also requested that stormwater system maintenance methods be explained; Bill Martin said that the swale would be mowed; [Jason Pohopek, the project's surveyor, arrived at 7:04pm]. d) Test pits should be done in the drainage pond area because the soils are likely very wet soils with a high water table, which aren't good for drainage systems or development...Jason Pohopek introduced himself as the project's surveyor and said that he was not aware that any test pits had been done yet, but acknowledged that the soils were not good development soils. He said that this lot was created in 2001 and at that time the wetlands were smaller. He apologized for being late

and for the fact that project engineer Tobin Farwell was not able to attend. e) The Conservation Commission asked about erosion controls and suggested the use of woodchip berms or hay bales, not silt fence. Jason Pohopek said that this request was fine and that they'd also install orange snow fence at the clearing line. f) The Commission comment on snow storage; there is very little area to store snow and it should not be pushed into the wetland buffer or impede drainage. John O'Keefe offered that they do not use salt, only sand, and that they'd plow the snow off the parking area wherever they can. The Commission asked that this be reviewed further. g) The amount of impervious area should be reduced...John O'Keefe and Jason Pohopek said that they can't lose any parking spaces. Jason Pohopek said that his clients are allowed to impact the buffer, as the Zoning Ordinance allows for it, and that everything possible has been done to not impact the buffer. Staff Planner Seth Creighton clarified that the Zoning Ordinance allows the developer to request a wetland buffer impact, and the impact can only be allowed if all alternative options to avoid and/or minimize disturbance have been exhausted. Seth Creighton stated that there are alternative stormwater design options that will help reduce the buffer impact, and that the developer should have his design team contact the Planning Office to discuss this in more detail.

The Conservation Commission suggested that the engineer get in touch with the Planning Department to work through their concerns. The Commission and lot owners agreed to continue this presentation to the November 20th Conservation Commission meeting.

b) Seth Creighton, Staff Planner, Regarding Grant Application/Green Infrastructure & Request for Letter of Support

Seth Creighton explained that the City has been working on a grant application that will provide funding to review and rewrite City ordinances and regulations so that green stormwater infrastructure design options are included in the requirements. He passed around pictures and descriptions of green infrastructure. Deborah Shigo recalled that the City had applied for this application before. Seth Creighton said that this is true, and although Rochester was not awarded the previous time, the grantors suggested that Rochester try again during the next grant round; Creighton said the City's efforts right now are for round two. He asked if the Commission supports these efforts. Deborah Shigo said that she does and she would write a letter of support on behalf of the Commission if they agreed; all the members agreed.

c) Result of Variance Application for Wetland Buffer Encroachment 89 Ebony Ln (221-48-17)
Deborah Shigo refreshed the Conservation Commission members about this ZBA application – that it was for a wetland buffer encroachment, that the Conservation Commission submitted of non-support and suggested an alternative layout to the ZBA, and that the ZBA approved the variance. She said that it may be time to write a letter to the ZBA to ask them why every wetlands buffer variance request gets approved, and why the Conservation Commission's input appears to be unconsidered. The Conservation Commission members discussed the fact that Rochester is economic developer friendly, but that the decision making boards (Planning Board and Zoning Board) aren't listening to the Conservation Commission's suggestions, even when the Zoning Ordinance calls for them to do so. Deborah Shigo called a vote to see if there was support to have her work with Seth Creighton to write a letter to the ZBA; Meredith Lineweber said she did, Jack Hackett seconded, Mark Jennings said he doesn't support this effort, all others voted in favor of writing a letter.

Conservation Overlay District - Conditional Use Review:

See item "a" under the "Discussion" section above.

Dredge and Fill Applications: None to discuss.

Violations: None to discuss.

Correspondence:

- a) a) NHDES Wetland + Site Specific Permit: 233 Chestnut Hill Rd, Map 209/24
- b) NH DES Letter re Forestry Notification: Map 231/18
- c) NH DES Wetlands Permit: 2+8 Plante St, Maps 128/53+54
- d) NH DES Wetlands Permit: River St Dam, Map 121/9
- e) NH DES Letter re Forestry Notification: 247/26
- f) NH DES Alteration of Terrain Permit: 216/11

There was no discussion regarding the correspondences.

Notice of Intent to Cut Wood or Timber:

- a) Intent to Cut for Map 247 Lot 26 (92 Estes Rd)
- b) Intent to Cut for Map 247 Lot 25 (84 Estes Rd)

Mark Jennings asked if anyone had any concerns with the Intent to Cuts on Estes Rd, because of the location and/or onsite wetlands. Jeff Winders said that he was concerned only if the soils aren't good and would like to suggest that the cutting occur during the winter/frozen months. Jeff Winders will talk to the logger.

- c) Intent to Cut for Map 267 Lot 27 (Rochester Neck Rd – Waste Management)
- There was no discussion about this intent to cut.

Reports:

Progress Report from Kane Conservation – A printout of Kane Conservation's progress was supplied to the members. Jeff Winders asked if Kane's list of properties was comprehensive, Deborah Shigo said that it was not and that it only listed what Kane has finished so far. Deborah Shigo said she will email Kane and ask him what his next step is.

The Chair updated the members on the continued work for Hope Farm. The Chair said she met with Bambi Miller and they created a detailed budget. It is the Chair's desire to return to Council for final approval, possibly in December.

Old Business:

Conservation Easement Language: Seth Creighton handed out the eight conservation easement documents that he found for eight different conserved properties in Rochester. Deborah Shigo asked each member to take one easement and review, noting what they like and what they don't like, and be ready to discuss it at their next meeting.

New Business: None to discuss.

Other Business: Resident Dorothy Harris, 125 Ten Rod Rd, was present and asked the Conservation Commission for clarity regarding the Conservation Easement that was put on the Severino property that abuts her property and Wal-Mart's property. Dorothy Harris explained that during the public hearings regarding the Severino lots (Map 261 Lots 9 & 11) the developer said the back land would be put into a conservation easement. Dorothy Harris said that after the approval the developer went and logged the property and that it doesn't seem like a good forestry job (she then handed out pictures of the forested site). Michael

Dionne explained that although it may look ugly, all the branches and small pieces left on the ground after logging, known as slash, is actually good for the re-growth of the forest and for wildlife. Deborah Shigo explained that the easement on this property was not supported by the Conservation Commission and that it was accepted by the City without the involvement of the Conservation Commission, and thus the Commission is not aware of the exact language. Dorothy Harris explained that she didn't think it was right to do the cutting because it was explained at the public hearing that the back land would be conserved and that the existing trails would remain open, she said the trails are now blocked by felled trees and branches. Jeff Winders said he remembers that the trails are to remain open. Michael Dionne said that some easements allow for forestry and include a forest management plan. Deborah Shigo said that she will find the easement and get in touch with Dorothy Harris. Dorothy Harris thanked the Commission for their time and help, and gave the Commission her email address.

**Non-Public Discussion Pursuant to RSA 91-a:3 II (d):
Discussion of acquisition of real property (recent site walks/LACE sheets)**

At 8:47 p.m. Michael Dionne made a motion to go into non-public session. Meredeth Lineweber seconded the motion. The motion passed unanimously.

At 8:55 p.m. Michael Dionne made a motion to come out of non-public session and seal the minutes. Jack Hackett seconded the motion. The motion passed unanimously.

Adjournment:

At 8:55 p.m. Mark Jennings made a motion to adjourn, seconded by Michael Dionne. The motion passed unanimously.

Respectfully submitted,

Seth Creighton, Staff Planner