

Town of Newington, NH
CONSERVATION COMMISSION
Meeting Minutes, Thursday, September 9, 2021

Call to Order: Chair Jane Hislop called the September 9, 2021 meeting at 6:30 PM.

Present: Andrew Meigs; Alternate Members, Bill Murray, and Jane Kendall; and Town Planner, John Krebs

Absent: Vice-Chair Derick Willson; Board members Ann Morton and Jim Tucker; Alternate Member, Benjamin Higgins

Public Guests: Justin Macek, P.E. with TFMoran Engineers; Joe Coronati, P.E. with Jones and Beach Engineering; Jim Gove with Gove Environmental

1) **NHDES Permit Review:** Minimum Expedited Wetlands Permit for Bombini Trust,1 to relocate a footpath from the existing residence to the existing dock located at 30 Gundalow Landing, Tax Map 22/ Lot 3.

Town Planner, John Krebs announced that this item had been listed in error, as this item had already been heard at the last meeting.

2) **Landscape Plan Review:** for **Subcom Cable Systems, LLC** on property located at **100 Piscataqua Drive, Tax Map 27/Lot 1**

Commissioner Andrew Meigs announced that he was an employee of Subcom, and would recuse himself from this item.

Justin Macek, P.E. with TFMoran Engineering passed out their landscaping plan for their expansion.

Mr. Krebs asked Mr. Macek to present an overview of their project that they presented to the Planning Board on August 18, 2021.

Mr. Macek showed the layout of the existing optic cable manufacturing site that was bordered by the Piscataqua River and Shattuck.

Mr. Macek said they were proposing a three-story building addition for additional creel storage, a new parking lot design, drainage improvements, and utility installation.

Mr. Macek said the plan included three 14'x36' landscape islands containing one tree and six smaller plantings, and additional plantings at the base of the building. Mr. Macek said they would keep the landscaping improvements out of the 100-foot setback,

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes, Thursday, September 9, 2021

except at the outfall where they would request a Conditional Use Permit from the Planning Board.

Alternate Commissioner Bill Murray asked what type of trees they would be planting, and Mr. Macek went through their list that included red maples, elms, and birch.

Chair Hislop said she would want to know what the life expectancy of the cultured Princeton elms was considering that she had been given two elms 15 years ago, and they were already dead from Dutch elm disease.

Chair Hislop noted that the landscape design required a stamp by the landscape architect, and a maintenance schedule, and then the Conservation Commission would sign off on the plan for the Planning Board.

Commissioner Meigs asked why they were adding impervious parking spaces, and Mr. Macek said the parking was to meet site regulations for minimum parking requirements within the 75-foot setback, and for closer employee access to the loading dock for ship loading.

Mr. Krebs added that Subcom was running two shifts, and were planning on running a third. Mr. Krebs said the Planning Board weren't concerned with the parking unless there was a lack of parking during shift overlaps, so they might return for a parking lot expansion.

Mr. Macek said they were considering additional parking locations in addition to extending the parking in the front, so they would put in an 8 foot median to create a planting island between the two lots.

Chair Hislop asked how many trees they were removing for extra parking. Mr. Macek said they were preserving the tree line within the 100 foot setback, and there would be a minimal amount of trees removed.

Mr. Krebs asked if the islands would be irrigated. Mr. Macek replied that the contractors guaranteed the trees for the first year, and they had no plans for irrigation currently. Chair Hislop recommended that they put tree gators around the trees for the first three years, and water weekly until established.

Mr. Krebs noted that the Planning Board would require a two year bond.

Mr. Krebs reminded the applicant that they would need a stamped plan, a maintenance plan, note the longevity of elm trees, and confirm that everything was salt tolerant. Mr. Macek said they were told that everything was salt and drought tolerant.

Bill Murray moved to recommend approval of landscaping plan for Subcom Cable Systems, LLC on property located at 100 Piscataqua Drive, Tax Map 27/Lot 1 with the condition that the plan be stamped by a licensed landscape architect or designer, that the plan include a maintenance plan, note the longevity of elm trees, and confirm that everything would be salt tolerant as discussed. Jane Hislop seconded, and all were in favor.

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes, Thursday, September 9, 2021

3) Landscape and Wetland Crossing Review for 14-Lot residential subdivision proposal by **Nimble Hill Realty Investments, LLC** at property located off Nimble Hill Road, **Tax Map 6/Lot 1; Tax Map 11/Lots 2 and 3; and Tax Map 12/Lots 4, 6 and 9**

Jim Gove with Gove Environmental appeared before the Commission with Joe Coronati, P.E. with Jones and Beach Engineering. Mr. Gove stated that this was an informational presentation only.

Mr. Gove stated that he had done a site walk with Chair Hislop, three members of the Planning Board, and New Hampshire Department of Environmental Services (DES) staff, David Price, Mary Ann Tilton, and Lori Summer.

Mr. Krebs noted that the prime wetland in the area that had been designated by Town wetlands consultant, Mark West with West Environmental by stereoscope, and had since been delineated on the ground by Mr. Gove, and found to be 30 feet off to the northwest, so the applicant was asking DES to approve of a correction. Mr. Gove said the prime wetland hadn't changed, but the uplands should not be included.

Mr. Gove said that Ms. Tilton had sent an email saying she wanted the Dredge and Fill application as originally discussed, but Mr. West was on vacation, and had not reviewed the application yet.

Commissioner Meigs asked if the septic system on Lot 11-3 would be noted on the plan. Mr. Krebs replied that the house, septic system and tank all removed, they would retain a 50-foot strip, and the balance would go to Lot 11-2 owned by the Coles on Coleman Drive.

Mr. Coronati said they were working with the Planning Board on the road design and wetland crossing.

Mr. Coronati said the original plan included a 20-foot aluminum arch span bridge, but the Planning Board expressed concern for the future maintenance costs of the structure. Mr. Coronati said after the meetings with DES regarding the crossing, they modified the crossing to an eight-foot tall, ten-foot span, open bottomed box culvert with a concrete wall, footings, and flat top. Mr. Coronati said the 8-foot height would allow mammals to walk through.

Mr. Krebs noted that the culvert would allow the crossing without any adjustments to straighten the stream.

Mr. Coronati said they were curving the road to in several areas to avoid wetlands impacts as much as possible.

Mr. Coronati said they would present their application to the DES, but would still need approval from the Conservation Commission, and the Planning Board.

Commissioner Meigs asked if any vernal pools were on site, and Mr. Gove replied that ditches had been dug to drain much of the wetlands in the saturated clay soils, so there were only isolated, shallow wetlands, but he hadn't seen any vernal pools.

Mr. Gove said the crossing was not due to the depth of the stream, but to serve as a wildlife crossing. Murray asked if Mr. Gove thought deer would use the box culvert opening. Mr. Gove said they might, but he expected smaller mammals like fox and weasels, and perhaps turtles.

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes, Thursday, September 9, 2021

Chair Hislop asked for an explanation of the bioretention system. Mr. Coronati said they were proposing a long road with multiple low points, and the storm water impacts had to be mitigated with detention ponds and treatment systems before the water was released. Mr. Coronati said the detention pond bottom was filled with stone, a filter media mix of wood chips, sand, and loam, where water flowed out of under drains. Mr. Coronati said the pipes lengths would vary depending on topography.

Commissioner Murray asked what happened when contaminants reached a saturation point, and Mr. Coronati replied that the system would have to be maintained over time, and there would be gravel access drives for maintenance.

Chair Hislop asked how often maintenance would be required, and who would do the maintenance. Mr. Krebs responded that the Homeowner's Association (HOA) would do the maintenance of the drainage systems as the Town would not maintain them.

Chair Hislop asked if there would be any standing water. Mr. Coronati replied that the University of New Hampshire had done a study, and found that raingardens didn't get maintained as well, found that mowing was easier to maintain, and kept water cleaner. Mr. Coronati said there would be puddling with heavy rain, but the water would eventually dissipate through the outlet pipe. Mr. Coronati said it would be in the Homeowner's Association maintenance plan best management practices that the system needed maintenance if water stood for more than 72 hours, and the Town attorney would review all the Homeowner's Association documents.

Chair Hislop asked if the Homeowner's Association would plow the road, and Mr. Krebs said they might at first, but the Town would eventually accept the road, and maintain thereafter.

Chair Hislop asked what type of septic systems they were proposing, and Mr. Coronati replied that the subdivision was for buildable lots sold to individual homeowners who would hire their own architects and builders.

Chair Hislop asked if any of the lots would require advanced septic systems. Mr. Coronati replied that would be most likely because the water tables were shallow, and would require built up systems on mounds, and all septic systems had to be approved by the State.

Mr. Krebs noted that the plans had to show a 4,000 square foot septic reserve area, but house envelopes and leach fields could move on the lots if they met the setback requirements.

Commissioner Meigs asked about the ledge and slope of the road. Mr. Coronati explained that the road was designed to go downhill from Nimble Hill Road to prevent stormwater from running onto Nimble Hill Road.

Commissioner Meigs commented that water would run from Nimble Hill Road onto the proposed road as well. Mr. Coronati agreed that water would flow onto their road from the right-of-way shoulder.

Commissioner Meigs asked why they were having a seconded entrance on Nimble Hill Road with more impervious pavement. Mr. Krebs said the Planning Board only allowed a length of 1,500 feet cul-de-sacs. Mr. Krebs explained that it would be one thing if the proposed road was only a few feet longer than the regulation, but said that the Planning Board was afraid of setting a precedence for other subdivisions by waiving

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes, Thursday, September 9, 2021

the requirement for roads that were much longer. Mr. Krebs went on to say that he didn't think that anyone would take a right into the subdivision from Coleman Drive. Commissioner Meigs responded that building a road off Coleman Drive would avoid blasting rock, and he didn't see the purpose of the second access off Nimble Hill Road.

Mr. Coronati responded that there were many competing interests of the subdivision and zoning regulations, emergency access, and State regulations. Mr. Coronati said the road would be a dead end that was too long if they eliminated one of the access points, as well as an emergency access question.

Mr. Coronati went on to say that their design tried to minimize the impact by making the road as narrow as possible.

Mr. Coronati noted that the Shackford Lot property had been a working lot 100 to 200 years ago with apple and nut trees, and there were old ditches that cut through the property, there was an old culvert, and the driveway on Lot 11 would go over an old driveway, so they would need to install new culverts.

Chair Hislop said it was obvious that the property had been impacted in the past, noting that the middle section was woodland, but there were many invasive species further out toward the point.

Mr. Coronati reviewed the landscape plan along the road, noting that they were putting in additional landscaping to replace whatever trees they were removing, and there would be more trees at the beginning of the road to replace those that would be removed.

Alternate Commissioner Jane Kendall asked how far back from the road the trees would be planted to avoid branches and leaves from falling in the road after storms. Mr. Coronati replied that they would be planted in the right-of-way. Mr. Krebs suggested that the Town regulations listed planting in the right-of-way, but he suggested that they be set back further. Chair Hislop agreed, noting that the Town wouldn't maintain the trees. Mr. Coronati responded that the Homeowner's Association would probably have to maintain the trees.

Mr. Coronati said they would also do quite a few plantings at the cul-de-sac intersection to avoid lights shining into back yards because several lots would be cleared of existing trees.

Chair Hislop suggested that they consider more trees on Downing Way as well.

Mr. Krebs suggested that the plantings on the ledge of Shackford Way be removed.

Commissioner Meigs asked if there was a way to preserve more trees on the lots. Mr. Krebs responded that the Town couldn't tell anyone what they could and couldn't do with their lots outside of the Ordinance regulations, but most of the Shackford lots had wetland buffers that couldn't be cut, and shoreline lots that had to follow a formula on the number of cuts so a fair number of trees would be preserved.

Commissioner Murray asked if the Homeowner's Association would have any say in what can or can't be cut. Mr. Coronati responded that they could reiterate the no cut wetland buffers. Commissioner Kendall noted that trees on the shoreline lots would buffer the volume of traffic sounds going over the bridge to Dover Point.

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes, Thursday, September 9, 2021

Chair Hislop suggested that they put in another species beside white oak to avoid monoculture. Chair Hislop added that she would be concerned with white pine that were prone to needle cast disease, but saw they were only planting a few, however, she strongly suggested that they consider something else besides blue spruce due to the fungus that was spreading through the trees in town.

Mr. Krebs suggested that they also look into salt tolerant linden trees.

Mr. Krebs asked if there was any opportunity to landscape the center of the cul-de-sac that was being used as a detention area. Mr. Coronati said the new plan removed most of curbing on the second half of the road, so they could leave the existing trees that were there. Mr. Krebs responded that they might still need to cut the trees, and suggested that they plant something else, possibly shrubbery.

Mr. Coronati stated that native species plantings were called for. Commissioner Murray asked about shagbark hickory, noting that old shagbark hickory was growing close to McIntyre Road, so it seemed they must be salt tolerant.

Commissioner Meigs asked if they would be required to retain stone walls. Mr. Krebs replied that they would only be required to leave stone walls on boundaries. Mr. Coronati noted that there was only one internal stone wall, but external walls would stay.

Mr. Krebs stated that he would put the applicant on the Thursday, October 14, 2021 agenda, and they should return with an updated landscape plan when they returned with their dredge and fill application.

4) Conservation Easements and Mitigation Discussions: Prospective local projects in lieu of DES Aquatic Resource Mitigation (ARM) funding for wetland Impacts on **Fox Point** resulting from City of Portsmouth Water Department's replacement of water main across Great Bay

Mr. Krebs hand out an outline of recommended mitigation projects to address erosion on Fox Point that was prepared by Duncan Mellor, with Civil Works Engineering, as requested by the Board of Selectmen.

Mr. Krebs said that no estimate for the amount of impact had been provided by the City of Portsmouth Water Department, but Mr. Mellor said he had worked on Little Bay Marina in Dover, and the cost was in excess of \$5,000, so he thought there would be at least \$3,000 to \$4,000 worth of impact on Fox Point.

Chair Hislop commented that the Aquatic Resource Mitigation (ARM) criteria required public access, and that was why the Board of Selectmen declined to accept ARM's funds for Fox Point in the past.

Chair Hislop added that DES had done an erosion control training session on Fox Point, and had made recommendations for stabilization for mitigation funds previously, but the Board of Selectmen had declined to pursue. Mr. Krebs replied that the Board of Selectmen had opted to use their Fox Point funds toward repairs on the Town dock at that point.

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes, Thursday, September 9, 2021

Mr. Krebs recommended that the Commission ask that the projects be done in order of importance, and listed the estimates for each project as follows:

1. Fox Point bluff erosion: \$80,000 to \$200,000.
2. Town dock bank erosion: \$38,000
3. Fox Point southern bank erosion: \$32,000
4. Survey and wetland delineation of old boat launch: \$38,000
5. Fox Point Road runoff: \$38,000
6. Moorings: \$7,500 per unit

Commissioner Meigs said the first project mentioned where the water main construction was going, and the town dock side was 200 yards from the construction site.

Commissioner Meigs commented that the top step going down to the beach area was too high, and a liability. Chair Hislop agreed that the southside step repair would be good. Mr. Krebs said the ARM's fund should be used in town near the impact, but he thought repairing the erosion and step on the southside would be okay too.

Chair Hislop noted that the moorings out in the water were owned by individuals, and regulated by the Pease Development Authority (PDA) and State harbor master. Chair Hislop went on to say that mooring numbers were down because most people with water frontage had put in their own docks.

Chair Hislop said her mooring used a cement block, but would be going to a granite block. Chair Hislop said her mooring was out in the current, and she had lost three over the years.

Mr. Krebs asked if it would be feasible to have private moorings. Chair Hislop said there were not that many boats at low tide, and she was not sure how they could tell people to get rid of their heavy chains.

Commissioner Meigs said he was not thrilled with the idea of paving the road. Mr. Krebs said the Town didn't salt the dirt road going to Fox Point, and agreed that there would be more runoff if they paved. Chair Hislop said erosion on marine side.

Chair Hislop said the recommendations for hardscape engineering solutions, but DES recommended tubes and vegetation buffers for erosion control.

Commissioner Meigs noted that there was an oyster farm off Fox Point now, and thought they should consider the impacts of hardscaping on the oyster farms as well. Commissioner Kendall agreed, noting that previous applicants had been advised not to put in solid walls for beach erosion control as they diverted waves to abutting properties. Chair Hislop added that ice damage also scoured and undercut the shoreline.

Chair Hislop suggested having Mr. Meller come in to talk with the Commission.

Mr. Krebs recommended that they consider the first four or five suggestions in lieu of ARM's funding.

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes, Thursday, September 9, 2021

Andrew Meigs moved to apply direct payment of mitigation fees instead of payment to the Aquatic Resource Mitigation Fund from wetland Impacts on Fox Point resulting from City of Portsmouth Water Department's replacement of water main across Great Bay toward erosion control selected erosion control projects on Fox Point. Bill Murray seconded, and all were in favor.

5) **Additional Discussions**

A) Conservation Commission Members

Mr. Krebs suggested that two new members be found for the Commission that would be committed to the second Thursday of the month to ensure that quorums would be met.

Commissioner Kendall suggested that they post a notice asking for letters of interest to the Board of Selectmen on the Town Board, Town website, Town Newsletter, and the Resident's page.

B) Capital Improvement Projects (CIP)

Mr. Krebs informed the Commission that the Planning Board was working on updating the Capital Improvement Project list, and asked the Commission to let them know if there were any projects of interest.

C) Current Use Taxes

Chair Hislop commented that it would be important for the Town to inform and reinforce that property owners pay the correct percentage of current use taxes to the Conservation Commission Fund once properties were subdivided as outlined by the State legislature.

Minutes: *Andrew Meigs moved to approve the August 12, 2021 Minutes. Chair Hislop seconded, and all were in favor.*

Adjournment: *Andrew Meigs moved to adjourn. Bill Murray seconded, and the meeting adjourned at 8:58 p.m.*

Next Meeting: Thursday, October 14, 2021

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary