Approved Minutes

TOWN OF NEWMARKET, NH  
CONSERVATION COMMISSION  
September 11, 2014   
7:00 PM Council Chambers

Members Present: Drew Kiefaber (Chair), Jeff Goldknopf (Vice Chair), Eric Wigode (Treasurer),  
 Bruce Fecteau, Bob Gazda (Alternate), and John Brackett (Planning Board Rep)

Members Absent: Fred Pearson *excused*, Andrea Frey *excused*, Jessica Veysey-Powell (Alternate) *excused*, and Toni Weinstein (Town Council Rep) *excused*.

Called to Order: 7:10 PM

Agenda Items:

1. Pledge of Allegiance
2. Roll Call

The Chair appointed **Bob** **Gazda** as a voting member for this meeting.

Because there were guests, the Chair asked for approval to move ahead to agenda item No.8. Old/New Business. There was no objection.

8. Old/New Business

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.*

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*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.

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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

The Chair will be touch with the Town Administrator and then get back the Nature Conservancy.

Craft Fair at Schanda Park – Sept. 20th: We have received notification from Etta and John Sanders regarding the craft fair at Schanda Park that was approved by the CC at the August 28 meeting has been cancelled. Most of the vendors did not have liability insurance that was required by the town.

Discussion of using metal detectors on conserved properties: **Eric** **Wigode** did research with the NH Association of Conservation Commissions and reported on current policies from three towns: Kensington, Pembroke, and Concord. All three prohibit this use on town/conserved properties. Durham has a new policy that indicates that under certain conditions, use may be approved. **Jeff** **Goldknopf** noted that the use of metal detectors would be detrimental to the purpose of the easement on the Wiggin Farm where soil might be disturbed and habitat could be compromised. The CC discussed the pros and cons.

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ACTION

Motion: **Eric** **Wigode** moved that the Conservation Commission take no action

on the issue of using metal detectors on conservation lands in town.

Second: **Drew** **Kiefaber**

Vote: Approved unanimously 6-0-0

2015-2016 Budget Request for the Conservation Commission: **Drew** **Kiefaber** discussed the proposed budget for the Conservation Commission for 2015-2016:

* Part-Time Recording Secretary: $1,000.00
* Postage: $60.00
* General Supplies: $200.00 (for the conservation lands)
* Dues & Subscriptions: $390.00 (NHACC and LRWA)
* Contracted Services: $291.00 (SELTNH for the Hilton property easement monitoring)
* Total: $1,941.00

The CC agree with these figures. **Drew** **Kiefaber** will send an email to the Town Administrator and the Financial Director proposing $1,941.00 for the CC budget for 2015-2016.

Easement Monitoring: **Drew** **Kiefaber** mentioned that all the easement monitoring must be completed on five (\*) properties in town. Monitoring includes walking the perimeter and interior, if necessary, to make sure there are no violations of the conservation easement on each property. A report must be written for each property and submitted.

1. Hilton Farm Easement (performed by the SELTNH)
2. \* Nostrom-New Roots Farm
3. \* Silverman-Schneer Easement (**Eric** **Wigode** and **Jeff** **Goldknopf** plan to perform this monitoring on Oct. 5 at 7:30 am.)
4. \* Piscassic River-Loiselle Conservation Area (Bruce **Fecteau** plans to perform this monitoring on Oct. 18 at 9:00 am. It should take about two hours to walk. **Bob** **Gazda** would like to go as well and **Eric** **Wigode** would like to attend to learn the process.)
5. \*Wiggin Farm Conservation Area
6. \*Audubon/Smith Sisters Easement

The remaining properties will be discussed at the next meeting.

*Back to the agenda:*

1. Public Comments

There were no public comments.

1. Approval of Minutes

ACTION

Motion: **John** **Brackett** moved that the non-public and pubic minutes of

August 28, 2014 be approved as drafted.

Second: **Bob** **Gazda**

Vote: Approved by 5-0 with 1 abstention (**Bruce** **Fecteau**)

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1. Treasurer’s Report

**Eric** **Wigode** reported that he met with the Financial Director and there were no problems with the year-end CC figures.

1. Committee and Subcommittee Reports

Planning Board Representative: **John** **Bracket** reported that the CC may need to begin a plan for monitoring of the proposed Bald Hill conservation easement. The Chair indicated that no plan is necessary until the property is deeded to the town. **Jeff** **Goldknopf** wanted to know if the property is in current use. **John** **Brackett** will find this out at the next PB meeting. He also indicated that the transfer of deed may occur very soon.

1. Chairman’s Report

**Drew** **Kiefaber** mentioned the annual NH Association of Conservation Commissions meeting will be held on Nov. 1. <http://www.nhacc.org/news/> As a reminder, the CC will pay the registration fee for members to attend if interested.

The CC has received a letter from DES regarding the dock permit request for 17 Moody Point Drive. The DES would like more information. After their review, the DES stated that they are looking for a demonstrated need and a desire by the applicant to minimize the impact to the intertidal resources. The letter was written on August 25 and the applicant has 60 days to respond. DES believes that the best location for the dock would be the previous location up river.

The CC received a letter from Mr. Jerry Collins seeking permission to use Schanda Park for one day in September, October, or November to remove the Chicks Weir. The tide must be low and the nets take all day to dry and clean before removal. The Chair will draft a letter of approval to Mr. Collins and ask that he inform both the TA and the police of the day he plans to use the park. The CC will also ask that he put up some safety cones around the nets.

1. Adjournment

ACTION

Motion: **Jeff** **Goldknopf** moved that the meeting be adjourned

Second: **Bob** **Gazda**

Vote: Approved unanimously 6-0-0

The meeting was adjourned at 8:32 PM

The next meeting is scheduled for Thursday, October 9, 2014

Respectfully submitted,

Sue Frick

Recording Secretary