

# Town of Newington, NH

## CONSERVATION COMMISSION

Meeting Minutes, Thursday, April 11, 2019

- Call to Order:** Co-Chair Jane Hislop called the April 11, 2019 meeting at 6:30 p.m.
- Present:** Co-Chair Jane Hislop; Co-Chair Weiner; Commissioners Liz Durfee; Ann Morton; Jim Tucker; Alternate Jane Kendall and Town Planner, Gerald Coogan
- Absent:** Alternates Sandra Devin and Bill Murray
- Public Guests:** John Wendell; Devin Batchelder with Stoney Ride Environmental; Town wetlands consultant, Mark West with West Environmental

### 1) **Wetlands Overlay District:** 2019 Wetlands Mapping

This item was delayed to hear the following item first.

### 2) **NHDES Wetlands Expedited Minimum Permit** request by **John Wendall** regarding his property located at **76 Little Bay Road** at Tax Map #, Lot #

Deven Batchelder with Stony Ridge Environmental appeared before the Commission to present the applicant's request for a NHDES Wetlands Minimum Impact Permit to remove an existing structure.

Mr. Batchelder stated that the existing house was 70 feet from the high tide line, and had fallen into disrepair, and the applicant was selling the property to a new owner that would construct new house further back from the high tide line. He added that more would be done for shoreline in separate application.

Mr. Batchelder explained that there would be 2604 square feet of disturbance to remove the existing structure, and that proposed house would be moved back 85 feet.

Mr. Batchelder stated that the existing septic ran under the hill and that they would be replacing it with a standard new system under a separate application, and regrade the area when it was complete. Co-Chair Hislop commented that the old septic that was put in 80 years ago probably ran into Great Bay as many septs did in those days.

Co-Chair Weiner asked if owner would be leaving before the new home was built, and the applicant, John Wendall replied that he had originally intended on staying

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at this property, but Gail and Jack Pare's former home came up for sale, so he was selling this property and moving there. He said the application required that the current property owner be listed, though he was not doing the construction.

Co-Chair Weiner asked if the lot had slope stabilization, and Mr. Wendell replied that he had worked on a three to five-foot-high rock stabilization wall conjunction with the Hiatt's on the abutting property lot. Mr. Batchelder added that they would do stabilization plantings in the spring.

Co-Chair Weiner asked if they were submitting a full restoration plan for the disturbed area. Mr. Batchelder said they had already cleared the area around the house and would retain that area.

*Jim Tucker moved to recommend approval of the NHDES Wetlands Permit request by John Wendall regarding his property located at 76 Little Bay Road at Tax Map #, Lot #. Jim Weiner seconded the motion, and all were in favor.*

### 1) **Wetlands Overlay District:** 2019 Wetlands Mapping

This item was delayed to hear the previous item first.

Town wetlands consultant, Mark West with West Environmental presented an aerial photograph of the wetlands in town, and discussed the mapping and definitions that could be considered for setbacks. He said he wasn't suggesting doing small isolated wet areas or including uplands in the middle of wetlands. Mr. West said he could do much of the mapping with digital photographs, roadways and easements, but he still might need the Commission to write a letter requesting authorization to access some properties.

Alternate Commissioner Jane Kendall commented that there had been a question regarding the value of naming streams like McIntyre Brook that received runoff Pease, or Paul's Brook that received runoff from the Woodbury Avenue Commercial District, but she thought that there was merit in identifying them as significant streams leading to Great Bay or the Piscataqua that might be eligible for mitigation funding for restoration.

Mr. West commented that he had done DES n mapping for several Seacoast towns some years ago, and that records that Pease Development Authority did apply for adding to their pipeline starting at Patterson Lane, crossing Shattuck Way and up through vernal pools and wetlands.

Commissioner Jim Tucker commented that the area behind the Town basketball court on Newington Road was very wet. Mr. West responded that area was a wet meadow and might be part of a second phase of mapping, but he would address major streams that connected to wetlands as a priority for this first phase.

Mr. West said he would write a proposal on the scope of the project with reference to the Ordinance.

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### 3) **Eversource's Seacoast "Reliability", Transmission Expansion Project:** Laydown Area update

Town wetlands consultant, Mark West said he had been informed that Eversource was looking into using Mark Phillip's lot on Shattuck Way as a laydown area for the construction materials and vehicles for their transmission expansion project, as there was concern with using Fox Point.

Mr. West stated that he had reviewed the wetlands encroachment on the abutting lot for the development of Mr. Phillip's Storage Barn II development, and Collis Adams with DES was working on the disagreement between Jim Gove, a wetlands soil scientist for Mr. Phillips and himself regarding the wetlands designation. Mr. West said Mr. Phillips had an Alteration of Terrain permit for the area, but he didn't think that the wetlands ruts were even in the area of consideration.

Mr. West said Planning Board Chair, Denis Hebert thought that Mr. Phillips larger lot on Shattuck Way's industrial corridor would be a better choice than the proposed Fox Point area. Commissioner Jane Kendall commented that she was surprised to hear that Fox Point was still a topic as she had thought that the Board of Selectmen had already negotiated the area behind the Town shed and the Old Stone School. Co-Chair Weiner said he was surprised as well.

### 4) **DES Wetlands Permits:** Construction activity at the cider mill on **288 Little Bay Road**, Tax Map 10, Lot 1

Town Planner, Gerald Coogan informed the Commission that the property owner had requested a building permit to prevent the stabilize the old cider mill that was falling in. He said Town Building Inspector, Kevin Kelly granted a building permit but informed them that they would not be able to obtain a Certificate of Occupancy for residential use and a septic system because it was in the wetlands.

### 5) **Community Education Series:** Spring for the Bay, Tuesday, April 23, 2019

Co-Chair Hislop informed the Commission that flyers went out in the mail to inform residents on the event with a panel of speakers covering tree diseases and care, recommended native and hardy species for landscaping, and identification and recommended controls for invasive species.

Co-Chair Hislop said the printing of the flyers cost \$160, and would be billed to the Town.

### 6) **Nominations:** Election of Chair

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Co-Chair Hislop informed the Commission that she had looked whether co-chairs or vice-chairs were the standard for Conservation Commissions, and found that most Seacoast towns had a chair and vice-chair and only the Town of Sutton's Conservation Commission had co-chairs.

*Jane Kendall nominated Jane Hislop as Chair. Jim Weiner seconded the motion, and all were in favor.*

*Jane Kendall nominated Jim Weiner as Vice-Chair. Jane Hislop seconded the motion, and all were in favor.*

### 7) Additional Discussions:

Commissioner Liz Durfee announced that Lori Summers, Director of the DES Aquatic Resource Mitigation (ARM) funding program would be talking to the Hampton Conservation Commission at 8:30 a.m. on Tuesday, April 23, 2019 at the Hampton Town Hall. Commissioner Durfee said she would send out RSVP information.

Co-Chair Weiner expressed reluctance in applying for arm grants because had never been approved. Commissioner Kendall replied that she was only aware of the Commission having applied for an ARM grant for the Ripley easement proposal, which was withdrawn; and Fox Point erosion control would be costly, and require matching funding. Co-Chair Hislop suggested that Town wetlands consultant, Mark West might be able to make some good recommendations for mitigation projects after he completed the Wetlands Overlay District mapping. Commissioner Durfee agreed that there could be more opportunities for ARM grant applications.

**Minutes:** *Jim Weiner moved to approve the Minutes for the April 11, 2019 meeting with corrections as noted. Liz Durfee seconded, and all were in favor.*

**Adjournment:** *Jim Weiner moved to adjourn. Jane Hislop seconded the motion and the meeting adjourned at 8:05 p.m.*

**Next Meeting:** May 09, 2019

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

*These Minutes were approved and adopted at the May 9, 2019 Conservation Commission Meeting.*