

**Town of Newington, NH**  
**CONSERVATION COMMISSION**

Meeting Minutes, Thursday, December 14, 2023

- Call to Order:** Chair Jane Hislop called the December 14, 2023, meeting at 6:30 PM.
- Present:** Vice-Chair Laura Rogers; Town Planner, John Krebs; and Recording Secretary Jane Kendall (remotely)
- Absent:** Commissioners Jim Weiner and Derick Willson; Alternate Member, Bill Murray
- Public Guests:** Cyrus Noble, and Corey Colwell, P.E. with TF Moran

**1) Residential Development Review: Property owned by **Cyrus Noble** at **41 Carters Lane, Tax Map 5, Lot 1****

Cyrus Noble appeared before the Commission to present his preliminary plan to build a replacement home on the lot he recently purchased.

Mr. Noble said the lot had been surveyed, and was just over an acre. Mr. Noble said the plan was for a small building envelope to minimize any impact on setbacks, and to replace the existing septic with an advanced treatment system with dual tanks.

Town Planner, John Krebs commented that they would need to request relief from the Zoning Board of Adjustment (ZBA) if a portion of the improvements were within the 100-foot tidal buffer.

Corey Colwell, P.E. with TF Moran stated that it was an odd, shaped lot that ran to a ledge point to Broad Cove, and they were trying to maintain and improve the buffer as much as possible.

Mr. Colwell said there was a gravel drive that was wrapped around the existing single-story house, with 372 feet of frontage on Carters Lane.

Discussion ensued regarding the buffer and tidal setback requirements.

Mr. Krebs noted that they would need to be mindful of the dripline of the house as well.

Mr. Colwell showed the plan for a two-story home that included an attached basement level garage that would be four feet above grade to avoid the water table.

Mr. Colwell reviewed the design of the house, and said they designed a patio with pervious stone because they hoped to place it within the buffer, adding that storm water would flow toward the patio that would have layers of larger stones, smaller stone, and fine pea stone between the gaps to allow seepage, and reduce runoff to the cove.

Mr. Krebs commented that the circuitous drive looked as if it would be difficult to plow, and wondered why they didn't make a straight line from Carter's Lane.

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Commissioner Meigs asked if they would remove the drive around the house, and Mr. Noble replied that he intended on keeping the patio in the front, but remove the rest.

Mr. Colwell said removal of 2600 square feet of gravel, and other impervious surfaces would reduce stormwater runoff to cove.

Mr. Krebs commented that the addition of the patio appeared to be more than what was being removed.

Mr. Colwell added that replacing the leach within 50 feet of the cove with an advanced system with dual tanks would create cleaner effluent as well.

Commissioner Meigs asked if they would remove the existing septic system. Mr. Colwell replied that they would just cap it to reduce digging in the buffer zone.

Mr. Krebs asked about septic tank removal. Mr. Colwell replied that septic tanks were typically pumped and filled with sand. Chair Hislop commented that the system dated back to the 1950's, and could be leaking for some time.

Mr. Colwell said they were trying to honor the buildable area, and buffers, and he thought that Broad Cove would be better off with their construction than with the existing structure.

Chair Hislop asked about the substrate. Mr. Colwell stated that they had done test pits, and believed the substrate was mostly ledge.

Chair Hislop said there was concern about the effects of extreme storms on erosion. Mr. Noble said the ledge seemed to come into a corner and was three to four feet above high tide, and sandy above that.

Chair Hislop commented that the tall pine was part of the erosion problem on Fox Point, and recommended planting salt tolerant, native species like low bush blueberries to prevent erosion.

Commissioner Meigs asked if there was a foundation drain in the basement. Mr. Colwell replied that there was a drain line coming from the corner that went to the swale so ground water would drain toward existing ground water.

Commissioner Meigs said he would be concerned with water flowing down the slope going toward the house. Mr. Krebs noted that there was a swale a foot lower than the top of the drive. Mr. Krebs said they were five feet above grade, so it was a pretty good plan, but there was only a foot difference between the sideline and the garage.

Mr. Noble said Paul Pickering had a garden that never had standing water where the patio was proposed, so he thought there would be adequate drainage. Chair Hislop commented that there had been a drought two years earlier, but there was a lot of rain this summer, and it was continuing, so they should be able to see how well the site drained.

Commissioner Meigs suggested that they consider a French drain to allow water to move away from the leach field. Mr. Colwell said the grading and drainage plan was to shed water away from the house, but his point was well taken.

Commissioner Meigs asked if the propane tank and generator were within the setbacks. Mr. Krebs said it looked like there were plenty of places to conceal them, and recommended that they consider delivery access, and update the plan in consideration of setbacks.

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Mr. Noble said there would be a green roof with native grasses. Commissioner Meigs said he would be interested in hearing more about the green roof when they returned. Mr. Krebs said it was up to them if they wanted to share, but it had nothing to do with the Commission's review.

Mr. Colwell said he would not file the wetlands permit until after they went before the ZBA. Mr. Krebs suggested that they schedule the planting plan along with the wetlands permit review. Mr. Krebs said he had another application for the ZBA on Thursday, January 11, 2024, so they could return to the Conservation Commission meeting on the second Thursday, February 8, 2025.

Mr. Colwell commented that the ZBA would want to know what the Conservation Commission thought about the buffer zone setbacks. Mr. Krebs responded that the Commission could make a motion on whether they supported the plan or not, and he would attend the ZBA meeting to discuss the buffer encroachment.

Commissioner Meigs said he would like the details of the patio encroachment, and how much the removal of the gravel drive compensated.

Vice-Chair Rogers said she was fine with the minimal buffer encroachment.

Mr. Krebs said the Commission could stipulate that they see the plan again prior to final approval.

*Andrew Meigs moved that the Conservation Commission accepted the residential building plan for the removal of gravel on property owned by Cyrus Noble at 41 Carters Lane, Tax Map 5, Lot 1, and that they will have final review with the planting plan, propane tank and generator placement, and wetland permit application. Laura Chair Rogers seconded, and all were in favor.*

### **2) Other Business and Discussions**

Chair Hislop said she went before the Board of Selectmen and the Budget Committee on Monday, and they accepted the Commission's flatlined budget changes for 2024.

Chair Hislop said she still hadn't received a copy of dues fees for the New Hampshire Association of Conservation Commissions.

Mr. Krebs informed the Commission that Sheryl Bagley had expressed interest in joining the Conservation Commission, and it would be nice to have an alternate member because other members struggling to attend meetings. Mr. Krebs said he would ask if she could attend the next meeting.

Commissioner Meigs asked about the regulation of ground water flow and new construction. Mr. Krebs said a building inspector in any town could say someone could build a house five feet underground so long as it met code, but the Planning Board did review the drainage plans submitted to the State as required for the Shackford lot development subdivision, and have the drainage inspected.

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Mr. Krebs said the Conservation Commission only reviewed wetland permits, but he could arrange for the commissioners to do a site walk of a lot that was being built near the shoreline if they wanted.

Commissioner Meigs said it seemed a house on the downside of a slope could act as a dam, or channel flow toward neighbors or existing wetlands.

Mr. Krebs said if they find out that the ledge was only four feet deep, it would be up to them to determine if they would blast.

Chair Hislop said Airport Road and Coleman Drive were examples of developments that had a lot of water around some of the homes that needed to be mitigated. Chair Hislop added that her house was at the highest elevation in town, and had never flooded in 45 years, until the last five major storm seasons caused water to bubble up in her basement ever since.

**Minutes:** Approval of the November 30, 2023, Minutes were put off until the next meeting.

**Adjournment:** *Andrew Meigs moved to adjourn. Laura Rogers seconded, and the meeting adjourned at 7:52 p.m.*

**Next Meeting:** Thursday, February 8, 2022

**Respectfully  
Submitted by:** Jane K. Kendall, Recording Secretary