

Town of Newington, NH
CONSERVATION COMMISSION

Meeting Minutes, Thursday, December 12, 2019

- Call to Order:** Chair Jane Hislop called the December 12, 2019 meeting at 6:30 p.m.
- Present:** Chair Jane Hislop; Vice-Chair Weiner; Commissioners Ann Morton; Jim Tucker; Alternate Jane Kendall
- Absent:** Alternate Bill Murray, and Town Planner, Gerald Coogan
- Public Guests:** Siang Kiang Beswick; Sharon Ware, Acting Manager of Great Bay National Wildlife Refuge; Nancy Pow, U.S. Fish and Wildlife Biologist; Planning Board Chair, Denis Hebert; Andrew Meigs

I) Discussion: Proposed Amendment to Zoning Ordinance, Article VIII, Wetlands Overlay District and Wetlands Mapping

Chair Hislop announced that applicants were present, and DES Permit requests should be discussed before this item.

II) NHDES Permit Requests:

- A) Request by **Paul B. Beswick Trust** for repair of existing dock on property located at Gundalow Landing, Tax Map 22, Lot 05

Siang Kiang Beswick stated that the ice flow damage from the heavy storms of 2015 had destroyed their existing dock. Ms. Beswick said the piling was damaged as well. Ms. Beswick said she spoke with Dori Wiggins at the Department of Environmental Services (DES) who told her that she didn't need a permit to remove the damaged dock.

Chair Hislop asked if they pulled their dock in in winter. Ms. Beswick replied that they removed the floating dock, but left the 100 foot ramp out.

Chair Hislop asked if they might use a design with rollers to the ramp in. Ms. Beswick replied that their insurance wouldn't pay for damages, and that Pickering Riverside Marine informed her that there was no guarantee that it wouldn't get damaged

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again. Ms. Beswick said that she wanted to replace it in kind, but thought she might not replace the entire dock.

Chair Hislop asked if Eversource's transmission cable running from Great Bay through their property had any effect on her dock. Ms. Beswick said the cable was not near the dock.

Jim Weiner moved to recommend approval of the DES permit request by Paul B. Beswick Trust for repair and replacement in kind of existing dock on property located at Gundalow Landing, Tax Map 22, Lot 05. Ann Morton seconded the motion, and all were in favor.

B) Request by U.S. Fish and Wildlife, Decommissioning of Lower Peverley Dam, located at Great Bay National Wildlife Refuge, Newington, NH

Sharon Ware, Acting Manager of Great Bay National Wildlife Refuge, and Nancy Pow, U.S. Fish and Wildlife Biologist appeared before the Commission to discuss the decommissioning of Lower Peverley Dam.

Ms. Pow stated that the upper and lower Peverley dams were built by the City of Portsmouth in 1900 for drinking water, and they later dammed Stubbs Pond. Ms. Pow said Lower Peverley was in the middle, and in 2006 they found that the infrastructure was in poor condition, but DES did not give them a permit. Ms. Pow Parker River Refuge then conducted a comprehensive plan, did design and research for the last two years, received funding, and submitted their permit request to DES last month.

Chair Hislop asked if there was any tidal exchange, and Ms. Pow replied that three ponds contained fresh water.

Vice-Chair Weiner asked if they had tested for PFAS's. Ms. Pow replied that all three were contaminated because of nearby military activity, so they would keep most of the sediment in Lower Peverley with a series of 10 tiered pools, which would improve the water quality. Ms. Pow said the pond was mostly open water currently, but they would return the channel back to original state, and install large stone boulders to be sure that no contaminated sediment leaves the system. She said it would change to grassy meadow wetlands like a beaver dam area, with a little bit of restored hickory forest area, and it wouldn't be very visible once it revegetates. She said the restored site would look like the upper level of Peverley Pond when it was done.

Vice-Chair Weiner asked if the flow of water to Great Bay would be reduced, and Ms. Pow replied that the system would filter the water with less sediment, but that there was no direct flow from Stubbs Pond.

Planning Board Chair, Denis Hebert of Gundalow Landing asked if the fish ladder was there. Ms. Pow said the military dug a spillway from Upper Peverley, which was the most contaminated from the runway and a landfill. Ms. Pow added that the concrete walkway had eroded, and was falling.

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Chair Hislop asked if there were any fish populations. Ms. Pow said currently there was only eel right because of a big elevation change, but some shad might be able to get in once it was restored. She said once the area was stabilized, they could consider lowering that notch, but it was not in the permit proposal to do that right now.

Andrew Meigs asked what they would do to prevent the silt they removed from the bottom from blowing away. Ms. Pow said it would be relatively wet muddy clay so it shouldn't blow away. She said they had a soil holding area for testing for contaminants to determine how it should be disposed, and that would be seeded.

Chair Hislop asked when they would begin the work, and Ms. Pow said they were hoping to have the permit approved within 90 days, and to have the contract in by March 2020. Ms. Pow commented that there were pros and cons for working in spring or fall, so they would discuss it further with DES and the contractors.

Chair Hislop asked if they would work at the lower dam. Ms. Pow said contractors would draw water down, flowing through a pipe to Stubbs Pond to bypass the area while they were working on it, and said bring water down to revegetate so the soils wouldn't move. Ms. Pow said U.S. Fish and Game asked that they not restore Stubbs Pond because it was important to water fowl.

Ms. Pow said they will restore two of three culverts on the access road, leaving one for the military testing

Jim Weiner moved to recommend approval of the DES permit request by U.S. Fish and Wildlife, Decommissioning of Lower Peverley Dam, located at Great Bay National Wildlife Refuge, Newington, NH. Jim Tucker seconded the motion, and all were in favor.

1) Discussion: Proposed Amendment to Zoning Ordinance, Article VIII, Wetlands Overlay District and Wetlands Mapping

This item was delayed to hear the previous items first.

Chair Hislop informed the Commission that Town wetlands consultant, Mark West had called to update her on responses from the Planning Board's discussions, and he said it seemed that only one resident was very verbal in objections. Chair Hislop suggested that perhaps people needed more time to review the suggested changes, and in the mean time they could use the updated map as a tool.

Alternate Commissioner Jane Kendall commented that she disappointed that it was decided to drop the amendment. Commissioner Kendall said that several of the arguments against the wetlands setbacks were based on misunderstandings, including the biological, and flood control functions that wetlands serve; and the argument that the wetlands setbacks would prevent people from maintaining their agricultural fields, when it turned out that they were eligible to request a permit for maintenance. Mr. Hebert

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added that people thought the wetlands had increased over the years, but in most cases they had already been there.

Jim Weiner moved that the wetlands mapping project be adopted as a tool for Town boards, residents, and future developers. Chair Hislop seconded the motion, and all were in favor.

III) Conservation Fund Warrant: Discussion

Chair Weiner stated that the Commission had been conservative, and had dropped the amount of their requests nearly every year, but now it was important to build the budget back up to conservation projects that might come in. Chair Hislop added that the Commission used to request that \$100,000 be set aside for the Conservation Fund each year, but two years ago the Board of Selectmen cut it back to \$15,000, and then the Commission got them to double it to \$30,000 last year.

Chair Hislop stated that the State passed a law in the 1950's or 1960's that conservation commissions could establish a conservation fund to acquire conservation easements. She said the Commission often matched funds when they found an organization that was willing to purchase an easement.

Chair Hislop said the State also passed a law that 10% of property sales would go back to the fund if anyone took their property out of current use.

Jim Weiner moved to put \$50,000 into the conservation fund warrant article. Jim Tucker seconded the motion, and all were in favor.

IV) Town Forester: Discussion

Vice-Chair Weiner stated that the Board of Selectmen had re-hired former Town forester, Charley Moreno to manage the Town forest.

Chair Hislop said in the 1980's the Newington Historic District Commission had received a grant to review national and historic sites in town and hired Mr. Moreno, who had been forester for the Air Force to do an assessment, and write the report, but it appeared that a lot of it had been copy and pasted. Chair Hislop said Mr. Moreno asked that it never be reprinted, but Federal grant funds were used for the report to be made public. Chair Hislop said it was for this reason that she had concerns with re-hiring Mr. Moreno.

Mr. Meigs commented he has seen ads for foresters in a conservation publication in Connecticut, and wondered if another forester could be hired for Newington. Chair Hislop responded that a Town forester had to be certified, and all the foresters she found were located north west of the Seacoast area, none lived in Rockingham county, and none were available. Chair Hislop said she also reached out to

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Don Quigley, a forestry professor who retired from the University of New Hampshire (UNH), but he was working on big project for the Town of Lee, New Hampshire.

VI) Other Business:

A) New Planner

Planning Board Chair, Denis Hebert informed the Commission that Gerald Coogan would now be working a few hours a month for the Economic Development Committee, and would no longer be working as Town Planner, and that the Town had hired John Krebs, who would begin on January 6, 2020.

Chair Hebert said Mr. Krebs had worked for Rockingham County Planning Commission, lived in Freedom, New Hampshire, currently working as a home builder, and had come highly recommended.

Commissioner Kendall commented that conveying information between boards was very important for many issues. Chair Hislop agreed that it would be helpful to know what concerns were raised in other meetings prior to an applicant coming to the Conservation Commission. Mr. Hebert said he hoped the new planner would send out a monthly e-letter.

Vice-Chair Weiner noted that the former planner was waiting from 4:30 p.m. to the time meetings started at 6:30 p.m., and then leaving before the meetings ended.

Chair Hislop asked how many hours a month the new planner would be available for the Conservation Commission. Mr. Hebert said the new planner wanted 15 hours a week, on Mondays and Thursdays from 9 a.m. to closing, plus meeting hours, and additional time for calls. Mr. Hebert said the planner would have to balance his time between all boards.

B) Eversource Mitigation

Chair Hislop stated that a conservation mitigation proposal still hadn't been determined for Eversource's transmission expansion mitigation funds. Mr. Hebert stated that Town wetlands consultant, Mark West, Town engineering consultant, Eric Weinrieb; Town Administrator, Martha Roy, and former planner, Jerry Coogan were working reviewing drainage projects for consideration.

C) Wetland Violations:

1) Town Docks

Vice-Chair Weiner stated that the owners of private docks left at the town docks were informed by DES to remove them two years ago, and they still haven't been

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removed. Mr. Hebert said enforcement was an issue for the building inspector and the Board of Selectmen, and suggested that Chair Hislop ask Town Administrator, Martha Roy to assist with enforcement.

2) Mainely Grass

Chair Hislop said she drove by Mainely Grass on Nimble Hill Road and saw them cutting trees and digging behind their building. She said she didn't know if it would affect the wetlands, or shoreland, but they hadn't requested a permit.

Vice-Chair Weiner said Rick Stern of Shattuck Way called the building inspector to report the activity. Vice-Chair Weiner said they cut the trees when the building inspector had a day off. He said he thought that the Board of Selectmen were to address enforcement when he was absent, but it took two days for Mr. Stern to hear back from the building inspector, and then he was told he had to come into the office to fill out a report.

Chair Hislop agreed that the Conservation Commission had no power to impose fines, but the Board of Selectmen could.

D) Conservation Commission Information Guide

Vice-Chair Weiner stated that he had talked to former Town planner, Gerald Coogan about putting together a glossary of acronyms, terminology, DES wetlands permit categories for commissioners, but it never happened.

Vice-Chair Weiner stated that it cost \$300 every time the planner attended a Conservation Commission meeting, and he thought the savings from not having the planner attend every meeting could be used to commission the recording secretary to put together a kind of informational guide for the commissioners.

Chair Hislop said it would also be helpful to have a list of wetlands buffers, and regulations, as well as the schedule for the yearly budget, warrant article deadlines, town report, and when positions were up for re-appointment.

Recording secretary Kendall said she would be glad to assist, but it was a busy time of year, and she was concerned she couldn't start or complete the job before December 31, 2019.

Jim Weiner moved to authorize \$300 for payment to Recording Secretary, Jane Kendall for a Conservation Commission procedural and information guide at \$22 per hour. Chair Hislop seconded the motion, and all were in favor.

Jim Weiner amended that Chair Hislop would send Town Administrator, Martha Roy an email to encumber \$300 from the 2019 budget for the information guide project. Jim Tucker seconded the motion, and all were in favor.

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6) Invoices

Jim Tucker moved to pay the invoice in the amount of \$757.91 to Town wetlands consultant, Mark West for the final adjustment to the wetlands map, copying, and printing costs, correspondence, and phone calls. Jim Weiner seconded the motion, and all were in favor.

7) Additional Discussions

Commissioner Jim Tucker said he had identified 13 streams while doing research in LANDMARKS OF HISTORIC DOVER, and would share a list for the Commission. The Commission discussed the possibility of putting up markers that would list the previous names of streams in town

Minutes: *Jim Tucker moved to approve the Minutes for the November 14, 2019 meeting. Jane Hislop seconded, and all were in favor.*

Adjournment: *The meeting adjourned at 8:39 p.m.*

Next Meeting: January 9, 2020

Respectfully
Submitted by: Jane K. Kendall, Recording Secretary

These Minutes were approved and adopted by the Conservation Commission at their January 9, 2020 meeting.