



TOWN OF **NEWMARKET** NEW HAMPSHIRE

Conservation Commission

July 13, 2023 at 7:00 PM

Town Hall Auditorium

APPROVED MEETING MINUTES

Members Present: Ellen Snyder (Chair), Melissa Sharples (Vice-Chair), David Bell, Cris Blackstone, Jeffrey Goldknopf (Planning Board Rep.), Tom Jones (Alternate), and Brian Ward (Town Council Rep. *ex officio*)

Members Absent: Colin Lawson (Alternate), Sam Kenney, and Julianna Tyson

The Chair called the meeting to order at 7:01 PM.

[time on DCAT 3:29]

1. Pledge of Allegiance

2. Roll Call

Tom Jones (Alternate) was appointed to serve as a voting member this evening.

3. Public Comment

[time on DCAT 4:25]

Dale Pike, 30 Smith Garrison Road, is present this evening to speak in his capacity as a member of the Ad-hoc Riverfront Advisory Committee. He received a message last week from Suzanne Petersen, Administrator of the Lamprey River Advisory Committee, advocating for signage at Schanda Park regarding the possible contamination of the riverfront area. He recounted the research/testing done by UNH on Moonlight Brook the outfall area into the Lamprey River showing fecal contamination. There are currently signs up because of the Town sewer pipe leak located farther up the river. He has spent a great deal of time at Schanda and observed young children playing in the water and feeding the ducks at the Moonlight Brook outfall. He feels that, once the Town sewer line is repaired, the signs are taken down and given the UNH study on fecal contaminants, we should consider signage for citizens about the pollution of Moonlight Brook at the outfall. He encourages the ConCom to consider some new signage to discourage children from playing in the Brook, to explain that the Town is doing everything that it can to remedy the situation, and more information/reasons not to feed the ducks/wildlife.

4. Guest Speaker

Our guest speaker from Casella Waste Systems, Inc, solid waste and recycling company, was unable to attend the meeting this evening.

5. Approve Meeting Minutes and Non-Public Notes [time on DCAT 8:28]
June 8, 2023

Several members caught the same typo in the Draft Minutes and Non-Public Notes which will be corrected.

Action

Motion: **Ellen Snyder** moved to approve the amended Draft Minutes for June 8, 2023.

Second: **Jeff Goldknopf**

Discussion: none

Vote: **Approved 5-0-1 (Cris Blackstone abstained).**

Action

Motion: **Ellen Snyder** moved to approve the amended Non-Public Notes for June 8, 2023.

Second: **David Bell**

Discussion: none

Vote: **Approved 5-0-1 (Cris Blackstone abstained).**

6. Financial Summary [time on DCAT 11:05]

The Chair reported that the Conservation Fund currently has \$133,569.58, the Richard Schanda Fund has \$4,620.19, bringing the total Fund Balance to \$138,189.77. The account received interest of \$216.49 for FY22-23. We were also credited with \$8,400 for the LUCT for 60 Grant Road. The General Fund has a balance of \$1,021.57 which will revert to the Town. The Chair announced that the FY24-25 budget request will be on the August agenda.

7. Committee/Board Reports [time on DCAT 13:11]

Town Council: **Brian Ward** reported on the background for the exchange of letters between the LRAC, NHDES, and the Town. The LRAC sent a letter to NHDES regarding their concerns about the contamination of the Lamprey River, particularly at the Moonlight Brook outfall. He read the letter of response from the Town Manager into the record. The LRAC, NHDES, and the Town Manager letters in are **attached as Addendum pages 1-6**. **Ellen** mentioned that the Town did receive a letter back from the Commissioner of NHDES agreeing that the Town is doing everything that they can and working together to move forward. **Brian** also reported that they are still working on the sewer pipe crack. The estimate for the work is less than expected and will come it between \$108,000 and \$210,000 based on the equipment needed. The pipe is lower than expected...it is 14 ft. under the silt. The Town has received a \$37,300 from the Coastal Resilience Grant program to help with the preparation of the Downtown Riverfront Chapter of the Master Plan. The Chair wanted to address the issue that Dale Pike mentioned regarding whether or not additional signage is warranted in Schanda Park. We already have signage about feeding the ducks and other wildlife. **Jeff** is concerned since he knows that some classes go back behind the Elementary and High School to study the stream ecology of Moonlight Brook in the pond area and they frequently get into the water. **Cris** thought that we should seek advice on what legal

ramifications there might be if we put up signs. **Ellen, Brian**, and Sean Grieg, Director of Environmental Services, should have a conversation with the Town Manager about how to proceed as the study of the Brook continues and the School administrators need to know the current status of the water quality. This is really a community-wide issue. Dr. Jones' report may be seen on the March 9, 2023 DCAT meeting. The full LRAC report is available at: : [2022 bacterial tracking FINAL report.pdf \(lampreyriver.org\)](https://lampreyriver.org/2022_bacterial_tracking_FINAL_report.pdf)

Planning Board: **Jeff Goldknopf** reported on the recent lengthy hearing on the proposed 55+ housing project to be located at 242 South Main Street. He has recused himself from consideration of this proposal, but he can state that there are currently no proposed impacts to the wetland buffers. Also on the agenda, Mr. Shawn McGowen requested an Amendment to Major Site Plan to include the relocation of the existing building on to a new foundation and a parking barn. He had received approval previously, but has now decided to move the Rockingham Junction building to be entirely within the Town of Newmarket and renovate the station to its original state and use it for his office only. He no longer plans to add large septic updates which that would make it a possible site for a future owner to have a café. It was unanimously approved by the PB. The Planning Board is also putting together volunteers for the Master Plan Subcommittee.

Riverfront Advisory Committee/Schanda Park: **Sam** is not here this evening, but the Chair wanted to mention the beginning of the Community Oyster Gardening Project this August. Kimberly Arlen is the Habitat Restoration Coordinator for the Nature Conservancy with the Marine Team working on oyster reef restoration and community engagement across the Great Bay area came to the CC meeting in November 2022. Kim has reached out to say she is ready for the installation this August. There are plans to have one public informational event/training session and another session before the cages are removed later in the fall.

New Hampshire Waste Management Council: **Cris Blackstone** reported on the recent meeting of the Council in Concord. They are working on a NH State initiative to properly dispose of the old firefighting foams, which contain PFAFs, from the State. Communities have been asked to report how much they currently have in storage. The State will collect all the old foam and ship it safely to a company in the upper mid-west. The company believes that they have the technology to neutralize the PFAFs with the use of anerobic materials.

8. Initiatives

[time on DCAT 35:50]

Pathways for People and Nature: The Chair reported that we now have some draft maps.

Stream and Wildlife Crossings: **Colin** is still working on the culvert summarization materials. The Chair mentioned that SELT has a new Forest & Wildlife Habitat Manager named Chad Fierros, He visited the Piscassic Greenway recently and followed the stream down to where it crosses under Neal Mill Road. The culvert is clogged – maybe beaver work or just ‘muck’. The Chair spoke to the Town Engineer about considering the replacement of that culvert when the Town plans to work on repaving of Neal Mill Road (which is sorely needed). We would hope to get grant funding for the culvert.

Ash Swamp Road Cameras: **Jeff** reported that Lauren White, a student from UNH, has

removed the motion cameras placed along Ash Swamp Road (near **Jeff's** house) which were capturing turtle crossing activity. She is currently processing the data and will report to us when it is complete. **Jeff** will email her to ask about her progress.

Pollinator Pathways: Nothing to report this meeting.

9. Conservation Easement Monitoring

[time on DCAT 40:48]

SELT Contract: The Chair sent everyone the current contract with SELT which was recorded in 2004 when the Hilton Easement was acquired by the Town. The document is quite complicated, so **Ellen** met with Deborah Goard, the Stewardship and Land Engagement Director, who is responsible for overseeing all of their easement monitoring and other monitoring contracted by other communities. SELT does do aerial monitoring sometimes, as you don't always have to be on the ground. Deborah recommended that we 1) terminate/extinguish the current contract in order to be released and enter into a new contract which does not need to be recorded - we could then enter into a new contract with SELT to perform monitoring and create a report for us, 2) set aside the funds necessary (~\$1,000) for the easements TBD, 3) add to the draft language for the contract to ask them to mail a copy of the report to a third party as needed as well as providing us a copy, and 4) notify the ConCom of the date/time when monitoring will take place. We would inform SELT of the easements to monitor for us each January. The members discussed the contract changes.

Action

Motion: **Ellen Snyder** moved to recommend to the Town Manager that we terminate/extinguish the existing contract with the Southeast Land Trust dated 2004 for easement monitoring of the Hilton Easement and enter into a new contract with SELT containing new draft language as discussed.

Second: **David Bell**

Discussion: None

Vote: **Approved Unanimously 6-0-0**

The Chair mentioned that, at the August meeting, the members will discuss putting the funds needed into the FY24-25 budget request on line item for contracted services.

10. Land Stewardship

[time on DCAT 51:38]

Sliding Rock Conservation & Recreation Area: LRAC Grant Update: The Chair sent out draft copies of the two new panels for the kiosk. LRAC has reviewed the signs as well as Aimee Gigandet at the Rec. Dept. The Chair wants to finalize the panels with the graphic designer. All members had an opportunity to add changes to the draft copies and were in agreement to move forward.

Action

Motion: **Melissa Sharples** moved to expend up to \$2,000 from the LRAC Grant to pay the graphic designer and the printer for the new signage for the Sliding Rock Conservation & Recreation Area kiosk.

Second: **Tom Jones**

Discussion: None

Vote: Approved Unanimously 6-0-0

The Chair reviewed the work from the grant funding already completed and yet to be done. Several hazard trees were cut down earlier. The new kayak rack was installed along with the older one in such a way as to prevent users from dragging them down the slope causing damage and erosion. The users can either rent a spot on the rack or rent a slip form the Rec. Dept. [Kayak Rentals in Newmarket are available \(newmarketrec.org\)](http://newmarketrec.org) **Cris** mentioned that there may possibly be some financial relief available through the Town Hall or the Rec. Dept. We will be waiting to put up fencing for the erosion, but will use signage for now to see if that is effective.

Piscassic River–Loiselle: Entrance Sign, Library Story Walk: **Melissa** reported that the new sign is up and members remarked how beautiful it is! Timberline did a fabulous job of installation! The final bill from Timberline Signs has been sent for \$1,462.50. She will submit that for payment since the funds have already been appropriated. The Newmarket Library will be doing another Story Walk called “It Starts with a Seed” in the next week or two. The last Story Walk was a great success.

Wiggin Farm: Kiosk: The Chair stated that this is still in the works.

Dearborn: Driveway ROW Easement: The Dearborn Easement was officially recorded on July 3, 2023.

Boulder Drive Trail: The Chair recently visited to assess the trail. It is very short (~20 ft.), but is primarily clay and can become muddy at times. She has questions about any work that may be required: 1) who pays for materials, 2) who performs the work, and 3) and who carries the liability. Discussions will continue.

Nature Groupie UNH Stewardship Interns: The Chair wanted to give a big shout out to the three Nature Groupie UNH Stewardship Interns who worked so hard for us: Daniel Ehrsam, Maddy Smith, and Jason Reyes. They worked at Wiggin Farm, Heron Point, and Mastin Drive. Special thanks to UNH, DPW, the Rec. Dept., and other Town staff for all of your help!

11. Other Updates

None.

12. Adjourn

[time on DCAT 1:11:17]

Action

Motion: **Tom Jones** moved to adjourn the meeting at 8:09 PM.

Second: **Mellissa Sharples**

Discussion: None

Vote: **Approved Unanimously 6-0-0**

Respectfully submitted,
Sue Frick, Recording Secretary

DCAT:

https://videoplayer.telvue.com/player/XSekkdEeRsk0JHQVHAvKJVka7_5VjxKP/videos

ADDENDUM page 1 (LRAC to NHDES) June 11, 2023**Lamprey River Advisory Committee**

c/o 88 Hedding Road
 Epping, NH 03042
www.lampreyriver.org

*Protecting the Lamprey, Little, North, North Branch, Pawtuckaway, and Piscassic rivers
 that connect our fourteen communities*
 Barrington, Brentwood, Candia, Deerfield, Durham, Epping, Exeter, Fremont,
 Lee, Newfields, Newmarket, Northwood, Nottingham, Raymond

June 22, 2023

Mr. Robert Scott
 New Hampshire Department of Environmental Services
 PO Box 95
 Concord, NH 03302-0095

Re: water quality issues in the Lamprey River

Dear Commissioner Scott:

As summer begins and people head outside to enjoy New Hampshire's natural resources, we are being asked to provide important information to people who wish to fish, swim, and kayak on the NH State and federally designated Lamprey River. With multiple sewage-related issues impacting the Lamprey River this year, people are justifiably concerned about getting the best and most up-to-date information about the risks involved in spending time near, on, and in the river. We are doing the best we can to provide accurate information, but the information we get is not our own and we are not the authorities who are in the best position to provide the best information.

The Epping Wastewater Treatment Facility has received abundant publicity and a process is being implemented to provide the public with the most up-to-date information: notifications to the Durham-UNH Water System so they can curtail water withdrawals if needed, town clerks to post announcements of impending releases of partially-treated sewage on town website and in town e-news, and physical posters at all popular public access sites. These are sensible steps that will inform decisions and help to keep the public safe.

Newmarket has received far less publicity, and two serious problems of raw sewage in Newmarket Harbor are largely unknown outside of Newmarket. As you are surely aware, a sewer main that runs under the Lamprey River in Newmarket Harbor sprang a leak in May. When the sewer pump is on, raw sewage can be seen bubbling up through the water. The town plans to fix this in July. Another issue is one that has been known to Newmarket and NHDES since at least 2021: the water emptying into the Lamprey River from Moonlight Brook at Schanda Park is contaminated by human fecal bacteria.

ADDENDUM page 2 (LRAC to NHDES) June 11, 2023

Newmarket has not shied away from sharing this information with residents, publishing the reports in the weekly e-news, but this popular kayak landing has no signage warning visitors that water quality is not as clean as anyone would hope, or expect from a site with no warnings.

Recreationists, town officials, and the people who are charged with helping to manage the Lamprey River need to be able to know the risks and make informed decisions about when, how, or whether to have contact with the river. Knowing that the river has water quality issues is unsettling; not knowing that the river has water quality issues could be life threatening.

We request your official intervention at the soonest opportunity. Please make sure that the science and updates are shared with the public. The Lamprey River's water quality issues are well known by NHDES and the people working there have the expertise to assess the risk to people. Please post signs at public access sites warning users that the water could pose hazards to their health and include a link to NHDES with the most current information. After the sewer line under the river is repaired, human fecal bacteria from Moonlight Brook will still be present. The professionals at NHDES are the most qualified to inform the public of the latest conditions and risks. Please ensure that the public gets this essential information.

Your prompt reply and attention will be appreciated.

Respectfully,



Joseph Foley, chair

Cc: Tracie Sales, NHDES
town managers of Newmarket, Durham, Lee, Epping
Michael.Cahill@leg.state.nh.us
Charlotte.DiLorenzo@leg.state.nh.us
Ellen Read, ellen4nh@gmail.com
Rebecca.PerkinsKwoka@leg.state.nh.us
Mark.Vallone@leg.state.nh.us
michael.vose@leg.state.nh.us

ADDENDUM page 3 (Town to NHDES) June 27, 2023

STEPHEN R. FOURNIER
TOWN MANAGER



FOUNDED DECEMBER 15, 1727
CHARTERED JANUARY 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE
OFFICE of the TOWN MANAGER

June 27, 2023

Hon. Robert Scott
Commissioner of the Department of Environmental Services
State of New Hampshire
PO Box 95
Concord NH 03302

Dear Commissioner Scott:

This letter is regarding the communication dated June 22, 2023, from the Lamprey River Advisory Committee. We disagree with the claims made in the letter against the Town of Newmarket.

Our community cares deeply for our surrounding water bodies and the environment. In recent years, the Town has constructed a state-of-the-art wastewater treatment facility; installed stormwater treatment structures at our schools, public works site, and undertaken major infrastructure projects on Bay Road as well as New Road. These projects provide numerous environmental, water quality, and public safety benefits.

We are currently planning an infrastructure improvement project to construct a living shoreline in the vicinity of Schanda Park, Moonlight Brook's outfall. It is aimed at protecting water quality, while enhancing recreational activities in the heart of our downtown.

These projects are just the beginning. Unlike other communities, Newmarket has time and time again overwhelmingly approved funding for projects and will continue to do so knowing their importance on the watershed.

The Town is currently working in partnership with numerous agencies to monitor the health of local water bodies, investigate and eliminate potential sources of pollution – particularly within the Moonlight Brook watershed. It is implied in the letter that the human impact is from the publicly owned wastewater system. As far as we know, there is no discharge from our sanitary sewer system into Moonlight Brook. The Town is coordinating with Dr. Stephen Jones of the University of New Hampshire's Jackson Lab to select sites for the 2023 sampling season within the Moonlight Brook watershed. This active collaboration, in combination with on-going stormwater planning projects, will help focus efforts to identify and eliminate non-stormwater discharges from the stormwater system.

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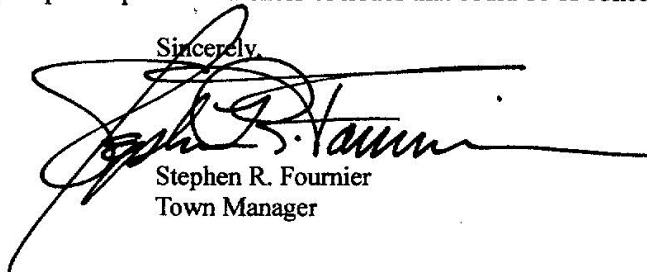
ADDENDUM page 3 (Town to NHDES) June 27, 2023

The letter implies that Newmarket has been less than straightforward with the issues we have been facing in our community. We promptly notified our residents, the press, and neighboring potentially impacted towns on what is happening and how we are addressing it.

We are also dismayed that the Lamprey River Advisory Committee did not feel it was necessary to communicate with any officials of the Town of Newmarket with their findings prior to sending this letter. This was the first communication to us. We thought we had a better partner in the Advisory Committee.

The Town of Newmarket is committed to actively participate in continued water quality efforts that can improve water quality for the surrounding water bodies; and any subsequent education and outreach campaigns that may help raise public awareness of issues that could be of concern.

Sincerely,



Stephen R. Fournier
Town Manager

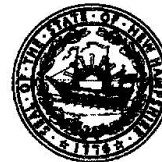
cc: Newmarket Town Council
S. Greg, Director - Newmarket Department of Environmental Services (via email)
L. Butler, Newmarket Town Engineer (via email)
Lamprey River Advisory Committee (via email)
Town Administrator of Durham (via email)
Town Administrator of Epping (via email)
Town Administrator of Lee (via email)
Sen. Rebecca Perkins Kwoka (via email)
Rep. Michael Cahill (via email)
Rep. Charlotte DiLorenzo (via email)
Rep. Ellen Read (via email)
Rep. Mark Vallone (via email)
Rep. Michael Vose (via email)
Tracie Sales, NHDES

ADDENDUM page 5 (NHDES to LRAC) July 5, 2023



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



July 5, 2023

SENT VIA ELECTRONIC MAIL

Joseph Foley, Chairman
 Lamprey River Advisory Committee
 88 Hedding Road
 Epping, NH 03042

Re: Water Quality Issues in the Lamprey River

Dear Chairman Foley:

Thank you for your letter of June 22nd wherein you acknowledge that the New Hampshire Department of Environmental Services (NHDES) has been working with both Epping and Newmarket to ensure that they have public notification plans in place and that they are implementing them. The Town of Epping is currently not discharging partially treated sewage to the Lamprey River as its wastewater treatment plant (WWTP) is able to treat all incoming flows. NHDES is also assisting Epping through technical and financial support in its efforts to become fully compliant with its National Pollutant Discharge Elimination System (NPDES) permits.

The Town of Newmarket's force main break actively discharges when pumping sewage across the Lamprey River. As outlined in a letter dated June 30, 2023 from Newmarket's Environmental Services Director to NHDES (attached for reference), Newmarket is in the process of repairing this leak and has installed signage noting "Warning Possible Harmful Bacteria" at the following locations downstream of its force main break:

- Chinburg Docks
- Rivermoor Landing Docks
- Boat Ramp
- Town Docks

Newmarket has been sampling the Lamprey River downstream from the force main break since May 25th, and they will continue their sampling efforts on a weekly basis at the locations listed above until its force main leak is repaired (sampling results to date attached for reference).

I also received a letter from Newmarket's Town Manager, Stephen Fournier, dated June 27, 2023 where Mr. Fournier notes the many projects and activities that Newmarket has performed in recent years, as

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ADDENDUM page 5 (NHDES to LRAC) July 5, 2023

Joseph Foley, Chairman, LRAC
 July 5, 2023
 Page 2

well as upcoming projects to be undertaken to improve water quality in the Lamprey River watershed. Mr. Fournier expresses Newmarket's commitment to continue to collaborate with other organizations, such as yours, to investigate and identify future projects to continue to make improvements in the watershed.

NHDES will continue to support Newmarket and other communities in the Lamprey River watershed in its efforts and provide financial assistance through its Clean Water State Revolving Fund (CWSRF) program. Most recently, Newmarket submitted a CWSRF pre-application for funding for a Moonlight Brook Stormwater Investigation planning project. This project is to address concerns raised in the Lamprey River Advisory Committee's (LRAC) December 31, 2022 Tracking Bacterial Contamination in the Lamprey River Watershed. As part of the project Newmarket states it will conduct further investigations to determine and pinpoint the sources of bacterial pollution, as well as develop and execute a public outreach program and implement at least one green infrastructure project. Depending on what sources are identified, additional projects may need to be carried out to address those sources.

We are greatly appreciative of all the continued efforts of both the Town of Newmarket and LRAC to improve water quality in the Lamprey River watershed. NHDES will continue to support those efforts.

Sincerely,



Robert R. Scott
 Commissioner

Attachments:

June 27, 2023 Letter from Newmarket Town Manager Stephen Fournier
 June 30, 2023 Letter from Sean Greig, Newmarket Environmental Services Director
 Sampling Results as of June 30, 2023

ec: Newmarket Town Council
 Stephen Fournier, Newmarket Town Manager
 Sean Greig, Newmarket Environmental Services Director
 L. Butler, Newmarket Town Engineer
 Todd Selig, Durham Town Administrator
 Town Administrator of Epping
 Andy Robertson, Lee Town Administrator
 NH Senator Rebecca Perkins Kwoka
 NH Representative Michael Cahill
 NH Representative Charlotte DiLorenzo
 NH Representative Ellen Read
 NH Representative Mark Vallone
 NH Representative Michael Vose