

MINUTES OF REGULAR MEETING – CONSERVATION COMMISSION
February 14, 2024

MEMBERS PRESENT: Sean Collins
Kevin Dodds
Doug Bryar
Scott Orzechowski
Jeremy Rhodes
Dale Smith-Kenyon

MEMBERS ABSENT: Jeremy Degler

STAFF PRESENT: Dana Crossley

The meeting was called to order by S. Orzechowski at 6:00 pm.

1. APPROVAL OF MINUTES FROM PREVIOUS MEETING(S)

Minutes of Regular Meeting (January 11, 2023).

S. Collins moves to accept as submitted. D. Bryer seconds

Motion carries 5 – 0-1 (D. Smith-Kenyon)

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

Jeff Wituszynski speaks; notes that he is a resident of Coles Pond Road and while they don't have information to speak on the item related to Coles Pond Road item below, they may as they learn more. S. Orzechowski notes that it would require a vote from the Board to suspend rules to permit public comment at that item.

S. Collins moves to so suspend; J. Rhodes seconds. Motion carries 6-0-0

3. 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.

Marcia Brown (MH Brown Law), attorney retained by Mr Davis, appears. She has contacted the wetland scientist previously involved with this site as well as the surveyor and has submitted a proposed schedule of actions for the site. This schedule delivers a plan and schedule by July. After this, after the fact permitting and a restoration plan is scheduled. S. Orzechowski asks whether we'll be contacted. Brown states that she and her client will review prior items, and that seeing early drafts would be a possibility. S Orzechowski asks if there are outstanding DES items here; Brown states that there are, but that they're looking for the City to take the lead here.

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.

M. Brown notes that the submitted plan indicates the trees to be cut; 10 trees in total are in question in the wetland buffer, 3 of which are in the 0-50' section.

K. Dodds states that there has been significant past action on the site, and a unified plan would be appreciated.

J. Rhodes notes that any action on the trees could be included in the overall plan, and that now that experts are engaged for the site, their opinions should be taken into account.

S. Orzechowski states these would be best handled as an entry in the overall mitigation/action plan.

M. Brown states that her client would prefer to encourage understory growth in these areas but does acknowledge the Commission's position.

S. Collins moves to table both requests, permitting the clients' representatives to undertake actions according to their submitted plan. D. Smith-Kenyon seconds.

Motion carries 6-0-0

4. **NEW BUSINESS**

Recommendation on proposed sale of City owned property located on Coles Pond Road, Map 50 Lot 05.

This is an R1 lot, acquired through tax deed in 2000. The lot is currently vacant, measures approximately .23 acres, and does have Lily Pond waterfront. The City is looking for input on whether to retain the lot or sell it. The lot is currently surrounded by conservation land, and serves as part of a corridor between two other larger parcels of protected land.

S. Orzechowski notes that this corridor would be compromised if this land were to be developed.

J. Rhodes notes that City water supply could be compromised as well, as any development would require emplacement of a septic system on a small, sloping lot, and that given its size development in general would be extremely difficult.

D. Smith-Kenyon notes potential flood impact as well.

S. Orzechowski notes that there may have been a boat launch on this property at some point.

Public Comment: Jeff Wituszynski (12 Coles Pond Rd) speaks. He states that he's familiar with the site, and there is a steep drop-off on the site, making it unusable for a boat launch, although there is an abandoned boat on the site. There's evidence of unauthorized campfires present. He also notes that Coles Pond Road is a private road, having been removed from City rolls recently, and that access to the site is only through this private

road. This has necessitated a road association that is being formed, and that any new owner would need to be involved as well. He supports maintaining the land as undeveloped.

Vincent Kulickowski (Coles Pond Rd. Resident) speaks; he notes that Coles Pond Rd is a private road, , and that the lot under consideration cuts into the road. The road is governed by covenants. He also supports the inclusion of the lot into conservation land. He also notes that the road currently needs tree cutting, as the trees lining the road often lean into the travel corridor under snow load.

Jeff Wituszynski again speaks, and notes that the road is private, and that the city manager has assured him the city does not intend to invite the public onto the road, arguing against the creation of a boat ramp on the property.

D. Crossley summarizes that the Commission's preference is that the land be retained, and preferably be placed into conservation; the Commission agrees.

- A. Any new business to come before the Commission.

None at this time

5. **OLD BUSINESS**

- A. Review of Rules of Procedure

Plan to review and vote at the March meeting.

J. Rhodes moves to continue this discussion to March; D. Smith-Kenyon seconds. Motion carries 6-0-0

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

K. Dodds notes that the list is a suggestion, questions the inclusion of exotics on the list, and notes that we should promote native trees where possible. This would also present a good opportunity to include assisted migration candidates. K. Dodds will look into inclusion of these species and other edits, with an eye to discuss next month.

- C. Easement monitoring

No activity at this time; S. Orzechowski notes that we'll need to resume monitoring in the near future.

- 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 update at this time.
- ii. Invasives plan sub-committee report (Dale Smith-Kenyon)
No update at this time
- iii. Exploration of formal conservation of Malley Farm City parcel
K. Dodds, S. Orzechowski, and D. Smith-Kenyon plan a discussion with the mayor on this topic. Discussions are also ongoing with SELT and the possibility of work with US Fish and Wildlife continues.

- iv. City tree GPS inventory project
D. Bryer is in touch with Jackson Rand of SRPC regarding this work; a cost estimate is underway. Scope is being discussed; prospects include trees on City right of ways or in the cemetery. Discussion of cost estimates indicated that a cost of 5-10 thousand would not be beyond the comfort level of the Commission.
 - v. Discussion of tree replacement at Somersworth Plaza
See above (iv)
 - vi. Discussion of revision of recommended tree species in the Tree Ordinance
See above (iv)
- F. Any other Old Business that may come before the Commission.
D. Crossley reminds the Commission that a workshop meeting will be held on February 27th at 6 PM with SRPC; packets will be distributed.

6. **TREASURER'S REPORT**

No treasurer's report this month.

D. Smith-Kenyon moves to adjourn, K. Dodds seconds. Motion carries 6-0-0

Meeting adjourned at 7:19 PM.

Respectfully submitted:

Jeremy Rhodes
Conservation Commission Secretary