

TOWN OF NEWMARKET, NH
CONSERVATION COMMISSION
 February 8, 2018

7:00 PM Council Chambers

Members Present: Drew Kiefaber (Chair), Patrick Reynolds (Vice Chair), Andrea Sellers (Treasurer), Jeff Goldknopf, Julia Sinclair (alternate), Rose-Anne Kwaks (Planning Board Rep), and Casey Finch (Town Council Rep-Ex-Officio)

Members Absent: Marianne Hannagan, Ann LaFortune, and Cris Blackstone (alternate)

Called to Order: 7:03 PM

1. **Pledge of Allegiance**

2. **Roll Call**

The Chair appointed Julia Sinclair as a voting member for this meeting.

The Chair asked to revise the agenda to accommodate two items from Old/New Business. There was no objection.

8. **Old/New Business**

Wetlands Permit for 14 Birch Lane: Steven Riker, CWS for Ambit Engineering, Inc., was here to present the Wetlands Permit Application for the property located at 14 Birch Lane (Tax Map U3, Lot 93) along the Lamprey River. Doug Anderson, Co-Owner of Riverside & Pickering Marine Contractors, was here to answer any questions about the installation of the proposed dock. Mr. Riker provided copies to all members of the application, maps, photos, and correspondence in the approval package:

“This project proposes 363 sq. feet of permanent impact to tidal wetlands for construction of a tidal docking structure consisting of a 4’ x 20’ fixed pier, a 3’ x 3’ aluminum gangway, and 10’ x 20’ float located by moorings (overall structure length 70’) providing two slips on 125 feet of shoreline frontage. The project also proposes 451 sq. ft. of permanent impact to the previously developed 100’ Tidal Buffer Zone for an elevated wooden walkway to provide foot access to the tidal docking structure.”

The project will take approximately 2 days to complete and 80% will be pre-constructed in shop. If approved, the project would begin in July. The dock has an expected lifespan of 30 years unless there are unanticipated winters of severe ice damage along the river. Amy Lamb, Ecologist from the NH Natural Heritage Bureau, completed a review, and found that:

“There are several plant species and exemplary natural communities associated with this portion of the river. Please send a site plan of existing and proposed conditions, site photos (if available), and detail how impacts to rare plant populations will be avoided/minimized. NHB may recommend rare plant species surveys prior to construction.”

Tracy R. Shattuck, Chief Harbor Master, sent a letter dated January 20, 2018 to all parties indicating that the construction of a pier and float system on the Lamprey River (Tax Map U3, Lot 93) will have no negative effect on navigation. The CC members had many questions and had a wide-ranging discussion. The Chair synopsised the commission comments and suggested that the CC write a supportive letter to NHDES

informing them that the CC has had an opportunity to review this permit, waives its right to intervene per RSA 482-A:11; believes that the application and submitted plans accurately represent the proposed project; and has no objection to permitting the proposed work. A caveat shall be included in the letter requiring the successful completion of a comprehensive NHHB review of endangered species. Mr. Ricker agreed to keep the CC informed of any correspondence with Ms. Lamb regarding the endangered species review.

Action

Motion: Jeff Goldknopf moved that the Conservation Commission send a letter to NHDES in support of the Wetlands Permit for 14 Birch Lane (Tax Map U3, Lot 93) and that language be included regarding the successful completion of an endangered species review by the NHHB.

Second: Rose-Anne Kwaks

Vote: 6-0-0

The Chair agreed to draft the letter and email it to all members for comment and suggestions.

Wetlands Application for Crossings at Sleepy Hollow Cooperative (Tax Map U3, Lot 117): Chris Albert, Jones & Beach Engineers Inc., was here representing Crossings at Sleepy Hollow Cooperative. The Cooperative includes 185 acres of watershed area. He seeks an expedited approval of this application. After walking the property in November, he discovered a sewage pipe completely exposed, underlying soil washed out, and in danger of causing a break and which may cause raw sewage to flow into the River. What he determined is that it will require a 4' x 4' box culvert based on a 100 year storm analysis. He sent notifications to the two abutters, but the owner at 2 New Road is not in favor and the owner of 4 New Road is in favor. The water flow over tops the current culvert all the time. Mr. Albert still needs to speak with DES since he does not have approval from both abutters. He will go back his drainage engineer at Jones & Beach to rework the calculations. **Rose-Anne Kwaks** sent this agenda item to Diane Hardy for comment. The PB does not need to review this project, but the Town Engineer (Underwood Engineering) should be involved. Diane Hardy asks that he contact Benjamin Dreyer and discuss the Town Stormwater Drainage Project on New Road and how his project will be impacted. The project that he is currently working on for the Coop is a \$300,000 sewer upgrade. The Coop will have an annual meeting in March to vote on appropriating the funds. If the funds are appropriated, the sewer upgrade could begin in late summer or fall. If the box culvert does not happen in the next few weeks, he will direct his crew to under fill the exposed sewer pipe with stone gravel which cannot wash away. The Chair reviewed the language in the application that the CC waives its right to intervene per RSA 482-A:11, believes that the application and submitted plans accurately represent the proposed project, and has no objection to permitting the proposed work.

Action

Motion: Drew Kiefaber moved that the Conservation Commission sign the Minimum Impact Expedited Permit submitted by the Crossings at Sleepy Hollow (Tax Map U3, Lot 117).

Second: Rose-Anne Kwaks

Discussion: Patrick Reynolds wants to be sure that the Town is fully aware of this project in relation to the New Road project. Mr. Albert agrees to complete a new hydrograph study to add to his project.

Vote: Approved 6-0-0

The Chair signed the permit and passed it to Mr. Albert to submit it to Stephanie Giallongo at the Portsmouth Office of NHDES. He will send copies to the Chair.

The meeting returned to the agenda.

3. Public Comments

There were no public comments.

4. Approval of Minutes

January 11, 2018:

Action

Motion: Jeff Goldknopf moved that the Minutes of January 11, 2018 be approved as drafted.

Second: Andrea Sellers

Vote: Approved 6-0-0

Action

Motion: Jeff Goldknopf moved that the Non-Public Notes of January 11, 2018 be approved as drafted.

Second: Andrea Sellers

Vote: Approved 6-0-0

Action

Motion: Drew Kiefaber moved that the Approved Non-Public Notes of January 11, 2018 remain sealed.

Second: Julia Sinclair

Vote: Approved 6-0-0

5. Treasurer's Report

Andrea Sellers, Treasurer, presented a brief summary. The payment to Ellen Snyder, Ibis Wildlife Consulting, has been distributed. The balance in the CC Fund is currently \$277,073.31.

6. Committee and Subcommittee Reports

Town Council: Casey Finch reported that the last Town Council meeting was postponed to February 14 and he had nothing new to report.

Planning Board: Rose-Anne Kwaks reported back to Julia Sinclair that the town engineer to contact for information is Benjamin Dreyer as Phil MacDonald is on leave until March. She also announced that the PB will be holding a work session on February 13 at 7:00 pm to discuss the updating of the stormwater regulations. James Houle from the UNH Stormwater Center (<https://www.unh.edu/unhsc/>) will be attending and members of the CC are encouraged to attend.

Schoppmeyer Park: Jeff Goldknopf noted that the committee has not had a meeting in a while. However, Green Monster has been selected to do the seating wall area and they hope to begin in May. American Excavating is donating the finished gravel for the parking area. Depending on the response to our 'Serve with Liberty Day', there may be projects to add to the list of jobs in the future dock area. Marc Jacobs, Doucet Survey Inc., will be doing the permitting for the dock area on an hourly basis to help the committee save money. Jeff needs a replacement for the Schoppmeyer Park Committee (meets irregularly) and for the Energy and Environmental Advisory Committee (meets once a month) as he will be stepping down from the CC after the March meeting. This EEVC has no budget, needs a representative from the CC, and is still working on the mission statement and compost program survey/pilot program. **Andrea Sellers** would like **Jeff** to bring the brightness of the new LED street lights to the EEVC to discuss. When lights are near wetlands or sensitive habitats, the day/night cycle of amphibians and turtles could become an issue. The EEVC is planning to put information on the Town website. They are also looking into book bins and used

clothing bins for the Town. The Town dump does take small batteries for free. The CC might consider funding the pilot program on composting which might be 1-2 months in duration.

7. Chairman's Report

Field Trip Funding Request: The Chair announced that Janice Murray has requested field trip money for the Newmarket Jr/Sr HS 7th grade class to go to the New England Aquarium in Boston (<http://www.neaq.org/>). Ms. Murray is requesting \$743.74 for bus transportation round trip to Boston. Each student will be responsible for the entrance fee of \$11.95. She will be coordinating this trip with the study of a book by a New Hampshire author.

Action

Motion: **Rose-Anne Kwaks** moved that the Conservation Commission allocate \$743.74 to fund Ms. Murray's transportation request for the Newmarket Jr/Sr HS 7th grade class to visit the New England Aquarium.

Second: **Andrea Sellers**

Vote: 5-0-1

The Chair will reach out to Ms. Murray, inform her of our decision, and then authorized the check request.

Schanda Park Usage Request: LOCO Sports is requesting the use of Schanda Park for the 12th Annual Great Bay Half Marathon & The Center for Orthopedics & Movement 5k (<http://greatbayhalf.com/>) They have been very careful about the clean-up in the Park every year. The members discussed pros and cons of the permit request.

Action

Motion: **Patrick Reynolds** moved that we approve the request for the use of Schanda Park on April 8, 2018 for the 12th Annual Great Bay Half Marathon & The Center for Orthopedics & Movement 5k post-race celebration.

Second: **Julia Sinclair**

Vote: 5-1-0

Patrick Reynolds suggested that we revisit the possibility of charging for usage at a later date after looking at the original intent/management plan for the park.

Piscassic River/Loiselle Directional Sign: The Chair received a copy of the police report about damage to the CC sign at 274 Wadleigh Falls Road on the Piscassic River/Loiselle property. The sign was damaged by a Fielding's Oil truck making a delivery. Officer Donnis recommends that the CC contact Fielding's and seek reparation. **Drew Kiefaber** will research the cost of the Tuttle Swamp sign (last one purchased by the CC) and then **Andrea Sellers** will reach out to Fielding's Oil to begin discussions.

SELT Monitoring of the Dodd's Property: The SELT has submitted the 2017 monitoring report for the Dodd's Property. The Town owns an executory interest in this property. There are no problems at this time, but the owner would like to convert some fields for haying. This may require the CC to review/ revise the management plan in the future.

Copy of LRAC letter to NHDES: LRAC has copied the CC on their review of a Shoreland Permit for work on property on Lincoln Ave. (Tax Map U2-243-3). LRAC has completed their review and provided comments to NHDES and no action is required by the CC.

8. Old/New Business (cont)

Piscassic River/Loiselle Property Kiosk: **Julia Sinclair** received the quote from Infinite Imaging for \$296.55. The CC has given her permission to call and approved the order for signage. Thank you Julia!

Schanda Park Repair/Maintenance: Julia Sinclair has had no success reaching Underwood Engineering. She will send Keith Pratt, Underwood Engineers, the notes from the site walk from June 19, 2017 to address his questions about the project.

Dearborn Property-Survey: The Chair spoke to Scott Boudreau, Boudreau Land Surveying, and he is ready to go with the project as soon as the weather is cooperative.

Heron Point Sanctuary – Ongoing: The Chair still needs to meet with the Town Administrator about the gate discussion.

Silverman Schnee Easement: Jeff Goldknopf prepared a letter, circulated it for member comments, and sent it by certified mail on February 2, 2018. There has been no response to date.

Easement Monitoring:

Piscassic River/Loiselle: monitoring complete and sent

Audubon-Smith Sisters & New Root Farm: monitoring complete and sent

Silverman-Schnee: monitoring complete and reports in process

Non-Public Session:

A motion to go into non-public session to discuss confidential matters related to real estate, pursuant for RSA 91-A:3, II(c) , was made by **Drew Kiefaber**, seconded by **Andrea Sellers**, and approved 6-0-0 at 9:54 pm.

A motion to end the non-public session at 10:20 pm was made by **Drew Kiefaber**, seconded by **Andrea Sellers**, and approved 6-0-0.

A motion to seal the notes of the non-public session was made by **Drew Kiefaber**, seconded by **Patrick Reynolds**, and approved 6-0-0.

9. ***Adjournment***

Action

Motion: **Drew Kiefaber** moved that the meeting be adjourned.

Second: **Andrea Sellers**

Vote: 6-0-0

The meeting was adjourned at 10:22 PM.

The next meeting will be held on Thursday, March 8, 2018.

Respectfully submitted

Sue Frick, Recording Secretary