

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes, Thursday, May 9, 2019

- Call to Order:** Chair Jane Hislop called the May 9, 2019 meeting at 6:30 p.m.
- Present:** Chair Jane Hislop; Commissioners Liz Durfee; Ann Morton; Jim Tucker; Alternates Sandra Devin; Jane Kendall; and Town Planner, Gerald Coogan
- Absent:** Vice-Chair Weiner and Alternate Bill Murray
- Public Guests:** Mark West, Chris Cross; Andrew Meigs

1) 2019 Wetlands Mapping

This item was delayed to hear the following items first.

2) **Wetlands Site Review** on property owned by **Doloma Investment of Portsmouth, Inc.** to construct a 4-story, **83-room hotel** to be located at **141 Shattuck Way**, Tax Map 20, Lot 4 -C

This item was delayed to hear the following item first.

3) **NHDES Wetlands Permit:** USAF oil pipeline removal

Town Planner, Gerald Coogan explained that the oil pipeline needed to be removed because of because of asbestos, oil and other possible hazards. He said there were three impacts that needed permits.

Town wetlands consultant, Mark West commented that although a certified wetlands scientist had stated that there were no hydrolic soils, there was a four-foot-wide intermittent stream channel draining into the wetland along the railroad bed, which was under the jurisdiction of the State. He said although this was a degraded area, he was concerned with disturbance to a valuable vernal pool with that would be a hatching site for amphibians in the spring. He said it would be important that the elevation was the same after restoration so that it would neither drain, or hold water longer than necessary for hatching and cause an invasion of bullfrogs, fish, or turtles that would devour all the vernal amphibians.

Mr. West commented that vernal pools were sensitive to changing temperatures and did best in the shade of shrubs or the canopy of trees. Mr. West said the Federal permit came into the town in September 13, 2018 was not recognized so the Conservation Commission missed the 40-day window to make recommendations. He

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said he spoke with Amy Hunt, who said she was concerned with altering the proposal because DES had already written conditions, but she said they would be careful of the hydrology and consider a further plant restoration with a revised wetlands restoration plan. He said he was surprised because they usually replanted when going through forested areas, rather than throw seed down. He suggested preserving some of the plants they removed, along with planting highbush blueberry and winterberry surrounded by trees.

Chair Hislop commented that she thought that Pease should make the extra effort to mitigate considering the clear cutting that they did at the end of the runway.

Mr. West said he assumed they had to go through hazardous waste disposal protocol, but they also needed to be sure that uncontaminated soils were put back.

Andrew Meigs of 254 Nimble Hill Road asked if they were able to specify the time when work done. Mr. West replied that there were restrictions to do work during the driest time of year. He said most amphibians move out by the end of July.

Chair Hislop asked when the project would be complete, and Mr. Coogan replied that there was a three-year timeframe

Sandy Devins moved to accept Town wetlands consultant, Mark West's recommendations for protecting the vernal pool during the USAF oil pipeline removal, and restoring the soils and restore the plantings around the vernal pool. Ann Morton seconded the motion, and all were in favor.

1) 2019 Wetlands Mapping

This item was delayed hearing the previous item first.

Town wetlands consultant, Mark West arrived at the meeting at 6:40 p.m.

Mr. West informed the Commission that he was meeting with his Geographical Information System (GIS) person, Ann Daley in the following week to discuss what could be done with the funds that the Commission allocated for mapping. He said the goal was based on discussions to map all wetlands in town that had 100-foot buffers so that it would be available to everyone as a reference in the future.

2) Wetlands Site Reviews:

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- A) Regarding property owned by **Doloma Investment of Portsmouth, Inc.** to construct a 4-story, **83-room hotel** to be located at **141 Shattuck Way**, Tax Map 20, Lot 4 -C

This item was delayed to hear the previous items first.

Mr. West informed the Commission that he reviewed the wetlands for the proposed hotel site. Mr. West stated that Brendon from Gove Environmental flagged the wetlands years ago, but Marc Jacobs, certified wetlands scientist had also flagged a lot of the site since, and it seemed that Mr. Jacobs had removed Brendon's flags. He said the side with the 100-foot setback was currently of the most concern, but he also found old flags on the other side with a 50-foot setback. Mr. West said wetland delineations for development needed to be updated every three years, so the site would need to be reflagged anyhow.

Mr. West stated that he saw a beaver come out of a culvert, found several beaver dams around Paul's Brook, lots of disturbance with old roads, ditches, old foundations and sewer lines. He said it was a challenge because beaver activity changes the hydrology of an area, and he also saw downed trees, lots of purple loose strife, ducks, swallows, and fish all the way up to one culvert, so that was why he felt that it was still important to identify the wetlands even if they were degraded.

Mr. West said even though engineers often said erosion wouldn't happen from development, he observed erosion in one stream because of new drainage runoff from surrounding development.

Mr. Coogan commented that the applicant had requested a Conditional Use Permit (CUP), and continued their Planning Board site review to Monday, May 20, 2019, but they would need a variance.

Mr. West commented that the applicant had a lot to do before they were ready. He noted that the proposal was to build closer to the higher value wetlands with a 100-foot setback, and suggested that it would be better to place the building on the biggest upland area closer to the lower value area instead of shoehorning the building between wetlands. He said they would need to refile their wetlands permit to change the location of the hotel, but said they needed to do a functional assessment to review degradation and invasive species for a CUP and variance anyhow. Mr. West said it was unusual for a proposal to get this far along without an accurate wetlands delineation, which they should have been done before they did the design anyhow.

Mr. West added that they could mitigate by preserving their urban wetlands where there was a lot of warblers and spring wildlife activities.

Planning Board member, Chris Cross stated that the applicant's proposal was on the clock since the Planning Board had already approved the site plan as substantially complete. He added that several Planning Board members were not familiar with wetlands, so it would be helpful to if Mr. Coogan could relay the Conservation

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Commission's input to the Board. He said he did a site walk with the Planning Board and sunk six inches into fine soiled wetlands. He said none of the wetlands at the abutting Allard's site was mitigated so water was flowing in. He added that there was no place for drainage treatment in the wetlands setbacks, so it was important for them to review the site carefully.

Mr. West said it was up to the applicant to provide site alternative comparisons and suggested that the applicant consider moving the hotel to the left and closer to Woodbury Avenue to move further from the most valuable wetlands. Mr. Cross responded that the Ordinance required a 75-foot setback from Woodbury, but they could flip the building so that the 75-foot setback requirement was from Shattuck Way. He said they might need accessway permits through wetlands, but there were creative solutions like elevated bridges and catwalks. Mr. West said it was the applicant's job to do alternative analysis, not the Town's, but clearly the Commission would prefer that they stay away from the wetlands. Commissioner Ann Morton asked why the applicant hadn't presented alternative comparisons, and Mr. West replied that alternatives might be more expensive, but the wetlands crossings would be less of an impact to more valuable wetlands.

B) Regarding property owned by **Storage Barn II**, located at **River Road and Shattuck Way**, Tax Map 13, Lot 7-A

Mr. Mark West informed the Board that he did a site walk with Mark Phillips, the property owner and Jim Gove of Gove Engineering at DES Director, Dave Price's recommendation. Mr. West said he was waiting for the Army Corp of Engineer's (ACOE) review in four weeks because Mr. Price said they didn't do those reviews. He said Lindsey Lefay from ACOE looked at part of the wetlands for Storage Barn II and said it didn't look right, so now he and Colis Adams, Dave Price and Jim Gove were going to take another look on the following Monday.

Mr. West said he thought it was probably a low value wetland and the impact would be okay, but still considered wetlands criteria.

Town Planner, Gerald Coogan said the lot was under consideration as a laydown area for Eversource's Seacoast Reliability transmission expansion project, but they might look elsewhere if the wetlands issue was not resolved. Mr. West said he thought they should be done by Monday. He added that Eversource might be able to get an emergency impact permit.

Chair Hislop stated that the Conservation Commission supported the impact because using this site was a better choice for a laydown area than using Fox Point.

4) **Spring for the Bay**

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Chair Hislop passed out thank you cards to guest speakers for commissioners to sign.

Commissioner Jim Tucker commented that the guest speakers were excellent.

Commissioner Sandy Devin said that the event was well attended, and Chair Hislop said she thought there were about 40 in attendance.

Commissioners discussed possible topics for future events, including a presentation on coyotes by Chris Schadler who was co-founder of the NH Wildlife Collation.

Commissioner Jim Tucker said his daughter, Acadia Tucker, who worked for Piscataqua Landscaping had just published a book on perennial food gardens, called "Perennial Foods: A Field Guide to Raising Resilient Fruits and Vegetables" that was available on Amazon. Chair Hislop said a lot of people garden so that might get a lot of interest.

4) Correspondence and Invoices:

Jane Kendall moved to approve payment of \$372.68 for food for Spring for the Bay. Sandy Devins seconded the motion, and all were in favor.

5) Additional Discussions:

Mr. Tucker said he attended the Aquatic Resource Mitigation discussion at the last Hampton Conservation Commission meeting where they also discussed stream restoration projects. He said he would give the PowerPoint presentation to Mr. Coogan.

Mr. Tucker said no funds were added to the Seacoast region this year, but the availability of funds for the region for the following year would be available by January 20, 2020.

Minutes: *Jim Tucker moved to approve the Minutes for the April 11, 2017 meeting with corrections as noted. Liz Durfee seconded, and all were in favor.*

Adjournment: *Ann Morton moved to adjourn. Sandy Devins seconded the motion and the meeting adjourned at 8 p.m.*

Next Meeting: Thursday, June 14, 2019

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary

These Minutes were approved and adopted at the July 11, 2019 Conservation Commission Meeting.