

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

Meeting Minutes, Thursday, September 19, 2019

- Call to Order:** Chair Jane Hislop called the September 19, 2019 meeting at 6:30 p.m.
- Present:** Chair Jane Hislop; Vice-Chair Jim Weiner; Commissioners; Ann Morton; Jim Tucker; Alternates Jane Kendall; Bill Murray; and Town Planner, Gerald Coogan
- Absent:** Alternate, Sandra Devin
- Public Guests:** Spencer Tate with Meridian Land Services; Denis Messier, Operations Manager of Newington Waste Water Treatment; Jeff Mercer, P.E. with Wright-Pierce Engineering; Mike Barker and Kim Jacques; Doreen Stern

**1) Landscape Plans:** Minor changes proposed by **Essential Power Newington, LLC** located on # **Shattuck Way, Tax Map 19, Lot 10**

Spencer Tate with Meridian Land Services, on behalf of Central Power Newington informed the Commission that the trees that they had planted as part of the original site plan in 2002 were now overgrowing the power lines, and that they needed a recommendation to cut and replace them. Mr. Tate said the cutting and planting area would not be in the wetlands. Mr. Tate said they intended to cut and grind the existing trees in a 2,080 square foot area, but there would be no grading.

Mr. Tate said the 24-acre general energy facility included high voltage lines and power poles, where the Australian pine had grown too high and close to the transmission lines, and didn't comply with North American energy protocol that advocated the removal and replacement of high growing incompatible species.

Mr. Tate said they wanted to replace the trees with grey dogwood, maple leaf viburnum that grew to a maximum height of 15-17 feet, and an upland native seed mix so that they wouldn't have to return to request permission to cut again.

Mr. Tate said the New England seed mix would contain native wildflowers, including Joe Pyeweed, and Queen Anne's Lace in the wetlands mix, and mostly native graces in the uplands mix, and they would plant in clusters to allow wildlife movement, and habitat for the New England Cottontail.

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Chair Hislop responded that only planting two species of trees was close to a monoculture, and the Commission would like to see at least three species for protection against disease. Commissioner Kendall recommended want disease resistant natives, and Chair Hislop added that there was a lot of deer in the area, so they should also plant deer resistant species. Mr. Tate replied that he would run the request past Central Power.

Mr. Tate said he was trying to set up a meeting with the Planning Board, but he hoped they wouldn't require a full site plan review. Town Planner, Gerald Coogan responded that he would share the information with the Planning Board

*Jim Weiner moved to recommend approval of the tree removal, stumping and replanting of a mixed species of three, deer resident, native species as proposed by Essential Power Newington, LLC located on # Shattuck Way, Tax Map 19, Lot 10. Bill Murray seconded the motion, and all were in favor.*

### 2) NHDES Wetlands Permits:

- A) Request by **Newington Sewage Commission** for Wetlands Permit recommendation to replace Paul Brook force main sewage pipe to **Newington Waste Water Treatment Plant.**

Denis Messier, Operations Manager of Newington Waste Water Treatment provided a brief history of the site near an old house and driveway had been off Woodbury Avenue where the new fire hydrant had been placed.

Mr. Messier said they replaced a forced main further up Woodbury Avenue by Custom Pool last year to get that done before the five-year moratorium on construction began. Mr. Messier said they were now in the process of replacing the pipe had leaked 80,000 gallons of sewage waste into wetlands from the gravity fed forced main that was put in 40 years earlier.

Jeff Mercer, P.E. with Wright-Pierce Engineering stated that they had put up flags delineating the wetlands to show where the temporary disturbance of wetlands to the access area would occur. Mr. Messier said they hoped to leave the old pipe in the ground to limit ground disturbance, and lay the new ten-inch PVC pipe on top, six to seven feet below ground. Mr. Mercer said they would fill the old pipe with FloBo, a kind of wet concrete to stabilize the old pipe

Chair Hislop asked how often they needed to bore, and if they could use echo. Mr. Mercer replied that he was not familiar with echo technology, but that they would bore every 75' to test with ledge, before laying the course of the pipe.

Mr. Coogan asked if they had coordinated with the abutting proposed hotel. Mr. Messier said he had been in contact with John Lorden, P.E. with TFMoran, but they would not be doing their engineering for them.

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Vice-Chair Weiner reminded Mr. Mercer of the Town Ordinance that allowed the removal of subsoil, but restricted the removal of topsoil. Mr. Messier replied that the EPA would not be happy if they left the spillage from the pipe behind, so they had a septic truck pulling out the wet liquid and soil out, and were trucking it to the waste water treatment plant.

Alternate Commissioner, Bill Murray asked if would regenerate. Mr. Messier said not hazardous waste. He said best way to clean pollution, was to plant cattails. Mr. Messier said sewer commission signed and now the Commission signs. Mr. Messier said boring would be done, then a company would come in and clear path where easement is, not to be confused with hotel activity.

Commissioner Jim Tucker asked about restoring laydown areas. Mr. Messier said they would.

Mr. Messier said they had the job out to bid, and they would clear brush before this winter, but DES might say they wanted them to hold off work until the Fall of 2020,

*Jim Tucker moved to recommend approval of NH DES Wetlands permit request by Newington Sewage Commission for Wetlands Permit to replace the force main sewage pipe to Newington Waste Water Treatment Plant near Paul Brook. Bill Murray seconded the motion, and all were in favor.*

- B) Request by **Mike Barker and Kim Jacques** for Wetlands Permit recommendation to construct a 22' x 26' garage, and 18' above ground pool, and a 35'+ walkway at their home at **518 Shattuck Way, Tax Map 7, Lot 4**

Property owner Mike Barker and Kim Jacques appeared before the Commission to present all improvement projects they intended to do over the next couple of years as was recommended during their consultation with David Price in the New Hampshire Department of Environmental Services (DES) Portsmouth Regional Office.

Mr. Barker said they would be requesting Wetlands and Shoreland Permits for a garage, an above ground pool and deck, a sidewalk with pavers to their existing deck, a patio and stairs down to the water.

Mr. Barker said the permit showed the breakdown of existing impervious and pervious structures. Discussion ensued regarding impervious and pervious structures, and percentages. Ms. Jacques pointed out that they would be taking their shed down, and placing the putting the pool in its place, but they couldn't build an attached garage because of the house layout.

Vice-Chair Weiner commented that interlocking patio pavers were impervious, course rock, like blue stone with spaced pavers would be more pervious. Ms. Jacques pointed out that Mr. Price had made the recommendations in their proposal. Mr. Barker said that they were using different sized pavers with gaps on gravel or washed stones, and were not using interlocking pavers.

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Mr. Barker stated that they were going to apply to the State as all projects were within the 100 feet of the tidal buffer zone, but they wanted to avoid applying for a Shoreline Permit.

Vice-Chair Weiner said it was hard for him to understand the calculations, and he wanted to know what Mr. Price had said. Alternate Commissioner, Jane Kendall asked if Mr. Price had provided them with a letter. Mr. Barker said he had not, and Commissioner Kendall recommended that they provide something from Mr. Price. Mr. Barker noted that Mr. Price would be away until the following week.

Ms. Jacques pointed out that they still had to apply to the State for approval. Vice-Chair Weiner said he didn't want to set a precedence, and was trying to determine if they met the Town Ordinance for the 100-foot setback. Commissioner Kendall responded that Mr. Coogan would determine if the applicant needed a variance, which was in the Zoning Board of Adjustment's jurisdiction. Mr. Coogan added that it was also for the building inspector to determine.

Mr. Coogan continued the application to the Thursday, October 10, 2019 meeting.

### **3) Wetlands Mapping Update for Wetlands Overlay District Ordinance Proposal**

Mr. Coogan informed the Commission that Town wetlands consultant, Mark West was still doing field work, but had provided an update.

Vice-Chair Weiner asked why the Planning Board had put a hold on proposing the Wetlands District Overlay for the 2020 Town Meeting, and Mr. Coogan replied that Planning Board Chair, Denis Hebert had made the decision.

Vice-Chair Weiner said he was concerned that several developments might be proposed in the coming year and he thought that they needed to update the Wetlands Regulations. Chair Hislop said they also needed Mr. West to complete the work that they budget for, and provide a quote for next year's 2020 budget too.

Commissioner Kendall commented that she was concerned that objections from a couple of property owners were the result of some misconceptions about the intentions of the mapping as a taking, and would cause the proposal to be pushed off and pushed off. She suggested that it be discussed further.

### **4) Proposed Watson Development: Brief update by Town Planner**

It was determined that discussion on this item needed to be put on hold until the applicants went before the Newington Planning Board for a preliminary consultation.

### **5) Town Planner Report and Updates:**

*Discussion on this item was delayed to hear the following item first.*

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**6) 2020 Conservation Commission Budget**

*This item was taken out of order.*

Commissioners discussed line budget line items for 2020, and the Board of Selectmens' request to hold the budget level to the previous year.

Vice-Chair Weiner noted that there was an error on legal that listed \$100 when it should have been \$1,000. Vice-Chair Weiner went on to say that the Board of Selectmen wanted to remove the line item, but then Budget Committee Chair, John Lamson said that they could approve \$500 and request the additional \$500 with a call to the Board of Selectmen.

Discussion ensued regarding the Beautification line item. Vice-Chair Weiner said he had attempted to get support for more community plantings, but had failed. Chair Hislop recommended a request of \$50 for Beautification.

Discussion continued regarding the Consultant line item. Chair Hislop said she needed a quote from Mr. West by October 4, 2019 for his continued work in 2020.

Mr. Coogan informed the Commission that Eversource was requesting that the Town submit a new Aquatic Resource Mitigation (A.R.M.) application, noting that the Town would still get mitigation funds from the Seacoast "Reliability" Transmission Expansion Project even if A.R.M. rejected the application, but they would not get funds if they didn't apply. Commissioner Tucker noted that they had no projects. Chair Hislop suggested asking Mr. West to make a recommendation, and do the application.

Discussion ensued regarding the Town Forest. Commissioner Kendall informed the Commission that many trees had been blown down during a summer storm, and were blocking trails. Commissioner Kendall asked if they could encumber the \$500 from this year to add to clean up costs. Mr. Coogan replied that they would need a contract or purchase agreement first. Chair Hislop said she would ask the Thomson School at the University of New Hampshire if they could recommend someone from the Forestry program.

Vice-Chair Weiner said he had received a quote for a new sign for Fox Point Conservation area in the amount of \$555 plus shipping. Chair Weiner asked Mr. Coogan if he would move \$650 from the Town Forest to Beautification, and encumber \$350 from this year's Town Forest, and add \$500 to the Town Forest budget for 2020.

*Jane Kendall moved to move \$650 from the Town Forest to Beautification budget for a new sign for Fox Point conservation entrance. Chair Hislop seconded the motion and all were in favor.*

Chair Hislop noted that the budget spreadsheet provided was not correct in comparison to the actual budget printout, but it was determined that the sum of \$10,268

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for the 2020 Conservation Commission budget would provide a \$2,400 savings from the previous year.

*Jane Hislop moved to recommend the amount of \$10,268 for the 2020 Conservation Commission budget. Jim Tucker seconded the motion, and all were in favor.*

### **5) Town Planner Report and Updates:**

#### **A) Conservation Commission Project Development Proposals:**

*This item was delayed to hear the previous item first.*

Chair Hislop stated that the Commission needed a project list, and suggested that Town wetlands consultant, Mark West could assist with identifying some projects for the A.R.M. grant application as required for the Eversource impact funds.

Vice-Chair Weiner commented that Motts Pond was filling in, and suggested dredging. Commissioner Kendall said dredging had been discussed before, and it was unlikely to get funding as DES typically did not like funding dredging projects.

Mr. Coogan noted that the Adams Homestead was being considered for a conservation easement. Chair Hislop reminded him that there were no wetlands on the property to qualify for the Aquatic Resource Mitigation grant.

Mr. Coogan passed out top ten list that including cleaning and replacing culverts in the Commercial, Industrial, and Residential Zones Chair Hislop commented that the New Hampshire Department of Transportation (DOT) had a culvert software program, but Newington didn't have much information in it. She suggested that Mr. West was familiar with the culverts in town, and could update the list for DOT with a status report for reference in the A.R.M. request.

#### **B) General Planning and Zoning Updates:**

*Discussion on this item was delayed to hear the previous items first.*

Vice-Chair Weiner discussed when the Town planner attendance of the monthly Conservation Commission meetings would be of most value. He suggested that Chair Hislop continue working with Mr. Coogan prior to monthly meetings to determine if his attendance was necessary or not.

Vice-Chair Weiner suggested that Mr. Coogan conduct preliminary research, share information and communicate recommendations to Commissioners prior to meetings for them to make informed decisions; adding that the Commission might have to postpone decisions if information was passed out at the last minute.

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Vice-Chair added that the Commission had also discussed the issue of overlooked requests for follow-up from Mr. Coogan several times, and suggested that the Minutes be reviewed, and action items be highlighted for follow-up from the Town planner, or Town Administrator, Martha Roy each month. Chair Hislop added that the Commission was not hearing back from the Board of Selectmen and wanted them to copy the Commission each month on actions taken. Commissioner Kendall suggested that the Chair might want to be informed at the time, should further action need to be taken.

Vice-Chair Weiner commented that many people weren't familiar with acronyms when they were used in meetings, and suggested that communications include definitions of acronyms as well. Commissioner Kendall pointed out that she always spelled things out and put acronyms in parenthesis the first time they were mentioned before continuing with acronyms in her Minutes. Mr. Coogan said he could provide board members with a common use glossary. Chair Hislop added a protocol, jurisdiction, and regulation reference would be helpful too.

Mr. Coogan informed the Commission that the owner of Mott's Pond cider mill might be applying to the Zoning Board of Adjustment (ZBA) for a variance. Chair Hislop responded that there were no wetlands permits before the Conservation Commission and it was not in their jurisdiction to discuss ZBA business.

### 7) Announcements:

Commissioner Tucker informed the Commission that the next Conservation Round Table discussion on flooding issues and presenting warrant articles would be held at 8:30 a.m. on Tuesday, September 24, 2019 at the Kennebunk Savings Bank.

Chair Hislop informed the Commission that the New Hampshire Conservation Commission meeting would be held on the first Saturday, November 2, 2019, and more information could be found online.

**Minutes:** *Jane Hislop moved to approve the Minutes for the July 2019 meeting with corrections as noted. Jim Weiner seconded, and all were in favor.*

**Adjournment:** *Jane Hislop moved to adjourn. Ann Morton seconded the motion and the meeting adjourned at 8:53 p.m.*

**Next Meeting:** Thursday, October 10, 2019

**Respectfully**

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

*These Minutes were approved and adopted at the October 10, 2019 Conservation Commission Meeting.*