

**Town of Newington, NH**  
**CONSERVATION COMMISSION**

Meeting Minutes August 9, 2012

**Call to Order:** Co-Chair, Justin Richardson called the August 9, 2012 meeting to order at 6:30 PM.

**Present:** Justin Richardson, Co-Chair Person; Nancy Cauvet; Jim Weiner and Thomas Morgan, Town Planner

**Absent:** Jane Hislop, Co-Chair; Marge Hislop; George Fletcher; Nell Ann Hiatt; Margaret Lamson

**Public Guests:** Jane and Michael Mazeau; Attorney Bernie Pelesh; Evelyn Fernald

**1) Referral from Board of Adjustment regarding **Mazeau Property at 124 Fox Point Road, Tax Map 11, Lots 13 & 14****

Mike Mazeau presented his subdivision proposal, and Commission Co-Chair, Justin Richardson asked how the plan would affect the stream on the property. Mr. Mazeau said review of storm water runoff determined that it met all requirements and the driveways would help hold water back.

The Mazeau's legal counsel, Attorney Bernie Pelesh said the design for Lot 14-7 was a result of requests to avoid wetlands crossings by the Conservation Commission and Dori Wiggin at DES, and they came before the Conservation Commission to show their plan will not make an impact to the surrounding wetlands. Justin Richardson asked how far the septic system would be from the road, and Attorney Pelesh said it would be 20 feet from the road. Richardson expressed concern with it being so close to the house envelope, and Pelesh said the State only required 10 feet. Richardson said the drawing presented didn't indicate the 10 feet difference. Attorney Pelesh said that could be added to the drawing. Mr. Mazeau said the septic would be 10 feet from the foundation, and another 10 feet from the road, and the Town building inspector and the State would be sure it meets required standards. Mazeau also said the septic reserve is large enough for two septic systems should one fail, and require another. Attorney Pelesh also said the new environmentally improved septic systems have smaller footprints. Nancy Cauvet asked how many feet the house would be from the road, and Mr. Mazeau said 60-70 feet.

Justin Richardson said the Commission had hoped to protect the forested stream buffer, and was concerned this plan put the house and septic closer instead of further away. Mr. Mazeau said they had talked about putting the house further in back at a previous Commission meeting, but there was concern with runoff from the lawn and the longer drive, so thought this plan created less impact. Town Planner, Tom Morgan asked why they were talking about the driveways being paved before that had been approved, and Mr. Mazeau said he assumed that would be necessary to accommodate emergency vehicles and the hydrant. Morgan said he was not sure that was the case, and that it would need to be discussed further. Nancy Cauvet asked who would be responsible for maintaining the lot along the shared driveway, and Attorney Pelesh said the agreement submitted to the State indicates the three owners would share responsibility up to the first driveway, then the last two owners would be responsible up to the second drive, and then the back lot owner would be responsible for the remainder to his drive.

Richardson also asked what happened after the Town had paid environmental consultant, Mark West to do an appraisal of the wetlands for a conservation easement. Mr.

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Mazeau said he had looked into government grants as suggested and found it would take a lot of time and uncertainty, so instead they put time into these plans, and are intending on making Lot 14-7 their retirement lot. Richardson then wondered what value they put on five smaller lots instead of four larger lots, as had also been discussed previously. Commissioner, Jim Weiner said he understood the request for variance would be based on a financial hardship to the Mazeau's, but didn't believe profit margin was the intent with the term hardship in the ordinance. Weiner said he didn't understand why they wouldn't build in the back with a driveway off the common drive instead of building so close to the road. Justin Richardson said he would be in favor of a plan to build in the back. Tom Morgan said it is feasible to divide 16 acres into five lots without seeking relief from wetlands ordinances. Mr. Mazeau said it had never been proven, and Justin Richardson said it is possible, but would be hard to know if the ZBA would approve. Jim Weiner asked if they had asked a developer if lengthening the back driveway was feasible, and Jane Mazeau said the back driveway length didn't relate to the front lot. Weiner said it did relate and shouldn't matter if they added on a bit more to the shared driveway for the front as they did the back lot. Justin Richardson also suggested there would be more room to work in the mowed area instead of the wooded wetlands. Mazeau said putting the house at the back of the lot with a driveway off the shared drive would require a sharp turn into his driveway, and he would prefer to run the driveway at an angle, but that would increase pavement. Richardson said it would still be an improvement over putting the building close to the do not disturb zone. Tom Morgan said the Commission could consider making a recommendation that the driveway not be paved, and Richardson said that would be a Planning Board function. Mr. Mazeau said he had compromised as much as he was willing, and wasn't interested in any more changes or attending more meetings. Weiner asked if they would consider changes if they could do it without spending more time and money, and Mike Mazeau said it's easy to pay an engineer, but the hard part would be starting from scratch, and wouldn't consider an alternate plan until he sees the outcome of this plan. Jane Mazeau said attending the last ZBA meeting was a waste of time because a Conservation Commission meeting for the required recommendation hadn't been scheduled beforehand. Justin Richardson agreed and said the ZBA meeting had been scheduled on a Monday *before* the Commission's regularly scheduled meeting on the second Thursday of the month, so no recommendation could be made, and that was why another ZBA meeting was scheduled to review their variance requests for the next night, Tuesday, August 10, 2012.

Justin Richardson said he had no problem recommending the special exception for the driveway crossing the wetlands in the back lot, but approval of the front lot would be a ZBA variance issue. Nancy Cauvet said she would also prefer a house be built in the back as she didn't like the plan to build close to the road and wetlands in the front of Lot 14-7, but wouldn't vote against the plan.

***Justin Richardson moved to recommend that the Zoning Board of Adjustment approve the special exception for the back driveway wetlands crossing, and recommended that Lot 14-7 be reconfigured to locate the building further back on Lot 11-13 at 124 Fox Point Road as annotated on the plan by the Commission. Jim Weiner seconded and all were in favor.***

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**2) Request for recommendation for wetlands setback variance at 33 Captain's Landing, Map 16, Lot 7A**

Property owner, Evelyn Ferland asked presented a drawing of her property lot that was approved by the Planning Board 25 years ago, but the nearly two acre lot would not be buildable and marketable as the current 100 foot setback would encapsulate much of the entire lot around the wetlands delineation. Mrs. Ferland asked the Commission to recommend a 40-foot variance to the Board of Adjustment.

Co-Chair, Justin Richardson said he would like it to go on record that he had looked at local lots for sale, including this lot. Richardson also said he would like to see a 50 foot setback, but would accept 40 feet.

Town Planner, Tom Morgan recommended the lot drawing show an approximate building envelope so the realtor could market the lot as buildable. Mrs. Ferland said she would like the trees between her house and this lot to remain so the two houses wouldn't be visible to one another.

***Jim Weiner moved to recommend that the ZBA grant a variance to reduce the 100-foot structural setback to 40 feet on Lot 16-7A at 33 Captain's Landing. Nancy Cauvet seconded, and all were in favor.***

**3) Dredge/Fill Application:** Town of Newington proposal regarding **reconstruction of Patterson Lane**

Co-Chair, Justin Richardson reviewed the application, and said he would like to hear more about the plan as it looks like more than was discussed and voted on at the Town Meeting. No members from the Board of Selectmen were present for discussion.

***Justin Richardson moved to take no action, and invite the Board of Selectmen to provide further explanation of the project. Nancy Cauvet seconded, and all were in favor.***

**Invoices:** ***Justin Richardson moved to approve LG Landscaping invoice for \$1,4060. Nancy Cauvet seconded, and all were in favor.***

**Announcements:** It was announced that Dorene Stern had recently resigned.

Nancy Cauvet announced that there would be a Great Bay Stewards cocktail benefit on September, 28, 2012.

**Minutes:** No motion was made to approve the previous Minutes of June 14, 2012.

**Adjournment:** Justin Richardson motioned to adjourn. Nancy Cauvet seconded, and all were in favor. Meeting adjourned at 9:00 p.m.

**Next Meeting:** Thursday, September 13, 2012

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