

Town of Newington, NH
CONSERVATION COMMISSION

Meeting Minutes May 14, 2012

Call to Order: Co-Chair, Justin Richardson called the May 14, 2012 meeting to order at 7:35 PM.

Present: Co-Chair, Justin Richardson; Nancy Cauvet; Nell Ann Hiatt; Margaret Lamson; and Jim Weiner (alternate)

Absent: Marge Hislop, George Fletcher, and Dorene Stern

Public Guests: Stephen Bradstreet, P.E., Ransom Consulting Engineers and Scientists; and Maria Stowell, P.E., both on behalf of the Pease Development Authority.

NOTE: The Commission participated in the 5:30 PM site walk of the Mazeau Property on Fox Point Road that had been noticed as a public meeting. In addition, the Commission participated in a joint meeting with the Planning Board at 6:30 PM to consider the Mazeau subdivision application. Minutes of the joint meeting were taken by the Planning Board. No decisions were made by the Commission.

At 7:30 PM the Conservation Commission recessed from the joint meeting with the Planning Board on the Mazeau subdivision application to the building inspector's office to complete the remainder of its meeting. Minutes of the joint session with the Planning Board and the site walk were taken by the Planning Board. No decisions were made on the application or other matters during the site walk or joint meeting with the Planning Board.

1) Alteration of Terrain Application: Proposal by the PDA regarding the **Pease Golf Course**

Mr. Bradstreet presented major renovations to the Pease Golf Course that were the subject of an alteration of terrain and wetlands application in Portsmouth. This proposal was for informational purposes as there is no dredge or fill in wetlands. By way of summary, the project involves removal of an extensive riprap stream channel in Portsmouth. Portions will be widened to improve its stream function. However, other portions will be a culvert pipe that allows water to travel into and out of the pipe.

Storm water treatment will occur in four-foot sumps at various locations. There will be water detention areas but there will be no infiltration due to the existing soil conditions, which are not conducive for infiltration. One of the project design elements is reduce peak flows into receiving waters by allowing the water move relatively quickly from the golf course before peak flows from other areas entered the system.

Existing golf cart stream crossings over culverts will be removed and spans will be constructed. One large "detention meadow" will be created but this was not designed for infiltration. Several questions were asked as to what the pollutant removal efficiency will be. Mr. Bradstreet said that this information is not required. Mr. Richardson stated

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that while specific targets are not required, the BMPs allowed by the AoT regs generally have published pollutant removal efficiencies and asked what those are. No real answer to the question was provided concerning nitrogen, TSS or phosphorous removal from the BMPs being employed.

Mr. Richardson asked if the project had been reviewed by the Portsmouth Conservation Commission and what it recommended. Mr. Bradstreet and Ms. Stowell indicated that the Portsmouth Conservation Commission had reviewed the project and recommended approval.

After discussing the work in Portsmouth, the work in Newington was discussed. Mr. Bradstreet and Ms. Stowell confirmed specifically that there would be no dredge or fill in the wetlands in Newington. "Zero square feet." Mr. Richardson asked Mr. Bradstreet and Ms. Stowell to confirm this as he would like this confirmation to be put into the minutes due to past problems including an NHDES Letter of Deficiency.

Stumping was discussed. Mr. Bradstreet and Ms. Stowell indicated that the last project was suspended due to the violations that had occurred and the focus turned to completing the restoration plan that had been required by the NHDES. Mr. Bradstreet indicated that no new materials would be brought in and that while stumps would be removed, the existing grades would be maintained. The areas would be maintained with native species and periodically cut but they would not become fairways.

Mr. Richardson asked Ms. Stowell to explain how this was allowed under the PDA Wetlands Ordinance, which provides for 100-foot buffers. Ms. Stowell indicated that the PDA wrote its wetlands ordinance to allow maintenance of the golf course so that it would not be regulated.

The presentation ended at 8:47 PM. No vote was taken or asked for as this was an informational presentation as there was no dredge or fill in wetlands in Newington.

2) Dredge & Fill Application Review: Mazeau subdivision at 124 Fox Point Road

Following the Pease presentation, Mr. Weiner asked general questions concerning the role played by the Commission, particularly on wetlands applications. Commission members explained that the Commission does not normally review land use applications except where a state wetlands application is required under RSA 482A in which case the Commission is required to be notified and the State is required to consider any comments, particularly on the criteria required for DES approval under Env-Wt 300 rules which require demonstration of (a) need for wetlands impacts; (b) avoidance; (c) minimization; and (d) mitigation.

This led to a discussion of the Mazeau application and the fact that it was possible to avoid the wetlands impacts entirely by constructing an access entirely in uplands. It was noted that the issue is cost: if a developer is required to construct the access to avoid wetlands that is an out-of-pocket expense that the developer must pay. The alternative, wetlands crossings for the driveways, which are several hundred feet long, is a cost that is paid by the lot purchaser. It would put pressure on the future lot purchasers who would want to minimize costs and could request variances from the 100-ft structural setback.

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The Commission members then discussed the wetlands values that had been discussed in the joint meeting with the Planning Board. The Commission members indicated that the intermittent stream had significant wetlands, wildlife and water quality value. While the square foot of impacts was less than a crossing in the wetlands in the mowed field, those wetlands did not have nearly the same value and there really had been no showing that the impacts could not be avoided entirely by constructing a common access as Mr. Hollis had proposed for the same property in 2011.

Mr. Weiner asked why Mr. Richardson had suggested the language in the Planning Board's motion if wetlands impacts were avoidable as DES's rules required and DES's letter indicated. Mr. Richardson replied that he felt that the most important issue was that stream impacts were avoidable due to alternatives, whereas the Planning Board's earlier motion suggested that it would approve the impacts to the wetland meadow. Prior to the changed language, the two Boards might be making conflicting recommendations to DES.

Mr. Richardson asked what the Commission wanted to do in light of the situation. The Commission members agreed that – setting aside whether all of the impacts could be avoided with a privately maintained road – the most important issue was that the impacts to the intermittent stream and forested wetlands ecosystem were not appropriate. Ms. Hiatt and others discussed whether requiring that all impacts be avoided would be an unreasonable interference with private property rights. It was agreed that avoiding the impacts to the intermittent stream and forested wetlands was important and could be accomplished without unreasonable difficulty. If the Planning Board was inclined to allow the long proposed driveways – despite the obvious concerns – was a Planning Board issue, not really an issue for the Commission decide.

After discussion, Mr. Richardson proposed the following motion:

Motion by Mr. Richardson, seconded by Mr. Weiner, to recommend that the DES Wetlands Bureau NOT APPROVE the application, as submitted, because of its impact to the high value intermittent stream-forested wetland system to access proposed Lot 14-7.

3) Old Business

A) Crossings at Fox Run

The Commission decided to try to schedule the requested site visit for its next meeting to be held June 14, 2012, 5:30 PM, subject to availability.

B) School Landscaping.

Mr. Richardson indicated that another weeding session would be held at the Newington Public School. Last year he organized several volunteers and spent about \$100 out of pocket for parents and children of three or four families who all helped get the grounds ready. He asked if the Commission beautification budget could be used this year, and expected it would cost about \$75. All in favor.

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Minutes: Nancy Cauvet moved to approve the minutes of the April 2012 meeting.
All were in favor.

Adjournment: Meeting adjourned at 9:25 pm

Next Meeting: Thursday, June 14, 2012

**Respectfully
Submitted by:** Justin Richardson, Co-Chair