

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes, Thursday, November 9, 2017

- Call to Order:** Co-Chair Jane Hislop called the November 9, 2017 meeting at 6:30 p.m.
- Present:** Co-Chair Jane Hislop; Co-Chair Weiner; Commissioners Sandra Devin; Ann Morton; Alternate Jane Kendall and Town Planner, Gerald Coogan
- Absent:** Bill Murray
- Public Guests:** Michael Mates, Engineering Project Manager with Pease Development Authority; Tristan Donovan with Tighe and Bond Engineering; Shawn Toohey with Maritime Construction; Cindy Balcius, Certified Wetlands Scientist and Devin Batcheldar, Assistant Project Manager with Stoney Ridge Environmental; Christopher Berry with Berry Surveying and Engineering; Mike and Robin Patenaude; John and Meg Ripley; Mark West with West Environmental Engineering

1) NHDES Permit Requests:

- a) Pease Golf Course bridge replacement at XX, Tax Map #, Lot #.

Michael Mates, Engineering Project Manager with Pease Development Authority appeared before the Commission along with Tristan Donovan with Tighe and Bond Engineering and Shawn Toohey with Maritime Construction to present their proposal to replace an existing bridge for the stability for their patrons.

Mr. Donovan said they submitted their application directly to the New Hampshire Department of Environmental Services (DES) because of their tight schedule, which was approved a day earlier so their presentation was for informational purposes only.

Mr. Donovan stated that they would use wood against the bank and Geotech styling would keep soils from traveling down to the wetlands and the only earth impacts would be at the abutments.

Co-Chair Hislop asked if they were replacing the pilings and Mr. Donovan replied that they were replacing the bridge in kind with the same dimensions, including the pilings for less impact to the wetlands.

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Co-Chair Hislop asked if there was any flooding due to heavy rains and Mr. Mates replied that they had never had any floods in that area beyond the general course runoff.

- b) Expedited Minimum Impact Wetlands application for tree cutting on property owned by **Thomas Backowies** that was located at 65 Nimble Hill Road, Tax Map 12, Lot 10B.

Cindy Balcius Certified Wetlands Scientist and Devin Batcheldar, Assistant Project Manager with Stoney Ridge Environmental appeared before the Commission along with Christopher Berry with Berry Surveying and Engineering on behalf of the applicants Mike and Robin Patenaude who had a purchase and sale agreement on the property

Mr. Coogan informed the Commission that Town wetlands consultant, Mark West and Cindy Balcius took a site walk on October 13, 2017 and Mr. West sent in a report on October 20, 2017. He said Ms. Balcius responded extensively after her return from vacation on November 6, 2017 and then Mr. West responded with a memo, which he passed out to the Commissioners at the meeting.

Co-Chair Weiner commented that the commissioners hadn't had a chance to review the documents, so although they would discuss it, he wasn't sure they would be able to make any decisions.

Christopher Berry with Berry Surveying and Engineering stated that he located the tree lines when his survey crew went out, but there was some difficulty because brush had been removed, but the roots and stumps were left in the first 25 feet. He said he refined the tree lines and updated the existing conditions since he last report.

Ms. Balcius discussed the changes from the older delineations and the probable reasons. She also replied to Mr. West's comments regarding the natural flow toward the abutter's property and the possible overflow of the pond during heavy precipitation. She noted that DES designated a dug pond as a minimum impact.

Co-Chair Weiner asked about the test pits that Mr. West had suggested in his report and Ms. Balcius replied that they couldn't do a test pit in a wetland. She said they could use hand tools, however and the soils indicated that there was a high seasonal water table, which was an indicator of how long an area was saturated.

Mr. West agreed that Ms. Balcius' report addressed his question regarding any overflow of the pond toward the abutter due to the topography and not because it was part of a stream system. He went on to say that Ms. Balcius' report documented silty soils, which could cloud the pond water for years, so he suggested they line the pond with sand, but that was up to them.

Mr. West said he took measurements of the prime wetlands in the back of the lot and noted that the wetlands buffer impact had been reduced, but the bigger impact was lower on the lot. He said Ms. Balcius' letter noted that the vegetation had been removed

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so identifying the delineation was difficult, but the stumps had been left in place, so they could post every 50' of the area in the future.

Co-Chair Weiner asked if the wetlands buffer would regrow. Mr. West replied that people sometimes think cutting everything to let the sun in would dry everything out, but the opposite happens, and the vegetation would come back thick because of all the root systems.

Mr. West added that Ms. Balcius noted the rutting from previous cutting in 2010 and that the bigger issue was to be sure it was protected in the future. Mr. Coogan asked if any need for restoration. Mr. West said there was not, but it was up to the Conservation Commission if they wanted to do mitigation for the buffer violation. Ms. Balcius replied that they would mark the buffer to be sure it was protected. Mr. West suggested that the Conservation Commission come up with an image for buffer markers.

Co-Chair Hislop asked if it was possible to plant something in the buffered areas that would deter invasive. Mr. West replied that planting wouldn't be a successful investment because invasive buckthorn would compete. Ms. Balcius added that they would plant around the pond.

Mr. West stated that the applicant was only proposing a single house lot so there would be no additional future impacts. He said they addressed every issue, so he recommended that the Conservation Commission recommend the minimum impact permit. Co-Chair Weiner agreed that the Commission could make a motion based on Mr. West's recommendation.

Sandy Devins moved to recommend the expedited Minimum Impact Wetlands application on behalf of River Valley Development Corporation for tree cutting on property owned by Thomas Backowies that was located at 65 Nimble Hill Road, Tax Map 12, Lot 10B. 00Jim Weiner seconded the motion and all were in favor.

Co-Chair Weiner reminded the applicant that they would also need to submit \$5,000 into the Town escrow to cover consultants and any amount not used would be returned.

2) Mitigation and Conservation Easements:

a) Fox Point erosion control

Town Planner, Gerald Coogan said he asked Tristan Donovan with Tighe and Bond Engineering to talk with the Conservation Commission regarding the application they put in for the New Hampshire Moose plate grant to do restoration work along Fox Point. He said they would hear if the grant was approved by December 2017.

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Mr. Donovan said he was hired year ago to do stabilization on the Town dock. He said he had walked the shoreline and observed a lot of bank erosion from the town docks down to the staircase and that the worst area was the slope at the tip and the large sand and clay bank to the south. He said the slope at the tip would be a quick fix, but the sand and clay bank restoration was a big project, which should be addressed later because the grant was not large enough to cover the costs.

Mr. Donovan said he talked with Mr. Coogan regarding master planning so that the environmental and historical area could be conserved. He said it was a great spot where research was being done and oysters were being seeded. He said there was not a lot of it going on along Great Bay, so Newington's efforts could lead as an example for the State's reference. Co-Chair Hislop added that shoreline restoration had been on the Commission's bucket list for a while.

Commissioner Sandy Devins commented that Durham had done a lot of restoration along Wagon Hill. Mr. Donovan said he had talked with Mike Lynch and would like to do something similar in Newington.

Mr. Donovan stated that many trees had already dropped, and part of the solution would be replanting to stabilize the shoreline from erosion. He added that restoration would cost \$150,000 per linear foot. Mr. Coogan estimated that it would cost half a million dollars to do entire shoreline. Mr. Donovan agreed and said that was why they should apply for other grants because it would be worthwhile. Mr. Coogan noted that the Fox Point fund could be used as seed money for matching grants.

Co-Chair Hislop suggested that Mr. Donovan consider doing a presentation to the town during one of the Commission's public education outreach presentations to gain support. She added that the town could also be offered as a meeting place for surrounding communities.

Co-Chair Weiner asked what homeowners abutting the bay could do regarding the things that wash up on shore. Mr. Donovan replied that the DES permitting process was extensive and there was no quick, or low-cost solution for private owners.

b) Update on conservation easement proposal for property owned by **John and Meg Ripley** located at 50 Old Post Road, Tax Map 17, Lot 15

Mr. Coogan referenced a letter from John Ripley in follow up from the previous month's discussions on an alternative proposal for a smaller easement because of delays in receiving the anticipated mitigation grant from Eversource's Reliability Project for transmission expansion. Commissioner Kendall noted that Tracy Degnan with Rockingham County Conservation District had indicated that most grant criteria for easements required larger parcels with a wetlands and uplands mix for habitat. Mr. Coogan added that criteria for the Aquatic Resource Mitigation grant required seeing the easement agreement in advance, but he wasn't sure if DES was enthusiastic about the project. Co-Chair Hislop replied that Normandeau Environmental who was

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representing Eversource suggested that the Commission's application wouldn't meet the A.R.M. deadline, but Eversource agreed to pay directly from the Seacoast Reliability Grant instead. Co-Chair Weiner added that the \$80,000 grant contribution that was earmarked for mitigation in town would also go away if the Eversource project went away anyhow.

Co-Chair Hislop asked if the Ripley's could be reimbursed through a tax relief agreement and Mr. Coogan replied that they could not.

Mr. Coogan asked if the Ripleys could wait until next fall. Mr. Ripley replied that he was concerned that additional funds would not be available anytime soon from Eversource and they needed to settle the sale now.

Mr. Coogan asked the Ripleys if they would sell the remaining buildable lot if the easement went through and Mr. Ripley said they would. Co-Chair Hislop noted that the Ripleys had originally purchased two lots so access was available with 200 feet of frontage, however they might need to survey the proposed two to three acres. Mr. Coogan commented that the two to three acres would dramatically reduce the value of the appraisal because it would not include any uplands.

Co-Chair Hislop noted that Dave Hislop with Knight's Surveying had DOT's data regarding the Knight's Brook wetlands value when they did the mitigation for the Spaulding Turnpike Expansion mitigation. She added that Tracy Degnan might also have values for wetlands in Rockingham county.

Mr. Ripley and the Commission discussed the possibility of funding the easement with the 2017 Conservation Fund warrant article that might not have the same restrictions. Mr. Coogan informed the Commission that Town Administrator, Martha Roy consulted with DAR and determined that they would have to re-present a warrant article for 2018 unless they had a purchase and sale agreement to encumber the funds from the 2017 warrant article.

Mr. Coogan said they would need to submit another proposal to Ms. Roy for a new warrant article by January 1, 2018. At this point Co-Chair Hislop recalled that a smaller parcel might be purchased with the existing Conservation Commission fund without a warrant article.

Co-Chair Hislop suggested that they also contact Duane Hyde with Southeast Land Trust (SELT) to see if they would be interested in assisting with funding a larger easement.

Mr. Coogan asked the Commission what projects the town could use Eversource's grant for once this easement was taken off the table. Commissioner Kendall suggested they might consider an additional section of Fox Point for restoration, adding that they should work on getting the proposal together soon to meet deadlines.

3) 2018 Budget:

Mr. Coogan passed out the 2018 budget sheet that was the same as 2017.

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Jim Weiner moved to recommend the amount of \$11,592 for the 2018 Conservation Commission budget Sandy Devins seconded the motion and all were in favor.

4) **Updates:** Town Planner Report

Mr. Coogan reviewed upcoming land use projects.

Mr. Coogan also announced that Rockingham Planning Commission was assisting the Planning Board on their Master Plan Update, which included an online survey and three public input sessions, with one in October and the other two on November 15 and November 29, 2017 at 6:30 p.m. at Town Hall. Mr. Coogan added that Julie LaBranche with RPC was also conducting interviews with Great Bay Marina, Little Bay Lobster and Sprague regarding the effects of extreme weather and storm surges on their properties.

5) **Additional Discussions:** Discussion on property attributes that would trigger a Conservation Commission review

Co-Chair Weiner asked Commissioners for input on what kinds of issues in a development project might trigger a review of wetlands. Co-Chair Hislop replied that there had been discussions in the past on having the Planning Department and Town administration create and present a packet with a bullet list for building inspection, Conservation Commission, Planning Board regulations and zoning ordinance requirements in the past, but it had not happened.

Minutes: *Jane Hislop moved to approve the Minutes for the October 12, 2017. Jim Weiner seconded, and all were in favor.*

Adjournment: *Jane Hislop moved to adjourn. Ann Morton seconded the motion and the meeting adjourned at 8:39 p.m.*

Next Meeting: December 14, 2017

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary

These Minutes were approved and adopted at the December 14, 2017 Conservation Commission.