

Somersworth Conservation Commission  
MINUTES OF REGULAR MEETING  
October 12, 2022

**MEMBERS PRESENT:** Scott Orzechowski, Dale Smith-Kenyon, Doug Bryar, Jeremy Degler, Kevin Dodds, Angela Ficco

**MEMBERS ABSENT:** Jeremy Rhodes, Sarah Childs

**STAFF PRESENT:** Michelle Mears, Director of Planning and Community Development

The meeting was called to order by Scott Orzechowski at 18:04

**1) APPROVAL OF MINUTES FROM PREVIOUS MEETING(S)**

Corrections:

No Public comments but the Commission voted to change the order of business with John and Debra Birmas appearing before The Oaks. Therefore, under

2) NEW BUSINESS: should read

A. John and Debra...

Corrections continue with change in appearance: Paragraph 1, sentence 3 change "the she does not" to "The shed will not have a poured foundation" and "it's placed" to "will be"

Under conditions recommended for approval, "3." Should read "That the shed not extend beyond the rear wall of the house"

B. Peter Harrity on...first paragraph, first sentence, line 2: strike out "s" on "Environments" and entire "of the City Council." Third sentence, 4<sup>th</sup> line re: irrigation sources, strike "and" before "city non-potable well water" add ", and city drinking water"

Paragraph two, first sentence add identifiers "Peter Harrity, owner of The Oaks" ... course "Mr. Harrity reports: "vertical tree growth has caused...(through to end in quotations as he is reporting) boundaries"

Paragraph Three, second sentence/line add "Mr. Harrity says is a native grass" after "fescue grass" and before "that is drought tolerant"

Motion: Ficco moves ...after "request" add: "until regular meeting after the proposed site walk"

D. Paragraph one, sentence 4/ line4: correction of "10 feet" to "15 feet"

Paragraph three, first sentence/ line: add "soil" in front of "disturbance"

E. Any correspondence, sentence one, add identifiers to Larry "Hamilton" and Mercedes "O'Donahue" "of \_\_\_Sunningdale Drive"

Smith-Kenyon makes the motion to accept minutes as amended.

Degler seconds. Motion passes 6-0-0.

**2) PUBLIC COMMENT** None

**3) NEW BUSINESS**

- A. Fiona Johnson is seeking a conditional use permit for 13,595SF impact to the Riparian and Wetland Buffer as part of a commercial development on a property located on Willand & Commercial Drive, in the Commercial Industrial (CI) District, Assessor's Map 43 Lot 1G, CUP#13-2022

Bob Stowell of Tri-Tech Engineering presents for the applicant. He reports that the lot is a corner lot in a previously disturbed area. There is a lot of underbrush in the area. The plan is for a 5700 SF prefab warehouse with supporting driveway, stormwater treatment and retention areas. The radius of the driveway allows for open space inside the driveway for a future 3,000SF expansion/ addition. This configuration would maintain use of front only parking.

On the outside curves there are catch basins. Retention basin takes water to catch basins

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The site is suitable for single tenant only, with 1 loading dock in the back. Plans presented to SRTC, and waiver was obtained for drainage at front of building.

Ficco requested clarification from Stowell re: “curves” vs. “curb” he was speaking of. Stowell confirmed was “curb” that was helping to control the flow of water. Ficco asked for the type of material to be used for curb, was told would be sloped granite. Stowell was asked what types of materials would be loaded/ unloaded at the facility. He replied, “Still working it out- general warehouse.”

Ficco asked if dumpster area bear proofed, given bears have been seen in area. Was told by Stowell the area would be gated with stockade fence, not necessarily bear-proofed as he was unfamiliar with what the needs would be. J. Degler advised that the dumpsters can be locked when not actively using.

Ozechowski asked for verification that site topography had been regraded as map looks like 196’ at front and rear of site. Stowell reports that it was and had been very impacted by prior activity.

No narrative available on vegetation in the site area. There are a lot of exposed soils, underbrush and the tree line are all very similar findings to a site seen previously on Gator Rock Rd.

A question was asked as to how invasive plant species will be dealt with in the area. Stowell reports there were none identified in area of development.

Orzechowski verbalized concerns about light spilling into undeveloped Woodland Buffer, wonders if can be addressed. Stowell advised that he “can scale it back.”

Orzechowski, Ficco, and Degler verbalized concerns related to Landscape plan as there are multiple Non-Native species on the plan. Many are from other areas in the Southern U.S. or Asia. Recommendation made to use N.H. Native species as per City List. List of Native species will be passed on to Landscape Architect per discussion.

Dodds inquires as to what drives the depth of the driveway into the Buffer and if can be adjusted. Stowell responded needed for truck turning radius is more so than any other concerns. “Was addressed at SRTC as well due to need for fire equipment access”. Does also acknowledge is also due to potential expansion in the future, though none currently planned.

Smith-Kenyon asked what warehouse is to be used for. Stowell reports as is in Commercial Industrial zone could be a variety of things. Smith-Kenyon verbalized concerns re: hazardous waste/ petroleum products. Stowell reports “several machinery-type businesses in the area.” Smith-Kenyon stated discomfort with ambiguity of function, Ficco agreed.

Mears reports SRTC addressed at their meeting: Would require MSDS Sheets for any substances on site, if necessary, may need to go back to Zoning and/or Planning boards if anything more than distribution warehouse. May need CUP at that time.

Degler had concerns re: missing information on CUP-1 legend: proposed chain link fence; proposed silt fences. Stowell reports will be added.

Stowell reports the 14 parking spaces out front don’t consider potential expansion and any new parking needs.

Snow storage hasn’t been addressed yet, anticipates snow will be plowed in manner that will allow it to go through treatment.

Ficco questions if designed specifically with expansion in mind, Stowell agreed it was. Due to costs, not part of original construction.

Dodds asked if anticipated to be single occupancy after any expansion. Any second loading bay? Stowell reports another loading bay would be unlikely due to spacing and that issue would drive expansion/type of use.

Ficco queried dumpster position. Stowell replied driven by trucker needs/ turning radii. Ficco reiterated recommendation for bear-proofing dumpster.

Orzechowski reviewed options in voting.

Degler makes motion to forward to Planning Board for approval with the following recommendations:

- I. Decrease lighting near the Woodland Buffer to 0 footcandles in the undisturbed Buffer.
- II. Remove Non-Native species from current Landscaping plan, add Native alternatives from City List
- III. Bear proof the dumpster
- IV. Any Hazardous materials use per City requirements
- V. Correct missing information on CUP-1 legend re: proposed chain link and silt fences
- VI. Add Certified Wetland Scientist's signature.

Smith-Kenyon seconded the motion.

Motion passed 5-1-0

- B. Packy's Investments, LLC is seeking a conditional use permit for 12,235SF impact to the Riparian and Wetland Buffer as part of a commercial development on a property located at 363 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 48 Lot 22B. CUP#14-2022

Bob Stowell of TriTech Engineering presenting plan for Packy's Investments, LLC. A new set of plans, including generic information about the planned solar arrays was provided by Stowell. He provided 2 sets of pictures of vegetation in the site as well. Provided background: Packy has multiple sites in area utilizing this type of solar trackers: 4 at car wash on High St that support the electrical needs of the carwash; 30-40 at his other properties in Rochester. The arrays used at High St. location are 42 -panel. This site proposes 48 panel arrays which are 41' x 27.5' which would provide surplus back to the electric grid. Most of the electricity produced will be going back to the grid as the electricity needed on this site is minimal. There is a single-family home, the storage units are not environmentally controlled. There currently is around 19,000 SF of storage which are "almost 50 years old and have held up well" overall, requiring "minimal upkeep." Variance was required and obtained from ZBA as storage units are not permitted in the Commercial Industrial District. Due to the requirements from Planning Board, there is also a 50ft vegetative buffer (trees) at front of property to screen it from the road, neighboring properties. Applicant initially want twice as many new units but had to scale back due to topography/ slope and the Wetland Buffers. Stowell reports plan was developed as compactly as possible to decrease the amount of impact.

Orzechowski verbalized concern that 100% of second building is in the no-build Buffer. Concern expressed re: frequent erosion of buffers in general over time.

Stowell responded that slope on site dictated location of building and that slope is severe. Bioretention area is also located in the 50-100' Buffer. Reports 3<sup>rd</sup> party review was recommended. Also advises that SRTC requires emergency vehicle access to both buildings which drives the width between the two buildings, as well as the requirements for driveway angle, pushing the second building further into Buffer.

Ficco asked about shading caused by solar arrays and buildings, if would require more ice melt application.

Stowell reports part of rationale for this type of solar array is to access reflective light from ground up to panels and therefore area would be kept clear of snow. Due to need for emergency vehicle access and size of the panels, the maximum potential height is more than 30'. Questioned by Orzechowski if this is roughly same as 3 story building; Stowell confirmed "It is." Stowell went on to explain that solar arrays at car wash site on High St. are 42 panels. Therefore, as these are proposed to be 48 panel arrays, they require more support with larger foundations, with approximately 10' of concrete above ground. Higher support posts are also needed.

Smith-Kenyon inquired as to the possibility of using area outside of Buffer by pushing buildings more anteriorly on site. Stowell reports unable to do so because of severe slope in this direction as well, and no-cut buffer in front required by zoning. Existing house and associated land also presents obstacles.

Stowell reports only landscaping will be using the front buffer as landscape.

Orzechowski questions if any exposed soil is present on site and recommends use of conservation seed mixture.

Ficco refers to plan and seeks clarification re: placement of solar arrays as appears that 2 are on top of building #2 Stowell confirms that mounts go up through building in these locations. The only way to access storage sites is from driveway side.

Stowell reports project not viable without building #2

Degler notes that legend is missing proposed chain link fence and proposed silt fence. Inquired if plan not accepted for recommendation, what are options. He would be amenable to 7-9 solar trackers on site on/near existing buildings and outside of Buffer.

Orzechowski addressed remaining concerns that he had re: building #2 and its impact on the Buffer. Cited concerns about "chipping away at Buffers" and overall impact on the function they serve. Buffer at front of property condition set by ZBA.

Degler made a motion NOT to recommend approval due to impact on Wetland Buffer.

Dodds seconded

Motion passed 6-0-0

Ficco thanked Stowell for the plan and consideration.

C. Review and Approval of NH Association of Conservation Commissions 2023 Membership Dues  
Orzechowski asked what the amount is for this year and last years.

Mears reports will obtain the information as she doesn't currently know amounts.

Orzechowski queried how was item added to the agenda. As information is missing, will revisit next month.

D. Any correspondence

Smith-Kenyon reports receipt of email from Diane Joseph, Secretary on the Board of Directors for Villages of Sunningdale, received 9/30/2022. The writer was concerned re: hunters on Conservation easement and/ or hunting on HOA open space. Questioned if permitted in Easement. Requests assistance with wording of easement or copy of Easement document. There was also concern related

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to how close hunters were to homes. Smith-Kenyon referred Diane to Somersworth Police Department and N.H. Fish and Game if hunters <300' to dwelling.

Orzechowski also communicated with Diane re: issues. As hunting is not specifically spelled out in easement, it is permitted by default. The City can disallow hunting in the area if it is posted and authorized by City Council. Encouraged contact with her Councilman. There is no hunting in City Parks and none of New England Cottontails anywhere in the City.

Bryar reports survey stakes are present but overgrown and difficult to find. He plans in locating and flagging them.

ATVs are also using the open space. Drivers are parking on HOA property. HOA can post "no Trespassing Private Property." Bryar also reports HOA does not have a copy of documents related to Easement Parcel. NRCS manages, it is City owned land, and Conservation Commission monitors the Easement.

### E. Any new business to come before the Commission

Ficco reports 4 adult New England Cottontails were released October 5<sup>th</sup> at the Malley Farm. Release was in conjunction with USF&W, NHF&G, and UNH Co-operative Extension personnel. The release was filmed by WMUR for NH Chronicle and will be aired within the next few weeks. The Cottontails will receive support for their first winter with feeding stations per Heidi Holman from UNH. They will also be tracked by their DNA. Bryar inquires why type of tag, rather than radio collars. Ficco reports they cannot be fitted with other tracking devices for their safety. Degler inquires as to when Chronicle episode will air. Ficco advises should be soon and that plan is for WMUR to notify Heidi who will advise City personnel who will then advise Commission. Ficco reports tentative Spring release as well. The Cottontails are from different breeders to maximize genetic diversity.

Orzechowski reports he attended ZOOM presentation for NH Coastal Watershed Conservation Plan Workshop. Maps and information from NH Coastal Watershed Conservation are available online. Maps are like those on Granit View with emphasis on climate impacts.

## 4) OLD BUSINESS

### A. Easement monitoring

Smith-Kenyon gave a brief report of findings of monitoring done at Sherwood Glen on 10/9/2022. Made special note of dumping, fire pit, and areas of invasives. Reports Sarah Childs completed report and Smith-Kenyon needs to review, per request of Childs, for errors/ additions to report. Childs will then forward to Planning clerk.

### B. Any Correspondence

See above notes under New Business

### C. MEMBER ITEMS, SUBCOMMITTEE ITEMS, AND REPORTS

#### i. Lily pond wildlife management plan

Orzechowski reports no update currently

#### ii. Invasive plan sub-committee report

Smith-Kenyon reports as noted above under easement monitoring.

#### iii. Exploration of potential trail project at Malley Farm

Mears reports not currently possible due to feasibility and insurance costs. Ficco inquires if water bars to reduce erosion and improvement of stream crossings would be possible. Mears responded may be possible. Would have to research.

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iv. Community Wildlife Habitat publicity

No update

v. iNaturalist project publicity

Orzechowski reminds those utilizing the app to sign up under “Somersworth”. Information can be found in the City Newsletter.

vi. Culvert assessment

Dodds reports RGIS available online re: culvert projects. Summarized information:

Evaluation done roughly every 10 years. Includes updates from UNH, State, etc. and likely makes recommendations. Reviewed there is a numbering system in place to rate culverts.

Orzechowski inquired if assessment of culverts accounted for wildlife mobility. Dodds reports that yes, it did. Orzechowski asked if the rating system would cover the needs of Conservation Commission. Dodds is uncertain. Question asked re: fence around Maplewood Pond. Mears will go back and look at area of concern. Director of DPW Mike Bobinsky will also be involved the assessment and plan.

D. Any other old business that may come before the Commission

Ficco requested update on trail between Maplewood School and the Middle School. Recalls was Part of 21<sup>st</sup> Century Grant. Inquired if plan is for trail to be paved and there to be lighting. Mears will follow up with Mike Bobinsky. Ficco notes that selected area crosses stream. Orzechowski adds that trail also crosses Vernal pools (and should be considered).

4) **TREASURE’S REPORT**

None this meeting

Ficco moves to adjourn, Bryar seconds motion passed 6-0-0

Meeting adjourned at 19:54

Respectfully submitted:

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Dale A. Smith-Kenyon, Vice Chair