

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes April 12, 2012

Call to Order: Co-Chairs, Justin Richardson and Jane Hislop called the April 12, 2012 meeting to order at 6:30 PM.

Present: Justin Richardson, Co-Chair Person; Jane Hislop, Co-Chair; Margaret Lamson; Nancy Cauvet; Jim Weiner and Thomas Morgan, Town Planner

Absent: George Fletcher, Nell Ann Hiatt, Marge Hislop, and Dorene Stern

Public Guests: Jane and Michael Mazeau, Steve Riker with Sandpiper Engineering; John Chagnon, PE LLS, Ambit Engineering; Rick Sterns

1) Election of Officers

Peggy Lamson moved to nominate Justin Richardson and Jane Hislop as co-chairs. Jim Weiner seconded, and all were in favor.

Town Planner, Tom Morgan announced that Justin Richardson, Dorene Stern and Nell Ann Hiatt would need to be sworn in as their terms would be expiring. Justin Richardson said he would be glad to step down as co-chair if anyone else were willing to step up.

2) Dredge/Fill Application: Proposed Mazeau subdivision at 124 Fox Point Road, Tax Map 11, Lots 13 & 14

Mike Mazeau gave a quick review of his subdivision proposal as prepared by Steve Riker with Sandpiper Environmental, and asked for the Commission's acceptance of wetlands crossings, stating that he does not have resources to build a town road as discussed at the joint meeting with the Commission and Planning Board on Monday, April 9.

Mazeau said an archeologist reviewed the property and didn't find any Native American or Colonial artifacts.

Mazeau said the 1200 square foot pond on ¼ acre was put in about 11 years ago, and then they put in an access way in 2001. Peggy Lamson asked if more wetlands were created when pond was created. Mazeau and Riker said they were not certain. Justin Richardson said the streams seem intermittent. Lamson asked Riker about culvert maintenance, and Mazeau said an easement would be deeded to the Town, and billed to the owners. Lamson also asked what impact filling in the wetlands crossings would have on the road and neighbors, especially to neighbors abutting driveway #2. Riker said he didn't believe it would have any impact as the plan would be in compliance with 50 year storm event requirements. Lamson asked what would happen in the case of a storm event greater than 50 years, and Riker said it is hard to know, but planning for a 50-year event is all that is required.

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Justin Richardson said environmental consultant, Mark West noted turbidity with low oxygen, and high algae content in the pond in his assessment. Richardson asked Riker what value he sees in the pond. Riker said the pond acts as containment for runoff sediment instead of allowing it to transport into Great Bay. Co-Chair, Jane Hislop noted that silt soils are in the area anyhow. Mazeau said he also uses an aerator in the pond. Justin Richardson said raised septic system requirements might also cause more nutrient flow into the pond instead of Great Bay. Richardson also expressed concern that even if no structures are built within the 100-foot buffer zone, lawns could be built right up to wetlands. Steve Riker said the 25 foot no cut, no disturb convenience would minimize impact along with the 100 foot wetlands setback. Nancy Cauvert said her pond used to be clear but now gets green algae from neighbors' nitrogen fertilizer runoff, and the concern is that fertilizer use would cause nutrient impact to the wetlands. Richardson suggested looking into adding plans for vegetative buffers. Mazeau said they would be instituting a no-cut policy along the ridge bordering Knox field. Peggy Lamson asked if Mr. Mazeau would put restriction on the 100-foot buffers, and Mazeau said he would. Mazeau asked if implementing a vegetative buffer would mitigate wetlands crossings, and Richardson said the problem is still a density issue with five lots.

Nancy Cauvet said it is not the Commission's jurisdiction, but a developer should take into consideration that impervious paving often breaks up on clay soils without deep gravel base preparation. Mike Mazeau said he intends to leave it to owners if they want to pave their drives or not.

Justin Richardson said there are two issues, one being access, and the other being the number of lots impacting wetlands with crossings. Richardson said the problem is that each lot requires a special exception for wetlands crossings, and if impacts are avoidable they should be avoided. Richardson said there are alternatives, either a road or fewer lots, but driveway alternatives could be considered. Richardson said he has seen recorded legal agreements for driveways that are "shared" through a condominium-like association, which might be able to accommodate the shared drive issue, and recommended considering a cul-de-sac to avoid the impact and expense of a 400-foot driveway.

Mike Mazeau said Paul Hollis' original plan was for a 700-foot shared driveway with a hammerhead for three lots, but when he asked the Planning Board for direction at the first meeting, he said he was told shared driveways are not allowed so he has invested time and money in this plan for individual driveways. Mazeau said he should be entitled to make as many lots as the law allows.

Richardson said he hates to be the only one to take issue with residential development. Jim Weiner said there is a solution to not building a road, crossing wetlands or a shared drive by creating a condo "stub". Weiner emphasized the importance of looking at the best case vs. worst-case scenarios to be prepared with an alternative plan such as considering branches off a "shared" association drive.

Tom Morgan said he could ask Dori Wiggin at DES to take no action until further consideration in another joint meeting with the Planning Board, which meets next

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month. Morgan said the Planning Board looks at issues holistically, whereas the Commission looks at issues more narrowly, and thinks a joint meeting would be beneficial for everyone. Jim Weiner asked how temporarily tabling the issue would affect the issue. Justin Richardson said there is a 75-day review period with DES until the end of May, and then DES would ask for more information. Morgan said the state is influenced by the Commission's recommendations.

Justin Richardson asked each member of the Commission how they felt about another joint meeting. Co-Chair, Jane Hislop agreed that meeting with the Planning Board. Peggy Lamson agreed, but still expressed concern for impact to the wetlands. Lamson said she thought it would benefit the applicant and the Town to work out issues before sending to DES. Nancy Cauvet agreed with a joint meeting, but said she would like to see covenant plants for the lots stipulating best treatment of the wetlands. Justin Richardson said he is also in favor of a joint meeting to better define impact and no impact areas, perhaps greater than 25 feet.

Tom Morgan said he will summarize the issues for the Planning Board and will call Dori Wiggin at DES. Morgan said the next Planning Board meeting is scheduled for May 14 at 6:30 p.m., but cannot be a public hearing unless abutters are notified.

2) Preliminary Discussion: Variance Application for proposed industrial building at 521 Shattuck Way

John Chagnon, PE LLS, with Ambit Engineering came before the Commission to discuss Todd Adelman's proposal for a change of use to be filed with the ZBA on Monday, April 16 that will involve relocation of parking within proximity of the wetlands behind the property.

Peggy Lamson asked if the trees that were cut would be replaced, and Chagnon said he believed they would be. Lamson also asked if a treatment area could be installed, and Mr. Chagnon said the site slopes to the road where there is a catch basin and piped swales leading to a headwall south of Dorene and Rick Stern's driveway. Nancy Cauvet recommended a rain garden.

Tom Morgan asked why they couldn't enter from the parking lot side of the building to avoid impact to the wetlands. Chagnon said the former driveway came into the back but disappeared through the State land, and the plan was to accommodate the two different floor levels, with manufacturing machinery coming in on one end, and to keep core elements in the middle.

Rick Stern said he sees issues with the delivery trucks backing out at the end of the building just four feet from the road on Shattuck Way, and additional runoff. Chagnon said they could consider limiting deliveries just to the backside. Tom Morgan said he would still like them to look into deliveries on the parking lot side. Chagnon said they could consider shifting the delivery entrance forward from the wetlands.

Nancy Cauvet moved that the Commission ask the applicant to consider changing the entrance to the south on the parking lot side instead of at the back on the east side to reduce impact on wetlands. Peggy Lamson seconded, and all were in favor. Justin Richardson abstained.

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3) Old Business: NPS Landscaping – Fertilizing, Testing and Mulching

Justin Richardson informed Commissioners that soil testing to determine the cause of browning of the arborvitae on the hill between the Public School and Fire Department found it was caused by a nutrient deficiency, including copper, and lack of water due to the dry weather conditions in the fall and through the winter. Richardson said he would like to go forward with the third year spring mulching plan in May and fertilization. Richardson said that although watering was only recommended for the first two years, water with gators this summer may be necessary after all.

Invoices: Jane Hislop moved to authorize the Commission to approve payment of \$1,460 for pathological lab testing and report, fertilizing, and mulching. Nancy Cauvet seconded, and all were in favor.

Peggy Lamson moved to pay Morris Law Offices \$650 for legal services on the Saba property as written. Nancy Cauvet seconded. Jane Hislop abstained, and all others were in favor.

Peggy Lamson moved to pay for legal services for the Saba property from the Conservation Fund, including \$2,388.75 to Bruton & Berube. Justin Richardson seconded. Jane Hislop abstained, and all others were in favor.

Peggy Lamson moved to pay Bruton & Berube \$608.50 for the Saba Easement out of the Conservation Fund. Nancy Cauvet seconded. Jane Hislop abstained, and all others were in favor.

Minutes: Minutes for March 8, 2012 were not approved until next meeting.

Adjournment: The meeting adjourned at 9:10 pm

Next Meeting: Thursday, May 10, 2012

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary