

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes for Thursday, September 11, 2014

- Call to Order:** Chair, Jane Hislop called the September 11, 2014 meeting at 6:30 p.m.
- Present:** Chair, Jane Hislop; Cindy Gunn (awaiting appointment); Jane Kendall; Bill Murray; Ann Morton; Jim Weiner; and Thomas Morgan, Town Planner
- Public Guests:** Attorney Christopher Mulligan; Joe Calderola; Doug LaRosa with TriTech Engineering; John Bernier, Bernier Corporation; Bill Gregsak with Gregsak Engineering; Peter Landry, Landry Surveying

Chair Hislop commented that the Commission was down a member since Nancy Cauvet had resigned and she had been trying to get the Board of Selectmen to appoint Cindy Gunn appointed to the Commission for the last six months. She said she would speak to them during their meeting the following Monday.

1) **Community Education:** NROC (NH Sea Grant, UNH Cooperative Extension and PREP)

Ms. Jill Ferrell from PREP and NROC was not able to attend the meeting, but had provided a Best Septic Practices information sheet for commissioners to review. Chair Hislop asked if any of the Commissioner's would be attending September Fest on Fox Point to present the informational material that weekend. No one was attending and because there was only one day to print the material, everyone thought it best to make the brochure available at the Town Clerk's office, the library and the transfer station.

2) **Dredge/Fill Application:** Proposal by **Wilcox Industries & Town of Newington, 25 Piscataqua Drive**

Mr. Bill Gregsak of Gregsak Engineering, Peter Landry of Landry Surveying, and John Bernier of Bernier Corporation appeared before the Commission. Mr. Gregsak passed out plans showing the proposed expansion of Wilcox Industries that would include office space and garage space. He said they needed to extend Shattuck Way 1,000 feet for a secure access that would include a guard shack. Chair Hislop asked if they would eventually connect Shattuck Way to Gosling Road and Mr. Gregsak said Wilcox made the commitment to connect to the sewer treatment plant and then the Town would eventually connect to Gosling Road.

Mr. Gregsak pointed out the shaded area on the plan that needed the dredge and fill. He said it was the only place for the access drive and extended parking area. Mr. Peter Landry provided a wetlands report. He said there was evidence of old apple

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trees and ancient agricultural use in the area prior to the industrial development in the last century. He said it was not a sensitive wetland area with any unique wildlife because it was surrounded by industry. He said the area had been degraded with invasive species such as autumn olive, buckthorn and purple loosestrife as a result of disturbance and a part of the Department of Environmental Services (DES) dredge and fill application mandated that they come up with a plan to prevent them from spreading.

Commissioner Jim Weiner asked how they would deal with runoff and Mr. Landry said there would be no significant loss from the fill, but they would discuss how they would balance the flood storage with new drainage. Mr. Gregsak said they would use an underground detention system to mitigate any additional runoff and recharge it into the ground water. He said there was also an existing grease trap that catch basins drained into to prevent discharge. He said the basins would be drained and maintained by the owner.

Commissioner Weiner asked if there was any plan to augment or replace the wetlands for mitigation and Town Planner, Tom Morgan said the extension of Shattuck Way has been part of the Town's Master Plan for the past 20 years, but was stalled because of a lack of funds. He said Wilcox Industries generously offered to fund part of the extension as mitigation, as well as increasing jobs with their expansion.

Chair Hislop asked how much truck traffic would be relieved and Mr. Morgan said it would be awhile before it would be complete, but eventually the wood chip delivery truck coming and going from the Schiller Station would eventually be able to bypass Gosling Road entirely. Commissioner Bill Murray asked who would be responsible for the maintenance of the road and Mr. Morgan said it would be a Town road, but would be built to a higher standard to support heavy trucks.

Mr. Morgan said the Commission needed to advise DES if they would recommend the dredge and fill plan and the Board of Selectmen would sign off on the road.

Jim Weiner moved to recommend the approval of the dredge and fill application as proposed by Wilcox Industries and the Town of Newington at 25 Piscataqua Drive. Ann Morton seconded the motion and all were in favor.

Mr. Gregsak asked the Chair Hislop for her signature to certify that the plans were accurately represented and reviewed by the Conservation Commission and to waive the right to intervene after approval.

3) Proposed Subdivisions

A) Proposal by Beane Estate at 233 Nimble Hill Road

Mr. Joe Calderola with Smithfield Builders appeared before the Commission with plans for his development. He said his goal was to have no wetland impacts, his plan complied with Town standards and required no variances. Mr. Doug LaRosa with TriTech Engineering agreed and presented their development plans that entailed a cul-

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de-sac with three driveways to access the homes. He said the former owners used to have a lot of chicken coops and they created ditches for draining and Lot 4-1 crossed a small farm ditch. He said the area had been reviewed by several wetland scientists and Town wetlands consultant, Mark West concurred with Rockingham County Conservation Commission consultant, Mike Cuomo's wetland determinations. Mr. Morgan said he saw Mr. West's letter indicating that he had signed off on the plan.

Commissioner Weiner noted that a duplex was currently proposed on one of the lots and asked if duplexes might be built on each lot. Mr. LaRosa said the State of NH determined that duplexes would be allowed based on soil load calculations. Chair Hislop wondered if the comments provided by Rockingham County Conservation Commission would be different if any of the house lots changed and Mr. LaRosa clarified that there was a 50' wetlands setback and a 25' buffer on each lot, but no buffer was associated with any wetlands under 5,000 square feet. Commissioner Weiner asked if Rockingham County Conservation Commission would then remove statement and Mr. LaRosa said it would be corrected.

Mr. LaRosa then went on to note that nothing would impact the wetlands, the driveway did not touch the 25' wetland buffer and that a detailed grading plan would be presented to the Town's review engineer. Additional discussion ensued regarding changes in the driveway width from 12' to 10'. Commissioner Weiner said the letter from Rockingham County Conservation Commission addressed the issue prior to the change and something in writing was needed. Mr. Calderola agreed that was reasonable.

Chair Hislop asked if the proposed road would be a Town road and Mr. Morgan said it would be up to the Board of Selectmen whether they accepted it as a Town road, but it would be built to Town standards. Mr. Calderola said the Planning Board didn't want ownership for the maintenance of the drainage structures so that would be written into the homeowners' association agreement.

Mr. Morgan informed the Commission that the Planning Board was soliciting a recommendation from them on the project. Chair Hislop suggested requesting updated comments from Rockingham County Conservation Commission. Commissioner Jane Kendall suggested that they make their recommendations for the proposal contingent upon receiving the updated letter from Rockingham County Conservation Commission.

Jim Weiner moved to recommend the proposal for a subdivision of the Beane Estate at 233 Nimble Hill Road with the elimination of items #1 and #2 and contingent upon updating the agreement on the location of the culvert as presented in the letter from Rockingham County Conservation Commission,. Jane Kendall seconded the motion and all were in favor.

Mr. LaRosa said he would get the updated letter to Chair Hislop before the next Planning Board meeting that was scheduled on October 6, 2014. Chair Hislop requested that the letter be sent to Mr. Morgan by October 3, 2014.

(Commissioner Murray left the meeting at 7:29 p.m.)

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B) Proposal by Bruce Belanger at the corner of Nimble Hill Road and Fox Point Road

Attorney Christopher Mulligan and Mr. Doug LaRosa from TriTech Engineering appeared before the Commission. Attorney Mulligan said their 3-lot subdivision had been before the Planning Board for a while and the Planning Board had determined that the proposed driveway crossings over wetlands required an application before the ZBA for a special exception. He said part of the criteria for the special exception was to get a recommendation from the Conservation Commission.

Attorney Mulligan said the State had determined that the parcel would support three lots and Altus Engineering determined that the uplands were suitable for three lots. He said they believed their proposed design had the least impact to the wetlands.

Mr. Morgan noted that a dredge and fill application with DES was still pending. He said he and Mr. LaRosa met with DES that morning and DES expressed interest in hearing comments from the Commission.

Commissioner Weiner reminded Attorney Mulligan and Mr. LaRosa that the lot was originally purchased as a single lot and that the Commission would not recommend approval of driveway crossings over wetlands. Mr. LaRosa reiterated that the lot size was suitable for three lots and Altus Engineering also agreed that it was suitable for three residential lots.

Mr. LaRosa said historic maps did not show wetlands on the parcel when the Town Hall parcel had been an orchard with a small house, but now there was a large Town hall, a police department and a fire department with two culverts off Nimble Hill Road. He said Fox Point had also been built up 5' from what it was before and Altus Engineering said the drainage on the forested wetlands was now failing. He said their goal was to follow DES and Town regulations and DES recommended as little fill as possible. He said 10-20 years ago the proposal would have been approved without reservation, but now they needed the Commission's recommendation. Commissioner Weiner said the history was interesting, but the wetlands were the current condition that had to be decided on.

Mr. LaRosa said they had presented a plan on December 30, 2013 that had a shared driveway with no wetland impacts, but the Town rules changed to eliminate shared driveways between December 2013 and February 2014. He said the previous owner added four acres before Mr. Belanger purchased the property and applied for the subdivision. He said they looked at different configurations and this proposal had the least impact.

Chair Hislop asked what the Planning Board's thoughts were on the subject and Attorney Mulligan said the Planning Board made a determination in August of this year that that driveways across wetlands were considered access ways that required a special exception.

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Mr. Morgan said there were three things the Commission needed to address - the recommendation for the special exception before the ZBA, the pending dredge and fill request and a recommendation to the Planning Board.

Ms. Cindy Gunn of Fox Point Road asked how the driveways would affect neighboring lots. Mr. LaRosa said a cul-de-sac was one option and if a proposal for a public road was not accepted, they could request relief for a shared driveway. Commissioner Kendall wondered why they wouldn't request a variance for a private road following the same layout as the original shared drive proposal just as they might request a variance for a shared driveway. Mr. LaRosa said the ordinance said private roads were a structure that would not be allowed within wetland setbacks without a variance.

Chair Hislop asked who would maintain the culverts and Mr. LaRosa said it would be up to the property owners.

Chair Hislop asked what DES had said during their meeting and Mr. Morgan said DES expressed a preference that the Town allow a shared driveway because it would have the least impact on the wetlands.

Jim Weiner moved to that the Conservation Commission not recommend approval of the dredge and fill application submitted to DES by Bruce Belanger for his property at the corner of Nimble Hill Road and Fox Point Road because the driveways would cross wetlands. Jane Kendall seconded the motion and all were in favor.

Jim Weiner moved to that the Conservation Commission not recommend approval of a special exception by the ZBA for the current plan as presented for Bruce Belanger's property at the corner of Nimble Hill Road and Fox Point Road because of the wetlands crossings that were not recommended. Ann Morton seconded the motion and all were in favor.

Mr. LaRosa noted that the 40 days that were allowed to stop the project once the application had been submitted had lapsed.

Minutes: *Jane Hislop moved to approve the Minutes for the August 14, 2014 meeting. Ann Morton seconded the motion and all were in favor with Jim Weiner abstaining because he was not present at the meeting.*

Discussions:

Ms. Cindy Gunn of Fox Point Road asked if the Town had ever mapped their wetlands and Chair Hislop said they had identified prime wetlands. Mr. Morgan said the Town had identified tracks of open space for preservation during the Master Plan process, but it sounded like something that should be done. Ms. Gunn said it appeared that the boards

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Adjournment: The meeting adjourned at 7:55 p.m.

Next Meeting: Thursday, October 16, 2014

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