

Town of Newington, NH
CONSERVATION COMMISSION
Meeting Minutes for Thursday, August 13, 2015

- Call to Order:** Chair, Jane Hislop called the August 13, 2015 meeting at 6:34 p.m.
- Present:** Chair, Jane Hislop; Sandy Devins; Bill Murray; Alternate Jane Kendall
- Absent:** Co-Chair Jim Weiner; Ann Morton; Alternate Cindy Gunn; Thomas Morgan, Town Planner,
- Public Guests:** Steve Haight with Haight Engineering; Keith Frizzell; Ann Beebe; Nancy Marshall with Ransom Consulting; Sean McKenna with Great Bay Marine; Denis Hebert; Sarah Allen with Normandeau Environmental Associates; Chris Marshall with Burns and McDonald

1) Community Education: Julia Peterson and Jill Ferrell

Chair Hislop said Julia Peterson and Jill Ferrell of NROC were not able to attend the meeting as originally planned. She said they spoke on the phone about storm water protection being the next phase in community education and they were looking into having a regional community education meeting instead.

Chair said Ms. Peterson also informed her that the person they lined up to meet with residents regarding septic questions was not available either.

Alternate Commissioner Jane Kendall reminded Chair Hislop to send an email to Ms. Peterson regarding the previous month's inquiry on how to address failing septic systems.

This item was continued to a future meeting.

2) Old Business: Landscape Plan for property at 34-46 Patterson Lane, Tax Map 19, Lot 6, and Map 13, Lot 11

Mr. Steve Haight with Haight Engineering said he had already been before the Commission in February and received a recommendation for their wetlands permit request, which was approved in July. He said they received conditional approval by the Planning Board and were going before the Zoning Board of Adjustment on the following Monday, August 17, 2015 to request a Special Exception for a wetlands crossing, but he was not sure why they were asked to return to the Commission.

Chair Hislop said the Commission had required a maintenance plan and that licensed landscape designers stamp the landscaping plan. Mr. Haight said they

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presented a maintenance plan along with the stamped landscape plan that showed enhanced wetlands plantings that were requested by Mr. David Price at the Department of Environmental Services (DES) as well as additional plantings at the front and side of the building. Mr. Haight also provided copies of the wetlands report by Gove Environmental and the required archeological site review. Mr. Haight said they were creating larger wetlands than they were proposing to fill.

Commissioner Murray asked how much maintenance was involved and Mr. Haight said there would be minimal maintenance of mowing and weeding around the low shrubs.

Bill Murray moved that the Conservation Commission had no objections to the Landscape Plan for property at 34-46 Patterson Lane, Tax Map 19, Lot 6, and Map 13, Lot 11 and to accept the information for the file. Sandy Devins seconded the motion and all were in favor.

3) New Business: Expedited Wetlands Permit application for boat washing pad at Great Bay Marine

Ms. Nancy Marshall with Ransom Consulting appeared before the Commission to present the design plan for a wash pad to be constructed for under their new boat washing area within 100 feet of the shoreline. She said the equipment was to pressure wash the boards before storing them for the season.

Ms. Marshall said they were moving the pad further from the shoreline and it was graded for the water to flow to the pump station. She said the system captured the used water for recycling because they were not allowed to discharge the water in the Bay. Mr. Sean McKenna with Great Bay Marine said they were designing the larger wash area to capture more water.

Commissioner Murray asked where the debris went and Mr. McKenna said it went to the catch basin. Ms. Marshall said in a heavy storm event the sump pump would fill and overflow to a pipe into an existing manhole that went into storm water treatment. Chair Hislop asked about heavy metals and if the sediment would contain hazardous waste. Ms. Marshall said a t-clip analysis would be done and the debris would be checked before it was disposed of properly. Ms. Marshall said they would look at whether dissolved metals were discharging, but the EPA was in favor of these closed loop systems.

Commissioner Sandy Devins asked about fuels and oils being dispersed in the water. Mr. McKenna said they were only washing the outside of the boats not the bilge. Commissioner Devins said sometimes motors were rinsed. Ms. Marshall said that water would still be captured and they would eventually want to freshen the water, but it wouldn't be required quickly, Commissioner Kendall asked where that water would be disposed and Mr. McKenna said it would be disposed of through Safety Clean septic disposal. Commissioner Murray asked what would happen to the filters and Ms. Marshall said it would be properly disposed of as well.

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Chair Hislop asked if the wash pad would be closed off during winter so ice wouldn't build up, requiring sand. Mr. McKenna said it would be no different than any other catch basin, but they would clean it if necessary. Ms. Marshall said they would need to decide if they wanted to pull the pump in the winter.

Bill Murray moved to recommend approval of the Expedited Wetlands Permit application for a boat-washing pad at Great Bay Marine. Sandy Devins seconded the motion and all were in favor.

Chair Hislop said Mr. Morgan would be back in the office on Monday and suggested they give him a call to see when ready the signed permit was ready for pick up.

4) Other Business: NHDES Wetlands Permit Approval Process for Eversource Transmission Line Mitigation

Ms. Sarah Allen with Normandeau Associated appeared before the Commission along with Chris Marshall with Burns and McDonald Allen on behalf of Eversource's interest in looking at mitigation proposals for wetlands impacts from their transmission line project. Ms. Allen said there would only be 500 square feet of permanent wetland impacts from structure, but there would be 100,000 square feet of conversion from forested wetlands to shrub wetlands as a result of clearing trees within the wetlands and buffers for the right of way. Commissioner Murray asked if forested or shrub wetlands enhanced wildlife more than another. Ms. Allen said the government mitigation process was interested in the change of function, but it did not necessarily mean one was better than the other.

Ms. Allen said each town would be allocated a percentage of funds based on a formula. She stated that using the mitigation funds would be difficult for linear projects with smaller impacts, but they could go through the Aquatic Mitigation Fund (ARM) that required funds be used within the watershed boundaries. Ms. Allen noted that there was no guarantee that the mitigation would be limited to Durham or Newington, however, she said towns could propose mitigation contributions to their existing wetlands restoration projects. Chair Hislop said she thought many residents would be upset if the funds were not used in town considering the impact the Eversource transmission lines would have.

(Planning Board Chair, Denis Hebert arrived at 7:17 p.m. at this point in the meeting.)

Chair Hislop said the Commission had discussed a pre-existing dump in the historic Town Forest with questions of whether there was any contamination in the watershed area. She said the Commission had Stonehill Environmental do a site visit, and they had discussed taking the next step of surveying the surrounding area. Chair Hislop said the Commission also worked with the Department of Transportation (DOT) five years earlier to establish two conservation easements on Hislop and Saba properties in the Knights Brook area in mitigation of the Spaulding

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Turnpike Expansion. She said there were two other connected properties in the Knight's Brook watershed and the Frink Farm property that would be down stream from the impact that could be considered.

Ms. Allen said one of the difficulties would be that the State and Federal government would be concerned that the mitigation funds would need to be spent at the same time as the project so they would want to know how soon projects could be implemented. Chair Hislop said they hadn't gone further with the projects due to a lack of funds, but the Hislop and Saba easements took a year and she thought either project could go quickly to establish an easement.

Commissioner Kendall asked if the Town Forest could be considered as a replacement for the forest conversion. Ms. Allen said it would have to do with wetlands and they only counted 15% of the 100,000 square feet of conversion. She said they would also need to consider what environmental threats, such as development and asked how the Town Forest would be at risk. Commissioner Devins said they needed to determine if there were water contamination concerns. Ms. Allen said it didn't sound like a good fit if the forest was mostly uplands without many wetlands or vernal pools, but they would be interested in what Stonehill Environmental had to say about the affect of the dump on different resources in the forest. Chair Hislop could they provide the wetlands survey and report that was prepared by environmental consultant, Mark West and the Stonehill Environmental report. She said Mr. Tim Stonehill would be preparing the second phase that would involve a survey of the area and a general proposal test pits, cleanup consolidation, and containment, but she didn't know how much it would cost. Mr. Hebert asked if the Commission needed money from the Town and Chair Hislop said she didn't know what Mr. Stonehill would charge for the quote. Ms. Allen said she doubted if Eversource would have enough funding to do the project.

Commissioner Kendall wondered if the Flynn pit might be a consideration. Mr. Hebert said surveyors were looking at the Flynn Pit and they wanted to avoid having the transmission lines from running close to the Day Pond. Mr. Hebert said he thought the pond was created years ago to provide water for the fire tanks, but it was gradually filling in with sediment and weeds and he wondered if it could be dredged to retain the wetlands from disappearing. Chair Hislop agreed that it was never very deep and that they used to mow it in the fall to keep it clear for skating. Ms. Allen said it would be a permitting challenge, but perhaps it could be approved if they could demonstrate public good.

Ms. Allen suggested that they propose two projects with a description of each with an environmental and restoration assessment so they could be negotiated as part of the permitting process and said they needed to provide their proposals in the next two weeks. Chair Hislop said she would be out of the country for the next few weeks.

Ms. Allen said there would be no guarantees that they would receive approval, but they could still apply for the Aquatic Resource Mitigation.

Mr. Hebert said two weeks was very short notice considering the impact through town also agreed, adding that the Town had been trying to work with them

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for at least two years, had asked to meet with them several months earlier, and a two week deadline put a lot of pressure on the Conservation Commission that had done a lot for the town. He stated that they might need to have the attorneys discuss an exception for an extension.

Ms. Allen said they sent a letter to the Town in March 2015, but hadn't heard back. Alternate Commissioner Jane Kendall said she was put on the Commission's agenda, but heard that Eversource told her she couldn't speak publicly and so she didn't appear. Ms. Allen said she reinitiated contact in June and was told by Eversource that they couldn't speak at that time because of their application. Ms. Kendall said as a result this only left two weeks. Commissioner Murray agreed that two weeks was unrealistic.

Mr. Hebert asked where funds would go if they didn't go to the town. Ms. Allen said funds could be applied anywhere in the watershed. Commissioner Kendall asked if a town most impacted could receive no mitigations and another town that had little impact could receive most of the mitigation benefits, which would be like slap in the face to Newington. Mr. Hebert agreed that the mitigation should benefit the town that had the impact.

Ms. Allen said the State sent out notification to towns each year to apply for mitigation to their watersheds. Chair Hislop said she never heard of the fund. Mr. Hebert asked if the Town Planner could have received the information and not passed it on. Chair Hislop said it could be that there was nothing to apply for. Ms. Allen suggested they contact Lori Summer with the State to be on the list. Ms. Allen said the State was advocating that Conservation Commissions compile an inventory of town projects so that they would be ready to take advantage of project funding. Mr. Hebert said the Navy made preliminary report preparations for projects and shelved them until budgets were approved and then the projects were ready to go. Ms. Allen said good planning worked that way and they were looking to place a holder for proposals to give them time to develop their project.

Chair Hislop said she would be out of the country for the next ten days and asked that the Knight's Brook and Town Forest reports be pulled to be included in the proposals. Alternate Commissioner Kendall said she would send an email to Mr. Morgan and copy Mr. Hebert who said he would talk with Mr. Morgan after he returned from vacation.

Mr. Hebert asked Normandeau would be present at future meetings. Ms. Allen said she would attend if necessary, but Town counsel, Attorney Susan Geiger would also be aware of all decisions.

Discussions:

Chair Hislop suggested that Mr. Morgan inquire on whether the Board of Selectmen had contacted Dave Hislop to survey Carter Rock and if they sent a letter to the abutters as she hadn't heard from the Town Administrator, Martha Roy as yet.

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Commissioner Devins said she thought they could get recycling bins at a lower cost than the quote for \$25 per bin that was discussed at a previous meeting. Alternate Commissioner Kendall said Co-Chair Weiner said would he get more quotes.

Minutes: *Chair Hislop moved to approve the Minutes for the July 16, 2015 meeting. Bill Murray seconded and all were in favor.*

Adjournment: *The meeting adjourned at 8:17 p.m.*

Next Meeting: Thursday, September 10, 2015

Alternate Commissioner Kendall reminded everyone that Co-Char Jim Weiner had made arrangements for DES Wetlands Bureau Director, Dori Wiggins to discuss the permitting process at the next meeting.

Respectfully
Submitted by: Jane K. Kendall, Recording Secretary