

Somersworth Conservation Commission
MINUTES OF REGULAR MEETING
June 09, 2021

MEMBERS PRESENT: Sarah Eckstein
Angela Ficco
Mercedes O'Donohue
Jeremy Rhodes
Dale Smith-Kenyon

MEMBERS ABSENT: Jeremy Degler
Scott Orzechowski

STAFF PRESENT: Michelle Mears

The meeting was called to order by D Smith-Kenyon at 6:03 pm.

1. Approval of Meeting Minutes.

Regular Meeting of 5/12/2021

The following correction was noted:

- 5.f, line 3, word 3 – replace with in.

Motion to approve as amended by M. O'Donohue, seconded by A. Ficco. Approved unanimously.

2. Public Comment

No comments received

3. Continued Applications

A. Ian Joseph Campbell, LLC, is seeking a conditional use permit to construct a solar array on 3' concrete pedestal within the 100' wetland buffer on a property located at 413 High Street, in the Residential/Commercial District (R/C) District, Assessor's Map 36 Lot 3A, CUP#03-2021

Applicant not present; represented by Bob Stowell of Tritech engineering. Application is sought for 1 additional solar panel at the site; this panel will be a smaller array than those currently installed at the site.

Upon their involvement with the project, Tritech noted that the delineation maps in use were drawn in 2002; the lot was resurveyed, including wetland delineation. The new plans included here reflect the 2021 survey. The requested post location is in the buffer, but does not disturb any actual wetland, and the panel does not overhang wetland; in addition, the panels are best thought of as a 'leaky umbrella'; gaps exist between individual panels allowing runoff to drop at intervals in the overall panel, preventing sheetflow. Existing panels have not resulted in observable erosion.

J. Rhodes moves to recommend approval to the planning board as submitted; A. Ficco seconds. Approved unanimously.

4. **New Business**

A. Wentworth Douglass Hospital, is seeking a conditional use permit for a nature trail impacting the Riparian and Wetland Buffer on a property located at 23 Works Way, in the Commercial/Industrial (CI) and Industrial (I) Districts, Assessor's Map 61 Lot 14B, CUP#04-2021

Wentworth Douglass previously presented work here for an after the fact CUP; at the time of this presentation, a site walk was performed and substantial wetland impact was noted. In the intervening time, the trail has not been used and WDH has worked with the NH DES to determine a mitigation/reconstruction strategy to allow for a wetland nature trail with minimized site wetland impact. This new plan is presented by Chris Wilkes of VHP. The current plan was developed in concert with NH DES officers and is submitted to the DES, with approval anticipated by mid-July.

The effort will be undertaken in two stages: first, required mitigation will be undertaken, without use of motorized devices; existing wood chips and landscape fabric will be removed by hand under VHP supervision. Once this is complete, the new segments of trail will be constructed. The overall realignment has a net reduction of 1 wetland crossing in the plan; however, 2 of the new crossings will consist of timber bridges with footings placed outside of jurisdictional wetlands, minimizing impact further. The final added crossing will be constructed as an elevated, pier-based boardwalk, reducing disturbance significantly. All crossings maintained in the new plan will be upgraded with wooden crossings and larger conduits to reduce the chance of flow reduction. Total impacted wetland will be <3000 square feet. Cutting will be minimized to the greatest degree possible, with an aim to limit impact to small brush.

The only use for the trail will be counselor-supervised youth programs. No independent use (trail running or similar) will be permitted.

The commission requests a site walk to help visualize the new trail; so moved by A. Ficco, seconded by M. O'Donohue. Passed unanimously. Site walk will be held on June 24, 5:45 PM

B. Sustainability Committee Report

Committee met prior to summer recess. Solar ordinance is in process, based on community power coalition model legislation. An update is being sought on low-flow showerhead program; currently with legal; will aim to release in next city newsletter.

C. Getting map coordinates for easement monitoring

Michelle contacted SRPC; They have requested which contact we would like on the maps as well as a prioritization. We've requested perimeter coordinates, wetland and water feature marking, and any known hazmat delineation. Expect this to be no/low cost as we are SRPC members. A. Ficco will determine a priority order. We intend to use the 53 Coles Pond property as our model.

D. Unauthorized tree cutting, trail signs and bridge construction at The Oaks 2 easement

There are 2 issues here: The owner is the city, and we would need proof of actor in order to take action. Code enforcement will distribute resident letters warning against unauthorized cutting/trail building and will investigate signage.

- E. City invasives controls
Expect update in next session.
- F. Entomologist walks
Expect update in next session.
- G. Backyard habitat promotion
Expect update in next session.
- H. DES stewardship plan for 53 Coles Pond Road easement
Walkthrough scheduled for 6/10 with S. Eckstein and NH Forestry
- I. Detailed 53 Coles Pond Road baseline
Baseline will be developed based on outcome of H above.
- J. Any other new business
None

5. **Old Business**

- A. Easement monitoring
No updates at this time. Effort to digitize records will begin in August.
- B. Wetland encroachment at former well parcel
Michelle and Paul have checked site; there doesn't appear to be significant development although there is some overcutting. Enforcement would be limited to halt order or reforestation/restoration.
- C. ATV trespassing
Expect update in next session.
- D. MEMBER ITEMS, SUB-COMMITTEE ITEMS, AND REPORTS
 - a. Low-flow showerheads
Expect update in next session.
- E. Update regarding the property at 53 Coles Pond Road purchase
Closing is complete; compiling paperwork and filing. We'll plan to do a press release when complete.
- F. Update on remediation at Steven E. Brown Willand Drive property
Remediation earthmoving is complete. Some reseeding didn't take, likely due to drought; reseeding will be necessary. M. Mears will follow up.
- G. Any other old business that may come before the Commission
Cottontail update – A. Ficco will contact City Manager Belmore to follow up.
S. Eckstein notes that there's hydropower projects being proposed – we should watch for habitat/wildlife impact in these efforts.

6. Treasurer's Report

City of Somersworth, NH		
Conservation Commission, Fund Balance		
May 31, 2021		
April 30, 2021	Balance Forward	\$ 136,138.74
	Receipts:	
	Interest Received	2.37
	Land Use Change Tax	12,555.00
	Disbursements:	
May 13, 2021	NORWAY PLAINS ASSOCIATES, INC.	(822.50)
May 14, 2021	MITCHELL MUNICIPAL GROUP, P.A.	(1,060.00)
May 19, 2021	TitlePro LLC; A. Kurlovich Tr	(48,330.71)
May 31, 2021	Ending Balance	\$ 98,482.90

Note that we anticipate refund of partial expenditures based on grant approval.

A. Ficco moves to adjourn, J. Rhodes seconds. Approved Unanimously.

Meeting adjourned at 7:43 PM.

Respectfully submitted:

Jeremy Rhodes
Conservation Commission Secretary

Attachments:

Emails for 5.C

From: scott.orzechowski@comcast.net <scott.orzechowski@comcast.net>
Sent: Sunday, May 2, 2021 5:16 PM
To: Benvenuti, James <james.k.benvenuti@wildlife.nh.gov>
Subject: ATV incursion on easements, city land and wetlands

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Hi James

Heidi Holman gave me your name as an officer who handles ATV issues. There is an extensive network of unofficial ATV trails in Somersworth. Some of them enter city land, where an ordinance prohibits them. Some cross streams (Malley Farm and Commercial Drive; probably others) and probably traverse wetlands; I would have to investigate more into that. Some traverse easements where they are prohibited. I knew about many of the trails, but I was formally drawn into it because of trespassing on the Sunningdale easement, which is managed by the NRCS.

NRCS had strongly suggested that we work with Walmart to block entry where they believed it was occurring. I went on Google Earth to see what other access points there might be. I found eleven well-worn entry points to the network of trails throughout the city:

- The parking lots of Key Buick and Enterprise Rent-a-Car on Rte 108
- The Dover entrance to the Willand Pond trail
- The parking lot behind the Home Depot
- The high tension lines at the Steven Brown property on Willand Drive
- The end of Lilac Lane (behind the police station and public works building)
- There is a crossing *across five lanes of traffic, including a median*, between the Black Dog car wash and the high tensions across High Street.
- The mailboxes at the end of Sunningdale Drive
- Cattail Circle
- The General Linen parking lot at the industrial park
- The train tracks at Old Indigo Hill Road, on the Rollinsford town line
- The foot path from Scoutland in Rollinsford (along the river to Malley Farm)

I don't know who is using the trails. I do know that the TriCity Trail Blazers has a [map](#) showing a trail through the Sunningdale easement, although I believe they are now accessing it northeast of Walmart.

The city has told them repeatedly that they are not allowed on city land.

I would be welcome to any suggestions.

Thanks very much

Scott

Scott Orzechowski
Chair, City of Somersworth Conservation Commission
603-973-3690

From: Benvenuti, James <James.K.Benvenuti@wildlife.nh.gov>
Sent: Wednesday, May 5, 2021 8:40 AM
To: scott.orzechowski@comcast.net
Cc: Brown, Delayne <Delayne.T.Brown@wildlife.nh.gov>
Subject: Re: ATV incursion on easements, city land and wetlands

Good morning Scott,

This seems like a substantial complaint and there is a lot to address here. Having said that I have CC'd my Lieutenant on this e-mail.

I will start with Tri-City Trail Blazers. Historically, the trails began back towards the Police station, along the high tension lines on Willand Drive past Home Depot and across the five lanes of traffic on High Street past Walmart. Thus the worn path by the Black Dog car wash. That section has since been discontinued and the club does not allow access over there. Their trails currently begin at the Walmart. The trail then goes along the powerlines but, to my knowledge, doesn't enter the Sunningdale property, but you would probably know those boundaries better than I. The club has even gone as far as making blockades and signing all the derelict entrances into the Sunningdale property from the powerlines and the same goes for the Rollinsford side. I guess what I am saying is unless you could show me a trespass with one of their main trails that they have mapped out, your issue doesn't lie with the club it lies with individuals who don't respect neighboring properties. Blocking access from Walmart would severely limit completely legal use of a designated trail system. I wouldn't be in support of blocking access at that entrance. In my experience, doing so would mean the individuals will find another way to access it, probably one of the illegal access points you have mentioned below. I'm guessing that the ones in violation are local to the area that don't feel they have to trailer to a legal entrance to the trail system and are just making their own paths from their homes. I say this because I have issued summonses on multiple occasions for exactly this.

The trails you are seeing behind Enterprise and Key Buick are on private property and have been an issue for my ten years I've been down here. I have patrolled and will continue to work ATV patrols in that area and will continue to address the violations that I come across. The only time I have had a complaint from the landowner is when Somersworth PD reached out to them to ask about certain types of access. Those trails

Proud past, bright future

are accessed from Home Depot and Commercial drive. They are not accessed through the Dover entrance to Willand Pond.

The trail by the mailboxes at Sunningdale drive is not a main entry point. I did make contact with a hunter that was riding his ATV up there last fall to access the property for hunting, but other than that I have not seen any other activity coming from there nor have I had any other complaints. I will take a swing through the Cattail Drive location that you mention as that is the only entrance, I have not seen for myself.

The trails you reference at Old Indigo Hill, Malley Farm, Scoutland are from locals who live in the area. Again, the same situation that they don't feel they need to trailer to Scoutland to access the trail system. Tri City Trail Blazers have their trail system well marked in that area.

I hope this gives you some insight as to what is happening around the trail system. I will continue my ATV patrols throughout the area and do what I can on my end to remedy these situations. The last thing I want to see is less access to a designated trail system. That club has put in COUNTLESS man hours to make that trail system happen and have bent over backwards for landowners to fix damage and remedy situations such as these. My suggestion is to work with the ATV club and maybe Somersworth's town works department to possibly create some more substantial blockades to the derelict entrances. If you would like I can provide orange "NO WHEELED VEHICLE" signs. Please feel free to keep me in the loop or if you see more concentrated problem areas. My cell phone is listed below, that is the best way to reach me as I don't always have access to my e-mail in a timely manner. Thanks Scott.

- James

Conservation Officer James Benvenuti & K9 Cora

New Hampshire Fish and Game Department

Region 3 Office

225 Main St. Durham, NH 03824 603-419-0372 james.benvenuti@wildlife.nh.gov NH Fish and Game...connecting you to life outdoors

From: Stubbs, Brooke - NRCS, Dover, NH <brooke.stubbs@usda.gov>

Sent: Monday, April 19, 2021 10:15 AM

To: scott.orzehowski@comcast.net; Michelle Mears; tracy@rockinghamccd.org

Cc: Bob Belmore <bbelmore@somersworth.com>

Subject: RE: [EXTERNAL: Suspicious Link]ATV entry

Thanks Scott,

Please continue to keep me posted on how the City plans to address the ATV trails. Posting no trespass signs at key entry points and writing letters to abutters to coordinate efforts so it's documented that landowner permission is not being granted would be good steps. Blocking access might require a compatible use authorization for the easement depending on what measures are taken. I've seen some landowners go as far as placing game cameras to catch trespassers for local police follow-up. The TCTB trail map attached shows the Walmart trail coming into the WRE area around waypoint 10. Attached is the WRE survey map with the access control points highlighted. I took Heidi and Kelly off this email since it doesn't pertain to the NEC habitat management.

I hope this helps,

Brooke

Brooke Stubbs

Resource Conservationist for Easement Programs

Natural Resource Conservation Service

United States Department of Agriculture

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