



## City of Rochester Conservation Commission Meeting Minutes

**Wednesday February 1, 2023**

Rochester Police Department (2<sup>nd</sup> Floor)  
23 Wakefield Street, Rochester, NH

(These minutes were approved on March 22, 2023)

### Attendance

Presence	Commission Member	Notes	Members of the Public
Present	Mike Dionne, <i>Chair</i>	excused	Those offering comment are listed in the meeting minutes.
Absent	Kevin Sullivan, <i>Vice Chair</i>		
Present	Mark Jennings		
Present	Mike Kirwan		
Present	Merry Lineweber		
Present	Dan Nickerson		
Present	Barbara Soley		
Present	Renée McIsaac, <i>Planner I</i>		
Present	Ryan O'Connor, <i>Senior Planner</i>		

### I. Call to Order:

Mike Dionne called the meeting to order at 6:33pm.

Chair made a motion to move meeting minutes review to follow the Conservation Overlay District proposal reviews. There were no objections.

### II. Conservation Overlay District:

#### a. 797 Portland Street; Tax Map 108 Lot 50

Review of conditional use permit for temporary and permanent wetlands disturbance as part of a proposed 16 lot subdivision.

Mike Kirwan recused himself from decisions for the subject property.

Chris Berry of Berry Surveying & Engineering presented an overview of the project. Explained that he was representing both the landowner and the developer for the proposed 16 duplex unit subdivision. He introduced Deirdre Benjamin (in attendance), as the wetland scientist who surveyed the property and was available to answer any questions.

Chris Berry stated that many of the concerns regarding the proposal relate to stormwater and drainage on the site. He explained that the project is designed to capture all drainage onsite and direct it to the proposed gravel wetland. The gravel wetland both attenuates and treats the water flowing into the system. It is designed to capture the flow that goes across the rear of the abutting properties.

Mike Dionne asked if there were any changes to the plan in response to the third-party review.

Chris Berry stated some information has been added to the proposal, but the site designs have not changed.

Mike Dionne opened the session for public comment.

Dawn Keiling of 34 Crowhill Rd. Expressed concerns about potential impacts to the brook that runs through her property. She did not want water flowing into the brook to be reduced.

Charles Keiling of 34 Crowhill Rd. Spoke about the importance of the brook on his property and was concerned that proposed changes would result in the brook drying up.

Mike Dionne indicated that the proposed drainage system was designed to address the flow across the subject property.

Dawn and Charles both spoke about concerns that the project would reduce the flow and have impacts to the wildlife. They expressed concerns about drought and not excess water. They also expressed concerns with developmental impacts in general.

Mike Dionne stated that the upstream excess water flows were mainly related to manmade alterations of the land. Mike asked about the elevation design for the gravel wetland.

Chris Berry explained that the gravel wetland extends the length of time that the water flows but does not stop the water flow. It does not reduce the overall flow to its the final point, just the rate of flow is reduced.

Ryan O'Connor stated the third-party review will confirm that the project does not have negative downstream impacts.

Carl Goodwin of 817 Portland St. Concerned that the proposed engineering will not help the area residents.

John McLain of 63 Crowhill Rd. Spoke about the City not taking care of issues in East Rochester. He felt there was a lot of development throughout the City and the proposed development was not needed. He stated it was not providing any good to the City.

Mike Dionne reminded everyone that concerns over septic systems were outside of the Commission's purview.

Dottie McLain of 63 Crowhill Rd. Stated concerns that the ownership and maintenance would fall to a home-owners association (HOA). She said this was a concern because she knew of other instances where HOA's were not successful. Their responsibility to maintain the gravel wetland and ponds is a huge concern for her.

Chris Berry explained that an Operations & Maintenance manual had already been provided to the City, it would be noted in the deed, reviewed by both the Legal and Planning Departments. He stated the HOA would be established prior to a Certificate of Occupancy being issued by the City.

Ryan O'Connor stated that the City does routinely inspect stormwater infrastructure to ensure that maintenance of these systems is occurring as per the required Drainage Maintenance agreement.

John McLain asked what happens when the ponds are not maintained.

Ryan O'Connor stated that the City would enforce maintenance of the stormwater system and may take actions to resolve issues should functionality be inhibited.

Chris Berry explained that sometimes easements are placed on these ponds so that the City can access them but they are not required to maintain them. He stated there could be financial penalties for instances where required maintenance does not occur. The frequency of maintenance for the removal of sediment accumulation is approximately every 5 – 10 years. The vegetation would need to be maintained annually to avoid filling in of the pond.

Susan Correia of 9 Bronze Ct. Expressed concerns with the amount of logging in the area and how this could impact calculations for the proposed designs. She has experience with running HOA's and traditionally these do not start with funds. She wanted to know what type of home ownership

was planned for the development. She was concerned that some of the water related issues that residents on Stair Falls have faced would be repeated with the new development.

Chris Berry stated that there were two potential tracks of home ownership for the development. One where homes are leased and a single owner would be responsible for maintenance. The other option is to sell the units as condos and this would require resident participation in an HOA. Current practices require that the developer provide an operational budget for the HOA and sometimes this requires an initial amount of funds to be provided to the HOA.

Mike Dionne indicated that either way this would be a Planning Board issue and not a Conservation Commission issue.

Susan Correia still felt that the ability of the HOA to operate was material to the proposal concerns. She expressed concerns that with a high water table there would be water runoff from the development flowing into the Salmon Falls. She stated this is a drinking water for 3 communities. This potential runoff would be toxic to aquatic life. She was concerned that with reduced numbers of trees this would increase the amount of runoff water.

Mike Dionne asked if the reduced vegetation was taken into account in the plan calculations.

Chris Berry responded that yes, the flow calculations have taken tree removal as well as the proposed area of impervious cover into account.

John Carpenter of 59 Ten Rod Road. Explained that he operates the Cold Springs Cemetery and water flows into the cemetery property. He presented photographs of standing water on the cemetery property. He stated that traditionally there has been some flooding in this area but is concerned with how the proposed development would impact both the cemetery and the community.

Mark Jennings relayed a story about how brooks in the area will periodically go dry. (In reference to concerns that drainage structures would impact the brook that crosses Crowhill Rd.)

Susan Correia stated that the subject area contains valuable wetlands for certain species, such as smooth green snakes, black racers, Fowler's toads, American toads, spotted turtles, yellow dotted salamanders and lady slippers.

Mike Dionne stated that the Natural Heritage Bureau did not have any records for these.

Susan Correia responded that she is working to get some of these species reported.

Tim Conklin of 45 Crowhill Rd. Asked what attenuation meant in context to the stormwater design.

Chris Berry explained that attenuation means the storing of water, in the case of stormwater the practice is to attenuate the water, as opposed to wetland crossings where you do not want to impede the flow of water.

Tim Conklin asked what affect attenuation would have on stormwater.

Chris Berry responded that it would capture the water and keep water levels within normal ranges.

Mike Kirwan (speaking as a member of the public) stated that there is another brook that feeds the stream system along Portland Street. He does not believe the proposed development will result in any losses to the brook (that runs through the Keiling's property).

Dan Nickerson made a motion to recommend approval of the Conditional Use Permit for the specific wetland buffer impacts detailed in the application. Merry Lineweber seconded the motion; the motion passed unanimously.

b. 287 Rochester Hill Road – Sofield Apartments; Tax Map 254 Lot 18

Review of conditional use permit for wetland buffer impacts associated with townhouse development.

Chris Berry of Berry Surveying & Engineering gave a brief overview of the project. He explained that the property was under new ownership and introduced Todd Wheatley of MHG4 Funding, LLC.

Mark Jennings requested that the existing rock wall within the development footprint be restacked on the property.

Chris Berry indicated that this could be done.

Renée McIsaac requested that trail connectivity into the Champlin Forest be explored. She explained there is an existing trail that comes close to the property and people walk these trails.

Chris Berry indicated that this would be explored.

Renée McIsaac asked about removal of the pavement next to existing building #5 that is not indicated as parking on the plan.

Chris Berry stated that this paved area is currently used for parking.

Chris Berry indicated he is looking to get in touch with the abutting property owners to discuss the current plans for the site.

Barbara Soley made a motion to recommend approval of the Conditional Use Permit for the wetland buffer impacts. Mike Kirwan seconded the motion; the motion passed unanimously.

c. 20 Flat Rock Bridge Road; Tax Map 210 Lot 64

Review of conditional use permit for restoration of a previously disturbed wetland and buffer.

Chris Berry of Berry Surveying & Engineering gave a brief overview and history of the project.

Mark Jennings made a motion to recommend approval of the Conditional Use Permit to work on the restoration of the wetland buffer. Mike Dionne seconded the motion; the motion passed unanimously.

**III. Approval of Minutes:**

- a. Review Meeting Minutes of November 30, 2022
- b. Review Meeting Minutes of December 28, 2022

Mike Dionne made a motion to accept the meeting minutes with a few minor edits. Mike Kirwan seconded the motion; the motion passed unanimously.

**IV. NH DES Wetland / Shoreland Applications:**

- a. US Rte 202 Connector, DOT ROW; NHDES 2022-03305
- b. NOI to Operate Rochester Materials Recovery Facility; DES-SW-90-030
- c. Alteration of Terrain Application - Rachel Lane; Tax Map 255 Lot 24-10; SUBD-21-2

There were no concerns with the above applications.

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

- a. Intent to Cut: Tax Map 109 Lot 126-1; 22-389-08-T  
Dan Nickerson was concerned the number of trees intended to be harvested could impact the hydrology for surrounding properties, however these concerns appeared to be outside of the Commission's purview.
- b. Intent to Cut: Tax Map 259 Lot 89; 22-389-09-T  
Dan Nickerson had no concerns.

**VI. New Business:**

- a. Map 216 Lot 11 - Site walk of conservation easement - Tentatively scheduled for 04/01/23.
- b. Map 258 Lot 55 – Discussion of Reported Alleged Wetlands Violation - Commission awaiting further action.
- c. Wyland National Mayor's challenge for water conservation - Commission members will review the links and provide further comment.
- d. Master Plan Chapter format review  
The 2020 Transportation Chapter and 2020 Downtown Chapter were reviewed as format examples for the revision to the Natural Resources Chapter. The Commission preferred the portrait orientation of the Transportation Chapter. They also felt that the existing Natural Resources Chapter needed pictures and breaks in the text. They liked how the Downtown Chapter was more visually engaging.
- e. Recruitment - The Commission members supported efforts to recruit alternate Commission members.
- f. VRAP Meeting - Renée McIsaac gave a brief update on the efforts to engage Spaulding students in VRAP monitoring of the Cocheco River.
- g. Potential conservation sites - Discussion moved to Non-Public Session.

**VII. Non-Public Session:**

Mike Dionne made a motion to enter a Non-Public Session under RSA 91-A:3, II(d)\* at 9:15pm. Mark Jennings seconded the motion; the motion passed by roll call vote.

*\*RSA Note: "Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community."*

Mike Dionne made a motion to leave the Non-Public Session at 9:48pm. Mark Jennings seconded the motion; the motion passed unanimously.

Mike Dionne made a motion to seal the Non-Public Session minutes. Mike Kirwan seconded the motion; the motion passed by roll call vote.

**VIII. Reports: Discussion tabled to next meeting.**

**IX. Old Business: Discussion tabled to next meeting.**

**X. Adjournment**

A motion was made by Merry Lineweber to adjourn at 9:50pm. Barbara Soley seconded the motion; the motion carried unanimously.

Respectfully submitted,  
Renée Ashley McIsaac  
Planner I