

Town of Newington, NH
CONSERVATION COMMISSION
Meeting Minutes, Thursday, May 5, 2016

- Call to Order:** Co-Chair Jane Hislop called the May 5, 2016 meeting at 6:34 PM.
- Present:** Co-Chair Jim Weiner; Sandy Devins; Ann Morton; Alternate Members, and Jane Kendall; Interim Planner, Gerald Coogan
- Absent:** Cindy Gunn; Bill Murray
- Public Guests:** Sarah Allen with Normandeau Environmental on behalf of Eversource's Seacoast "Reliability" Project; Kurt Nelson, Eversource Siting and permitting; Catalina Celentano, Eversource Community Relations with Eversource; Lulu Pickering; John and Meg Ripley; Julie Peterson with NROC

1) Wetlands permit: Seacoast Reliability Project – Presentation by Sarah Allen with Normandeau Environmental

Sarah Allen with Normandeau Environmental appeared before the Commission to present an overview of the wetland permit applications that were submitted on Apr 11, 2016, along with the FCC application. She said the FCC application also included all permit applications, which was the reason for the duplication in the documents. She said the Commission primarily needed to focus on the New Hampshire Department of Environmental Services' application. Ms. Allen said after the Conservation Commission signed off, one copy each would be distributed to DES, the FCC and the Town.

Ms. Allen said the DES permit application contained the Wetland Permit application, the 401 Water Quality Certification application, the Shoreland Impact permit for cable coming on shore at Gundalow Landing, and the Alteration of Terrain permit, all of which would be available for review and comment. She said the core of the project was contained in the Wetland Permit.

Ms. Allen reviewed the requirements that were in the report that included 11" ex 17" maps, USDS topographical maps, environmental maps, conservation lands, wildlife habitats and engineering drawings.

Ms. Allen explained that the report included summary responses to DES questions on the types of impacts, resources and alternatives involved in the project, as well as a detailed narrative on existing conditions and impacts to wetland and stream crossings, temporary impacts, impacts to Little Bay, existing conditions of wild life functions and values, Natural Resource Habitat types, rare, threatened and endangered

Town of Newington, NH
CONSERVATION COMMISSION

Meeting Minutes, Thursday, May 5, 2016

species report, including a rare species habitat inventory for the Natural Heritage Bureau, and tax maps.

Ms. Allen said there wouldn't be much alteration of terrain (AOT) except where they had to level out some roads or do some erosion control, but the bulk of the AOT was construction techniques and Best Management Practices (BMPs).

Ms. Allen stated that the 401 Quality Water Certification report described the settlement dispersion that would occur from installing the cables with jet plows across Great Bay. She said the report looked at sediment dispersion, the suspended solids and water quality needs. Co-Chair Hislop asked if the Town would have any input on that process and Ms. Allen said she didn't see why not.

Ms. Allen said it would take approximately thirteen hours to lay one cable down a day at slack tide, and there would be three cables going under the Bay. She said they would review the process if there was a problem during the first pass.

Commissioner Sandy Devins asked what they would do if they hit something. Ms. Allen said they did a preliminary exploration and did not discover any large boulders or ledge, but the largest hurdle was the old, inactive cables that had been laid down on the surface 100 years ago. She said divers would hook those cables, bring them to the surface and cut them up for removal. She said they would also pull up and clear lost anchors and anything else that they found.

Commissioner Devins asked what the dimensions of the cables were. Ms. Allen replied that they were one-foot-wide, laid eight feet deep until they got closer to the shore, and then they might only be three and a half feet deep. She explained that the cables would be 30' apart and then come together into a vault and be spliced back together.

Ms. Allen said there were two Shoreland Permit applications for Durham and one for Newington, but they were the entire project was lumped together for DES review purposes. Commissioner Devins asked if they were paginated and Ms. Allen replied that permit applications were hard to paginate.

Ms. Allen said the application materials included reports for the other towns of Durham, Madbury and Portsmouth that were also impacted by the project, but she also reviewed the project relative to Newington in a Power Point presentation that followed.

Co-Chair Weiner asked if she could tab where Newington was referenced because Eversource had resources that Town volunteers didn't have. Kurt Nelson, in charge of siting and permitting for the project said the application was also online on the FCC web site. Co-Chair Weiner said a PDF wouldn't be any more searchable. Mr. Nelson said they could work to get the information distilled.

Co-Chair Weiner asked when the Commission had to sign off on the applications. Ms. Allen said they normally had 30 days, but the FCC completeness wasn't claimed until 60 days, so the deadline was probably around June 10.

Co-Chair Hislop said the Commission heard of the application for the first time last month before this presentation and she was concerned if there would be enough time to tab the report for review before the deadline. Ms. Allen said the changes would be ready before the next meeting.

Town of Newington, NH
CONSERVATION COMMISSION

Meeting Minutes, Thursday, May 5, 2016

Ms. Allen presented a Power Point demonstration that covered the specifics of the project in Newington.

Ms. Allen said the jet plow could not bring the cables all the way ashore so divers and excavators would bring them the rest of the way where they would come ashore on the Beswick property. She said a sediment curtain would be installed during the diver's process, but that would not be possible where the current was stronger.

Ms. Allen said most of the permanent impact reported for Newington was because they over-estimated how much area would be needed for the articulated concrete mattresses that would be used as protective covers if they were not able to dig deep enough near the ledge on shore. She said there was 2,165 square feet of impact in Newington, with 1,400 square feet of impact in the mudflats and 302 square feet where it came out of Little Bay.

Lulu Pickering of Little Bay Road asked if people would be able to walk on the concrete mattresses if they were walking along the shoreline at low tide. Ms. Allen replied that they would be visible, and it appeared that they could be walked upon.

Ms. Allen said they would be running the lines underground at Gundalow Landing and then coming up at the Flynn Pit where they would run overhead. Alternate Commissioner Jane Kendall asked if they were going around the skating pond and Ms. Allen they would go over the pond. Co-Chair Weiner said he thought they were going to go around the pond so the vault could be set back 100' so it wouldn't be at the road side. Ms. Allen said that had been proposed, but it would require a modification of rights and Eversource and the Town were still in negation on the subject.

Ms. Allen said they were still conducting conversations with property owners in the Historic District about going underground, but their time was limited by the FCC regulations so they were currently they were proposing to go above ground through the rest of town.

Co-Chair Weiner asked if there was a specific date when they needed to make a decision and Ms. Allen said they would need to decide by late summer.

Catalina Celentano with Eversource Community Relations said they were in regular communications with land owners, had received some agreements and were working with others to be sure. She said Eversource wanted to put the lines underground too, but reiterated that they had to file the application.

Commissioner Devin said asked what would happen if the Commission didn't make a recommendation to approve the proposal unless the lines ran underground. Co-Chair Weiner said Eversource had the right of way to put the lines above ground and they were trying to put them underground, but property owners had the option to make that determination.

Mr. Nelson said there were also conservation issues with getting permission to put the lines underground on the Frink Farm, and they would also need to obtain a new conservation easement.

Commissioner Devin asked why the Commission wouldn't be more involved with an easement. Ms. Allen said she thought the easement wouldn't be affected if they went underground, but they would still need approval from the Attorney General and the

Town of Newington, NH CONSERVATION COMMISSION

Meeting Minutes, Thursday, May 5, 2016

USDA. Co-Chair Weiner add that that it was his understanding that daily monitoring would be required for underground construction and Ms. Allen said that was correct.

John Frink of Nimble Hill Road said there was an agricultural easement on the farm and they were not allowed to grant an additional easement. He said they would have to rewrite the conservation easement and prove that the construction would improve the quality of the easement.

Mr. Frink said the easement had been created with Federal funds in conjunction with Rockingham County Conservation District and the Town and it was not just a matter of his personal preferences. He said they were looking at what affects the construction would have on drainage on the farm and trying to determine what to do to preserve and enhance the value of easement. Mr. Frink stated that the lines would run through PFA contaminated wetlands, which he thought would be a significant consideration.

He said he was asked what he thought, but he referred to agricultural experts and engineers.

Ms. Allen said the mitigation estimate was divided into freshwater and tidal calculations and combined was currently a little over \$81,000 dependent on impact, but would inevitably change.

Mr. Coogan asked if the money would go to Newington. Ms. Allen replied that the money would go into the Aquatic Resources Mitigation (A.R.M.) fund and would only goes to Newington if approved. Co-Chair Hislop said that was why the Commission was working on the Ripley's property along the Knight's Brook corridor. Co-Chair Weiner said Planning Board Chair, Denis Hebert who had been working with Eversource on the project had spoken with the president of Eversource about keeping the mitigation in Newington and was told that they would do their best. Ms. Allen clarified that Eversource could identify impacts and mitigation options, but the ultimate decision was made by Lori Sommer, Mitigation Coordinator with NHDES Wetlands Bureau, noting that Ms. Sommer's initial reaction was that the project looked good.

Ms. Allen said if the lines through the Frink Farm went overhead, there would be two "H" poles side by side to keep the height down and they would return to monopoles when they went through Hannah Lane. She said from Hannah Lane they would cross Fox Point Road, go through the Frizzell property and then continue east toward Pease to the cross the Spaulding Turnpike, cross at the Crossing Mall to the Newington substation, crossing into Portsmouth and ending at the Portsmouth substation.

Ms. Allen said the FCC application was not the primary focus, but the clock began to run once it was accepted. She said the application was filed on April 12 and then the FCC had 60 days to accept the application, which would be June 10, 2016. She said there would be a second round of public information sessions within 90 days, followed by public hearings with DES the FCC and the public. She said they would then have a 365-day window to make a decision before beginning construction. She said the timeline had slipped to 2018 because the timeline on municipal negotiations and decisions had fallen behind.

Co-Chair Hislop opened the discussion for questions from the public.

Commented [STG1]: Current application shows 3 H frames on the Frink property and it's H frame through Hannah Lane (one structure) until the change after the angle structure.

Commented [STG2]:
Second round of information sessions are 45 days after completeness determination

Third round of information sessions 90 day after completeness determination

Commented [STG3]: 12 months of siting from the date of completeness, 6/13/16

Town of Newington, NH
CONSERVATION COMMISSION

Meeting Minutes, Thursday, May 5, 2016

Ms. Pickering stated that several times Eversource had spoken to property owners about placing the lines underground, but no one had ever spoken to the Pickering or Poulin families. Ms. Celentano said she would speak to the outreach team. Mr. Nelson said there was no proposal to go under the Pickering property. Ms. Pickering replied that they couldn't say they were talking with property owners and giving them the option then.

Co-Chair Weiner said he was under the impression from three meetings that Eversource was willing to go underground on the Frink and Pickering properties. Ms. Celentano said she didn't think it had been determined if they were willing to have the lines go underground on their properties.

Ms. Pickering said her family had 70 acres of developable land that was not in conservation easement and she was concerned that power lines might interfere with future roads and utilities and therefore wondered if it would be better for the lines to go above ground on their property. She also wondered why they would take out existing power lines.

Ms. Pickering said she had been contacted regarding historic mitigation, and had spoken with the Board of Selectmen, but no one had spoken with them regarding putting the lines above or below ground. Mr. Nelson suggested she talk with the project outreach team.

Ms. Allen commented that trees would need to be cut that ran through the forested edge of the wetlands area. Ms. Pickering said Eversource had hired John Brown to clear areas in the past and then left the wood, but asked if they would remove the debris to keep it out of the swamp. Mr. Nelson, who said he was a former arborist agreed that they would attempt to remove large trees completely with staging and cabling if possible, but they needed to be careful not to do more damage. He said the tree clearing package would spell out the issues.

Ms. Pickering asked if they would chip and leave mounds of chips. Mr. Nelson said it might be preferential for some landowners to chip and disperse in some areas, but they understood that they wouldn't want to change the hydrology of large wetlands or change terrain of recreational land. Ms. Pickering asked if they would be put agreements in writing and Mr. Nelson said property owners would be consulted on their rights to the wood and there would be a prescriptive plan in place for the contractor to follow.

Ms. Pickering stated that a field below her house lot drained to Knight's Brook and wanted to be sure that the heavy equipment would not alter the drainage path and cause the wetlands to expand. Ms. Allen replied that a temporary bridge would be used to avoid that because by law Eversource could not modify streams.

Ms. Pickering also stated that the open field was hayed so it was important to take that into consideration as well and suggested doing the work after haying season.

Mr. Frink asked what the time frame would be if they amended the plan to go underground. Ms. Allen replied that there was urgency to know which way to property owners wanted them to go and they would identify those areas of change rather than resubmit the entire proposal. Mr. Frink asked if they would then need to return to the

Town of Newington, NH
CONSERVATION COMMISSION

Meeting Minutes, Thursday, May 5, 2016

Conservation Commission and Ms. Allen replied that changes wouldn't restart the time clock at zero.

*2) **Conservation Easements:** A.R.M. application with Rockingham County Conservation District for John and Meg Ripley Property, Old Post Road*

Co-Chair Hislop said Tracy Degnan with Rockingham County Conservation District had assisted with the preproposal, which had been submitted to Sarah Allen with Normandeau Environmental on behalf of Eversource, who signed off; and for review by Lori Sommer, Mitigation Coordinator with NHDES Wetlands Bureau for consideration for \$81,000 of the Aquatic Resource Mitigation (A.R.M.) that would be contributed by Eversource in mitigation of the Seacoast "Reliability" power expansion project.

Co-Chair Hislop said in addition to the A.R.M.'s mitigation, Ms. Degnan was also working on an additional contribution of approximately \$48,000 from RCS and \$5,000 from a North America Wetlands Conservation Act grant from U.S. Fish and Wildlife.

Interim Planner, Gerald Coogan said Ms. Degnan was not able to attend, but he spoke with her about getting an appraisal.

The applicant, John Ripley of Post Road submitted a bill \$337.50 from West Environmental for the wetlands survey.

Co-Chair Weiner moved to pay \$337.50 to West Environmental for the wetlands survey on the Meg and John Ripley's property on Old Post Road. Sandy Devins seconded the motion and all were in favor.

Lulu Pickering of Little Bay Road said she recently became aware of the Ripley's interest in putting a portion of their property into a conservation easement and asked if management of the drainage would affect the drainage of her property to Knight's Brook.

Ms. Pickering stated that cattail and emergent wetlands had never been on her property because it used to drain into the brook, but now there was emergent wetlands. Co-Chair Hislop replied that the Conservation Commission could not do anything about the changes to her private property. Ms. Pickering asked what the reference to restoration on the Ripley property in the April 2016 Conservation Commission Minutes meant. Co-Chair Hislop replied that the discussion was in reference to some grants that were contingent upon restoration of disturbed wetlands.

Ms. Pickering said she understood wetlands were good from a conservation and wildlife habitat perspective, but her interest was in the drainage of her property. Co-Chair Hislop replied that ditching and draining of wetlands would create trouble the New Hampshire Department of Environmental Services and she should discuss her concerns with them.

Abutter, John Frink of Nimble Hill Road brought up the subject of beaver activity that altered wetlands, noting that there had been recent beaver activity on Mott's Pond

Town of Newington, NH
CONSERVATION COMMISSION

Meeting Minutes, Thursday, May 5, 2016

and he wondered if there might be activity around the Ripley property as well. He said he feared the wetlands they created might be allowed.

Ms. Pickering said there used to be deeper channels that the water drained to Knight's Brook, but it was turning to wetlands after trees fell. She said she thought the Conservation Commission should have a master plan for wetlands management in town. Co-Chair Hislop said management would depend on the property owner if property was put in conservation easement, what the agreements were and who held the easements. Alternate Commissioner, Jane Kendall said it would also involve engineering funding and Co-Chair Weiner said they would still need to deal with DES as well.

3) Other Business and Discussions:

Mr. Coogan said wetlands permit request for oyster restoration had come in. He presented two copies for signature and said the Board of Selectmen or Town Clerk had kept three copies. Co-Chair Hislop said the Conservation Commission had to sign all five copies before they were returned to the applicant to submit to DES and then the completed permit was kept on file in the Town.

Co-Chair Hislop reminded Mr. Coogan to invite Tracy Degnan from Rockingham County Conservation District to the next meeting.

(Mr. Coogan left the meeting at 8:18 p.m.)

4) Spring for the Bay, Tuesday, May 10, 2016 from 6:00-8:00 p.m. at the Langdon Public Library

Julie Peterson from NROC appeared before the Commission and a brief discussion ensued regarding the logistics of the upcoming event.

Ms. Peterson asked the commissioners what kinds of questions they wanted to include on the survey to evaluate responses to the event and suggestions for future events. Co-Chair Hislop suggested providing information for homeowners such as local landscape designers that were trained in the development of rain gardens.

Co-Chair Hislop also suggested sending out a follow-up mailer on "things we learned" that would be practical for those that weren't there. Ms. Peterson suggested including resource links on the follow up mailer. Co-Chair Hislop agreed that it would be good to have links for three of the biggest questions.

Minutes:

*Ann Morton made a motion to **approve** the Minutes of April 14, 2016. Sandy Devins seconded and all were in favor.*

Adjournment: *The meeting adjourned at 8:42 p.m.*

Town of Newington, NH
CONSERVATION COMMISSION
Meeting Minutes, Thursday, May 5, 2016

Next Meeting: Monday, June 2, 2016

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

*These Minutes were approved and adopted at the June 2, 2016 Conservation Commission Meeting.
Additional changes submitted by Eversource were approved at the 7/14/16 Conservation Meeting.*