

MINUTES OF REGULAR MEETING – CONSERVATION COMMISSION

August 9, 2023

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

MEMBERS ABSENT: None

STAFF PRESENT: Dana Crossley

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

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

Corrections:

- 3A, Bullet 2: ‘for their appearance’, change to ‘for the plan.’
- 3B, Sentence 2: the 2 sets of history are separated by time; they are not contradictory.
- 3B, Sentence 4: The commission is to review the mitigation plan.
- 4A, 4B: Ordinance, not Ordnance.
- 5E: Replace ‘monitoring’ with ‘signage.’

J. Degler moves to accept as amended, D. Smith-Kenyon seconds. Motion carries 6-0-0.

2. **PUBLIC COMMENT** (five minutes per person and subject to closure in interest of time) -None

3. **CONDITIONAL USE PERMIT REQUESTS**

A. Packy’s Investment LLC is seeking a Conditional Use Permit for 12,235 SF 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 (Tritech) presents for the applicant and provides a walkthrough of the project. Plan submitted tonight includes one solar tracker not previously included. This is the one that overlaps building 2. There are a total of 10 trackers in the proposed project. Total tree cuts involved in the 2022 action were 21,500 square feet and were completed prior to the November meeting. The current CUP request includes mitigation of this action; the applicant proposes to plant over the cut area with conservation mix.

Questions were asked regarding the configuration of the array; one tracker was eliminated from the original proposal.

The possibility of reforestation of the site was discussed; the applicant has concerns about interference in tracker function due to tree height. The applicant also states that they do not believe that there would be material difference between simple seeding and the presence of more substantial plantings. The landscape architect has discussed land treatments to help in the establishment of a meadow on site. K. Dodds states that simply seeding the site is unlikely to be effective; invasive intrusion would also be a serious risk with the site. S. Orzechowski agrees with concerns raised, stating that continued effort would be required to salvage the site. D. Smith-Kenyon notes that our environmental scientist does not believe that shrub plantings would interfere with tracker function. The applicant's representative notes that the applicant has stated that he acted in good faith in this project. J. Rhodes states that the mitigation plan as submitted (simple reseeding, with no larger plantings being included) does not meet the standard of restoring prior conditions in any way; partial reforestation may be possible without impinging on panel function in any way, and lower growing vegetation (<16ft peak growth) would not interfere with trackers. The initial plan did include trackers very close to tracker limits, indicating that nearby woods do not interfere. K. Dodds notes that a pragmatic approach here would be to include lower-growing woody plants; this would go a long way to restoring the site without preventing use.

The commission requests that the applicant meet with a landscape architect to develop a comprehensive revegetation/mitigation plan prior to the next meeting.

K. Dodds moves to continue the application to the meeting of 9/13/23; D. Smith-Kenyon seconds. Motion carries 6-0-0.

B. 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.

The applicant is not in attendance but had indicated to staff that they had planned to attend.

J. Degler moves to continue to the meeting of 9/13/23; D. Smith-Kenyon seconds. Motion carries 6-0-0.

4. NEW BUSINESS

A. Kelly Barstow on behalf of Favorite Development Group LLC is seeking Conceptual Review for a new building and parking lot within wetland setbacks on a property located at 28 Interstate Drive, in the Industrial (I) District, Assessor's Map 58 Lot 6K, SITE#12-2023.

Kevin McEneaney presents – this is a conceptual review. The applicant's intent is to build a meat processing facility; this building would be located next to an existing facility of theirs located on an adjacent lot. The project as currently designed has 53,600 square feet of buffer impact, but no direct wetland impact. The lot they're seeking to build on is very heavily constrained by wetland and contains two wetland sections. One (the smaller, circular feature) is an old pit that has filled in from groundwater. The larger one is connected to a much larger wetland that extends off site as far as Rochester.

The applicant is seeking to close an outmoded facility located in Massachusetts and consolidate all of their operations in Somersworth. Facilities of this nature are typically custom and purpose built due to FDA and other health regulations; retrofitting another structure often has greater costs associated than new construction.

D. Smith-Kenyon notes that this plan essentially removes the buffer on the site and doesn't include stormwater treatment; the applicant agrees with this, and states that they're looking at this at a conceptual level right now to see if there's any appetite for this work at all, and that there would be stormwater management added. If there were no appetite, they were hoping to determine that before they'd expended full engineering costs.

S. Orzechowski notes that these are two very different wetlands and is interested in an exploration of their respective value. J. Degler notes that the larger wetland has high value, particularly for flood control (8 out of 10 score). The smaller, circular wetland, by comparison has very low value, which is consistent with manmade, unplanned wetlands such as this one.

The applicant does not own other property in the City which could be used as offset; this site is key to their expansion plans; they would face a multiple site issue if they were to place this site elsewhere and would potentially have to move their current operations. The proposed use for the new building would not involve storage of livestock or their slaughter; they'd be receiving packed primal cuts and breaking them down to saleable cuts.

The surrounding area of this lot is heavily developed, industrial uses. S. Orzechowski notes that the site is heavily impacted, but that the smaller wetland is far lower value. A move away from the larger wetland would be preferable, even if it involved direct impact of the smaller wetland in the service of sparing buffer impact on the larger site.

The applicant intends to present this plan to the Planning Board as well to determine a path forward, and thanks the commission for their review.

B. Any new business to come before the Commission.

D. Crossley shared a message from City Council; they've determined that the walking path bridges at Willand Pond are falling into disrepair, something that they determined after the City budget was set for the year. They're questioning whether restoration of the bridges would be something that the Commission could consider. Cost to replace the current failing trex bridges with more sturdy aluminum ones would be about \$60,000. Somersworth is responsible for maintenance even though the site is owned by Dover. J. Rhodes notes that the Commission has mentioned that the Commission is currently funded entirely by land use taxes, and the number of sites fitting these criteria in the City is decreasing; this may be something to discuss with City Council at the same time as bridge funding.

The City's Code Compliance Officer is in contact with Salmon Falls Nursery to replace dead trees in Somersworth Plaza. Currently, Shademaster Locust and Crabapples are under consideration. The Commission requests that Urban Forestry be consulted for species choices and that the City's recommended tree list be considered for this work.

Wild Birds Unlimited has contacted the Commission to partner on a project – Feederscaping, taking on a garden, or running presentations are mentioned as possibilities. They're looking to take on a project.

5. **OLD BUSINESS**

A. Easement monitoring

No Update.

B. Community Wildlife Habitat item for City newsletter

In the newsletter; as well as invasive control for bittersweet. S. Orzechowski will continue to submit items.

C. Any Correspondence regarding old business

None.

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

i. Wildlife management plan for Lily Pond parcel (Scott Orzechowski)

No Update

ii. Invasives plan sub-committee report (Dale Smith-Kenyon)

No Update

iii. Malley Farm Trail Subcommittee Report (Kevin Dodds)

K. Dodds following up with consultant; report expected by next meeting.

iv. Exploration of formal conservation of Malley Farm city parcel

S. Orzechowski has emailed lawyer, will follow up.

v. City tree GPS inventory project

D. Bryar is in contact with Mike Bobinsky (DPW) to get information on coverage. Meeting set with Amber Hall (City Engineer) to discuss identification set for 8/15 at 1PM.

SRPC has referred to Gretchen Young of Dover for discussion of their prior effort.

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

S. Orzechowski requests an update on Rollinsford partnership regarding Malley Farm trails. K. Dodds will follow up.

No update on state contact with Ruel trail.

Easement signage work is ongoing.

Lily Pond Management plan is with S. Orzechowski

Solar Ordinance is going before the Planning Board next week; working towards a recommendation to City Council.

6. **TREASURER'S REPORT**

Balance forward from 7/23: \$194,776.13

Interest: \$859.43

Land Use tax: \$60,000.00

End Balance: \$255,635.58

J. Degler moves to adjourn; D. Smith-Kenyon seconds. Motion carries unanimously.

Meeting adjourned at 7:48 PM.

Respectfully submitted:

Jeremy Rhodes
Conservation Commission Secretary