

CONSERVATION COMMISSION

February 11, 2021

7:11 PM

Virtual Meeting

Members Present: Patrick Reynolds (Chair), Melissa Sharples (Vice Chair), Ellen Snyder (Treasurer), David Bell, Cris Blackstone, Melissa Brogle (Alternate), Sarah Finch (Planning Board Rep), Drew Kiefaber (Alternate), and Sam Kenney.

Members Absent: Megan Brabec (Town Council Rep) was absent.

Guest Presenter: Matt Tarr

1. Pledge of Allegiance

2. Roll Call

3. Public Comments

There were no public comments this evening.

4. Guest Presentation- Welcome!

This evening we are pleased to have as a guest Matt Tarr, professional forester and wildlife biologist, who works as an Extension Professor and State Wildlife Specialist for UNH Cooperative Extension. In his position, he works in close partnership with the NH Fish & Game Department to help community and private landowners maintain and improve wildlife on the lands they steward. His talk this evening is “Birds of Forests, Fields, and Shrublands or Encouraging Bird Diversity Via Habitat Diversity.” A wonderful youtube video of his presentation (approximately 18 minutes long) is available at <https://www.youtube.com/watch?v=EHRP2-PAzJ4>. The commission was very interested in his recommendations on mowing schedules to promote the best habitats for our conservation lands in Newmarket. **Patrick Reynolds** asked if he had visited Wiggan Farm to look at our fields. **Patrick** mentioned that we plan to take out some invasives soon with a contractor. Matt is enthusiastic about visiting the property – especially with **Ellen Snyder**, our expert! **Drew Kiefaber** asked about possible ways to stay ahead of the invasive plants when fields are mowed/cleared. These issues are constantly being discussed and are very difficult to solve!! Contact information for Matt Tarr is: phone 603-862-3594 and email matt.tarr@unh.edu.

5. Approval of Minutes and Non-Public/Confidential Session Meeting Notes

January 14, 2021

Action

Motion: **Ellen Snyder** made a motion to approve the minutes as written for January 14, 2021.

Second: **David Bell**

Vote: Unanimously approved

Action

Motion: **Patrick Reynolds** made a motion to approve the non-public/confidential session meeting notes as written for January 14, 2021.

Second: **Ellen Snyder**

Vote: Unanimously approved

6. Treasurer's Report

Ellen Snyder reports that the Conservation Fund total is \$250,041.08 which also includes the Schanda Fund of \$4,764.46 (which now includes the lovely \$4,000 gift from the Newmarket Masonic Lodge last month). The income earned for the CF was \$96.01 in interest. There were no land use change tax deposits. There are still two outstanding expenses to be paid: 1) the \$75,000 for the Clarke Farm Easement and 2) the \$2,500 for the management plan for Heron Point. The General Fund balance is currently \$1,255.93.

7. Committee and Subcommittee Reports

Riverfront Advisory Committee: **San Kenney** is the CC rep and **Megan Brabec** is the TC rep. **Sam Kenney** reported that the progress of this committee was effected by the pandemic, but may now be beginning to start work again. **Patrick Reynolds** mentioned that Mike Hoffman is willing to do a site walk with the committee at Schanda Park – possibly in April once the snow is clear.

Town Council: **Megan Brabec** is absent this evening.

Planning Board: **Sarah Finch** has information on the Neal Mill Road Property to be discussed under New/Old Business.

8. Chairman's Report

The Chair did not receive any correspondence to report.

9. Old/New Business

Wiggin Farm – Grant & Proposals: **Ellen Snyder** submitted an application to Fish & Game to the Small Grants Program. The 2016 Management Plan Update for Wiggin Farm recommended that the approximately 3.5 acres north of the stone wall and east of the pond be managed as old field habitat. The vegetation needs to be regenerated by cutting with a large excavator-mounted rotary mower and possibly some chain sawing. The native red cedar and some of the larger hardwoods will be retained. Most all other vegetation will be mowed to the ground and then allowed to regenerate. On behalf of the Town of Newmarket, I submitted a proposal to NH Fish and Game's Small Grant Program for this habitat work at Wiggin Farm. The proposal was accepted and NHFG awarded the Town \$3,150 for this project, which caps the payment at \$900/acre. There is some additional acreage at the top of the hill near Grant Road, which we would like to treat as well, but since it is within 300 feet of a house, NHFG will not cover the cost. In the grant application I estimated the total project cost at \$4,275, but after receiving the bids, it will be closer to \$5,000. A map of the areas designated is shown on Addendum #1. Four contractors were contacted for bids and the members discussed and reviewed them.

Action

Motion: **Patrick Reynolds** made a motion accept the bid of John Brown & Sons, Inc. to clear brush at Wiggin Farm in the designated areas under the condition that consultation will be made with our Town Council Rep. prior to contacting John Brown & Sons, Inc. to sign the contract.

Second: **Cris Blackstone**

Amended: **Ellen Snyder** asked to amend the motion to approve the expenditure from the Conservation Fund of up to \$5,000 with the assumption that \$3,150 will be funded by the Fish & Game Small Grants Program.

Second: **Melissa Sharples**

Vote: Unanimously approved

Ellen Snyder will contact **Megan Brabec** (TC Rep) and then contact John Brown & Sons, Inc. Thank you Ellen!!

Heron Point Management Plan: Patrick Reynolds mentioned that he has been trying to reach John Martin about the management plan without success. Ellen Snyder will try to get a cell phone number for John and will reach out to him.

Boulder Drive Open Space Trail: Patrick Reynolds described the Boulder Drive development from a few years ago and was contacted by Mike Hoffman. All the lots are sold now and they are preparing the covenants for their Home Owners Association (HOA). They have some open space land with a trail which begins along Dame Road across from the frog pond and runs across the length of their property and comes out on Lamprey Street at the foot of Sanborn Ave. They are asking if we would like to have some form of responsibility for this trail. The trail crosses the back of Melissa Sharples' land and it is a usable trail – especially for dog walks! Some mechanical work has been done to open the trail a bit and make it more obvious to the user. The trail is about 200 yds and sits between Lamprey Street and Schultz's open land. It was suggested that the members would like more information on the trail. Mike Hoffman will be contacted for additional information. Melissa suggests a visit by members and she will lead the tour!

75 Neal Mill Road: The Planning Board took up the following agenda item on February 9: "Request for review and comment by Planning Board on the issuance of a building permit and driveway access for a single family home on Neal Mill Road, a Class VI Road, pursuant to RSA 674:41. Request from Mr. John Tyson who has a purchase and sales agreement for 75 Neal Mill Road, Newmarket, NH 03857 at Tax Map R7, Lot 1. The 33 acre property is located approximately 750 ft. past the gate on Neal Mill Road." The Planning Board discussion begins at 11:44 mins into the DCAT meeting:

https://videoplayer.telvue.com/player/XSekkdEeRsk0JHQVHAvKJVka7_5VjxKP/media/619780?autostart=true&showtabssearch=true . They propose widening the 750 ft. of road to 14 feet and putting down gravel and burying electrical lines under the road out to the house. They have a septic location and a well sited.

Christopher Albert, Project Manager at Jones and Beach Eng., was the engineer representing the owner at the meeting. Patrick will invite Mr. Albert to attend our March meeting to make a presentation. Ellen Snyder wrote a letter addressing this proposal and raised several important questions and issues. The materials for the PB meeting are listed here:

<https://newmarket.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=1709&MeetingID=100> .

The letter and map are attached to the minutes in the Addendum pp. 6-9. The Chair mentioned at both the Rockingham and Strafford Regional Planning Commissions should be consulted as well as with the Newmarket Departments of Public Works, Fire Department, and Police Department. What happens to the gate? The gate currently keeps unwanted vehicles from the Class VI road.

PREP Funding: The Chair discussed the opportunity to apply for some funding and plan ideas to help with fertilizer runoff and other non-point into the Lamprey River this year. He will contact them for more information. The two meetings in 2019 when this topic was discussed were August 8 and September 12, 2019:

August 8, 2019:

"Non-Point Sources of Pesticides and Fertilizers Affecting the Health of the Great Bay: A summer intern from Great Bay Piscataqua Waterkeepers reached out to us to offer an informational meeting to the public addressing the harmful impact of excessive nutrients on the Great Bay Estuary and what actions individuals can do to help. The intern is only available in the summer months. The members were very positive about this possibility. The Chair will speak with the Town Office to reserve a date for the use of the auditorium. He will also ask if DCAT could film the presentation for those who may be unable to attend."

September 12, 2019:

"ConCom Meeting with the Conservation Law Foundation: The seminar took place recently and was focused on the nutrient loading of the bay. Melissa Paly from CLF presented the seminar along with her intern. What happens when you use pesticides on your lawn and gardens? Their work has been focused on Sagamore Creek in Portsmouth which has been severely impaired by pesticide use-pollutants come from two general categories: 33% comes from water treatment plants on the Bay and 66% comes from septic systems...non-point sources. Attendees Toni Weinstein, Casey Finch, and Patrick Reynolds went out on her boat to look at the eel grass. Good news is that at the mouth of the Lamprey to the Bay where oyster beds are being restored (not for commercial use) the water quality is getting cleaner. You go bivalves!"

Projects for April and June 2021: The Chair mentioned preparing a spread sheet of all the roads in Newmarket and family groups and individuals could sign-up to do their block or street. They could send in photos and we could post it on our social media. **Cris Blackstone** can promote the event in her the weekly report on the Town Newsletter. **Melissa Brogle** would be happy to make a flyer and get the word out. She would also make a map of the streets with pictures – sort of before and after pictures. The other idea discussed was the proposed Arbor Day tree identity program with Kevin Martin in June. The Chair hasn't been able to reach him yet, but will keep trying. **Cris Blackstone** suggests that we might work with the Library. They have a zoom license so up to 100 people could attend a talk.

Happy Trails to Sarah Finch: The Chair wanted to take a moment to thank Sarah Finch for her dedicated work to the Town and as the PB Rep on the Conservation Commission since May 2018. She has been a strong voice for us with the Planning Board and we will miss her very much. All members united with the Chair to wish her well with her future endeavors. Thank you so much Sarah!!!

Culvert on Ash Swamp Road: **Ellen Snyder** asked is any progress had been made by Public Works. The Chair reported that he and Jeff Goldknopf (former long-time CC member) took a close look and, so far, nothing has changed. The Chair will try to follow up with the PW Director.

10. Adjourn

Action

Motion: **Patrick Reynolds** moved that the meeting be adjourned.

Second: **Cris Blackstone**

Vote: Unanimously Approved

The meeting was adjourned at 8:46 PM.

The next meeting will be held on March 11, 2021

Respectfully submitted,

Sue Frick, Recording Secretary

Addendum #1 – Old Field Management 2021 – Wiggin Farm



Addendum #2 – 75 Neal Mill Road Proposed Home Construction

Date: February 10, 2021

To: Newmarket Conservation Commission

From: Ellen Snyder, Conservation Commission member

CC: Diane Hardy, Town Planner

Re: Proposed home construction off Class VI Neal Mill Road (Tax Map R7 Lot 1; 75 Neal Mill Road)

A prospective buyer of a privately owned parcel of land off the Class VI portion of Neal Mill Road is asking for approval to build a driveway over 700+ feet of Neal Mill Road Class VI to reach the land where they want to build a single family home in the field. The Plan was presented to the Planning Board on February 9, 2021. At that meeting, the Planning requested a public hearing and site walk for March/April. The Planning Board will provide comment and recommendations to the Town Council. Since this impacts a Class VI Road, the approval ultimately rests with the Town Council. I think it is important for the Conservation Commission to provide input as well, given the significant ecological, cultural, and recreational resources that exist in this location. I've compiled some of the relevant information that I think is helpful for such a discussion. A similar proposal was made in 2008 for which some of the same information was provided; in that case the applicant did not proceed. Town Conservation and Recreation Interests Silverman and Schmeer Conservation Easements the Town of Newmarket holds the "Silverman" and "Schmeer" conservation easements on the properties as shown on the attached map. The current owner of these properties are Joffree Barnett ("Silverman Easement") and Jean Silverman ("Schmeer Easement"), respectively. As you can see, these properties have significant frontage on the Class VI Road, which will be impacted by the proposed development. The Conservation Commission is responsible for the annual monitoring of these easements and ensuring that there are no violations of the easement deed by the landowner or by a third party.

These conservation easements were acquired with funding from the Newmarket Public Water Supply Land Protection Fund and from the U.S. Fish and Wildlife Service (USFWS) North American Wetlands Conservation Act (NAWCA) funding. In addition to the Conservation Easement deed provisions, the Town of Newmarket signed a grant agreement for both the Silverman and Schmeer easements with the USFWS "to ensure the long-term conservation of the Property" and which requires "obtaining the consent of the USFWS prior to the transfer of Easements (or any interest therein, together or individually) to anyone other than a member of the GBRPP." [GBRPP=Great Bay Resource Protection Partnership]

The conservation easements and the grant agreements underscore the significance of these properties and the Town's role in protecting those values.

Other Conservation Lands

The Silverman and Schmeer conservation easements are part of a large network of conserved lands in this area, most of which are part of the Piscassic Greenway, which is owned and managed by the Southeast Land Trust of NH (SELT). The Towns of Newmarket and Newfields are important partners of SELT; both communities have provided funding to help conserve some of these lands. In 2020, the Newmarket Conservation Commission contributed \$100,000 from the Conservation Fund to help conserve the "Tucker

Addendum #3 – 75 Neal Mill Road Proposed Home Construction (continued)

Tract II” (the northerly parcel) which added another 16.11 acres to the Piscassic Greenway. In addition, the Town of Newmarket acquired other nearby lands for a new drinking water well.

Class VI Neal Mill Road/Halls Mill Road

The Class VI portion of Neal Mill Road in Newmarket extends from the gate to the Town boundary with Newfields. This stretch of Neal Mill Road is historic, very scenic--bounded by stone walls and large trees, and serves as a popular year-round trail for hiking, mountain biking, skiing, snowshoeing, running, dog walking, and nature observation. Due to the increasing popularity of recreational access to the Piscassic Greenway via Neal Mill Road, in 2020 the Town of Newmarket created parking spaces along the Class V portion of the road. The Class VI Neal Mill Road is a significant public recreational resource for our community and the region, offering a unique experience as it lies in one of the most remote and undeveloped areas of Newmarket. Although not officially designated as such, it has the features of a “scenic road” and a “trail.”

From the Newfields side, the same road is called Halls Mill Road. At the Newfields Town Meeting on March 12, 2019, voters approved two warrant articles that reclassified the Class VI portions of Halls Mill Road and Old Lee Road as Class A Trails. Those warrant articles passed 365-75 and 365-77, respectively. These trail designations further highlight the recreational significance of the Neal Mill/Halls Mill region.

Neal Mill Road (starting at the gate) is a significant recreational resource and serves as one of the major trailheads into the Piscassic Greenway. Old Lee Road also brings recreationists onto this section of Neal Mill Road, adding to the importance of Neal Mill Road as a major recreational trail. The Old Lee and Neal Mill Class VI Roads are also used by snowmobilers in winter. A driveway across Neal Mill Road that is plowed in winter would impact all of these winter activities.

Ecological Significance of this Location

The Class VI portion of Neal Mill Road and the abutting properties are in one of the most ecologically significant areas in Newmarket:

The property at 75 Neal Mill Road lies entirely within the Lower Piscassic River Conservation Focus Area as identified in the Land Conservation Plan for New Hampshire’s Coastal Watersheds (Zankel et al. 2006). See http://www.nhep.unh.edu/resources/pdf/the_land_conservation-tnc-06.pdf

The property at 75 Neal Mill Road lies entirely within a “prioritized habitat block,” one of the places identified across New Hampshire's coastal watershed that will maintain opportunities for wildlife to move across the landscape, both now and into the future (Connect the Coast, Steckler and BricknerWood 2019). See <https://www.nature.org/content/dam/tnc/nature/en/documents/nh-connect-thecoast-report.pdf> and <https://tnc.app.box.com/s/d3er3w64bbo46y7dojtdzw1fly30obqh>

The Newmarket Open Space Plan identified this region as a Priority Area for Conservation (Snyder 2007). See http://www.nhep.unh.edu/resources/pdf/newmarket_open_space-ibc-07.pdf . The Planning Board adopted the Open Space Plan as an amendment (Chapter 2) to the Newmarket Master Plan on May 15, 2007. See <https://www.newmarketnh.gov/planning-board/pages/newmarket-master-plan>

Addendum #4 – 75 Neal Mill Road Proposed Home Construction (continued)

The property at 75 Neal Mill Road includes 1,700 feet of frontage on the Piscassic River, a prime wetland as designated by the Town of Newmarket. See https://www.newmarketnh.gov/sites/g/files/vyhliif3536/f/u101/prime_wetlands_map4.pdf In addition to the prime wetlands, a report dated March 22, 2006 from West Environmental Inc. that was commissioned by the Town evaluated and mapped wetlands on land along Neal Mill Road as part of the town's search for drinking water supplies. The property at 75 Neal Mill Road was included and additional wetlands were mapped.

Questions and Considerations

- How will the proposed 14-foot wide driveway and burying the utilities under the road affect the mature trees and other natural features along the 700+ feet of the public Class VI Road as well as the abutting conserved lands? Not enough information has been provided yet by the applicant to truly understand the proposed construction, design and impacts of the proposed driveway and buried utility line. I think the following documents are needed to fully assess the project:
 - o Professional engineering documents based on current accurate surveys showing existing and proposed profiles and cross sections for the driveway and utilities
 - o Plans should show any proposed tree removal, impacts to tree roots, proposed drainages, and materials proposed for the driveway
 - o Invasive plants are a major concern for land stewardship of public and private conservation lands in this region; plans should indicate how materials brought in from off-site will be clean of prohibited invasive plant material
- How will the existing year-round recreational trail along the Class VI Road be retained and conserved given the proposal to build a 14-wide driveway on top of road for 700+ feet? Are the two compatible?
- Given the significant wetland values on this property, an independent wetland analysis (chosen by the Town, paid for by the applicant) is needed to ensure all the wetlands and hydric soils on the property are delineated.
 - o A soils and wetlands map showing the location of the proposed house, garage, septic system, driveway, utilities, and any other planned structures is needed.
- How will the proposal affect this ecologically important area, which is within a large block of undeveloped and unfragmented land that has been protected with millions of dollars of federal, state, and local funds? There are known state and threatened species within one mile of the property and possibly on the property.
 - o Wildlife and habitat assessments are needed to evaluate presence of rare species
 - o A copy of the NH Natural Heritage Bureau data check tool report should be provided
 - o How will wildlife and water quality be affected by this proposed development? How will daily vehicle traffic down the Class VI Road and into a currently undeveloped area, including personal vehicles, delivery, construction, and trades people, as well as the possibility of police, fire, and school vehicles at some point in the future affect wildlife and water quality?

Addendum #5 – 75 Neal Mill Road Proposed Home Construction (continued)

