

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes, May 12, 2011

Call to Order: Co-Chair, Justin Richardson called the May 12, 2011 meeting to order at 6:34 PM.

Present: Co-Chair, Justin Richardson; Co-Chair, Jane Hislop; Margaret Lamson; Nancy Cauvet; George Fletcher; Nell Ann Hiatt; and Thomas Morgan, Town Planner

Absent: Dorene Stern

Public Guests: Duncan Mellor with Waterfront Engineers
Mick ? with Labrie Associates Landscaping, Representative for National Tire & Battery

1) Patterson Lane Boat Ramp

Duncan Mellor with Waterfront Engineers came before the Commission regarding the Patterson Lane boat ramp replacement for the Town, which was damaged during spring storms last year. Mr. Mellor said the plan is to remove the asphalt pavement at the tide zone, reuse existing granite blocks, install rip rap and replace the boat ramp with pre-cast concrete planks like those used at the Fox Point boat ramp. Mellor said the ramp could only be used at high tide as the area is mostly mud flats at low tide.

Mellor said they had the NH Natural Heritage review the area and said no endangered species were indicated. Mellor said he'd spoken with Dori Wiggins at DES who said they would pass an Expedited Minimum Impact Permit, so long as the work was done dry. He noted that the construction workers would need to be careful of the turbidity while working dry. Mellor said he wanted to review the plan with the Commission before completing the application to be sure it met their approval, and anticipated the application to be complete and approved in two to three weeks.

Co-Chair, Justin Richardson motioned for the Conservation Commission to authorize either co-chair to sign the Minimum Impact Expedited application when it comes in. Nancy Cauvet seconded, and all members were in favor.

2) Town Forest

Discussion ensued regarding the boulders blocking the entrance of the Town Forest. George Fletcher said they were dumped there from a Town construction project to prevent vehicles from entering. Further discussion ensued regarding the unkempt appearance of the stones, and the risks of so many boulders preventing emergency vehicles from entering if necessary. Town Planner, Tom Morgan recommended using bollards like those used at the end Fox Point Extension at the entrance of the bicycle path. Morgan said the Fire Department has keys to open them should there ever be a

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need for emergency vehicle access. Additional suggestions were made to move the remaining boulders to the side in a line. Justin Richardson said he would like the Historical District Commission's (HDC) input on the matter considering the Town Forest entrance is directly beside the Old Parsonage.

Co-Chair, Jane Hislop asked if anyone else could use the stones, and Justin Richardson said the Selectmen did not approve of a recent private request to use them. The Selectmen did however, approve of the Town Works to move five of the stones to the edge of the Fire Station parking lot at the top of the hillside to prevent any snow removal damage to the trees in the future.

Richardson made a motion to communicate with the HDC regarding possible uses of the rocks. Peggy Lamson seconded the motion, and all were in favor.

3) National Tire & Battery Landscaping

Mick Sheffield of Labrie Associates said National Tire and Battery (NTB) approached them after neighboring Olive Garden restaurant had cleared vegetation obstruction in their frontage. However, NTB had also hired a tree service that clear cut a swath of vegetation right up to the road, and there was little else that could be done considering restrictions with the wetlands area, as well as notification of complaints, which caused them to "cease and desist". Tom Morgan and Justin Richardson said there was a complaint, but no formal "cease and desist".

Mick asked the Commission and the Town for their patience, saying they are still planning on continuing the mowing of invasives regularly, as well as mounding earth to cover the swamp roots, and planting shrubs; but said it could take up to two or three years before the area will look better.

Peggy Lamson reminded Mick that the original agreement was to do some landscaping of the area between NTB and the International House of Pancakes (IHOP) after the area had been cleared. Mick apologized for the oversight and agreed to go back to NTB for final approval.

Richardson said the project was treated as a forestry project instead of a wildlife habitat enhancement, which wouldn't have required a DES permit to work in the wetlands buffer. Richardson advised Mick to get back to Tom Morgan regarding coordination and execution of the plan.

4) Newington Public School Landscape

Justin Richardson announced that he had scheduled a volunteer landscape maintenance session in the mulched areas of newly landscaped NPS grounds on Saturday, May 14, 2011. To date, only two people had signed up to help with the weeding that needs to be done before the next load of mulch is delivered. Richardson asked if the commission could reimburse him for the BBQ food and drink for volunteers.

Nancy Cauvet expressed concern with all landscape maintenance around town that depends on volunteers who are not always available for consistency. Peggy Lamson said the town used to have someone, but it was not longer approved as of a few years ago. Jane Hislop said the Town of Durham hires summer crews. Peggy said they do the same in Exeter. Richardson said the Conservation Commission could

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put it into their budget, and Nancy Cauvet agreed that it should be considered. George Fletcher expressed concern for a trained person doing any pruning.

Richardson also mentioned that landscaping could be done on the “island” in front of the new town sheds. Nancy Cauvet said tall grasses are tough enough to withstand the activity of the town trucks. Justin suggested someone draw up a list of recommended plants to present for consideration.

5) PDA's Proposed Tree Removal and Trimming

Town Planner, Tom Morgan announced that the PDA had informed the Town that they intend to remove and trim trees they consider too tall for their flight paths in the old town center, but haven't been specific about which trees they intend to cut. Peggy Lamson said she would like to have the Commission request specifics from the PDA.

Justin Richardson said, it didn't appear that there was any real need to cut the trees, unless they cut birches or poplars, but that the PDA was applying for a grant that would pay for the project.

George Fletcher said their flight paths have changed over the years, but the PDA hasn't updated the information. Peggy Lamson said the PDA couldn't change it due to the FAA Zone rules.

Tom Morgan said he would put the subject back on the agenda after hearing more from the PDA.

6) Other Business:

Great Bay Nitrogen Pollution

Town Planner, Tom Morgan reported on a recent symposium held at Great Bay Community College regarding the increased nitrogen pollution in Great Bay. Scientists attending confirmed that 27-31 percent of the nitrogen in the Bay is coming from wastewater treatment plants.

There are 14 wastewater treatment plants in the surrounding watershed. The City of Portsmouth has spear headed a group of the six towns who call themselves the Great Bay Water Quality Coalition, which also includes Dover, Exeter, Newmarket and Rochester. These towns have the oldest and least effective wastewater treatment plants. The Federal Environmental Protection Agency (EPA) has been proposing strict limit of 3 mgs/liter for the town of Exeter. Portsmouth did one study that showed their nitrogen pollution levels to be lower, but levels vary at different times of day. Portsmouth has hired Hall Associates to lobby against the EPA's request for upgrades, disputing years of scientific studies indicating the contribution of ineffective wastewater treatment plants to nitrogen pollution in the watershed, and claiming any pollution from their plant does not travel up the Piscataqua River to Great Bay. In response to the six-town coalition, U.S. Rep., Frank Guinta has introduced the Great Bay Community Protection Act to Congress, which would ban the EPA's attempts to enforce the Clean Water Act for five more years.

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Nancy Cauvet asked where towns would get the money to improve their wastewater treatment plants. Justin Richardson said they are raising sewer taxes. Morgan said the costs have been increasing while Portsmouth has been deferring upgrades for years. The EPA guidelines say the costs should not exceed more than 2% of the median household income.

Jane Hislop passed around the draft of a letter written to EPA, asking them to support nitrogen limits. Tom Morgan said the Planning Board is also writing a letter. Morgan said it would be a good idea to send the letter to the other town conservation commissions as well. Nancy Cauvet also suggested writing letters to towns' people to take a pledge not to use fertilizers, noting that other towns that had done so didn't receive many responses until residents were called.

Spaulding Turnpike Expansion Mitigation

Justin Richardson said he had a meeting with Dave Hislop and DOT three or four weeks ago regarding the Newington Conservation Commission's proposal to contribute up to \$75,000 toward the purchase of Hislop's property for the Spaulding Turnpike Expansion wetlands mitigation in exchange for being named joint beneficiary, which would allow veto power on any future development. Last week DOT said they would approve of Newington's proposal. The next step would involve drawing up a conservation easement deed, and obtaining the Selectmen's approval.

Nancy Cauvet reminded the commission to discuss the Fox Point Easement some more during one of their next meetings.

8) Minutes

Peggy Lamson moved to accept the Minutes of September 2, 2010; January 13, 2011; February 24, 2011 and April 7, 2011

Adjournment: Jane Hislop motioned to adjourn. George Fletcher seconded, and all were in favor and the meeting adjourned at 8:30 pm

Next Meeting: Thursday, June 2, 2011

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary