

Town of Newington, NH
CONSERVATION COMMISSION

Meeting Minutes, Thursday, January 3, 2019

- Call to Order:** Co-Chair Jane Hislop called the January 3, 2019 meeting at 6:30 p.m.
- Present:** Co-Chair Jane Hislop; Co-Chair Weiner; Commissioners Liz Durfee; Ann Morton; Jim Tucker; Alternates Sandra Devin; Jane Kendall; Bill Murray; and Town Planner, Gerald Coogan
- Public Guests:** Justin Cunha with Landscapes by Aurelindo; Mark Phillips with Storage Barn; Richard Davison, Sponge-Jet CEO

1) NHDES Permit Request: Request by Justin Cunha regarding property owned by Sasha Sotirovic; located at 168 Little Bay Road, Tax Map 15, Lot 8

Justin Cunha with Landscapes by Aurelindo appeared before the Commission to present his client, Sasha Sotirovic's request for a permit to continue the removal of the existing blue stone patio and railroad tie retaining walls, install a new patio and retaining walls with cinder block. Mr. Cunha said the work would be in the same footprint outside the walkout basement.

Mr. Cunha said Town Building Inspector, Kevin Kelley recommended that call the Department of Environmental Services (DES) who found no issues but recommended that they apply for a permit because they were in between a buffer zone.

Co-Chair Weiner asked how far away the construction would be from the high tide mark and Mr. Cunha replied that it was 120 feet. Co-Chair Weiner reminded him that power equipment was not allowed within the buffer zone without permission from DES.

Commissioner Liz Durfee commented that they were close to the 100-year flood plain, but it was not noted on the application. Mr. Cunha replied that he reviewed the application and Army Corp of Engineers (ACOE) plan with DES and filled it out as directed. Commissioner Durfee the answers on the application were misleading, however.

Co-Chair Hislop asked if the application had been reviewed by the ACOE and Mr. Cunha replied that it had been sent to them.

Alternate Commissioner Jane Kendall commented that the error might have been an oversight but suggested that they submit a revision for the record. Co-Chair Hislop

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suggested talking with DES for clarification to the Army Corp of Engineer's Section 2.1, Streams, Rivers and Lakes within 200 feet; Section 3.2 Highest Ranked Habitat; and Section 4.1 Floodplain items 2.1, 3.2, and 4.1.

Co-Chair Weiner asked that they resubmit the permit have Town Planner, Gerald Coogan reschedule them for the next meeting.

2) **Landscaping:** Request for landscaping modifications by **Storage Barn 1** regarding property located at 2211 Woodbury Avenue, Tax Map 19, Lot 12

Mr. Coogan informed the Commission that Richard Davison, owner of Sponge-Jet had asked his abutter, Mark Phillips with The Storage Barn if he could cut the line of trees that were leaning over Sponge Jet's roof where solar panels were being installed. Mr. Coogan stated that the line of trees on the access road were part of The Storage Barn's previously approved site plan, so the request would need to be reviewed by the Newington Planning Board, but he thought they should run the request past the Conservation Commission first.

Mark Phillips stated that he had purchased the property between the former Beane Farm and Paterson Lane to develop The Storage Barn. Mr. Phillips stated that there were ash and choke cherry trees growing on one side of the road and he had been concerned that the access drive was not wide enough for two lanes, especially with trucks to pass with trees on both sides, but the Planning Board had asked for retain the vegetation. He said Sponge-Jet was now concerned that the trees on their side would impede the sun from reaching their solar panels, and they agreed to split the cost of cutting the ash trees.

Co-Chair Hislop commented that she hated to see ash trees cut considering so many had been treated by the emerald ash borer and asked if an arborist had looked at them to see if it was possible to trim them. Mr. Davison stated that there were no signs of ash borer at this point, but the arborist saw some die back on one set of stems on their side and it appeared that a fungus may get them. He added that the ash trees grew three to four stems from the base and often break at bottom. Co-Chair Hislop stated that Easter Ash Borer infestations caused breaking at the base of ash trees.

Commissioner Sandy Devins asked about the possibly of planting lower growing trees or bushes to create root system to prevent erosion. Co-Chair Weiner agreed that they should only remove a few of the sick trees and replace them with something lower. Co-Chair Hislop added that she thought they could compromise by replacing the trees with lower growing bushes, but not a monoculture.

Mr. Davison stated that 15% of the trees were hanging over the roof and he was concerned that they might blow down on the building during strong winds. He suggested that he could mark the dying trees.

Mr. Phillips said all the trees were about the same age and hanging over the roof and that he thought that cutting a few trees now would only be a temporary Band-Aid

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and more trees would need to be cut later so he suggested cutting 15% right away and bringing in a plan later for replanting. Commissioner Devins stated that her brother was an arborist and agreed that they could cut the sick trees down first and follow up with the plan.

Co-Chair Weiner replied that Sponge-Jet made the decision to put solar panels up and he thought that the access road would not look good if they removed all the trees.

Mr. Coogan said the trees were part of the approved site plan, so they would need to show an alternate plan. Commissioner Kendall added that the Conservation Commission required plans signed by a licensed landscape designer or architecture.

Co-Chair Hislop also suggested consideration for the disposal of the ash wood when the trees were taken down, so it didn't go to waste as it was valuable for baskets and building.

Mr. Phillips stated that he had received a lot of criticism for the clear cutting he did in the adjoining lot between Patterson Lane, River Road and Shattuck Way. He said he received approval from DES, put a letter on file from Town wetlands scientist, Mark West and advise Mr. Coogan of the cutting.

Co-Chair Hislop replied that it was customary go before the Conservation Commission with DES permits, but no one had informed them at all.

Mr. Phillips said he purchased three lots from Eversource and the cutting was the first phase in preparation before seeking an Alteration of Terrain permit, stumping and determining the highest return for his investment.

3) Mitigation and Conservation Easements: Discussion of alternative wetlands mitigation proposals for Eversource's Seacoast "Reliability" transmission expansion project

Mr. Coogan stated that he read the letter from Sarah Allen with Normandeau Environmental, engineers representing Eversource regarding the \$120,000 mitigation funds that the Town was slated to receive from the Seacoast "Reliability" transmission line expansion project. He said that the funds had been approved for the conservation easement off Old Post Road proposed for John and Meg Ripley, but would revert to the DES General Fund if it was not used for their easement unless another proposal was already prepared.

Commissioner Kendall stated that the Commission had been asking for months what Eversource's deadline was for a second proposal, but there had been no follow-up response, and wondered if anyone at Town Hall was reading the Minutes for action items each month.

Commissioner Devins asked about funding to address the erosion on Fox Point. Co-Chair Weiner commented that the Board of Selectmen were hoping to get

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assistance for the dock area, but DES wasn't interested and were more concerned with the beach area by the stairs and furthermore, \$120,000 would barely make a dent in erosion control.

Mr. Coogan added that DES noticed that there were private dockings stored in the shoreline that were against regulation. Co-Chair Weiner said Mr. Coogan was supposed to contact the Board of Selectmen to send notices out to owners

Mr. Coogan said the Board of Selectmen contracted Tighe and Bond Engineering for structural stabilization at Fox Point, but DES and the University of New Hampshire was interested in non-structural, vegetative stabilization. Co-Chair Hislop said she knew DES would not be supportive of structural stabilization of Fox Point.

Commissioner Devins commented that Durham was working on stabilization along the shore behind Wagon Hill. Commissioner Durfee added that a lot of research had been done regarding that shoreline for several years.

Commissioner Durfee asked if the mitigation proposal had to be for a conservation easement only and Co-Chair Hislop said those were questions that Mr. Coogan should ask of Lori Sommer at DES.

Co-Chair Weiner wondered if dredging Motts Pond might qualify for an ARM's grant. Co-Chair Hislop replied that it had been discussed before and that the dams that began during the Industrial Revolution were costly to repair and that it was unlikely, but they could ask.

Co-Chair Weiner asked how many culverts in Town needed to be fixed. Co-Chair Hislop said she never heard back from Town administration as to what culverts needed repairs. Co-Chair Hislop added that DES had another fund for culvert repairs that wouldn't require special Aquatic Resource Mitigation funding, so she hoped they could apply for the culvert funding separately.

4) Other Business:

A) Town Forest:

Co-Chair Weiner said he had asked both Town Administrative Assistant, Eleanor Bit and Town Administrator, Martha Roy to advise the Commission when the Town forest was formally accepted in Town Meeting to determine who was responsible for maintenance. Co-Chair Hislop said the Air Force officially gave the Town forest back to town in 1988.

Co-Chair Hislop stated that the RSA says that the Town forester hired by the Town or Conservation Commission, not the Historic District needed to provide a management plan. She said the Conservation Commission was given a line item for a Town Forester years ago and former Town Forester, Charlie Moreno wrote up a management plan when the Historic District received Federal funds.

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Co-Chair Hislop said most foresters resided in the central and northern part of the state so it was difficult and expensive to find a forester willing to travel to the Seacoast. She said she talked to with David Knowles, the only forester living nearby in Epsom, but he was 81 years old and moving to Florida for four years, but he gave her a couple of names to check into. She said Commissioner Devins said she would also look into who other surrounding towns used for town forests. Commissioner Durfee said she knew a couple of licensed foresters that she could make inquiries with as well.

B) Conservation Plaques: Continuation of discussion

Mr. Coogan passed out samples and discussion ensued on amended designs. Co-Chair Hislop asked if he spoke with Town wetlands consultant, Mark West for recommendations on posting. Mr. Coogan replied that they could be staked with posts or metal rods as previously discussed.

C) Haying on Fox Point

Co-Chair Weiner informed the Commission that the fields off Fox Point had not been hayed in the fall of 2018, spring of 2018 or the fall of 2017. He said he had inquired with the Board of Selectmen and was told that Mr. Smith of Sunset Farm in Greenland would return, but he had not. Co-Chair Weiner said continued to grow tall up to the road where deer could jump out unexpectedly. He said he was told that Town road agent, Lenny Thomas called him two weeks earlier to say that he would try to cut the field as soon as possible now that the ground was frozen.

D) Conservation Fund Warrant Article

Commissioners discussed the warrant articles to be submitted by the last week of January for Town Meeting. Initially they were asking for a renewal of the \$40,000 toward the purchase of an easement on the Ripley property and \$30,000 to be added to the Conservation Fund.

Commissioner Kendall suggested that the Commission consider asking for more be added to the Conservation Fund as a buffer for future projects considering that they had voluntarily halved their request in the past and they hadn't used the \$40,000 requested for the Ripley easement last year since the Ripleys had withdrawn their interest.

Co-Chair Weiner moved to recommend a warrant article requesting \$70,000 be added to the existing Conservation Fund per RSA 36A:5 for expenses associated with easements, wetlands, and conservation land acquisitions. Bill Murray seconded the motion, and all were in favor.

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E) Budget for Reference Materials

Co-Chair Weiner informed the Commission that he had purchased a wetlands reference that Town wetlands consultant, Mark West had recommended, and would have it kept at Town Hall.

F) Beautification Projects

Co-Chair Weiner said the sign leading to the dirt road on Fox Point was broken and in bad shape and he would like to commission Joe Akerley who did the sign before him to restore the sign.

Commissioner Devins asked about the status of Carter's Rock. Co-Chair Weiner said the sign was up, but cleanup was never done.

Commissioner Kendall informed the commission that the landscaping project between the Newington Fire Station and Newington Public School that had been had no support to fund weeding between the bushes and trees after the first three years so wild and invasive vegetation like bindweed, crabgrasses, dandelions, wild snapdragons, milkweed, thistle and vetch. Commissioner Kendall said in hindsight, she wished the plantings had been done so that grass could have been grown and mowed between the plantings, but at this point it appeared that it served as a micro habitat for birds, butterflies and bees.

Commissioner Kendall informed the Commission that Kim Lodge's third and fourth graders were working on stewardship projects and a couple of them had contacted the Board of Selectmen about planting a wildlife habitat for birds and perhaps New England Cottontails on the school grounds. She had suggested that they might want to consider connecting the plantings to create a wildlife corridor. Co-Chair Hislop said the Commission might be able to contribute to the project from the Beautification fund.

5) Additional Discussions: Needlecast Pine Disease

Co-Chair Weiner stated that he had given the Board of Selectmen the task of obtaining more information from a tree expert on needlecast disease to disseminate for residents. He said Board of Selectmen, Ken Latchaw recently said he was disappointed that the Conservation Commission hadn't sent information to residents. Co-Chair Weiner said the Board of Selectmen were paid and had staff to work on issues unlike the Commission that was made up of volunteers.

Commissioner Durfee commented that the Rockingham County forester talked with the Commission, but didn't have a lot of information. Commissioner Devins wondered if the Commission might present a discussion of needlecast during the Spring by the Bay Community Education presentation. Co-Chair Hislop replied that it would be

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good if they could get the U.S. Forestry pathologist to talk with them. And perhaps a UNH Extension Agency representative too. Commissioner Kendall suggested that they consider a panel.

Commissioner Devins suggested that they discuss other invasive tree diseases as well if there was time. Co-Chair Weiner added that it would be good to get recommendations for resilient species, trees and shrubs too.

Minutes: *Jane Hislop moved to approve the Minutes for the December 13, 2017 meeting with corrections as noted. Jim Weiner seconded, and all were in favor.*

Adjournment: *Ann Morton moved to adjourn. Sandy Devins seconded the motion and the meeting adjourned at 8:40 p.m.*

Next Meeting: Thursday, February 12, 2019

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