

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes for Thursday, November 21, 2013

Call to Order: Chair, Jane Hislop called the November 21, 2013 meeting at 6:30 PM.

Present: Chair, Jane Hislop; Nancy Cauvet; Julia Fijas (via internet conference); Jane Kendall; Jim Weiner; and Thomas Morgan, Town Planner

Public Guests: Duane Hyde, Southeast Land Trust; Linn Libel with Appledore Marine; Ted Reed with Sprague Energy; Jamie Long with GZA Environmental; Ken Anderson, Jamie Belanger, and Zack Taylor, Riverside Pickering Marine; Gregg Mikolaides; Attorney Richard Uchide

1) New Business: Southeast Land Trust regarding **Baird** property, Newington Road.

Duane Hyde with Southeast Land Trust (SELT) came to the Commission on behalf of the Baird family for consideration of putting their 34+ acre parcel of property along Newington Road into a conservation easement in partnership with SELT with the Baird family still maintaining ownership, and could still do forest management on the land, but would be prevented from subdividing, developing and building on the land. Julie Fijas asked if they would manage invasive species, and Mr. Hyde said they wouldn't be required to do so, but there would be a management plan.

Mr. Hyde said the property was previously subdivided, and has a stream and a manmade pond on the forested lot with prime wetlands. Town Planner, Tom Morgan said there was a dam on the property, and records indicate ownership was transferred to the Town Fire Department in the 1950's when that end of Town was cut off from the other side due to Pease Air Force Base. He said the property abuts the Smith Farm on the Greenland border and other conservation lands on the Newington side. Nancy Cauvet said the property also abutted the golf course, which flows into Great Bay. Mr. Morgan said the Baird parcel was on the Master Plan Open Space list. The Commission discussed a site walk on Tuesday, November 26, 2013 from 9:30 a.m. to 11 a.m.

Mr. Hyde said the property was appraised at approximately \$175,000 in 2009. He said the cost of a conservation easement is usually based on determining the current market value of land for development, the value of the lot as an easement, and the difference would be the value of the easement to the Town. Mr. Hyde said the landowner would split the cost of an appraisal. Mr. Morgan asked what SELT would do if the Town wasn't interested in having them hold the easement, and Mr. Hyde said they could just facilitate the agreement.

Nancy Cauvet moved to have Southeast Land Trust draft an appraisal assignment, and allow the Commission Chair accept the best package, and split the cost of the appraisal with the owner. Jim Weiner seconded and all were in favor.

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2) DES Applications:

A) Haberstroh: Shoreline permit at 108 Little Bay Road

Jamie Long from GZA Environmental came before the Commission requesting a recommendation to DES for a Shoreline permit. Mr. Long said the applicant applied for a permit in October of 2005 and the permit expired in October 2010 before their construction project was complete. He said the applicants had put in a new leach field, were living in the original house, and had started the granite guesthouse.

Jim Weiner asked if the patio was within the 100-foot tidal setback, and the 250-foot pervious setback, and Mr. Long said everything had been moved back. Julie Fijas said there was a wall and storage shed facing the shore with a steep dirt drive that led down. Mr. Morgan said it was noted that rain runs down the drive and deposits silt into the Great Bay during storms.

A discussion ensued whether the applicant would have vested rights if they were previously approved before the 2008 Shoreline Protection Act. Jim Weiner said there was reference to a letter from DES, but they hadn't seen the letter. Tom Morgan said they never received the email. Mr. Long said DES would review the application under current rules, and could approve or deny, but they were looking for a recommendation from the Commission. Chair Hislop said they would need to hear from DES before they could review and make a recommendation.

B) Sprague: Dredge and Fill permit for trestle replacement at 372 Shattuck Way

Ted Reed with Sprague Energy and Linn Libel with Appledore Marine said intended on rebuilding their trestle, and then removing the 54-year-old trestle on their River Road site. Mr. Reed said the last repairs were in early 2000 and it was determined during their last inspection in 2010 that the trestle was not safe for anything more than pedestrian traffic.

Mr. Reed said materials had improved since the original construction, and was designed for another 50-75 years. Ms. Libel said they no longer use cement encased "H" beams, but use coated, round concrete pilings with a steel cap to support the timber deck. Chair Hislop asked what kind of coating they used, and Ms. Libel said it was a cured epoxy that had no residue.

Chair Hebert asked what the estimated construction completion date would be, and Mr. Reed said he expected it to be done by next year.

Jim Weiner moved to recommend the Dredge and Fill permit for the construction of an access trestle at Sprague's 372 Shattuck Way site. Julie Fijas seconded, and all were in favor.

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C) Riverside Pickering Marine: Wetland & Shoreline permits for proposed pier at Tax Map, Lot 1

Ken Anderson with Riverside Pickering Marine and Gregg Mikolaits with Tighe and Bond Engineering came before the Commission with a request for recommendation for a permit for their proposed pier off Shaftmaster Drive. Mr. Anderson said Phase I would involve floating docks supporting their tugboats and working vessels, and they would proceed with Phase II in five years, building a permanent structure parallel to the floating docks. Nancy Cauvet asked why they were using floating docks in Phase I and Mr. Anderson said the pier for freighters would be too high for the smaller boats.

Gregg Mikolaits said they had already met with Federal and State agencies for an expedited permit because their current lease in Eliot, ME would end in August, as would their other site with the Portsmouth Port Authority. He said they were hoping to up and running by April or May 2014.

Ms. Cauvet asked how much land they had off Shaftmaster Drive. Mr. Anderson said it was an acre. Mr. Morgan said the now deceased owner, Mr. Mahoney, had filled much of the shoreline.

Ms. Cauvet asked if they would be putting a building on the site, and he said they would not, that they were looking for an office site.

Ms. Cauvet asked about the old barge parked along the shoreline, and Mr. Anderson said it was an old retired Navy barge full of creosote that had been abandoned there. He said they had talked to DES about doing some mitigation by getting rid of it, but he said it would cost six figures to do it.

Ms. Fijas asked about impact to wildlife, and Mr. Mikolaits said studies showed there was no eelgrass there. Ms. Fijas asked if they'd done any eelgrass restoration in other areas of Great Bay, and Mr. Anderson said the eelgrass was gone from that area, but said they were involved with several mitigation projects, including donating to oyster bed restoration. Ms. Fijas asked if they might be receptive to donating to the Commission's community conservation education efforts, and Mr. Anderson said they would take it into consideration.

Nancy Cauvet recommended approving Riverside Pickering Marine's Wetland & Shoreline permit for their proposed pier at Tax Map, Lot 1. Jim Weiner seconded, and all were in favor.

B) Lordco: Permit by Notification to repair pier at **158 Shattuck Way**

Zack Taylor with Riverside Pickering Marine came before the Commission with a request for recommendation for a permit to repair the deteriorating pier at Shaftmaster. Mr. Taylor said they would add supplemental steel to extend the life of the dock another 15 years.

Jim Weiner moved to recommend the Permit by Notification to repair the pier at 15 Shattuck Way. Nancy Cauvet seconded, and all were in favor.

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4) 2014 Budget

The Commission reviewed their budget line items.

Julie Fijas moved to add a line item in the amount of \$2,500 for community education. Jane Kendall seconded, and all were in favor.

Jim Weiner moved to recommend the proposed 2014 budget for the Conservation Commission in the amount of \$15,426. Nancy Cauvet seconded, and all were in favor.

Minutes: *Nancy Cauvet moved to approve the October 10, 2013 meetings with changes. Jim Weiner was not in attendance and did not vote. Jane Hislop seconded, and the motion passed.*

Jane Hislop moved to approve the November 14, 2013 meeting. Nancy Cauvet, Jane Kendall, and Jim Weiner were absent and did not vote. Julie Fijas seconded, and the motion passed.

Correspondence & Invoices:

Other Business & Discussions:

Adjournment: The Commission approved the motion to adjourn at 9:15 pm

Next Meeting: Thursday, December 5, 2013

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary