

# Town of Newington, NH

## CONSERVATION COMMISSION

Meeting Minutes for Thursday, May 8, 2014

**Call to Order:** Chair, Jane Hislop called the May 8, 2014 meeting at 6:34 p.m.

**Present:** Chair, Jane Hislop; Nancy Cauvet; Jane Kendall; Ms. Morton Morton; Jim Weiner; and Thomas Morgan, Town Planner

**Public Guests:** Lee Lamson; Attorney John Bosen; Doug LaRosa and Bob Stowell with TriTech Engineering; Ms. Julia Peterson with Natural Resources Outreach Coalition; Ms. Jill Ferrell with PREP; Cynthia Gunn; Bill Murray

### 1) **Library:** Rain Garden Plantings

Langdon Library Trustee, Lee Lamson appeared before the Commission in request for assistance with the plantings of the UNH rain garden grant in front of the library. She said the preparation for the basin had been done and she had heard that \$1,500 was available for the rain garden plantings. Chair Hislop said there was \$2,000 was for beautification, of which \$500 was already earmarked for plantings around town and the rest could be used for the rain garden.

Discussion ensued regarding what Town and grant contributions. Commissioner Jim Weiner said he thought there would be matching funds. Commissioner Jane Kendall said she thought the UNH grant was for the design and the plants with the Town providing the labor, but she wasn't sure how much UNH was going to put toward plants. Mr. Weiner said he couldn't be certain, but he thought UNH was going to contribute \$1,500 and the Town would match those funds. Town Planner, Tom Morgan said Jamie Houle from UNH told him they had funds to contribute as well.

Chair Hislop said this would be a good time for planting because the Forest Service planted a rain garden last fall and lost a lot of plants over the winter. Additional discussion ensued regarding what plants would be purchased, who would supply the plants and the estimated cost. Mr. Morgan said Jamie Houle from UNH had provided a list. Ms. Lamson passed out the list, which totaled \$1,034, but she wasn't sure how far beyond the basin they would plant. Ms. Lamson said she also needed to compare the list to a deer proof list. She said the University of Connecticut list also listed swamp milkweed. Ms. Cauvet said milkweed was being promoted in support of Monarch butterflies. Ms. Cauvet said the tall grasses went a long way and didn't think they needed as many plants as were on the list. Chair Hislop said there were only seven species on the list and she would like to see more variety throughout the season. Ms. Cauvet said the grasses and black-eyed Susans were known to be deer resistant. Ms. Lamson said the University of Connecticut listed astilbe, but Ms. Cauvet pointed out that rain gardens tended to dry up in the summer so plants needed to be adaptable.

Chair Hislop said they needed to get in touch with Jamie Houle at UNH for clarification. Mr. Morgan said he would call Jamie Houle at UNH.

Mr. Weiner said it would be nice if the plants were low maintenance and weed free. Ms. Cauvet said weeds tend to come in everywhere and Jane Kendall agreed that

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weed seeds like dandelions flew in anywhere so some yearly volunteer maintenance might be required.

Mr. Weiner said they needed to determine how much money was available, get a quote once they determined which plants would be used, place the order and make out the check. Ms. Cauvet said it would be cheaper to have someone pickup and unload the plants because there would be a delivery charge, but they also needed to know who would be available and when to schedule according to the planting plan. Mr. Morgan suggested volunteers, but if they couldn't find volunteers to follow the design plan, then they could see if there were extra funds for planting labor. Ms. Cauvet wondered if the prepared area would be difficult to dig.

***Mr. Weiner moved to that the Conservation Commission could donate up to \$1,500 for purpose of the Langdon Library rain garden Ms. Cauvet seconded and all were in favor.***

2) **Dredge/Fill Permit:** Paul Belanger re: former Watson property at the corner of Fox Point Road and Nimble Hill Road

Attorney John Bosen appeared before the Commission on behalf of the applicant. Attorney Bosen introduced Mr. Bob Stowell and Mr. Doug LaRosa with TriTech Engineering. He said they had submitted a dredge and fill application for two driveways.

Mr. LaRosa put up their current plan showing two access drives, one on Fox Point Road and one on Nimble Hill Road where they were requesting a Dredge and Fill Permit from the Department of Environmental Services (DES). Mr. LaRosa reviewed the wetlands and acknowledged that some of the fill would take away a small amount of the water storage from the wetlands.

Ms. Kendall asked if they needed to dredge and fill for the third lot access and Mr. LaRosa said the access to the third lot didn't cross-wetlands. He added that they needed three access drives because shared drives were no longer allowed. Ms. Kendall said private roads were allowed however. Mr. LaRosa said they would need a variance for a private road because it would not meet the setback requirements.

Mr. Weiner clarified that Mr. Mathes requested a lot line adjustment and sold the property to Mr. Belanger as a single lot. Mr. Morgan said he also requested a curb cut off Nimble Hill Road. Mr. Morgan asked about access on the logging road from the Watson property. Mr. LaRosa said they asked Mr. Mathes who said he wouldn't allow access from his property to avoid crossing the wetlands. Mr. Weiner said his impression was that DES would only grant a wetlands crossing if there was no other access to a property and he wondered if this lot met that criteria or not. Mr. Weiner said the town had been bitten by projects that were not optimal. Mr. Morgan this was buildable as a single lot when it was granted a curb cut on Nimble Hill Road.

Mr. LaRosa said they spoke with David Price from DES and asked if they could access the lots without crossing wetlands. He said a roadway would not be possible without a variance and for that reason he felt their proposal for these driveways met the Town's ordinance to access uplands. Mr. Morgan said they had already filed for a permit to cross the wetlands, and DES was asking the Conservation Commission to

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make a recommendation on the application. Mr. Weiner said they had one buildable lot, but they had to cross-wetlands to get two more lots out of the property, but he felt they could avoid the wetlands crossing by selling the property as a single lot.

Mr. Morgan said the plan was challenging because the Planning Board was still in preliminary review and they hadn't embraced the layout as yet. He said plans usually went through changes during the review process, and that could still happen. Mr. Morgan said he was particularly uneasy with curb cuts coming onto Nimble Hill Road across from the Town Hall entrance because of dangers with the heavy traffic. He said there might be more wetlands crossings, but at least there would be fewer accidents.

Chair Hislop asked if perk tests had been done. Mr. LaRosa said they had and everything had been approved. He said they were nice soils with water tables between 36' and 38' and they were waiting for wetlands permit.

Ms. Cauvet asked what consideration they had given to runoff from the developments and pavement onto Nimble Hill and Fox Point Road. Mr. LaRosa said New Hampshire laws and rules generally did not allow an increase in the rate or volume of runoff onto abutting properties. Ms. Cauvet asked Mr. LaRosa to explain how the dredge and fill would affect the wetlands. Mr. LaRosa said a certain volume of the stormwater retention would no longer be available from that area, but it would only be a slight impact.

Ms. Cauvet asked said she thought there was standing water at that location now. Chair Hislop confirmed it was there every spring. Mr. Morgan said Mark West of West Environmental hadn't been there recently, but visited the site briefly when the trees were cut a couple of years ago. He said he understood there were often fluctuations in wetlands from time to time, but Mr. West had compared the two plans that had been presented and found there had been some discrepancies regarding the wetlands boundaries that Mr. Nowell had created in 2005 and the current wetlands map boundaries. Mr. LaRosa said he never seen two wetlands scientists create the same boundaries. Mr. Morgan said Mr. West had said there was a difference of 40' on the boundary in the middle. Chair Hislop said she thought it would be a good idea to have him go out again.

Mr. Weiner said he didn't believe it was appropriate to support the dredge and fill request for two wetlands crossings for two additional lots because they already had a legal drive for a single, buildable lot. Mr. Bob Stowell asked if there was a written rule to turn to regarding his opinion. He said they understand crossing wetlands and 90% of the wetlands fill was to create lots in every application. He said Mr. Weiner was entitled to an opinion, and DES would make the final decision. He said all three lots met all the Town requirements and they were trying to figure out how to get to them. Mr. Weiner asked Mr. Morgan if that was true and Mr. Morgan said he did not have three lots, but there was a proposal for three lots.

Mr. Weiner asked Mr. Morgan if there were rules and regulations for crossing wetlands to get to a property when there was an existing access or was it just common practice. Mr. Morgan said it was one of the criteria that DES employed. Mr. Weiner said he understood the desire to create more lots, but he had a hard time understanding what justified the two wetlands crossings.

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Mr. Morgan said what made the process difficult, was that the Planning Board just starting to review the application. He said they hadn't even had a public hearing yet. Ms. Cauvet asked if could shelve the decision until the Planning Board had an opportunity to review the plan more carefully. Chair Hislop asked if Mark West could review the wetlands also. Mr. Morgan said they should communicate with DES that they wanted to study the plan more. Mr. Morgan asked if their wetlands consultant, Mark West could have permission from Mr. Belanger to walk the property and Attorney Bosen said he could.

***Mr. Weiner moved to have wetlands consultant, Mark West review the property and the proposed drives. Ms. Cauvet seconded and all were in favor.***

Mr. Morgan said they had 40 days to make a decision from the time the application was submitted. Mr. LaRosa said they submitted the application on April 30, 2014.

### **3) Community Education: New Hampshire Sea Grant and UNH Cooperative Extension**

Ms. Julia Peterson with NH Sea Grant and UNH Cooperative Extension and Ms. Jill Ferrell with Piscataqua Estuaries Partnership who made up Natural Resources Outreach Coalition returned to the Commission to discuss community education approaches. Ms. Ferrell said there was a survey in 1990's to get a unified message promoting climate adaptation and the New Hampshire Sea Grant and PREP decided to work together work as a group through education and they called themselves Natural Outreach Resources Coalition. Chair Hislop said funding for education outreach had been approved during Town meeting.

Ms. Ferrell said New Castle would be voting on an island wide ordinance for fertilizer applications during their upcoming town meeting. Discussions ensued regarding slow released nitrogen. Mr. Weiner added that fall fertilizer had little to no nitrogen to avoid new growth that would be vulnerable to frost. Ms. Ferrell said slow release fertilizers were marked and had coated capsules and some had mixes for quick growth and the rest for slow growth. Ms. Peterson said not all slow release was organic, but all organic was slow. Additional discussion ensued regarding the use of composted organic manure. Ms. Cauvet said a little might be good if it was mixed in, but the urea was pure nitrogen and a mix of nutrients was usually better for plants. She added that lime applications on lawns didn't hurt anything except acid loving plants.

Mr. Morgan asked Ms. Ferrell if she thought the new ordinance for Newcastle would pass and Ms. Ferrell said she hoped so. She said it would be interesting to watch as a regulatory approach to fertilizer. Chair Hislop asked why they were taking a regulatory approach. Ms. Ferrell said there was a lot of gray area in the current regulation and they wanted more clarity for slow release fertilizers rather than fast release fertilizer on a small town island that was a rock with many property managers and few do-it-your-sellers.

Ms. Ferrell said New Castle made a two-year commitment to education with the Lawns to Lobsters program ten tenants which they will still continue, but the regulation

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would give them give more teeth. She said they had green waste days five days every month where everyone in New Castle had to bring their lawn clippings, which was a great opportunity to meet residents.

Ms. Cauvet asked Ms. Ferrell how they approached education. Ms. Ferrell said they did a mailing, a poster, a brochure discussing the nutrient issue in Great Bay, set up information tables green waste day and town hall, and did articles in "The Islander" a local magazine.

Ms. Peterson said the hardest part of an education campaign was identifying the outcomes. She said there had been lots of social science on where people get their information, what they were willing to do and willing to change. She said one finding was that homeowners liked to be outside doing lawn care up to three hours per week so that wasn't going to change.

Further discussion ensued regarding venues for community outreach. Ms. Peterson suggested focusing on one audience like homeowners and renters. Chair Hislop said they could also reach out to industrial and commercial companies that did lawn cutting and fertilizing.

The Commissioners brainstormed on issues that they wanted to include in education outreach. Mr. Weiner said shoreline protection rules were important. Ms. Cauvet suggested runoff from lawns. Ms. Peterson asked about focusing on town regulations. Ms. Peterson asked if the Town had any shoreline protection regulations and Mr. Morgan said it didn't. Ms. Kendall thought they could inform residents of the State regulations.

Ms. Peterson said regulation might get attention and Ms. Ferrell said it would help start conversations. Ms. Peterson said she was not a big fan of lawn regulations, however. She said she worked with turf scientists and when they looked at the difference between quick and slow release in runoff they found it didn't matter which product some used if they over watered their lawns causing the nitrogen to leach in. She said that taught them that it didn't slow or fast release didn't matter as much as the watering practices. Mr. Weiner said one inch of water per week was the recommendation he was familiar with. Ms. Peterson said fertilization use also depended on the planting season and type of seed. She said slow release fertilizer worked fine in the spring, but it needed 55 degrees to work so fast release fertilizer might be appropriate when planting for quick growth to stop erosion in the fall. Ms. Ferrell said lawn care was a nested approach and New Castle nested it with education of best management practices on fertilizing, seed planting, and watering.

Ms. Ferrell said it was important to make connections and link educational endeavors beyond fertilizers, such as not washing cars with chemicals that run off.

Ms. Peterson passed out the Piscataqua Region Environmental Planning Assessment for 2013 listing 52 towns within the watershed. Ms. Ferrell said they contacted with the planning commissions to fill out the forms and they would probably interview a town leader to confirm the information and they would put the information into the database. She said the report came out this year to be used as a tool for neighbors to go forward. Mr. Morgan said a former publication in the 1990's called the Portsmouth Press used to give a grade to all municipalities around earth day and

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Newington did pretty well, but it was because others did worse. Ms. Ferrell said different towns had different priorities. She said towns in the upper watershed were more concerned with wildlife than the stormwater runoff that towns around Great Bay were concerned with.

Ms. Ferrell said it made sense to start specific and scale up from residential property owners and renters. Discussion ensued regarding methods of educational outreach from September Fest to the Town Transfer Station, to the Library and Election Day. Ms. Cindy Gunn suggested they could mail information with auto registration notices. Ms. Cauvet said it would need to be snazzy to get people's attention.

Ms. Gunn said many people didn't take municipalities seriously and asked if they had looked at whether the town supported the statewide policy and the Shoreline Protection Act. Ms. Peterson said fertilizer and pesticide applications would be covered some in the Shoreline Protection regulations also.

Discussion ensued regarding various sources of nitrogen pollution. Ms. Peterson mentioned septic and pet waste and Ms. Morton mentioned farms. Ms. Cauvet said the Smith Farm on the Greenland border put their lands along Great Bay into conservation easements and created buffers along the bay.

Ms. Peterson asked the Commission to consider what determined which pollutants would be priorities to address. Ms. Cauvet said it would be beneficial if the Town road crews dumped less salt on the roads in the winter. Ms. Cauvet said getting rid of household hazardous waste properly would be important. Chair Hislop said Newington combined with their hazardous waste disposal day with Portsmouth. Ms. Morton said she did it once and it was very easy to drop off old paint cans and such at the Department of Public Works on Peverly Hill Road in Portsmouth. Mr. Morgan said a notice was put up by the fire station, but they could do a better job with advertising. Ms. Kendall suggested they put a notice on the Town website as well.

Chair Hislop said she thought the greatest pollutant issue for Great Bay was the septic. Ms. Cauvet said there were many old septic systems. Chair Hislop said she thought it was important to inform residents of the Shoreline Protection rules, lawn and garden management, septic maintenance, and proper household hazardous waste disposal. Ms. Cauvet said not everyone lived along the shore. Ms. Peterson said they could educate people on proper septic maintenance, frequent pumping and items that shouldn't be flushed.

Ms. Peterson passed out a lawn recommendation. Ms. Cauvet said homeowners seldom tested their soils with an expert and it would be nice to have a soil testing person at the transfer station. Ms. Morton said she sent her soil to UNH, but couldn't understand the report. Ms. Peterson She said there was a campaign designed to meet at garden centers and provide soil testing from the UNH Extension Service. She said the report would be reading in two weeks. Ms. Cauvet asked how much the test would cost and Ms. Peterson said it would cost \$12 per sample.

Ms. Peterson said people often do not measure how big their lawns were and used whole bags of fertilizer so they didn't have to store the remaining amount. The educational campaign also gave out sticky labels to close the bags along with information on how much was needed.

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Ms. Peterson asked that the Commissioners consider three subjects to focus on and provided the website for more information: [www.extension.unh.edu/sustainable-landscapes-and-turf](http://www.extension.unh.edu/sustainable-landscapes-and-turf) . Chair Hislop said their educational funding was available until the end of December.

Chair Hislop said they could have a work session on June 5, 2014 at 6:30 p.m.

**Discussions:**

Mr. Christopher Cross of Nimble Hill Road opened an inquiry regarding open space and the Commission's process of purchasing uplands and wetlands for conservation easements that would be beneficial to land owners and the Town. Commission members said landowners usually approached the Town and they could not make first offer despite the appeal of some properties.

**4) Old Business:**

A) Town Forest Update:

Chair Hislop discussed her discussions with the UNH Forestry student projects for the Town Forest. She said it was too close to the end of the school year to prepare an intern for this summer, but they could consider one for next year. She said there had been discussions about making the Town Forest a historic.

B) Baird property conservation easement:

Chair Hislop said she signed off on the Baird's property. She said Southeast Land Trust had a list of tasks that still needed to be done. She said she sent a note to Martha Roy, town administrator to let the Board of Selectmen know the status.

**Minutes:**     *Nancy Cauvet moved to approve the Minutes for the April 10, 2014 meeting. Jim Weiner seconded, and all were in favor.*

**Adjournment:**     The meeting adjourned at 9:15 p.m.

**Next Meeting:**     Thursday, June 5, 2014 at 6:30 p.m.

**Respectfully**

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