

Conservation Commission
MINUTES OF REGULAR MEETING
May 12, 2021

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

MEMBERS ABSENT: Jeremy Degler

STAFF PRESENT: Michelle Mears

The meeting was called to order by S Orzechowski at 5:59 pm. This was the commission's first regular meeting in person since the start of the Covid-19 state of emergency began.

1. Approval of Meeting Minutes.

Regular Meeting of 4/14/2021

The following corrections were noted:

- New business, 3.A – the size of the concrete installation requested is 6'x6', not a 3' pedestal. This correction applies to the Agenda for this session as well.
 - The location of the pedestal and array were discussed, rather than solely the post.
- 4.B.a – S. Orzechowski to reach out to city regarding low-flow showerhead distribution.
- 4.B.f – Rabbits were also not available from the zoo-based breeding program due to skeleton crew staffing at these facilities.
- 4.B.k – Meeting was held on the 22nd, not 27th.

Motion to approve as amended by A. Ficco, seconded by D. Smith-Kenyon. 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

The applicant has requested that this item be continued to permit time for full delineation of wetlands on site.

Motion to continue to regular meeting of June 9 certain by J. Rhodes; seconded by D. Smith-Kenyon. Approved unanimously.

B. Any Other New Business
None

4. **New Business**

A. Getting Map Coordinates for Easement Monitoring

A. Ficco notes that we don't currently have full GPS coordinates for the easements; M. Mears will check city records for these. We'd prefer that these be in a form that's importable to GPS walking applications. M. Mears notes that these may be available from SRTC; S. Orzechowski and A. Ficco will coordinate with her to confirm these items.

B. Any Other New Business

None

5. **Old Business**

A. Easement Monitoring

Files have been delivered to M. Mears in planning; she'll get the information to S. Eckstein to coordinate monitoring. Inclusion of Tax Map Block/Lot numbers on easement paperwork would be appreciated. S. Orzechowski notes that he completed walks at the Mobil sites 1 and 2 near Willand Pond; no damage or significant litter was noted, signs are intact, no trails have been cut, and no significant erosion was noted.

B. Wetland encroachment at former well parcel

M. Mears will work with Code Enforcement to address concerns at this site.

C. ATV Trespassing

S. Orzechowski has had communication with NH Fish and Game and NRCS regarding this issue. Please see attached emails which summarize the current state; F&G notes excellent cooperation from Tri-City Trailblazers club, leading to a likelihood of issues arising from non-affiliated riders. Enforcement will continue. M. Mears will work with DPW on trail monitoring as well.

D. MEMBER ITEMS, SUB-COMMITTEE ITEMS, AND REPORTS

a. Low-Flow Showerheads

S. Orzechowski is working with DPW to include notification of program in resident water bills.

E. Update Regarding the Property at 53 Coles Pond Rd.

Closing will be held next week, with 5/17 as a target date if paperwork requirements permit. The commission will need to approve a stewardship plan, and will plan for a press release once all details are finalized.

F. Update on remediation at Steven E Brown Property on Commercial Drive

All required mitigation work is complete, with the possible exception of conservation mix reseeded in some of the previously planted area didn't set in well due to drought.

M. Mears will check to see if any further planting is required.

G. Any Other Old Business that may come before the Commission

a. S. Orzechowski:

i. M. Mears has requested to council that S. Eckstein be confirmed as a full member.

ii. Noted that tree count appears to remain on the CUP form; M. Mears will confirm that it's removed.

- iii. Requested follow up on diseased Red Pines at Oaks property; M. Mears will investigate.
 - iv. Regarding Cottontail release – need to confirm that this is still planned when availability permits; possible confusion with the Sunningdale property being managed as a site for potential colonization.
 - v. Whippoorwill Way development – tree planting is still required; M. Mears notes that construction is still in progress at this site, but that she will confirm that plantings are in place at completion.
 - vi. Campbell application (Penny Lane) – appears to have less open space at site than indicated on map; delineation occurred years ago, and a new delineation is in progress.
 - vii. Thanks to Larry Hamilton for his service on the commission, both as a member and treasurer. He'll be missed!
- b. D. Smith-Kenyon:
 - i. Request for update on probable unpermitted wetland development at 56 Indigo Hill Rd.; appears power may be being run to the noted development. M. Mears will follow up.
 - c. J. Rhodes:
 - i. Treasurer Position: With Larry leaving us, the treasurer's post will be open; S. Eckstein expresses interest, will just need to have full membership confirmed first.
 - d. A. Ficco:
 - i. Request for update on The Works wetland trail. M. Mears will follow up and see if NHDES has responded yet. The Works is looking to build a pavilion for its summer program; this will not be acted upon until this issue is resolved.
 - ii. No Hunting signs at Malley Farm: These have been removed again. We have more that can be added, but probability of removal is high. Other communities have used trail cams to catch those removing them. This is a possibility here as well.
 - iii. Knotweed handling: Will look into advice for residents around identification and handling of knotweed and other invasive species.
 - e. S. Eckstein:
 - i. Sustainability has made contact with Dover city personnel. Potential cooperation around initiatives to encourage solar adoption and for organic material use (weed control, fertilization, etc.)

6. Treasurer's Report

City of Somersworth, NH		
Conservation Commission, Fund Balance		
April 30, 2021		
March 31, 2021	Balance Forward	\$ 137,378.82
	Receipts:	
	Interest Received	2.42
	Disbursements:	
April 2, 2021	Christopher N. Kane Lily Pond Base Line Document	(1,242.50)
April 30, 2021	Ending Balance	\$ 136,138.74

Note that 50% of the expenditure to Christopher Kane will be refundable based on grant participation.

A. Ficco moves to adjourn, D. Smith-Kenyon seconds. Approved Unanimously.

Meeting adjourned at 7:07 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

Proud past, bright future

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 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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