

**MINUTES OF REGULAR MEETING**  
**February 9 2022**

**MEMBERS PRESENT:** Kevin Dodds  
Sarah Eckstein  
Scott Orzechowski  
Jeremy Rhodes  
Dale Smith-Kenyon

**MEMBERS ABSENT:** Jeremy Degler  
Angela Ficco

**STAFF PRESENT:** Michelle Mears

The meeting was called to order by S. Orzechowski at 6:02 pm.

**1. Approval of Meeting Minutes.**

Regular meeting of 1/12/2022

D. Smith-Kenyon moves to approve, S. Eckstein seconds. Motion Carries 3-0-2 (Orzechowski, Dodds)

**2. Public Comment**

All Public Comments are made in reference to Item 3B of this agenda.

Karen Chessy-Beckham, on behalf of her mother, an abutter to the proposed project, expresses concerns regarding the development of a subdivision on the site; she notes that the applicant did have a prior unapproved excavation of wetland on the site (which was remediated) and a prior request for a CUP for a garage and apartment, denial of which was overturned at state superior court. Multiple abutters have expressed concern regarding water on site and shallow test pits dug as part of this project. Notes that an Alteration of Terrain permit is being avoided on the plan. There are further concerns regarding drainage from developed house sites, and the runoff towards nearby wetlands on abutting properties.

Spencer Kougard (resident/owner 277 Green Street) raises concerns regarding the runoff toward Green Street and notes that current culverts at the site have displayed issues, including overflow.

Laurie Bodin (resident/owner 275 Green Street) expressed concerns over recourse in the event of retention pond failure and the impact of such on Green Street and Clement Street wetlands.

M. Mears noted, in response to concerns around retention pond failure that whether the pond remains owned by the HOA for the proposed subdivision or is transferred to the city, monitoring and maintenance plans will be filed and function will be monitored.

**3. New Business**

A. Nobis Group on behalf of Summa Humma Realty-Somersworth is seeking a conditional use permit to impact the woodland buffer as part of the site development on a property located at 355 Route 108 and Enterprise Drive, in the Commercial/Industrial (C/I) District, Assessor's Map 48 Lots 24A, 24G, 24I, CUP#01-2022

Brett Kay and Nick Zagat of Nobis Group present on behalf of the applicant. The site in question is a currently undeveloped site located on Rt. 108. The intent here is to merge two existing lots and then construct an approximately 12000 sqft retail building for MB Tractor; the facility will sell new and used tractors and similar equipment and service the same. The back area from the 108 view will be used as outdoor parking for vehicles and equipment.

Stormwater management on the site will be accomplished through 2 retention and infiltration basins; these will be placed in the woodland buffer and amount to approximately 11,200 square feet of total impact within this buffer. No impact will occur to the vegetative buffer or wetland proper on the site. There is a drainage easement in place between the two parcels to be merged; this will not be utilized in the final build plan.

S. Orzechowski requests information regarding landscaping to be placed on the finished site; all plantings are from approved native list, including multiple species (hickory, high bush blueberry) that provide wildlife food sources. All plantings are drought tolerant, with no need for or plan to install artificial irrigation. Snow removal is to be placed on site and managed with vehicles out of dealer stock – both a maintenance plan and demonstration opportunity.

D. Smith-Kenyon notes that the commission appreciates the thought put into this plan, both in terms of layout to minimize the wetland impact and in choice of plantings.

J. Rhodes moves to forward the request of Nobis Group on behalf of Summa Humma Realty-Somersworth for a conditional use permit to impact the woodland buffer as part of the site development on a property located at 355 Route 108 and Enterprise Drive, in the Commercial/Industrial (C/I) District, Assessor's Map 48 Lots 24A, 24G, 24I, CUP#01-2022 to the Planning Board with a recommendation for approval; D. Smith-Kenyon seconds.

Motion Carries 5-0-0

- B. Carlton Spencer & Sherri Bolin are seeking a conditional use permit to allow the drainage infrastructure within the woodland buffer for a 7-lot conservation subdivision on a property located at 279 Green Street, in the Residential Single Family (R1) District, Assessor's Map 18 Lot 45, CUP#02-2022

J. Lanzetta (attorney) presents for the applicants; he requests that the earlier public comments be struck as their presentation was not made in response to this presentation (sec. note – this request was not acted upon, earlier comments are preserved). The representative shares a recorded walkthrough of the property site in the summer, showing the extent of vegetation.

The current subdivision plan presented for CUP is a compliant conservation subdivision plan for 7 home lots (including one currently occupied by the applicant's home – 6 net new sites without current construction). The plan includes the emplacement of a bioretention pond near current wetland at the north end of the lot, drained to by a culvert (nonperforated pipe) from the proposed roadway. Land contouring on the site will flow stormwater to this site, where it will drain from the pipe egress over a riprap spillway to the retention basin. The basin is rated for a 25-year storm; overflow would channel to the wetland. Current open space to be conserved has been used as parking for the applicant's equipment and as materials storage in the past; this parcel would be placed into conservation and would be preserved as 2/year mown field post-subdivision. The stormwater control system on site

would be placed under HOA control and maintenance would be handled in accordance with a plan filed with the city as part of HOA bylaws. Plantings on site would be 2 street trees per home site, Red Maple. The NHDOT has approved the applicant's driveway request, allowing emplacement of the access road on Green Street (a state road).

Applicant presentation closed, the commission proceeds to again hear public comment. Lorraine Beaudoin notes that the bioretention basin is at a higher elevation than her property and expresses concerns about runoff impacts; further, that failure could be problematic for other offsite properties as well. The primary concern is around the already poor state of water management on the site, and concerns around further degradation of this situation.

Taryn Chasse-Decken, again comments as well. Concerns exist around elevations of the site as well. Substantial water problems and runoff risks already exist at the site, leading to concern of potential worsening state. In addition, there are concerns expressed regarding cutting required to build the access road. Also, regarding the open space intended as conservation site, will this space be restored and will parking of equipment be permitted?

Spencer Kilgour notes appreciation for the planned plantings to act as screening; notes that the wetland will be put into conservation, and notes that the current culvert crossing Green Street is in failed condition (contact for DOT: 868-1133).

Representatives of applicant note that the plans as submitted improve the runoff condition, although they are unable to directly map abutting wetlands due to access rights, they do not intend to directly discharge stormwater offsite. The applicants note that the 1984 exemption allowing a single house lot was voided due to changes in zoning regulations and characterizes raising of the 2004 wetland fill and court contest to the denied CUP as a 'disingenuous attempt to sway the board'. Notes that the actual roadway to be built is approximately 20' wide (although right of way is 50'), and therefore clearcutting is not likely to be required.

J. Rhodes provides background on the previous hearings from Planning board (see previously filed planning board minutes), and notes that NHDOT movement can be highly bureaucratic, encouraging any homeowner to be impacted to contact the DOT to seek repairs. Also notes that water issues on site extend beyond the input of any one property and encourages the impacted homeowners to address the multiple sources of issue.

Applicants' representatives note that curbing on site will be sloped granite to permit animal migration but also maintain durability through plowing seasons.

S. Eckstein questions water on site, noting that runoff from other homes and DOT culvert issues require redress. M. Mears will contact DPW to look into issues on surrounding properties.

J. Rhodes moves that the request of Carlton Spencer & Sherri Bolin seeking a conditional use permit to allow the drainage infrastructure within the woodland buffer for a 7-lot conservation subdivision on a property located at 279 Green Street, in the Residential Single Family (R1) District, Assessor's Map 18 Lot 45, CUP#02-2022

be forwarded to the Planning board with a recommendation for approval, noting a request that the approval be limited by a restriction on emplacement of septic systems inside wetland buffers. S. Smith Kenyon seconds.

Motion carries 5-0-0

- C. Michael & Colleen Foligno are seeking a conditional use permit to allow a driveway to access a new lot within the Vegetated and Woodland Buffer for a 2-lot subdivision on a property located at 193 Blackwater Road, within the Residential Single Family (R1) District, Assessor's Map 67 Lot 04, SUB#03-2022

J. Barry presents for the applicant. Site is unusual in that the actual building site is in the city of Dover, but area required for the driveway is in the City of Somersworth. 2053 square feet of impact to woodland buffer is required in order to build driveway with a single culvert to permit water flow. Dover has approved the subdivision. K. Dodds raises concerns around the degree of disturbance to the site to place a driveway at the specified width and would support a reduction in driveway width to minimize impacts to mature tree line. Commission agrees with this modification, as well as with emplacement of temporary fencing to mark boundary of work and use of silt sock rather than mulch berm to best control runoff.

D. Smith-Kenyon moves that the request of Michael & Colleen Foligno seeking a conditional use permit to allow a driveway to access a new lot within the Vegetated and Woodland Buffer for a 2-lot subdivision on a property located at 193 Blackwater Road, within the Residential Single Family (R1) District, Assessor's Map 67 Lot 04, SUB#03-2022 be forwarded to the Planning board with a recommendation for approval with the following notes: That any necessary exemption required be granted to minimize the width of the driveway to decrease impact, that temporary fencing be installed to mark boundaries to reduce impact, and that silt socks be used to control onsite erosion. S. Eckstein seconds.

Motion carries 5-0-0

- D. Any correspondence

UNH Cooperative Extension has requested the commission's assent to hold a shrub identification walk 3/17/2022 at Malley Farm to be open to the public; no input from the commission would be required, although they are welcome to attend. The commission gave their assent by discussion, and looks forward to the extension's work at the site.

The Davis Horse Farm property falls within the Great Thicket Wildlife Refuge; M. Mears and A. Ficco have a call on 2/17 to discuss possibilities.

Elain Rogers of SRPC has posted a survey at [greatbaypartnership.org](http://greatbaypartnership.org) and requests feedback. The map in question includes focal areas, including some that run right through the wildlife corridor we're seeking to preserve.

M. Mears notes that the historic district commission is having a presentation upcoming regarding installation of solar infrastructure on historic properties.

Election of officers for 2022:

Chair – S Orzechowski 4-0-1 (Orzechowski)

Vice Chair – D. Smith-Kenyon 4-0-1 (Smith-Kenyon)

Secretary – J. Rhodes 4-0-1 (Rhodes)

Treasurer – S. Eckstein 4-0-1 (Eckstein)

E. Any new business to come before the Commission

As noted in earlier discussion and in previous commission site visits, many culverts throughout the city may need checking; K. Dodds will take lead, D Smith-Kenyon will assist. DPW/SRPC likely has a full list.

Prime Wetland designations are outstanding; we will address in the future.

#### **4. Old Business**

**A.** NWF Somersworth Helping Wildlife Project

- i. Somersworth site is up
- ii. Links and tips posted
- iii. Received startup packet
- iv. Points submitted
- v. Outreach to Wild Birds Unlimited
- vi. Potential task to reach out to nurseries to sell natives

Materials have been received and points are building nicely. Wild Birds Unlimited has expressed interest in cooperating with the commission; Wentworth Gardens is raised as another possible collaboration.

**B.** Easement monitoring

- i. Update on Medical Mile
  - 1. Code Enforcement
  - 2. Removal of refuse

S. Eckstein and J. Degler will complete; just need cooperative weather.

**C.** Getting Lily Pond Property into Graniteview and to SRPC

Complete.

**D.** Marking Lily Pond conservation boundaries

Need to be marked; K. Dodds and S. Eckstein will assist.

**E.** Any Correspondence

None

**F.** Getting map coordinates for easement monitoring

No updates at this time.

**G.** MEMBER ITEMS, SUB-COMMITTEE ITEMS, AND REPORTS

i. Update on Malley Farm Cottontail Release Planning

Has progressed through all required authorizations; working through planning of actual release now.

ii. Entomologist Walk

On hold until capacity allows.

iii. Lily Pond wildlife management plan

S. Orzechowski working on this item.

iv. Invasives plan sub-committee report

D. Smith-Kenyon is in touch with UNH Cooperative Extension; identifying priority species.

**H.** Any other old business that may come before the Commission

None at this time.

**5.** Treasurer's Report

Current balance as of 12/31/21" \$159,042.78

**6.** Sustainability committee report

Working to get onto the Eyes on 2030 and developing a transparency framework. A zoom conference on clean energy and resilience is planned for 2/17 10-11:30 in cooperation with Dover.

S. Eckstein moves to adjourn, D. Smith-Kenyon seconds. Approved 5-0-0

Meeting adjourned at 8:24 PM.

Respectfully submitted:

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Jeremy Rhodes  
Conservation Commission Secretary