

# Town of Newington, NH

## CONSERVATION COMMISSION

Meeting Minutes, August 11, 2011

**Call to Order:** Co-Chairs, Justin Richardson and Jane Hislop called the August 11, 2011 meeting to order at 6:35 PM after the arrival of Peggy Lamson and Recorder, Jane Kendall who had not been aware that the meeting was posted for an hour earlier.

**Present:** Justin Richardson, Co-Chair; Jane Hislop, Co-Chair; Margaret Lamson; Nancy Cauvet; Dorene Stern (arrived at 6:45 p.m.); and Thomas Morgan, Town Planner

**Absent:** George Fletcher and Nell Ann Hiatt

**Public Guests:** UNH Professor, Fred Short; Chief Harbor Master, Tracy Shattuck; Keith Cota, PE, DOT Chief Project Manager for Bureau of Highway Design; Marc Lauren, DOT Senior Manager, Bureau of Environment; Charles Blackman, Project Manager, DOT Bureau of Highways; Noreen McCosker, Beane Farm Property Manager

**1) Proposed Conservation Easement** on Hislop property at 34-46 Old Post Road, Tax Map 16, Lots 8 & 8A, to be acquired with appropriations from the Conservation Fund pursuant to RSA 36-A: 5.

Due to some confusion as to the earlier meeting times and insufficient attendance for a quorum, it was decided to delay action until the next meeting.

**2) Application to Dredge Piscataqua River** – Presentation by Chief Harbor Master, Tracy Shattuck

Chief Harbor Master, Tracy Shattuck passed out diagrams from the U.S. Army Corps of Engineers (ACE) showing the proposed Federal Navigation Dredging Project through the Piscataqua River along the “Simplex Shoal” off the Tyco dock area to remove the sand wave that develops over time and obstructs navigation of freighters. Shattuck said dredging is usually recommended every seven to eight years, but thought it was last done prior to 2004, noting that the goal is to dredge deep enough so they don’t have to dredge as often. One of the concerns with dredging is where to put the dredged material. The ACE has a preference for putting the material in a hole near the river to keep costs down, but NH Fish and Game would prefer it be place near the Isle of Shoals to avoid disturbing local species habitat, however transporting the material would cost the State of NH more. Shattuck added that currently no other sites had been approved. UNH Professor, Fred Short said that although the fill is made up of gravel and salt, UNH had done a study and agreed that dumping fill so close to the bay would disturb local aquatic species. Shattuck said another consideration would be to give the fill to the town as was done with Seabrook to process for use on roads in the winter.

# Town of Newington, NH

## CONSERVATION COMMISSION

Meeting Minutes, August 11, 2011

Chief Shattuck said there are no funds available for the project so there is plenty of time to work on eelgrass mitigation plans before the job is done, but the dredging still needs to be done to ensure fuel freighters can pass through to make winter deliveries. Co-Chair, Justin Richardson said the DES rules state that mitigation must be done for any environmental impact. Richardson said the Newington Conservation Commission could apply for the mitigation themselves because of the loss of eelgrass habitat and the reduction of eelgrass due to the impact of nitrogen pollution. He also suggested looking into the Aquatic Mitigations Fund for researching the environmental impact.

Chief Shattuck said the dredging usually occurs between November and March to prevent killing spawning species, their eggs and hatchlings. ACE sends out bids for dredging and although they may have concerns with what is stirred up, once the project is underway, the construction workers themselves are not as concerned with how much they stir things up.

Co-Chair, Justin Richardson moved to recommend that the NH Department of Environmental Services approve the dredging project subject to a mitigation component similar to that outlined by Dr. Fred Short in his July 28, 2011 proposal. Peggy Lamson seconded the motion, and all were in favor.

### **3) Spaulding Turnpike Update – Presentation by NH Department of Transportation**

#### **A) Woodbury Avenue and Beane Farm Easement**

Chief Project Manager for DOT's Bureau of Highway Design, Keith Cota, PE presented their plan for alterations to frontage of the Beane Farm Property along Woodbury Avenue, which the Town of Newington holds a conservation easement.

The DOT is proposing to widen and create four lanes on Woodbury Avenue, and to do so they will need to move some of the field stones two feet from one place, eight feet in another, then replace, restore and replant the area. This will also involve cutting two large maple trees along Woodbury Ave in front of the Beane place. Part of the mitigation will be to replant six silver maples. Commissioner, Nancy Cauvet asked who would care for the newly planted trees. Cota said a licensed landscape contractor would care for the trees during the first growing season, and share responsibility with NMCC's Property Management Services.

Cota said they would need to add fill embankments along the Beane Property to accommodate the rise and plan on adding asphalt sidewalks along the edge of the road, which the Town would then have to assume responsibility for maintenance thereafter. Commissioner, Peggy Lamson asked if concrete could be installed instead of asphalt, which tends to deteriorate faster. Cota said the Town would have to pay the difference if they wanted concrete. Cota said they are installing asphalt sidewalks near Exits 12, 14 and 15 in Rochester and not seeing any problems. Peggy Lamson said she would like to see examples of asphalt sidewalks that have lasted 10-15 years. Property Manager, Noreen McCosker said they never see anyone walking along Woodbury Ave. that far up, and was told in previous discussions that DOT could leave the area grassy if the Town is not willing to maintain sidewalks. Cota said they could plant grass if the Planning Board did not approve of maintaining the sidewalks. Town Planner, Tom Morgan said the local practice is for three season sidewalks without

# Town of Newington, NH

## CONSERVATION COMMISSION

Meeting Minutes, August 11, 2011

winter maintenance and asked if that would be acceptable. Mr. Cota said it would be acceptable. Morgan also asked if they could supply figures regarding nitrogen runoff from storm water runoff between Spaulding and Shattuck Way. Marc Lauren, DOT Senior Manager, Bureau of Environment said they had to apply to DES for their Water Quality Certification and were approved. Nancy Cauvet said there would be better absorption of runoff if there were no sidewalks, but that is the Planning Board's jurisdiction, not the Conservation Commission.

Co-Chair, Justin Richardson added that the Conservation Commission does not have authority to convey land, to which Cota said that the DOT is not physically acquiring any of the Beane property, but instead acquiring an encumbrance of 5,000 square feet of slope, and could continue the project with condemnation based on a determination of public need if necessary. Richardson then asked DOT representatives what action they were looking for the Conservation Commission to take, and Cota said DOT is looking for confirmation that the proposed changes and restoration of the slope is in character with the conservation easement. Richardson said RSA: 36-A says they can receive gifts or purchase property, but can't give license to make changes outside of the conservation easement document. Tom Morgan suggested that the Commission could go along with DOT's proposal contingent on legal confirmation. Nancy Cauvet, Peggy Lamson and Dorene Stern all agreed that they would like legal counsel, but Richardson expressed concern for the expense, although acknowledged need to review the conservation easement agreement. Richardson asked DOT if they would email a copy of the document, after which the NCC could send them a letter.

### **B) DOT Mitigation**

Discussion ensued as to the progress of obtaining the Hislop property at 34-46 Old Post Road, Tax Map 16, Lots 8 & 8A for mitigation. DOT Highway Project Manager, Keith Cota said that the Saba's were waiting to see what the Hislops were doing before making any further decisions. Justin Richardson said the Hislops were moving forward and that Attorney F.X. Bruton had modified the conservation document regarding public access. Commissioner Dorene Stern said her husband, Rick Stern, and other selectmen expressed agreement that there should be some kind of public access on property obtained with Town funds. Tom Morgan said the Hislops had said they had no problem with cross-country skiing and hiking on the property. Cota said DOT would come back and review progress in the fall.

Justin Richardson asked Cota for an update on the Railway Brook mitigation. Cota presented DOT's construction plans to change the brook's straight path along the railroad tracks back to a meandering pattern that would decrease flooding. Richardson asked Cota if he could leave a set of the updated plans for Mark West, Environmental Consulting, which he did.

Town Planner, Tom Morgan asked Cota what guarantee there was that the proposal to convert the General Sullivan Bridge into a bike and pedestrian path would be completed. Cota said the DOT is committed to the project due to environmental requirements, and are looking into whether rehabbing, or rebuilding would be most cost

Town of Newington, NH  
CONSERVATION COMMISSION

Meeting Minutes, August 11, 2011

effective. It was determined that tearing the bridge down and replacing it would cost \$26M, but if rehabbing the bridge were considered safe and not cost more, they might do that. Morgan expressed concern that the bridge might be closed to bike access at some point in the construction process. Cota said although they are committed to restoring a bike path, the General Sullivan Bridge could be closed prior to replacement if it were found unsafe.

**Adjournment:** Meeting was adjourned at 8:15 p.m.

**Next Meeting:** Thursday, September 15, 2011

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