

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes, Thursday, June 2, 2016

- Call to Order:** Co-Chair Jane Hislop called the June 2, 2016 meeting at 6:30 PM.
- Present:** Co-Chair Jim Weiner; Ann Morton; Bill Murray; Alternate Member, Jane Kendall; Interim Planner, Gerald Coogan
- Absent:** Sandy Devins and Cindy Gunn
- Public Guests:** Sarah Allen with Normandeau Environmental, representing Eversource; Kurt Nelson with Eversource, Tracy Degnan with Rockingham County Conservation District; John and Meg Ripley; Planning Board Chair, Denis Hebert; Julie and Thompson Higgins

1) Eversource Easement: **Flynn Property**, Tax Map 23, Lot 2

Sarah Allen with Normandeau Environmental Associates returned to the Commission to discuss the application for transmission line expansion in Newington. Ms. Allen stated that Kurt Nelson and Catalina Celentano with Eversource Community Relations had tabbed Newington's information as requested.

Ms. Allen said they would also discuss the possibility of applying Eversource's mitigation funds to the Ripley conservation easement application. She said currently mitigation funds would be put into the Department of Environmental Service's (DES) Aquatic Resources Mitigation (A.R.M.) fund, but they could also look into the possibility of paying the mitigation fee directly toward a conservation easement if it was approved.

Ms. Allen said they were now before the Commission to discuss their path through the Flynn Pit, an easement around the skating pond, which they were negotiating with the Town and planting concerns.

Mr. Nelson presented PowerPoint slides, showing the current proposed path that came ashore on the Beswick property. He said they were still negotiating easements to bring the lines underground along the side of Gundalow Landing before coming above ground on the edge of Little Bay Road.

Mr. Nelson said the current plan had the lines going overhead through Flynn Pit with lines going overhead. He said the larger wetland was primarily forested and the right-of-way would be cleared to its full width and the lines would continue toward the town center.

Mr. Nelson said the Town had proposed going underground and around the skating pond for visual reasons. He showed a draft of an alternate design, showing the

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lines going underground around the skating pond and coming out on the east side of the wetlands in the right-of-way.

Discussion ensued regarding the clearing of the right-of-way. Ms. Allen said they needed an additional 50 feet to maintain the 50 feet clearance in the easement, but the additional 50 feet would grow in after they were done. She added that there would be a gate to limit access to wheeled vehicles.

Ms. Allen noted that the temporary area of impact would double if they went underground and stated that they would use timber work pads to work on the poles.

Planning Board Chair, Denis Hebert asked if they had a planting plan. Ms. Allen replied that they would use a mix of shrubs and trees that included gray dogwood, red chokeberry, viburnum, red oak and white pine to speed succession.

Mr. Hebert said during the Town's negotiations, there had been a request for a tree planting that would block view of the three poles that would be visible across the open pond. Ms. Allen expressed concern that they would not be able to plant trees large enough to block view. She added that saplings that were planted in woods often went into shock and were slow to grow compared to natural native seedlings that would catch up to the plantings in five years. Mr. Hebert replied that they still should plant something that would grow large enough to block the view. Commissioner Ann Morton asked how tall poles and Ms. Allen said she thought they were 65 feet tall. Co-Chair Weiner commented that the plantings wouldn't block view of the poles, but would defray the appearance.

Mr. Nelson said there was a lot of wind damage to pines in that area. Co-Chair Hislop said opening up the corridor might increase blowdowns more. Discussion ensued regarding the pros and cons of various species including alder, larch, pine or willow. Mr. Nelson said he was not opposed to Eversource doing a planting with the caveat that many trees may or may not take in a wetland area, but some species of willow might be a good bet because they often did well in wet areas. Co-Chair Hislop suggested mixed plantings might be the best idea for diversity and to see what would do best. Mr. Nelson said he used to be the arborist for Eversource and had found that attempts to plant and maintain non-native plantings often lost to nature and suggested they also look into native plantings. He said they would have a clearer picture to determine how best to optimize the planting plan once the corridor was clear.

Chair Hislop asked if they would address invasives in the area and Mr. Nelson replied that they could begin with the removal of some invasives.

John Ripley of Old Post Road asked for an update on whether Eversource intended to bury the transmission lines in other areas along the path. Mr. Hebert replied that Eversource was still waiting for decisions from the Frinks and Pickering/Poulin families, but they needed to decide by June 15. He said Rockingham County Conservation District (RCCD) had been working with the Frinks and the Town said they would go along with whatever they decided. Co-Chair Weiner asked if the Pickerings had decided and Mr. Hebert said he could not discuss the Pickerings business with Eversource.

Mr. Hebert said the Town had a secondary interest to RCCD, but they did have an interest considering they invested \$40,000 into the Frink agricultural easement.

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Tracy Degnan said she didn't know the details, but knew that Laurie Lord at RCCD had been working with them. Mr. Hebert said time was running out so it would be in their best interest to go forward with negotiations. Ms. Degnan said she would speak with Ms. Lord.

Ms. Allen said she wanted to talk about support for mitigation, but she needed to see the property and then she could have a more in-depth conversation. Co-Chair Hislop said Ms. Degnan from RCCD and John and Meg Ripley were on the agenda. She invited Ms. Allen to stay and give input to the discussion.

Ms. Allen explained that Normandeau Environmental was the primary support to provide feedback to the ARM fund for the mitigation package. She said money from Eversource wouldn't be available for a year until the FCC approval comes through, but Eversource would need to submit a complete amendment and only a few months to do so.

Co-Chair Hislop said the Commission was currently working with Ms. Degnan on an evaluation of the property and Ms. Degnan was present to discuss the process and components first.

2) Conservation Easement: Ripley Property, # Old Post Road, **Tax Map #, Lot #**

Interim Planner, Gerald Coogan passed out the map and deed to the Ripley property. Tracy Degnan with Rockingham Country Conservation District (RCCD) reviewed the project to date, stating that on April 3, 2016 she submitted the proposal to the Aquatic Resource Mitigation (A.R.M.) to put the Ripley property into a conservation easement. She said there was a total of 12.9 acres of which the 2.98 house lot would be separated out, leaving nearly 10 acres for request.

Ms. Degnan said an appraisal had not been done yet, but multiple funding sources would be necessary for the Ripley's conservation easement. She said they would submit a \$48,000 NRCS grant from the 2016 Farm Bill and a NRCS grant criteria required that they would hold the easement. She said she would also apply for a small grant of \$75,000 from the North American Conservation Act and thought that Newington might contribute \$100,00 from their Conservation Fund.

She said they had been told that Eversource would be paying \$81,000 into the DES ARM fund for the transmission expansion impact, but she hadn't suggested any contribution from Eversource's wetlands mitigation because approval was not certain. She said Lori Summers who administered the ARM's funding for DES had also submitted comments that competition for the funds was very high because there were currently numerous Seacoast projects.

Ms. Degnan said she had received information on the Natural Heritage inventory and no endangered species was found on the site. She added that Mark West of West Environmental had put together a wetlands plan. She said they still needed full functions and values for a wetlands assessment by Mr. West

Ms. Degnan said they were also requesting more information on the adjacent conservation easements. She said they only allowed two maps in the application and

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she had submitted a topographical and wetlands map, but they were not able to view the Hislop and Saba easements because they used Granite viewer.

Ms. Degnan said NRCS was concerned with impacts to aquatic resources and would want a management and stewardship plan that would not allow any new trails, would outline how existing trails and the forest area would be managed. She said the Ripley's' fields seemed close to aquatic resources so they would like to establish a 100 buffer around the wetlands and perhaps delay mowing until after shore birds had finished nesting, which would enhance the application.

Ms. Allen asked how big the hayfield was currently. Mr. Ripley estimated that the hayfield was approximately 40%, of the lot, but stated that they usually cut it once a year and did not mow it for hay.

Co-Chair Weiner asked the Ripleys if they had any comments. Mr. Ripley replied that he had two small issues – one was that he wanted to get the best price and the second was that they would want to cut when they wanted to cut to keep it from getting too tall, to control ticks and to keep it from becoming forested. Mr. Hebert commented that they were only suggesting delayed cutting to protect nesting birds the way they did on Fox Point and Wagon Hill in Durham. Ms. Allen said they were not asking them not to cut, just asking them to wait until mid-July or later in August to protect nesting birds.

Co-Chair Weiner asked Mr. Ripley if he was okay with the 100' buffer around the wetlands and Mr. Ripley replied that they already had a buffer around the wetlands and had no issue with it.

Ms. Degnan commented that the paperwork for funding eligibility took a lot of time. Ms. Allen commented that it might take a year before mitigation funds were available and asked if that was acceptable. Ms. Degnan said it was.

Ms. Degnan said they would have to determine if the Commission had funds or if they needed to go before the Town with a Warrant article. Co-Chair Hislop said she would be concerned with draining the Conservation Commission's fund.

Co-Chair Weiner asked the Ripley's how much they spent so far and Mr. Ripley said the Commission had agreed to pay Mark West's last bill, but Mr. West was still waiting for that payment. Mr. Coogan said payment was still in accounting.

Ms. Degnan said she talked with an appraiser to determine if the lot was buildable, could be subdivided and if a road could be put in. Mr. Coogan stated that the lot met the frontage requirement, but the wetlands came close to the road, had been ditched in the past, would require a conditional use permit and would probably only have enough buildable area for one legal lot.

Ms. Degnan said they probably wouldn't need a conceptual site plan for house lots, but they would still need an appraisal to determine what resources they would need to pay fair value. She said Peter Knight from Standhope Group gave an estimate of \$2,200 for an appraisal. She said that NRCS WRE used a GARP point system and estimated a value of \$48,000. Co-Chair Hislop said the Commission had paid to have the Frink Farm appraisal and imagined Eversource would want an appraisal too. Ms. Allen agreed that that they would want an appraisal for the lot, along with whatever else it cost to complete the project.

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Jim Weiner moved to pay \$2,200 for Peter Knight's appraisal of John and Meg Ripley's parcel at Old Post Road, Tax Map #, Lot #. Bill Murray seconded the motion and all were in favor.

Ms. Degnan said Mr. Knight would want a signature from a Town official before he went forward and then they could go ahead with the full ARM application once Mr. Knight submitted an estimate. She said the application was due in mid-August and would probably take two to three weeks to complete the application, but she didn't know Mr. Knight's availability as yet.

Mr. Hebert asked Ms. Degnan to let him and Mr. Coogan know as soon as possible if she wasn't able to get full funding. Ms. Allen replied that it usually took a couple of months after the applications were received before they made those decisions.

Ms. Allen asked how Normandeau could assist the town in furthering the application review. Co-Chair Weiner said they tabbed the application and now it needed to be reviewed. Co-Chair Hislop said it was helpful that Ms. Allen and Eversource were able to join the discussion with Ms. Degnan and the Ripleys. Mr. Hebert said he spoke with the President of Eversource who said he would help with the mitigation process.

Mr. Coogan asked Ms. Allen if they would identify the Ripley property as a potential project when they submitted the application. Ms. Allen said they would pay into a fee fund that supports ARM. She said DES would be looking at all the impacts for mitigation, but the Town expressed interest in the funds going directly to them so they would have to modify the application to see if that were possible. She said the application criteria would be similar to the ARM fund application, but they would need to talk with DES to see if they could receive direct payment and ARMS funding. She said it was up to DES and not Eversource, but either fund used similar criteria so it would be important to make a good presentation. Ms. Degnan said that was what she was trying to do.

Ms. Degnan said she thought there was \$103,000 available in the freshwater mitigation fund at the moment. Mr. Hebert commented that he thought that was the amount Wilcox Industries paid in for their mitigation impact fee.

Mr. Ripley said they might consider a time released payout if funding the whole project was an issue and they might consider a tax abatement also. Co-Chair Hislop said they hadn't done so on other easements, but the Town passed a bond for Fox Point and they could consider that as well.

Ms. Allen expressed an interest in walking the property with Ms. Degnan, Mark West and perhaps a member of the Commission. Co-Chair Hislop said she would be back from vacation after June 19. Ms. Degnan said it would take a while to get Mark West to provide the information she needed and get the proposal together.

Ms. Degnan asked if the Commission wanted her to keep track of her hours or if they wanted an estimate. Co-Chair Hislop said the Commission could approve her invoice for the work she had done so far.

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Jane Hislop made a motion to pay \$671 for the work Tracy Degnan with Rockingham County Conservation District had done on John and Meg Ripley's conservation easement application preparation. Jane Kendall seconded the motion and all were in favor.

Mr. Coogan informed Ms. Degnan that she could report her progress on the applications at the next Commission meeting on Thursday, July 14, 2016.

3) Wetlands Application for Julie and Thompson Higgins, 42 Little Bay Road, Tax Map 9, Lot 4

Julie and Thompson Higgins appeared before the Commission with their wetlands application. Mr. Higgins said he had started a renovation project on their home and deficiencies were then uncovered in the foundation and roof structure. He said his contractor recommended to that they level the structure and rebuild from scratch.

Mr. Higgins stated that John Stowell, the Town building Inspector had inspected the structure, was aware of the conditions and was on board with the construction so long as they kept the existing footprint, however the 50' setback cut through the front of the house.

Co-Chair Weiner asked if the proposed additions were outside the buffer zone. Mr. Higgins replied that approximately 10' of the front was encroaching.

Co-Chair Hislop asked about the history of the house and Mr. Higgins said it was originally a cinderblock camp on a slab. He said he was shocked that the roof hadn't collapsed from the heavy snow the previous winter. Co-Chair Hislop commented that the structure had been there since 1940s.

Co-Chair Hislop asked if they would be removing any trees. Mr. Higgins said only one tree needed removal for the garage and it appeared to be dying.

Co-Chair Hislop asked if they were doing any erosion control. Mr. Higgins said there were plenty of trees, but it was very steep and they would love recommendations on bank planting. Co-Chair Hislop said the soil in that location was very sandy and dry. She said Dori Wiggins at DES Shoreland Protection had worked with another resident on best species to plant. Commissioner Jane Kendall added that Jay Aube with Shoreland Protection also offered assistance on tree care near the shoreline. Co-Chair Weiner added that UNH had several publications, including "Living and Planting by the Shoreline" that offered good advice on what would and wouldn't grow, but sometimes it was hit and miss so he suggested planting a section at a time to see what takes.

Jim Weiner moved to recommend approval of the wetlands application for Julie and Thompson Higgins at 42 Little Bay Road, Tax Map 9, Lot 4. Bill Murray seconded the motion and all were in favor.

4) Community Education Outreach: Spring for the Bay 2 Review

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Co-Chair Hislop announced that the second community education outreach event on shoreland protection with Jay Aube from DES had been received very well and there were 34 attendees.

Co-Chair Hislop said Julia Peterson with NROC had only received the event surveys earlier in the week and hadn't worked up the results as yet, but they received many good comments on what did and didn't work for next time as well as recommendations for future sessions, including questions on wetland permitting and handling invasives for future topics.

Co-Chair Hislop she thought holding the event on a week night and providing food worked better than a Saturday afternoon.

5) Correspondence and Invoices:

Co-Chair Weiner said he spent \$59 on postage for the event mailings.

Co-Chair Hislop stated that she had spent approximately \$122 on beverages, cookies, pizza, veggies, dip, cups, plates and utensils for the event on her own credit card and asked to be reimbursed. She said she did not have the receipts on her, but would forward them to the Town for payment.

Co-Chair Weiner moved to approve reimbursement in the amount of \$122 to Jane Hislop for refreshments for the Spring on the Bay event. Bill Murray seconded the motion and all were in favor.

6) Other Business and Discussions:

Co-Chair Weiner announced that town resident, Dennis St. Pierre had attended the Spring on the Bay community education event and said he was very pleased with the presentation and expressed an interest in being an alternate commissioner and would attend a future meeting.

Mr. Coogan said he had received an email from Kristen Ward with UNH's Jackson Lab who wanted to reduce the oyster restoration from 30 acres to 12 acres. Everyone agreed there was no need for her to return for a reduction in area.

Mr. Coogan referenced his June 1, 2016 Memorandum to the Conservation Commission that gave a brief description of the items on the evening's agenda. Mr. Coogan said he wrote similar memos for the other land use boards and would like to share the memos to keep them fully aware of what was happening on other boards. Co-Chair Hislop said it would be helpful to know where there were wetlands issues and permits required.

Minutes:

*Ann Morton made a motion to **approve** the Minutes of May 5, 2016. Jim Weiner seconded and all were in favor.*

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Adjournment: *Jim Weiner made a motion to adjourn. Bill Murray seconded the motion and the meeting adjourned at 8:15 p.m.*

Next Meeting: Thursday, July 14, 2016

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

These Minutes were approved and adopted by the Conservation Commission on 7/14/16.