

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes, Thursday, July 11, 2019

- Call to Order:** Chair Jane Hislop called the July 11, 2019 meeting at 6:30 p.m.
- Present:** Chair Jane Hislop; Vice-Chair Weiner; Commissioners; Ann Morton; and Jim Tucker; Alternate Jane Kendall
- Absent:** Alternates Sandra Devin and Bill Murray; and Town Planner, Gerald Coogan
- Public Guests:** Luke Hurley with Gove Environmental; Alisha Busoni, V.P. KeyPoint Partners, property managers for Crossings Mall; Steve Glowaki, P.E. with RJ O'Connell Engineering; John Lorden, P.E. with Tighe and Bond Engineering, Brendan Quigley, wetlands consultant with Gove wetlands consultant; Bill Marple; Alex Ross, P.E. with Ross Engineering; Wetlands consultant, Mark Jacobs; Tom Berger, landscaper; Andrew Meigs

1) **NHDES Permit Request:** Great Bay Marine regarding property located at 61 Beane Lane, Tax Map #, Lot #

Luke Hurley with Gove Environmental presented a permitting request to dredge 600 square feet at the Great Bay Marine boat launch, replace pilings, and replace 340 square feet of rip rap to correct a problem with the way it had been put in previously.

Mr. Hurley explained that the northeastern wind and waves batter against the shore and leave sediment in the calmest area near the boat launch.

Mr. Hurley said the work would occur between November 15, 2019 and April 15, 2020 when sturgeon would not be present to avoid any disturbance of possible habitat.

Chair Hislop asked if the pilings were long enough to handle extreme storms because some had been cut off and lost during the storm of 1975. Mr. Hurley replied that they would be longer, and would be replaced by a pile driver.

Mr. Hurley said that an excavator would be on top of the cement side, reaching out and removing 2-4 feet of sediment, put it in a truck, and then pile it to a dewatering area to drain before it was hauled away.

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Commissioner Jim Tucker asked about dumping silt in the wetland setbacks, and Chair Hislop explained that they would put it on a tarp to allow water to seep out, then they will remove.

Commissioner Tucker asked if the silt would be tested for pollutants, and Chair Hislop said there weren't any concerns in that area.

Chair Hislop asked if they would plant a living shoreline behind the riprap, and Mr. Hurley said that they were considering it, but concerned that it wouldn't hold because of the way that the winds and storms hit the shoreline Chair Hislop suggested that they consider planting on the shore above the riprap. Vice-Chair Weiner suggested planting *rosa rigosa*.

Vice-Chair Weiner noted that the Commission didn't have a landscape plan, and Mr. Hurley stated that he would get a copy of the landscape plan for the Commission.

Vice-Chair Weiner moved to recommend Great Bay Marine's NHDES Permit Request for 600 square feet of dredging for boat launch safety, and 340 square feet of rip rap installation over existing rock for stability, and that rosa rigosa would be planted above length of rip rap at property located at 61 Beane Lane, Tax Map #, Lot #. Ann Morton seconded the motion, and all were in favor.

2) Landscape Plan Reviews:

A) Proposed landscaping plan by **Aldi's Market** for property located at # **Gosling Road, Tax Map #, Lot #**

Steve Glowaki, P.E. with RJ O'Connell Engineering appeared before the Commission to present landscaping for an Aldi's Market at the former Bugaboo Creek restaurant location.

Mr. Glowaki said that they would demolish the former restaurant and construct a new 2,400 square foot building.

Mr. Glowaki stated that their plan was to place the building closer to the back and have the parking where the former restaurant was, with a right in and center entrance, additional sidewalks for pedestrian connectivity, and island of green space with cherry, service berry, and other deciduous and ornamental trees dispersed on site. Mr. Glowaki added that they would use arborvitae to screen the transformer pads and gas meters at the back of the store.

Mr. Glowaki said they were also preserving the line of existing trees, and would consider constructing a well with concrete block.

Chair Hislop commented that there was a problem with plastic bags and trash in the space between iHop and National Tire and Battery that no one claimed for maintenance. Alisha Busoni, V.P. KeyPoint Partners, property managers for Crossings Mall responded that they had several points of intersection with the neighboring

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properties, and that they notified abutters, but periodically sent Piscataqua Landscaping around to take care of surrounding trash issues.

Vice-Chair Weiner commented that most commercial landscape companies used Snapshot to control weeds, but suggested using a wildflower mix in the back areas. Ms. Busoni said she would discuss the idea with Piscataqua Landscaping. Chair Hislop suggested they could test it in pockets.

Ms. Busoni noted that KeyPoint Partners updated sections of landscaping every year because of snowplow damage, and used heat tolerant plants, including grasses because of a lack of irrigation with summer parking lot heat. She said they also added standing planters against building columns this year. Chair Hislop suggested sedums also worked well with limited.

Chair Hislop recommended gator bags for watering the newly planted trees for the first three years, and plan for replacements for failures. She also asked that the plan also include a monthly seasonal landscape maintenance plan in the notes.

Jane Hislop moved to accept the landscaping proposal by Aldi's Market for property located at #Gosling Road, Tax Map #, Lot #. Jim Tucker seconded the motion, and all were in favor.

- A) Proposed landscape plan for **Marple** property located at **117 Gosling Road, Tax Map #, Lot #**

This item was delayed to hear the following item first.

2) Development Impact to Wetlands Discussion: Regarding a 4-story, 83-room hotel proposed by **Doloma Investment of Portsmouth, Inc.** to be located at **141 Shattuck Way, Tax Map 20, Lot 4**

John Lorden, P.E. with Tighe and Bond Engineering said they were not able to attend Town wetlands consultant, Mark West's presentation during the May 2019 Conservation Commission in May 2019, but their wetlands consultant, Brendan Quigley with Gove Environmental had walked the wetlands with Mr. West, and he believed they came to an agreement on the wetlands designation.

Mr. Lorden stated that the site was abutted by significant wetlands, one wetland that was created mainly from runoff from the mall, and a larger wetland that was fed from another detention pond across the street. Chair Hislop agreed that much of the wetlands had been increased by the mall development across the street. Commissioner Tucker said he walked site and noted an old driveway that was not a naturally occurring wetland. Mr. Quigley said the area was heavily grown up with flora rosa and it was not easy to walk or flag.

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Mr. Lorden noted that a portion of Paul Brook was on the property, and there was a 10-foot sewer easement, on the property.

Mr. Lorden stated that another hotel brand had been approved on the site in 2007. He said the owners had since changed to a Hilton Home2 Suite hotel brand, and they were required to access the site on a long drive from Shattuck Way because access was not allowed from Woodbury Avenue. Mr. Lorden said they had several meetings with the Planning Board and Town Planner, Gerald Coogan, and were initially told not to push anything into the 75-foot Woodbury Avenue setback, but after reviewing it was determined that they would move the building closer to Woodbury Avenue so that they would be further from the 100-foot wetlands buffer. Mr. Lorden said the Planning Board recommended that they meet with the Conservation Commission before submitting their requests for variances for the front setback, for 25 feet of wetlands disturbances, and fencing, parking structures and retaining wall within the 100-foot setback.

Mr. Lorden stated that there would be 5,000 square feet of direct impact to the wetlands, so of which would be temporary.

Mr. Lorden said they would capture and filter all the runoff from the roof and pavement before releasing the treated water to the outlet to Paul's Brook. He said they would also install a culvert at the Paul's Brook crossing to enable the existing flow, and there would be retaining walls to protect the wetlands.

Chair Hislop said she thought they had followed a good portion of Mr. West's recommendations by moving the building away from the wetlands and by seeking a variance to move closer to Woodbury Avenue.

Chair Hislop asked if beavers were still on the site, and Mr. Lorden said two had been removed, but he didn't know if there were others. Commissioner Tucker said he could see that the beavers were very active, and that there was a lot of wildlife including blue herons around Paul Brook.

Chair Hislop commented that there was an opportunity to create a unique urban wetland for the wildlife in and around Paul Brook. She asked what kind of mitigations they might do to enhance the existing wetlands. Mr. Quigley replied that he thought the most feasible approach would be additional, guided landscaping and possibly some invasive species control because the area functioned as a habitat corridor and there could be undesired consequences by disturbing existing species habitat.

Chair Hislop suggested that they are working with the University of New Hampshire's Stormwater Management to develop a workable landscape plan.

Commissioner Tucker asked if there were old car parts abandoned in the parcel, and Mr. Lorden said there were.

Chair Hislop asked if they would be putting in sidewalks. Mr. Lorden said there would be a sidewalk on site, but there were no sidewalks on Woodbury Avenue to connect to. Vice-Chair Weiner suggested that it was a good idea for sidewalk to

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promote patrons going to malls and restaurants on other side instead of driving to Portsmouth. Alternate Commissioner, Jane Kendall pointed out that there was no crossing signal and cross walk connecting from one side of Woodbury Avenue to the other, and that it would be a dangerous intersection for pedestrian crossing. Chair Hislop noted that she had observed many UNH students and other pedestrians walked from the bus drop off at Walmart to the malls and restaurants and malls, however. Mr. Lorden commented that the Town missed the opportunity to create a cross walk during their construction negotiations with the New Hampshire Department of Transportation (DOT).

Mr. Lorden asked if the Commission could make a recommendation for the Zoning Board of Adjustment (ZBA).

Vice-Chair Weiner made a recommendation for the site location of a 4-story, 83-room hotel proposed by Doloma Investment of Portsmouth, Inc. to be located at 141 Shattuck Way, Tax Map 20, Lot 4, keeping in mind that an environmentally sound landscape enhancement plan be created with a maintenance plan that would use low nitrogen and phosphorus fertilizers, inorganic pesticides and weedicides would not be used and the water leaving site be improved. Jane Hislop seconded the motion, and all were in favor.

2) Landscape Proposal Review: Proposed landscape plan for **Marple** property located at **1117 Gosling Road, Tax Map #, Lot #**

This item was delayed to hear the previous items first.

The applicant, Bill Marple, stated that his late father, Phil Marple had developed the property some years earlier, and that he was now managing the redevelopment. He said they had already renovated the interior, and had been talking with the Planning Board regarding site improvement of the parking lot and drainage.

Vice-Chair Weiner informed the Commission that the owner's attorney had discussed reducing the landscaping bond with the Planning Board because they were doing improvements on an existing site where there had been none. Chair Hislop responded that bonds were under the Planning Board's purview, and were not a consideration for the Conservation Commission.

Mark Jacobs, the applicant's soil and wetland scientist stated that he had delineated the wetlands on November 18, 2018, and showed the streams that flowed to the site. Mr. Jacobs stated that there appeared to be a presence of fill and a boulder wall to hold the fill in place.

Mr. Jacobs stated that there were existing catch basins and culverts, and although the building footprint was not changing, Storm Tech drainage would be

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installed that would accept storm water runoff, which would be treated and dispersed to the wetlands.

Tom Berger landscape designer for the project presented his landscape proposal for three crab apple trees, three shrubs, including native hydrangea and dogwood, and low meadow pollinator plants like asters that supplied nectar for Monarchs, butterfly milkweed that Monarchs laid their eggs on, and fed their caterpillars, goldenrod, mountain mint, and tuber rosa.

Mr. Berger said there was two feet of soil over the Storm Tech drainage, but he did not recommend planting over it. He added that there was no evidence of invasive weeds present so he was not recommending the addition of soil either.

Chair Hislop suggested that more than two species be planted to avoid monoculture and provide protection from disease with variety. Mr. Berger replied that he crab apple trees were not native but acted like natives, and were the most disease species with very small berries that dried on the trees that fed birds. Very reliable. Berries small, dry on tree and attract birds.

Chair Hislop asked if there would be curbing to contain and prevent people from driving over the plants, and Mr. Marple said there would be. Mr. Jacobs noted that there would be an open area for drainage and plow maintenance on the parking lot side.

Chair Hislop said the Commission had received a stamped copy of the landscape plan, but would need a maintenance plan especially for the meadow. Mr. Berger said they would water the area and use a watering bag for the crab apple trees the until they were established, but everything was suitable for lean soils that would keep weeds out.

Jim Tucker recommended the proposed landscape plan for Marple property located at 117 Gosling Road, Tax Map #, Lot #. Jim Weiner seconded the motion, and all were in favor.

3) **Additional Discussions:**

Chair Hislop informed the Commission that she had received notice from Town Planner, Gerald Coogan that earth and stone contracting, and excavation would start work on Jim Nelson's property soon.

Chair Hislop stated that she had also received a request from Town Administrator, Martha Roy that the Town was interested in suggestions for replacing the trees that Eversource cut down in front of Town Hall. Chair Hislop said she went through some sources and recommended that they plant native species and not plant a monoculture of species. Chair Hislop said Ms. Roy's list included non-native maple and invasive maple trees.

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Chair Hislop said she reminded Ms. Roy that trees selected be native, must be tolerant to the site, and the mature growth and spacing requirements should also be considered.

Chair Hislop informed the Commission that she had received a letter from the Board of Selectmen requesting recommendations for unregistered vehicles and dilapidated buildings on residential lots. Chair Hislop said she understood that abandoned vehicles and buildings containing leaking chemicals and oils could be an environmental and safety issue, but review and enforcement was not in the Commission's purview. Commissioner Kendall said she thought the Planning Board had already said that it was up to the Board of Selectmen and building inspector to enforce the existing Ordinance.

Commissioner Tucker commented on the letter of resignation from former Commissioner, Liz Durfee, saying that she would be missed, and he would like letter thanking for her services. Chair Hislop agreed that she was up on regulations, and had been an asset to the Commission.

Vice-Chair Weiner said he wanted to upgrade the Fox Point sign, and would also like to see wildflower plantings to be paid with a transfer from the Commission's Town Forest budget to the Beautification fund. Commissioner Kendall responded that she was hesitant to transfer money out of the Town Forest fund that would be needed for management of the forest.

Chair Hislop added that she was still looking for a forester as required for a management plan, but the Board of Selectmen still needed to officially assign management to the Commission. Commissioner Kendall noted that the Commission had previously asked Mr. Coogan to write a letter to the Board of Selectmen requesting that they assign the management to the Commission, and that it appeared that he still had not followed up.

Town resident, Andrew Meigs commented that the median from the roundabout from Arboretum Drive to Woodbury Avenue was now overrun with weeds. Mr. Meigs asked who was responsible for the maintenance. Commissioner Kendall suggested that someone ask the Board of Selectmen.

Commissioner Kendall said she had heard one of the Board of Selectmen say they would plant in the median along the newly constructed areas of Woodbury Avenue and she wondered if they would go before the Commissioner with planting recommendations, and she also wondered who would maintain that strip.

Minutes: *Ann Morton moved to approve the Minutes for the May 9, 2019 meeting. Jim Tucker seconded, and all were in favor.*

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Adjournment: *Jim Weiner moved to adjourn. Ann Morton seconded the motion and the meeting adjourned at 8:37 p.m.*

Next Meeting: August 8, 2019

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

These Minutes were approved and adopted at the September 19, 2019 Conservation Commission Meeting.