

# Rochester Conservation Commission

Minutes of January 27, 2021

*(These minutes were approved on February 24, 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 7:00 pm.

**1. Minutes:** the meeting minutes of November 18, 2020 were reviewed. Mr. Sullivan motioned to accept the minutes with no revisions and Mr. Nickerson seconded. The motion passed unanimously by a roll call vote.

## **2. Conservation Overlay District and Review of Related Zoning Variance Application:**

### **a) 10 Farmington Road, LLC, 10 and 14 Farmington Road, Tax Map 221 Lots 158 and 159**

The applicant's engineer Christopher Rice, and wetland scientist Christopher Danforth gave an overview of the site plan to construct an 8,000 square foot automobile repair building with related parking, access, stormwater treatment, and other site improvements with wetland buffer impacts. They also discussed the wetland's functions and values.

The Commission discussed with the applicant the larger watershed area and made several suggestion on how to minimize the proposed wetland buffer impact. The applicant agreed to most. A vote was taken, and passed unanimously, to write a letter to the ZBA stating the Commission's suggestions and ask the ZBA consider these suggestions when deciding on the variance request.

Mr. Dionne, motioned, and Ms. Lineweber seconded, that a letter be sent to the Zoning Board of Adjustments stating the following:

"The Conservation Commission is suggesting ZBA approve this relief request with the following conditions/plan revisions:

- 1) Consider pervious pavement for drive aisle around building.
- 2) Drainage design is to incorporate infiltration.
- 3) Provide hoods in catch basins to separate oil/water.
- 4) Snow storage is not to be pushed towards the buffer; provide boulders and/or plantings to create a physical barrier between parking lot and buffer.
- 5) Consider removing sidewalk to reduce impacts (or shift sidewalk to opposite side).
- 6) Remove the 4 parking spaces within the buffer.
- 7) Provide retaining walls for grading, where possible, to limit buffer impact.
- 8) Consult with wetland scientist regarding the best re-vegetation plan for the impacted slope within buffer.
- 9) Consider separate access to employee parking area to limit impacts. Alternatively investigate shifting drive aisle connecting the two lots over (towards dumpsters)."

Additionally the motion included a comment that the applicant return to the Commission with revised plans and a Conditional Use Permit once a fully engineered Site Plan application was submitted to the City for Planning Board review.

By roll call vote the motion passed unanimously.

**3. NH DES Wetland/Shoreland Applications:** None.

**4. Discussion:** Mr. Jennings informed the others that the Highfield Commons development had installed matting on slopes, and that the site looked as though it was attempting to address stabilization and erosion controls for the first time in years, but that there is still more to be done and still lots of excess fill that shouldn't be onsite. Mr. Creighton stated that the attempts at stabilization were a result of recent City and NH DES enforcement.

**5. Notice of Intent to Cut Wood or Timber / Intent to Excavate:** Mr. Creighton stated there have been approximately six Intent to Cuts received over the last two months and that Mr. Nickerson has been reviewing them. Mr. Nickerson said he has looked over all of them and visited some of them and had no concerns.

**6. New Business:** None.

**7. Reports:**

- a) Technical Review Group
- b) Planning Board

Mr. Jennings provided an update on which projects involving wetland/wetland buffer impacts were being reviewed. One of the proposals is for a Conservation Subdivision. Mr. Jennings said that although it has no proposed wetland/buffer impacts proposed, he believes it should still be reviewed by the Commission because it involves open space. He also questioned who is monitoring these open spaces; Mr. Creighton said that each homeowners association should be monitoring, but that ultimately the City has enforcement power just as they do with any other land use regulation/condition of approval. Mr. Jennings suggested requiring an annual monitoring report be submitted; the other Commission members and Mr. Creighton agreed.

**8. Old Business:** Mr. Dionne reminded the others of the 480 Gonic Rd proposal the Commission reviewed at their November 2020 meeting and he and Mr. Creighton had written a letter to the Zoning Board outlining the Commission's comments. Post the Zoning Board meeting he received a few emails from the Planning Director urging him to have the Commission review the proposal further and offer a final opinion of support/non-support. The Commission stated how this was not appropriate and reminded staff that the Commission had written a letter to Zoning Board already, yet the letter seemed to have not been considered or read. Mr. Creighton offered that the Commission had and is operating appropriately, and that they could review this further in whatever manner they chose. Mr. Dionne motioned to not support the proposal due to the amount of wetland and buffer impact, proximity to the NH DES Protected Shoreland, and due to inability to further reduce wetland/buffer impacts, Mr. Nickerson seconded; by roll call vote the motion passed unanimously. Mr. Creighton said he would verify with legal counsel if that vote was proper, or if the

## Rochester Conservation Commission

Minutes of January 27, 2021

*(These minutes were approved on February 24, 2021)*

applicant needed to be present, if the later he would schedule this to be heard at the February Con Com meeting.

**9. Adjournment:** Mr. Dionne motioned to adjourn at 8:41 pm, and Ms. Lineweber seconded. The motion carried unanimously by a roll call vote.

Respectfully submitted,

Seth Creighton, AICP  
Chief Planner