

TOWN OF NEWMARKET, NH
CONSERVATION COMMISSION
 February 14, 2019

7:00 PM Council Chambers

Members Present: Patrick Reynolds (Chair), Cris Blackstone, Sam Kenney, Melissa Sharples, and Drew Kiefaber (Alternate)

Member Absent: Marianne Hannagan (Vice Chair), Ann LaFortune (Treasurer), Sarah Finch (Planning Board Rep), and Casey Finch (Town Council Rep - Ex-Officio).

Call to Order: 7:01 PM

1. **Pledge of Allegiance**

2. **Roll Call**

Drew Kiefaber was appointed a voting member for this meeting.

3. **Public Comments**

No public comment this evening.

4. **Approval of Minutes**

January 10, 2019

Action

Motion: **Drew Kiefaber** moved that the minutes of January 10, 2019 be approved.

Second: **Sam Kenney**

Vote: Approved 5-0-0

The Chair asked to revise the agenda to accommodate items from Old/New Business.

There was no objection.

8. **Old/New Business**

Wetlands Permit Review for 17 Moody Point Drive: Mark West, from West Environmental, Inc., is here this evening representing Melvin E. Prostikoff, 17 Moody Point Drive, in an NHDES Wetlands Permit applications affecting a permanent impact to 3,718 sq.ft. of previously-developed upland area in the tidal buffer zone and a temporary impact to 127 sq.ft. of the previously-developed upland area in the tidal buffer zone totaling 3,845 sq. ft. The Prostikoffs have been working for several years on an expansion of their house to adapt to one floor to better suit their needs in the future. Although the existing septic system has not failed, they have decided to put a new septic system up the hill away from the river. New test pits have been completed and the old system will be removed and filled. It will be a pump out system. The addition to the house will be built at grade and the lawn in front will be graded and replanted with 4,000 sq.ft. of native shrubs (highly recommended by LRAC). Native shrubs being considered include: blueberry, viburnum, swamp azalea, small coniferous trees, and Virginia rosa. The NH Natural Heritage Bureau has reviewed the plan and, although there are a few rare plants in the area, they do not have any concerns with this project. Mr. West had a pre-application meeting with Stephanie Giallongo from the NHDES Wetlands Bureau. Mr. West still needs to present this application before the Planning Board regarding the 125 ft. Town setback. The Members had concerns about the 127 sq.ft permanent impact. Mr. Prostikoff will be working with Hubert Krah (their architect) to see that the design is adjusted. They had no intent to have permanent impact with their design. In preparations for the Planning Board, the Prostikoffs have engaged an attorney Justin Richardson to work with Diane Hardy. The surveyor, McEneaney Survey Associates, Inc. of Dover, may have interpreted the roof overhang as permanent impact. Mr. Prostokoff and Mr. West will double check on this issue and get back to the CC. As this is not an expedited permit request, the CC may

offer comments and/or recommendations if they wish. The members did not have any other concerns with the plan and Mr. West agreed to send any changes/updates to the CC. The CC thanked Mr. West and the Prostikoffs for attending the meeting this evening.

The meeting returned to the agenda.

5. Treasurer's Report

There is no report available this evening.

6. Committee and Subcommittee Reports

Town Council: Casey Finch is not present this evening.

Planning Board: Sarah Finch is not present this evening. Patrick Reynolds mentioned that the PB is still working on the storm water update.

7. Chairman's Report

Lubberland Creek Culvert Update: The Chair contacted the Nature Conservancy to get a copy of the Lubberland Creek Report. The project has now been fully funded and the Town/Department of Public Works may proceed with the project. Please see the addendum pages 4-6 for the discussion about the History of the Lubberland Creek Culvert beginning in September 2014. Congratulations to all involved in creating and completing this project!

8. Old/New Business

Serve with Liberty 05/10/2019 – Schoppmeyer Park: The date for the Serve with Liberty volunteers in Newmarket is set for Friday, May 10, 2019. Thank you Patrick Reynolds for organizing this event again this year. The volunteers will be working in Schoppmeyer Park and Richie Shelton is producing the project list.

Heron Point Sanctuary – Sign: The Chair contacted Ellen Snyder, Ibis Wildlife Consulting, to request an estimate to create a new sign for the kiosk at Heron Point. Ellen prepared beautiful maps for Piscassic-Loiselle for the CC which were posted in the kiosk last April. Melissa Sharples wanted to be sure the map would indicate the proper parking areas for visitors so that the neighborhood will be reassured. The Chair indicated that he would inform Ellen of this important issue.

Action

Motion: Patrick Reynolds moved that the Conservation Commission approve the contract with Ibis Consulting for new signage at Heron Point Sanctuary and that funds be expended in the amount of \$350.00.

Second: Cris Blackstone

Vote: 5-0-0

Wiggin Farm Burning of Brush: Cris Blackstone wanted to know when we might burn the piles at Wiggin Farm. Drew Kiefaber tarped the two largest piles. Weather permitting, the brush will be burned at 10:00 am on March 2. It will be posted as a meeting since a quorum of the CC may be present. The Chair will inform Wendy to post a meeting and Rick Malasky for the burn. The third pile will be burned at a later date.

Wiggin Farm Bridge: A citizen reported to the Town that the bridge at Wiggin Farm was damaged. DPW sprang into action and made the repairs. Thank you so much Rich Malasky and DPW!!

2019 Conservation Commission Photo Contest: Cris Blackstone asks that a date be chosen for the opening event in the contest in October so that we may book the space upstairs at the Stone Church. After discussion, the members agreed on October 19th which will allow time for the exhibit to run for a month. The sub-committee envisions a publicity launch toward the end of the second week in March.

New Conservation Commission Website Update: **Melissa Sharples** has been working with the Chair on wording for the new website. Once we have the Heron Point map prepared, we will be able to link to all of the properties in Newmarket. The Chair hopes that the website will be in good shape by the spring when people are itching to get out and explore our wonderful properties. **Cris Blackstone** spoke with Tim working for the Town DCAT who would like to utilize our pictures/videos and add them to the DCAT channel.

Renewal of Member Terms on the CC: The Chair has completed his paperwork with the Town to renew his term and **Cris Blackstone** has as well. Their appointments to the CC will be taken up at the next meeting of the Town Council.

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 **Patrick Reynolds**, and approved 5-0-0 at 8:10 pm.

A motion to end the non-public session at 8:37 pm was made by **Drew Kiefaber**, seconded by **Patrick Reynolds**, and approved 5-0-0.

A motion to seal the notes of the non-public session was made by **Drew Kiefaber**, seconded by **Melissa Sharples**, and approved 5-0-0.

9. Adjourn

Action

Motion: **Patrick Reynolds** moved that the meeting be adjourned.
Second: **Drew Kiefaber**
Vote: 5-0-0

The meeting was adjourned at 8:44 PM.
The next meeting will be held on Thursday, March 14, 2019.

Respectfully submitted,

Sue Frick, Recording Secretary

ADDENDUM: History of the Lubberland Creek Culvert

December 13, 2018

Lubberland Creek Culvert on Bay Road: The CC committed \$10,000 toward a new culvert under Bay Road in 2016 and the Chair has received notification that the additional funding has now been secured by the Nature Conservancy to complete the culvert by next year.

January 14, 2016

Lubberland Creek Culvert Replacement Update – Pete Steckler, TNC: Pete Steckler was unable to attend this evening, but Joanne Glode, Southern NH Stewardship Ecologist from the Nature Conservancy, and Lyndsay Butler (Lead Project Engineer at Wright-Pierce Engineering) attended to make the presentation. Ms. Glode wanted to thank all those in town, especially Rick Malasky, who helped with this project along with numerous project volunteers. All totaled, 97.5 volunteer hours were recorded. They were able to collect vegetative and fish data over the summer and examine culvert events with sea level rise and salinity. Sampling plots were set out in June and data was collected in July. For the fish monitoring, they used seine nets and minnow traps at 13 sampling sites over the summer. They discovered a large population of fish, but were very excited to find Redfin Pickerel upstream as this is a species of concern in the State. Wright-Pierce deployed data loggers to monitor salinity levels downstream for two weeks. The marsh is considered healthy: 75% vegetative, 10% bare, and 12% dead. The plan includes re-monitoring in 3-5 years. There are some invasive concerns which will require a plan in the future. Ms. Butler presented a summary of the engineering study. They determined the channel geography extending 200 ft. upstream and 300 ft. downstream of the road. At the recent project partners meeting, they agreed on a preliminary design for a 16 ft. span for the culvert based on the 100 year sea level rise projection. They would be required to stabilize the banks with boulders. The culvert would require four sides for stabilization with 15-18 inches of native stream material placed within the culvert and a guard rail would be placed along the road. They are in the process of coordinating the regulatory schedule with the NH DES and the Army Corps of Engineers. The final construction design documents will begin once the regulatory component is complete. The culvert will have a 75 year life span. The culvert portion of the project will require two weeks to complete. The road work may require six weeks (with the roadway being raised) and the road would need to be closed to traffic for approximately two to three weeks. The CC had questions and concerns that were all answered by Ms. Glode and Ms. Butler. **Drew Kiefaber** mentioned that this project is an excellent example for this town as well as other communities with culvert projects in the future. The Chair thanked Ms. Glode and Ms. Butler for the update and the CC looks forward to further progress reports.

March 10, 2016

Lubberland Creek Culvert Replacement Check Request: The Chair has received the anticipated request from the Nature Conservancy for a \$10,000 check to cover a portion of the engineering study for the Lubberland Creek Culvert. He submitted the check request for payment.

June 15, 2015

Lubberland Creek Culvert Restoration Project Kickoff Meeting: Andrea Frey, Fred Pearson, and Jeff Goldknopf all attended. The meeting was nearly two hours of very good ‘technical culvert talk’. Another meeting will be scheduled for July to go into further detail. The culvert has a projected life of 50-75 years. Wright-Pierce made a very thorough research presentation. The culvert will protect the American eel and significantly reduce flooding.

September 11, 2014

Grant Application for Culvert Upgrade Study at Lubberland Creek/Bay Road: Jan McClure, Director of Land Protection for the Nature Conservancy, introduced herself and indicated her reason for attending the meeting and, hopefully, excite the CC about this project. She introduced Joanne Glode, Southern New Hampshire Stewardship Ecologist, who made a detailed presentation on the proposed Lubberland Creek Restoration Project. Jan McClure sent an email to the CC describing in detail the project and Joanne Glode presented a detailed narrative of the project with a slide presentation and answered all questions from the Commission. Rick Malasky, Director of DPW for Newmarket, was also available to discuss the current road and culvert conditions and answer questions.

Jan McClure stated the proposal clearly in her email to the CC:

“The Lubberland Creek Restoration Project will achieve three primary goals: (1) restoration of aquatic connectivity at the system’s tidal/freshwater interface allowing for anadromous and catadromous fish passage at the perched Bay Road culvert, (2) enhancement of the resilience of the Lubberland Creek salt marsh, Great Bay estuary’s second largest contiguous salt marsh and documented exemplary natural community, by removing the existing tidal restriction at Bay Road with a structure that will allow upstream salt marsh migration as sea levels continue to rise, and (3) remediation of the flood hazard of this road-stream crossing, which overtops during major flood events compromising public safety and contributing excess sediments and nutrients to Great Bay. The project will be completed in two phases. Phase I will complete the design, engineering, permitting, and pre-construction monitoring for the project. Following the completion of Phase I, the project will be “shovel-ready” for construction in Phase II.

With the receipt of an estimate of the costs for an engineering and planning study for the culvert work we are now developing a more complete proposal for Phase I. The Lubberland Creek Restoration Project has a project budget without administrative costs of approximately \$41,000, which includes \$35,400 for engineering and permitting and approximately \$6,000 in TNC staff time, supplies, materials, and equipment. TNC costs to administer the grant would add an additional \$9,000, bringing the total project costs to \$50,000. (If the Town agrees to administer the grant, we will need to determine the administrative rate for the Town of Newmarket for this component.) We intend to request \$25,000 from the Moose Plate program, and will need to show additional public and private funds of \$25,000 to match the requested \$25,000 and meet our total project cost. We have \$6000 of TNC donated time, and we intend to apply for NH DES funds for a portion of the match. We would like to have \$5 – \$10,000 in Town funds to include as part of this match.

The Moose Plate grant program looks favorably upon strong partnerships and local buy-in. A financial commitment by the Town demonstrates this buy-in. A financial commitment to both phases of the project Phase I: Engineering and Permitting, Phase II: will indicate to the Grant Program that their investment in Phase I will leverage additional funding to complete the project in Phase II. “

Rick Malasky reported that the crossing on Bay Road floods on a regular basis whether or not there is a major flood event. The beaver population upstream on the freshwater side provide ample barriers to flow. It could take the town up to 10 years before they fix this culvert which is not aligned with the upstream portion of Lubberland Creek and is crushed and tilted. Environmental connectivity on both sides is difficult, if not impossible.

The Chair summarized the discussion:

- To pursue this study is an opportunity for infrastructure upgrade for the town and community and could provide environmental connectivity on both sides of Bay Road
- The repairs to this culvert and Bay Road are not on the town schedule and it is known to be in need of work

- If work is planned for the future, an engineering study would be required before any work could be done
- The town is being asked by the Nature Conservancy to be the applicant for the Moose Plate Grant, but the Nature Conservancy would do all the grant preparation. The grant money would be used to determine what will need to be done to upgrade the culvert. The Town Administrator would sign the formal grant proposal.

The CC is being asked to be the applicant for the grant and whether or not the CC will make a contribution to get this process going. The Moose Plate application is for \$25,000. The total project would cost \$50,000. The CC participation will show the granting agency the commitment to the project by the town and CC. The grant is due at the end of September and is ready to be submitted.

ACTION

Motion: **Bruce Fecteau** moved that the Conservation Commission be the applicant on the grant or recommend to the Town Council that the Town of Newmarket be the applicant for the Lubberland Creek culvert upgrade study grant proposal to partner with The Nature Conservancy.

Second: **Eric Wigode**

Vote: Approved unanimously 6-0-0

ACTION

Motion: **Drew Kiefaber** moved that the Conservation Commission contribute \$5,000 from the Conservation Fund toward the fundraising of Phase I for the upgrade of Lubberland Creek.

Second: **Bruce Fecteau**

There was discussion on the motion.

Amendment to the Motion: **Bruce Fecteau** amended the motion to increase the commitment to \$10,000.

Second to the Amendment: **Eric Wigode**

Vote on the Amendment: Approved unanimously 6-0-0

The Chair repeated the motion as amended:

ACTION

Motion: **Drew Kiefaber** moved that the Conservation Commission contribute \$10,000 from the Conservation Fund toward the fundraising of Phase I for the upgrade of Lubberland Creek.

Second: **Bruce Fecteau**

Vote: Approved unanimously 6-0-0