

## **Rochester Conservation Commission**

Minutes of the September 25, 2013

Public Hearing and Regular Meeting

(Approved October 23, 2013)

### Members Present:

Deborah Shigo, Chair

Michael Dionne, Vice Chair

Meredeth Lineweber

Mark Jennings

### Members Absent:

Jack Hackett (excused)

Jeff Winders (excused)

Staff: Seth Creighton

## **PUBLIC HEARING**

**The Chair convened the Public Hearing regarding “Disbursement of Conservation Funds” at 6:32 p.m.**

Deborah Shigo stated that pursuant to Section 11.21 of the General Ordinances of the City of Rochester and RSA 36-A the Rochester Conservation Commission is holding a public hearing, in accordance with RSA 675:7 for the purpose of the disbursement of monies from the Conservation Fund in the amount of up to \$185,000 in connection with the acquisition of a conservation easement of 12.9 acres of mixed farmlands and forested fields located on Peaslee Road. This amount does not include associated expenses at this time. This property is located in the City of Rochester on Tax Map R253 -49. Deborah Shigo recalled that the Commission had gone into non-public sessions since 2004 to discuss the acquisition of this valuable piece of agricultural land.

Deborah Shigo continued and explained that appraisals are done on all properties that the Commission is interested in acquiring; the Sanborn's have paid for the appraisal of this property and the Commission has applied for an LCHIP grant towards 50% of the price of the easement and will also apply for the Moose Plate grant for the historical significance of this piece of property. The expenditure of these funds must be approved by the City Council and each piece of potential conservation lands is evaluated by the Commission using a criteria based checklist called the LACE (Land Acquisition Conservation Evaluation) form. D. Shigo said that the Commission feels strongly about protecting important farmlands, accessible lands, and lands that have educational value to the City of Rochester.

Deborah Shigo opened the floor for public for comment. Joseph “Molly” and Charlene Sanborn, partial owners of Hope Farm, spoke and thanked the Commission for their efforts to-date. The Sanborns also explained that the LCHIP grant application had one error – it stated that a Zoning Variance was “denied”, yet it was actually “approved”. Seth Creighton apologized for that error and noted that it will be corrected on future documents. Charlene Sanborn mentioned that Hope Farm had just won a number of awards at the Rochester Fair.

Deborah Shigo reminded the Sanborns and Commission members that the to-date efforts to conserve Hope Farm would be presented to the City Council on October 01, 2013, with the meeting beginning at 7:00 pm.

Hearing no other public comment Deborah Shigo closed the Public Hearing at 6:42pm.

## **REGULAR MEETING**

**The Chair convened the regular meeting at 6:42 p.m.**

**Minutes:** The regular and non public meeting minutes of August 28th were reviewed. Mark Jennings made a motion to accept both meetings minute's with changes, Michael Dionne seconded. The motion passed unanimously.

### **Discussion:**

Deborah Shigo ask Seth Creighton if he knew what the decision of the Zoning Board was regarding the proposed wetland buffer impact for a deck at 89 Ebony Ln. Seth Creighton said he did not know, but would find out and let the Commission know.

Mark Jennings asked if land owners are vested rights under the Zoning Ordinance that was in place at the time of their land purchase. Deborah Shigo explained that they are not vested unless there was a development proposal submitted/approved under the old ordinance, prior to the ordinance changing. The Commission members discussed the process of public notice and public hearings for ordinance changes.

Mark Jennings updated the members about the TRG he attended. Jennings sat in on a TRG meeting regarding Coleman construction company's contractor yard on Ten Rod Rd. Jennings explained that Coleman only needs to use the site for a few more weeks to finish a repair to the overpass, and then will clean up and stabilize the site and move out; because of this the TRG members decided that no Planning Board approval is needed.

### **Conservation Overlay District - Conditional Use Review:**

None to discuss.

### **Dredge and Fill Applications:**

None to discuss.

### **Violations:**

None to discuss.

### **Correspondence:**

a) NHDES Letter re: Wyandotte/Hatfield Dam on Cocheco River : The Commission briefly discussed hydro power wattage levels, if hydro power is "clean" energy, and noted that the FERC letter was unclear in directing the applicant about what the next steps would be.

b) NHDES Alteration of Terrain Request for more Information AND Approval/Map 216 Lot 11: The Commission agreed that activity was moving quickly here, but looked to be neat. Mark Jennings said the cut lines are straight and clean, and appear to be lined up with where the cut lines were proposed to be.

c) NH DOT Letter re: Rumble Strips along Rt 125: Deborah Shigo felt that this has no Con Com related impacts, the other members agreed and supported safety improvements along RT 125.

d) Responses to Request for more Information/Map 121 Lot 19/River Street – Michael Dionne explained that this application has been discussed by the Commission on more than one occasion and that it is up to DPW to work with DOT and DES on the particulars.

e) 'Coastal Wetlands' Conference Flyer – The Commission concurred that this workshop is salt marsh/saltwater related and thus not overly applicable to Rochester, yet it still may be worthwhile to attend.

**Notice of Intent to Cut Wood or Timber:**

Map 129 Lot 15/Brock St (Intent to Cut and Excavate) – The Commission members all have seen or been aware that this cutting has already occurred. Michael Dionne clarified that this is on the National Guard property, that a detention pond was being installed, and he hopes that the pond takes care of the existing erosion gully.

**Reports:**

Hope Farm and LCHIP grant next phase: The Commission invited land acquisition contractor Bambi Miller to speak. Bambi Miller explained that the LCHIP grant had been completed, and submitted. She said that if LCHIP thinks the application is worthy the expectations are as follows: LCHIP will ask questions, may ask for a presentation, and might schedule a site walk. Deborah Shigo told the members that Con Com also has to present to City Council – once as an FYI, and again to ask for permission to expend funds and accept grant money. Bambi Miller mentioned that she has drafted a Purchase and Sales and explained the process to the other two parties of Hope Farm Real Estate Holdings, LLC.

Bambi Miller explained that she was working on the Moose Plate grant application and would forward material to Seth Creighton overnight. An estimate from Berry Surveying for surveying costs has been received. Bambi Miller intends to request \$10,250 from Moose Plate; this figure was based on the fact that last year's grant recipients received between \$10,000 and \$40,000. If the grant is funded the next tasks will be a survey, a historical assessment, and completing additional paperwork. Bambi Miller said that Moose Plate does not require a match.

Bambi Miller noted that Jeff Winders has had the flu for weeks now and as such he has been unable to help her with the grant, so there is no historical data included in the application because the historical aspect is what Winders had been assigned to do. Bambi Miller thought that a letter from the Rochester Historical Society would show a good faith effort regarding historical significance; Meredith Lineweber suggested that Bambi Miller or Seth Creighton contact Martha Fowler for such a letter. Deborah Shigo said she will mention the Moose Plate application to the City Council too.

Deborah Shigo motioned to have Bambi Miller move forward with the Moose Plate Grant Application, Michael Dionne seconded, the motioned passed unanimously.

Bambi Miller told the Commission that she needs to redo the bill she created, but that the amount was approximately \$2,000 for the LCHIP work. Bambi Miller thanked the Commission for their time and cooperation, then exited.

**Old Business:**

Student involvement Spaulding and Great Bay Community College students: Mark Jennings stated that he had received an email response from the Great Bay professor and had forwarded the email to Deborah Shigo. Deborah Shigo said that the Commission doesn't have time right now to work with the professor and informed the Commission that only Rochester residents that are 18+ years old can become members. Meredith Lineweber said that Hope Farm could be used as a means of involving/teaching kids, the members strongly agreed.

**New Business:**

Membership Recruitment: Deborah Shigo said that she had talked with Karen Pollard and Jim Campbell and asked them to think about recruitment of two new Conservation Commission members – one full member, one alternate member.

**Other Business:**

Emmanuel Advent Church – Eastern Avenue – Map 117 Lot 51: Deborah Shigo and Seth Creighton both had visited the site on separate occasions and concur that the swale is wetland area and cannot be disturbed, and each noticed that woodchip mulch had washed into the wetland. Seth Creighton offered to work with the land owner/groundskeeper on this matter, but needed to know who to contact. Meredith Lineweber suggest that Seth Creighton contact Paul Reynolds, and that Jack Hackett would likely have Reynolds' phone number.

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

At 7:55 p.m. Mike Dionne made a motion to go into non-public session. Mark Jennings seconded the motion. The motion passed unanimously.

At 8:45 p.m. Mike Dionne made a motion to come out of non-public session and seal the minutes. Meredeth Lineweber seconded the motion. The motion passed unanimously.

**Adjournment:**

At 8:45 p.m. Mike Dionne made a motion to adjourn, seconded by Mark Jennings. The motion passed unanimously.

Respectfully submitted,

Seth Creighton, Staff Planner