

Town of Newington, NH
Board of Selectmen Meeting Minutes
Tuesday March 21st, 2023
Portsmouth Water Public Hearing

Present: Chair Bob Blonigen, Selectman Brandon Arsenault, Selectman Chris Wayss, Portsmouth Deputy Director of Public Works Brian Goetz, Portsmouth Water Resource Manager Al Pratt, Wright-Pierce Civil Engineer, Project Manager Britt Eckstrom, Wright-Pierce Civil Engineer Darrin Larry, Town Administrator Martha Roy and Eleanor Boy, Recorder and various residents.

B. Blonigen called the meeting to order at 5:30pm.

B. Blonigen explained that this public hearing is for the water line project on Fox Point. B. Goetz explained that a new water pipe under Little Bay is needed because the old pipes have been there since 1957 and are not in the best shape. 13% of the water that travels through this pipe is consumed in Newington. The work for this project is proposed to be done during the winter of 2023/2024.

There is a 40-foot-wide pipeline easement crossing Fox Point. A temporary construction easement is also needed for the project. This easement would be located in the field behind the house at Fox Point and it would be used as a staging area where material would be stored and assembly of the pipe would be done. There will be a fence around the staging area with a gate that will be locked.

Currently there are two 20-inch cast iron pipes under Little Bay. Cast iron pipes in salt water is not a good combination. Divers were hired to look at the condition of these pipes and they found that the pipes are pitted. The valves for these pipes are 17 feet underground and are no longer functioning.

This project would install a new 24-inch HDPE pipe between the current pipes. This new pipe will be 3,000 feet long crossing the bay. The new pipe would be assembled on land and then floated out in the bay and then sunk into place.

The plan includes a five-year restoration plan.

Public Comment:

Jennifer Kent Weiner read a letter that she had sent to Chair Ted Connors and Town Administrator Martha Roy in January 2022. The letter explained J. Kent Weiner's concerns over protecting the Town from liability, financial protection for the Town if the project does not go as planned, emergency situation approval from Newington and

the construction and restoration requirements. J. Kent Weiner also asked if they had considered putting the new water line under the new bridge. B. Goetz said that they had considered that option but the bridge over the Bellamy River couldn't support a water line attached to it. J. Kent Weiner said that she understands the importance of replacing the pipe but we need to ensure that the proper protections are in place.

Denis Hebert asked if Portsmouth Water had gotten all the required permits for the project. B. Goetz said not yet. D. Hebert asked if they could use timber mats at the laydown area to prevent damage to the area. The Town should get all the guarantees up front so we are not left with a mess after the project is completed. D. Hebert said that according to NH RSA 371:17 they are required to get a permit from the NH Department of Energy to cross water that is more than 10 acres. NH RSA 674:54 says that they have to come before the Board of Selectmen and the Planning Board before the project begins. Denis Hebert encouraged the panel to refer to the NH RSAs 674:54 section 2, NH RSA 371:17 and NH RSA 362:2. D. Hebert listed his major concerns;

- Set maximum loads for vehicles coming onto the site
- Survey the current conditions for Newington roads before the project starts
- List the Newington roads by name for the contractor for use
- Require a \$250,000 cash bond to be used for damage done to Newington roads during the project
- Limit hours of operation to Monday – Friday from 7am-6pm. If additional hours are needed then the contractor has to get written permission from the Board of Selectmen to work.
- Require a \$250,000 cash bond for the restoration of Fox Point after the project is done
- Require dust control during the project
- Limit vehicles to 80,000 lbs.

A Public Hearing and comments can provide valuable feedback and constructive suggestions that can be used to improve the project. The best results are achieved when all of the various parties work together in the spirit of corporation. D. Hebert asked the panel to please treat Newington's Fox Point as if it was Prescott Park. D. Hebert doubts that they would put a laydown area there.

Lance Weed asked if they were going to renovate the existing pipes or replace them. B. Goetz explained that they are going to repair the valves on the old pipes so they can be shut off and on.

Sheryl Bagley asked if the parking lot and dock would be open during the project. B. Goetz said yes. S. Bagley asked if the whole trail will be closed. B. Goetz said no, not the entire trail, only the part of the trail in the easement will be closed. They would consider making a trail by the fence of the temporary easement so the trail can loop around.

Jack O' Reilly asked about a freezing technique that could be used on the pipes during the project. D. Larry said the cast iron pipes wouldn't survive the freezing technique.

Gina Gilmore asked what impact the cost of this project would have on the users. B. Goetz said that they are going to get a 30 year bond, the rates went up 3% last year and they expect it to be more next year.

Denis Hebert asked who gets free water. B. Goetz said that Pease gets free water because they own their own wells and four people along the easement get free water. These land owners negotiated this deal in the 1950s when the water line was put in.

Rick Stern asked if the pipe they were installing was approved for drinking water. Wright Pierce said it is a HDPE pipe that is approved for drinking water and doesn't contain any PRAs.

Jim Weiner asked how they came up with the width of the easement. Wright Pierce said that they looked at all the deeds for the properties along the waterline and they were consistently 40 feet. J. Weiner asked why the temporary easement was moved from the southern area on the point to the northern area. B. Goetz said that the town had asked for it to be moved because they thought the new location would have less impact on the residents. J. Weiner asked that Fox Point not be used as a laydown area for the project and suggested that everything could be trucked in. Fox Point is a jewel and shouldn't be used as a construction area. B. Goetz assured J. Weiner that Fox Point would be restored to the same condition. Pierce Island in Portsmouth was restored after the project there.

Megan Wayss asked where the water from the cleaning of the pipes would be dispersed. Wright Pierce said that it would be dispersed into the Fox Point fields. M. Wayss was concerned about chlorinated water being dispersed in to fields. Wright Pierce said that the pipes are filled with water and chorine to kill anything that has gotten into the pipes during construction and then another chemical is added to this water to turn it back into "drinking" quality water that will then be dispersed in the fields. Approximately 25,000 gallons of water will be dispersed into the field which is about the same amount as a 1/4 inch rainstorm which producing between 25,000-30,000 of rainwater.

Selectman Arsenault outlined actions that need to be done for the project:

- feedback from the design engineer on whether or not the pipeline can be floated from a better location other than fox point for construction and lay down.
- Complete, Professional current conditions survey done by a Professional Engineer

- Fox Point Rd and infrastructure all the way back to the Fox Point/Nimble Hill intersection
 - Existing conditions of the field and embankment where the work is proposed to happen
 - basal count of the trees and shrubbery prior to construction and activity
- Firm (not dates, but spans) timeline plan on construction activities:
 - mobilization
 - lay down prep
 - clearing
 - coffer dam and trestle installation
 - in water work
 - mobilization to leave
 - remedial phase
- Mitigation plan for:
 - should the oyster farm and natural resource be damaged while monitoring they should have an emergency stoppage plan in which the town is notified
 - emergency life safety plan for rescue and its impact on the Newington Fire and Police departments concerning their roles.
- A complete and very thorough restoration plan prepared by a Professional Design Engineer:
 - This should include Fox Point bank improvements with Shore rip-rap and granite blocking to preserve the current shape and longevity of Fox Point.
 - restoration plan for the North field they plan to use for lay down
 - restoration plan for the trees that they plan to cut for the construction within their easement.
 - require trees to be placed back on which site they are taken.
 - This should include a Basal count of trees that they plan to remove prior to cutting.
 - Require an Intent to Cut Permit sign by the BOS
 - Restoration plan for the entirety of the roads from the intersection at Fox Point Rd and Nimble Hill Rd. through the dirt drive down to the laydown area. (we know this dirt road will NOT survive the construction. They need a restoration plan in place for that road ahead of time, and separate from the bond)
- explicitly eliminate the right or permission for a flushing area to occur on land.
- require ongoing meetings with a representative from Portsmouth Water with the BOS and Planning Board Quarterly to discuss updates through December 2024.
- require abutter notifications for each phase of the project for everyone affected by the construction - including abutters along the entirety of the West/North end of Fox Point Rd (from Nimble Hill Rd.) who will be experiencing significant change in traffic and materials transportation. (the Board of Selectmen CAN distribute this for the Portsmouth Water Department if necessary)
- Require two separate cash bonds of \$250,000 each. One for the restoration of Fox Point Road from the lay down area (including the dirt road area) to the intersection with Nimble Hill. One for the restoration and improvement of the laydown and

permanent easement area. Both to be held and not returned OR drawn down until the completion of the "work"

- Require a wildlife representative to evaluate the area for Eagles and other endangered species with a report back to the Selectboard prior to construction mobilization.
- Require that the walking/running/biking path be re-routed for recreation, not closed.
- Require a presentation to the BOS prior to mobilization describing the contractor's methods for using the field for lay down (timber mats, nothing, stone, etc.)
- Adhere to Newington's Maximum Vehicle Load Limit for ALL vehicles.
 - Limit vehicle weight to 80,000 lbs.
 - Prohibit use of Jake Brakes
 - Submit a dust control procedure to be followed by the contractor
 - Limit Hours of operation to M-F 7AM through 6PM unless special tidal or critical needs exist, in which the contractor will seek written approval from the Board of Selectmen

Selectman Blonigen asked if Portsmouth Water had any plans to improve the pipe that comes up Fox Point Road. B. Goetz said no because that pipe is in good shape.

Rick Stern pointed out that he didn't think that planting shrubs out there won't hold the erosion and they should consider replanting trees there.

Jamie Belanger pointed out that the point on Fox Pont is very fragile and is eroding at a fast pace. This project could potentially speed up the erosion. The restoration plan needs to be reviewed to make sure to keep this area beautiful.

B. Blonigen thanked everyone for coming to the public hearing.

The meeting was adjourned at 7:30pm.

Respectfully submitted,
Eleanor Boy, Recorder

