

Town of Newington, NH  
CONSERVATION COMMISSION

Agenda,

Thursday, March 11, 2021

**Call to Order:** Chair Jane Hislop called to order the Thursday, March 11, 2021 Zoom meeting at 6:30 p.m., and called for a roll call attendance.

**Present:** Vice-Chair Jim Weiner; Commissioners Andrew Meigs and Jim Tucker; Alternate Commissioner Jane Kendall; and Town Planner, John Krebs

**Absent:** Commissioner Ann Morton; Alternates Ben Hutchins and Bill Murray

**Public Guests:** Bob Seide; Duane Hyde with Southeast Land Trust; Mary Anderson and James Nelson; Steve Reicher with Ambit Engineering

**1) Mitigation and Conservation Easement Discussions:** Review **Adams Homestead Conservation Easement**, owned by Bob and Diedre Seide, and located at **148 Nimble Hill Road, Tax Map 11, Lot 11**

Duane Hyde with Southeast Land Trust (SELT) appeared before the Conservation Commission to finalize approval of the language in the “agritourism” provision in the Adams Homestead Conservation Easement as suggested in the draft that he sent to the Commissioners.

Mr. Hyde said the current draft said the landowner must notify SELT, the easement holder and executory interest, the Town, 45 days before undertaking public activities. Mr. Hyde said the Town would have 21 days to respond to SELT, and then SELT could approve, deny or approve with conditions at their sole discretion on case by case basis within 30 days of receipt. Mr. Hyde said considerations would include impacts on soils, and the purposes of the easement, or larger issues that the Town might want to highlight.

Town Planner, John Krebs said he had raised initial concerns with agritourism, but had no issue with the proposed draft.

Vice-Chair Weiner said he had been concerned that the meaning of agritourism might change over time and suggested that they use the agricultural terms that were

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used before agritourism came into use. Vice-Chair Weiner added that he also wanted to be sure that the Town would review the uses against the Ordinance.

Mr. Hyde responded that the term agritourism was a word used for a collection of things that farm had been doing for some time. Alternate Commissioner Jane Kendall added that there was no other word in existence before agritourism came into use.

Commissioner Kendall asked Mr. Krebs to clarify that special permission wouldn't be required for any agricultural use that was allowed in the Ordinance, and Mr. Krebs said that was correct.

Mr. Krebs went on to say that corn mazes, farmers markets, farm operation demonstrations, etc. were in existence before the term agritourism was coined to go along with the growth of such activities, but he did think it would be good control for the property owners to consult with the Town about any such events.

Commissioner Meigs said he thought the old term might have been a farm stay or visit if a property owner wanted to invite someone to his barn, but it wouldn't have anything to do with the conservation easement. Mr. Hyde said the term agritourism was created, and then adopted by Federal Department of Agriculture, and the New Hampshire State Legislature. Mr. Hyde added that the definition used in the easement was very close to the State's definition.

Mr. Krebs said the term agritourism was first used in 1978. Chair Hislop said agritourism was considered very proper in Europe, and it was how Italian farmers saved their farms.

*Jim Weiner moved to recommend approval of conservation easement draft for the Adams Homestead Conservation Easement located at 148 Nimble Hill Road, Tax Map 11, Lot 11. Jim Tucker seconded the motion, and Chair Hislop did a roll call with Jim Weiner, Jim Tucker, Andrew Meigs, Jane Kendall, and Jane Hislop all voting in favor.*

Mr. Hyde informed the Commission that Town Administrator, Martha Road had said that the Board of Selectmen were interested in a site walk. Mr. Krebs said they should email Ms. Roy to get on the next meeting agenda and schedule the site walk.

Mr. Hyde said would be good to have members of the Conservation Commission join the Board of Selectmen on site walk.

## **2) Review of Tree Cutting**

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### A) Property owned by Thomas Cowgill, located at **288 Fox Point Road, Tax Map 10, Lot 1**

Vice-Chair Weiner said he drove by and saw tree cutting, and the Town and the New Hampshire Department of Environmental Services (DES) was notified because the cutting was close to water. Vice-Chair Weiner said David Price at DES said he would drive by.

Chair Hislop said it had been determined that the tree cutting was allowed because they were a hazard to the structure. Chair Hislop added that the trees were not in the prime wetlands that was behind the house. Mr. Krebs agreed, and said that acting building inspector, Charley Smart had a copy of the cutting plan.

Commissioner Meigs asked if the Conservation Commission could have a copy of the tree cutting plan. Vice-Chair Weiner agreed that it would be helpful to know in advance.

### B) Fox Point Conservation Area

Commissioner Meigs said he and his wife were walking on Fox Point at low tide and were surprised to see jeep tracks and recent tree cutting. Commissioner Kendall responded that she saw a crew by the carriage house on Fox Point over the weekend, and a worker up in a tree on Monday, and thought it might be in preparation of the water main replacement work that the City of Portsmouth Water Department would be doing over the summer.

### 3) NHDES Permit Requests:

#### A) Wetlands and Shoreland Permit request by **James Nelson and Mary Anderson** on property located at **84 Little Bay Road, Tax Map 15, Lot 2.**

Property owner, James Nelson and Mary Anderson appeared before the Commission to present their permit requests that would be required for the replacement of the existing 750 square foot home that they would be replacing with 3,100 square feet, including a two-car garage.

Mr. Nelson said they were complying with the requirement of no more than 20% of impervious coverage for the Shoreland Permit.

Commissioner Meigs asked about the walkway down to the bay. Mr. Nelson replied that it was included in the previous permit to replace the stairway.

Chair Hislop asked if there was erosion where the stairs went down from the house. Property owner, Mary Anderson responded that erosion didn't occur there as much. Mr. Nelson added that there were two tall oak trees there. Mr. Nelson noted that they had

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lost a lot of trees during the recent windstorm and had been working with DES on erosion control.

Mr. Nelson went on to say that erosion resulted from the existing driveway, which was the reason for riprap to slow water flow, but he was not sure how to make it any better because half of the water was coming from the neighbor's driveway.

Chair Hislop asked if they had thought of doing anything about water flowing off the roofs. Mr. Nelson said he wanted to put in sheet drains to collect water instead of allowing it to hit the surface.

Vice-Chair Weiner said he put in every water slowing feature on his property, and he would be willing to share them another time.

Commissioner Meigs asked if would need to cut any more trees on the bay side of the house. Mr. Nelson said they would need to cut a couple of trees on the other side of the house away from the water. He said he has been planting bushes and clover and specific wetlands grasses.

Commissioner Meigs noted that the proposed house and garage layout would create a "U". Mr. Nelson said they would probably place sand around the foundation, build a dry well, and use the fill that came out during construction to grade the slope away from the house, but he agreed that it would be a challenge.

Commissioner Meigs said he wasn't required to do a stormwater management plan, but it might be a good idea. Mr. Nelson agreed, and said he would talk with DES.

*Jim Weiner moved to recommend the Shoreland Permit request by James Nelson and Mary Anderson on property located at 84 Little Bay Road, Tax Map 15, Lot 2 as presented. Andrew Meigs recommended that they investigate a stormwater management plan. Jim Weiner seconded, and Chair Hislop called a roll call with Jim Weiner, Jim Tucker, Andrew Meigs, Jane Kendal, and Jane Hislop all voting in favor of the motion.*

*Jane Kendall moved to recommend the Expedited Wetlands Permit request by James Nelson and Mary Anderson on property located at 84 Little Bay Road, Tax Map 15, Lot 2. Andrew Meigs seconded, and Chair Hislop called a roll call with Jim Weiner, Jim Tucker, Andrew Meigs, Jane Kendal, and Jane Hislop all voting in favor of the motion.*

- B) Wetland Permit by Notification request by Bonbini Trust regarding property located a30 Gundalow Landing, Tax Map 22, Lot 3

Steve Reicher from Ambit Engineering appeared before the Commission on behalf of the property owners. Mr. Reicher stated that the Bonbini's had a docking structure in the tidal zone that had been approved by the New Hampshire Department of

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Environmental Services (DES) and the Army Corp of Engineers in May 1999 that was now in need of repair. Mr. Reicher added that the piling and decking could be repaired in kind as allowed by DES.

Mr. Reicher said the approved permit would be good for five years and a five-year extension to allow the work to be done all at once or over time.

Mr. Reicher said the docks would be constructed off site and delivered by barge on the water side. Mr. Reicher said the piles would be picked up with a claw and installed with vibration at low tide.

Commissioner Meigs asked about copper arsenate metals from the piling material being left in the mud. Mr. Reicher said the pilings were non-soluble pressure treated, and only toxic when cut and breathed in.

Commissioner Meigs asked about impacts to aquatic environments. Mr. Reicher said the Army Corp of Engineers and NOAA worked on dock construction to maintain hydrology, and NHDES permits were very similar.

Jim Tucker moved to recommend Wetland Permit by Notification request by Bonbini Trust regarding property located a30 Gundalow Landing, Tax Map 22, Lot 3. Andrew Meigs seconded, and a roll call with Jim Weiner, Jim Tucker, Andrew Meigs, Jane Kendall and Jane Hislop passed the motion.

### **3) Additional Discussions**

#### **A) Safety Path**

Mr. Krebs said the Board of Selectmen asked the Conservation Commission to write a letter of support for the proposed safety land, perhaps to Rockingham Planning Commission, before Town Meeting.

Vice-Chair Weiner said the safety lane proposal was controversial, and he was not sure that it was in the Conservation Commissions jurisdiction, and Commissioner Tucker agreed.

Chair Hislop said it was shown on the Town report, and the only wetlands she saw were on Shattuck Way. Mr. Krebs said that Town engineering consultant, Altus Engineering said there were no wetlands impacts.

#### **B) Plans and Goals for 2021**

Chair Hislop suggested that Commissioners make lists for discussion at the next meeting.

Vice-Chair Weiner suggested they consider environmental podcasts for children.

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Vice-Chair Weiner also suggested that they discuss ground cover alternatives like clover.

Chair Hislop added that another scavenger hunt could be good activity for September Fest. Commissioner Meigs suggested providing a passbook with stamps and prizes.

Discussion ensued regarding acquiring a reasonably priced laptop or refurbished computer with word processing for the recording secretary so that files could be stored on a server instead of a thumb drive. Commissioner Meigs suggested they also consider an external backup drive for home use.

Chair Hislop reminded to the Board of Selectmen to reappoint to send letters to the Board of Selectmen asking for consideration. Chair Hislop said she already sent a letter to Martha Roy to give to the Board of Selectmen recommending the reappointment of everyone except herself and Jane Kendall.

Vice-Chair Weiner said the Conservation Commission was could have five to seven members, and three alternates, and they were currently understaffed.

Mr. Krebs said he was optimistic that in-person meetings would resume in the next three or four months, as he was concerned that there was a fall off of public participation with Zoom meetings.

Commissioner Meigs said the Conservation Commission didn't have a Mr. Hebert's input was helpful regarding Eversource's Seacoast transmission expansion project and mitigation, and Chair Hislop agreed.

Chair Hislop said she appreciated everyone's input and approaches over the past year and thanked everyone.

Vice-Chair Weiner thanked Mr. Krebs for his input as well.

Commissioner Tucker announced the the Seacoast Conservation Commissioners, and Strafford County Conservation Commission put out an annual plant list that includes information on pollinators, insects, trees, and wetlands.

**Minutes:** To be reviewed at the next meeting.

**Adjournment:** Called at 8:34 p.m.

**Next Meeting:** Thursday, April 8, 2021