

**CONSERVATION COMMISSION
MINUTES OF REGULAR MEETING
January 10, 2023**

MEMBERS PRESENT: Kevin Dodds, Doug Bryar, Jeremy Degler, Scott Orzechowski
Jeremy Rhodes

MEMBERS ABSENT: Sean Collins and Dale Smith-Kenyon

STAFF PRESENT: Dana Crossley

The meeting was called to order by S. Orzechowski at 6:01 pm.

1. Approval of minutes from previous meeting(s)

Minutes of Regular Meeting (December 13, 2023)

Motion to approve as submitted by K. Dodds, seconded by J. Degler.

Motion carries 3 - 0 – 2 (J. Degler, D. Bryar)

2. PUBLIC COMMENT (five minutes per person and subject to closure in interest of time)

None

Motion made by J. Rhodes to move agenda item 4C to next, as applicant is the only presenter in attendance tonight. Seconded by J. Degler.

Motion Carries 5 - 0- 0

3. Introduction to Land Use & Natural Resources Master Plan Chapter - Autumn Scott, Strafford Regional Planning Commission

Ms. Scott provided a recorded introduction to the project, weather conditions prevented in-person attendance.

The project's intent is to update the 2010 City Master Plan Land Use and Natural Resource Chapters. A workshop is to be held in February to discuss actions with the Commission. A draft and review process is planned, with the public being involved as well. The request to the Commission is to provide desired map layers and prepare for a visioning activity at this session; plans will be drawn up following this session.

4. CONDITIONAL USE PERMIT REQUESTS

A. Michael Davis is seeking a conditional use permit for after the fact excavation and alterations within the Riparian and Wetland Buffer on a property located at 25 Otis Road, in the Residential/Single Family (R1) District, Assessor's Map 31, Lot 49, CUP#03-2023.

Mr. Davis is unable to attend tonight due to a family commitment but did forward a proposal which proposes a response to some of the commission-provided list.

K. Dodds requested a sequence of events here; it is noted that the applicant was provided with a full bullet point list of concerns by the commission. It is noted that the response provided by the applicant does not address the full list. The commission notes that their desire is to address the full list of concerns, with professional guidance from an engineer, to develop a comprehensive mitigation plan at the February meeting. If this is not possible, the Commission will refer this matter back to the courts for resolution.

J. Rhodes moves that the request for CUP be continued to the scheduled February meeting of the Commission (2/14/2024), with the request that the applicant be present with an engineer or send an engineer in his stead to develop a comprehensive mitigation plan. Motion seconded by J. Degler.

Motion carries 5 – 0 - 0

B. Michael Davis is seeking a conditional use permit for tree removal within the Riparian and Wetland Buffer on a property located at 25 Otis Road, in the Residential Single Family (R1) District, Assessor's Map 31 Lot 46 CUP#07-2023

Discussed as a component of 4A above.

J. Rhodes moves that the request for CUP be continued to the scheduled February meeting of the Commission (2/14/2024), with the request that the applicant be present with an engineer or send an engineer in his stead to develop a comprehensive mitigation plan. Motion seconded by J. Degler.

Motion carries 5 – 0 - 0

C. Tammy Desrosiers is seeking to amend an existing CUP#08-2022 to add enhanced erosion control and ensure safe access to the backyard and return original shrubs and plants and various other improvements including a shed, maintenance to existing structures, landscaping and site maintenance to the property located at 14 Westman Street, in the Residential/Single Family (R1) District, Assessor's Map 25 Lot 48C CUP#08-2023.

T. Desrosiers presents on her own behalf. The applicant was before the Commission last year; her property at the time had significant erosion present, to the extent that it threatened the structure. All land on her property falls within the 50 or 100 foot wetland buffer. At the time, an engineer-drawn plan to control erosion and stabilize the site by improving drainage was reviewed and granted a CUP. The earthworks section of the plan has been completed; work remains in the form of planting as well as legal easement document aspects.

The applicant requests a modification to the plan in the form a 3-tiered dry-laid stone wall, changes in plantings, the addition of a storage shed, and a number of maintenance and repair efforts as detailed in the application. The retaining walls and planting changes fall within the area of the engineering plan previously approved. Some of this work has already occurred, in the form of the shed being installed and partial work on the wall being made,

as well as some mulch being placed on the slope. Erosion control measures emplaced during the earthwork have remained in place, and no substantial erosion of the slope has been noted to this point. Drainage improvements noted on the original plan, including tie-in to City storm drainage has been completed.

The applicant's intent with this request is to both ensure that this work doesn't need to be repeated in the future, as well as to gain an understanding of what she is permitted to do without a CUP process and what requires further interaction with the City.

In discussion with the Commission, S. Orzechowski notes that the plantings specified on the original plan serve an erosion control function, as they'll stabilize the soil as they set in. S. Orzechowski notes that we have a mix of items here – maintenance and repair items would be out of our purview as they constitute existing conditions on the site, while changes to the engineering plan as approved and addition of the shed do constitute items the commission would need to weigh in on.

The applicant has attempted to work through the rules but was unsure how they applied in this case and is hoping to gain a better understanding of this tonight.

The plan as approved prior was intended as primarily a functional item to ensure stability of the land rather than for aesthetic value.

Discussion focused on the need to adhere to professionally designed plans rather than modifying them without critical underlying engineering knowledge.

S. Orzechowski raises the question of the shed; J. Rhodes notes that we had an applicant with an identically sized shed near Lily Pond recently; our conditions of approval for this applicant matched the conditions that this applicant installed under (lack of a permanent foundation, installation of a gravel drip edge around the shed).

J. Rhodes moves that the commission make the following recommendations to the Planning board:

- That the maintenance items (listed as B-I in the submittal) not be considered as necessary for a CUP, as they are repair of existing conditions.
- That the after-the-fact CUP request for installation of the shed be approved, as the installed conditions meet what would have been requested.
- That the requests to modify the previously approved engineering plan be denied, as the original professional plan has not been completed and would be modified with non-engineer proposed modifications.

J. Degler Seconds.

Motion carries 5 – 0 - 0

5. **NEW BUSINESS**

A. Election of Officers

For Treasurer: Jeremy Degler

4 – 0 – 1 (J. Degler abstained)

For Secretary: Jeremy Rhodes

4 – 0 – 1 (J. Rhodes abstained)

For Vice Chair: Dale Smith-Kenyon

5 – 0 – 0

For Chair: Scott Orzechowski

5 – 0 – 0

B. Any new business to come before the Commission.

None at this time

6. **OLD BUSINESS**

A. **Review of Rules of Procedure**

The rules are reviewed; changes to current revision are as follows:

- Alternates: Strike 'to serve' and 'not able to fulfill their duties' and replace with 'vote when a member is unable to' and strike limitation of one alternate.
- Finances: Note resolution number providing funding source
- Add URL for document.

Plan to review and vote at the February meeting.

B. **Review of the Recommended Native Tree List Proposed Revisions**

J. Rhodes moves to continue to February meeting when our forester member is able to attend. J. Degler seconds.

Motion carries 5 - 0 - 0

C. **Easement monitoring**

No Update

D. **Any Correspondence regarding old business**

None

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

- i. Wildlife management plan for Lily Pond parcel (Scott Orzechowski)
No Updates.
- ii. Invasives plan sub-committee report (Dale Smith-Kenyon)
No Updates
- iii. Exploration of formal conservation of Malley Farm city parcel
S. Orzechowski and K. Dodds are working on this item. K. Dodds has contacted SPNHF, who is not currently working with cities, and with SELT who has shown interest in the property. He will continue to pursue this avenue. There are significant concerns with both the dam on site as well as extensive beaver activity. The Dam Bureau has no record of the dam; this means that responsibility and control devolve to the City. The dam is in poor condition, with erosion and undercutting noted. K. Dodds plans to contact a wildlife biologist to discuss the extensive beaver activity. Failure of the dam or substantive changes in the beaver

dams could have significant impact on the site. S. Orzechowski will provide a contact for a wildlife biologist. The next step for the site will be trail layouts; K. Dodds will set a session for this.

iv. City tree GPS inventory project

D. Bryar has compiled a file indicating City streets, including a segmented breakdown of longer streets, cataloging trees in the right-of-way. D. Bryar has contacted one of the individuals involved in the Dover project; this has apparently not been updated since the original inventory approximately 3 years ago. The Commission discussed strategies for maintenance of an inventory.

D. Bryar will determine costs, if any, for system use; this cost estimate will be used to determine a strategy moving forward.

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

None

7. **TREASURER'S REPORT**

J. Degler provides the following information:

Balance forward:	\$258,393.01
Interest:	\$1,205.29
End Balance:	\$259,598.30

J. Degler moves to adjourn, K. Dodds seconds. Motion carries 5-0-0

Meeting adjourned at 8:34 PM.

Respectfully submitted:

Jeremy Rhodes
Conservation Commission Secretary