

**HOOKSETT CONSERVATION COMMISSION MEETING MINUTES**  
**NOVEMBER 14, 2016**  
**UNOFFICIAL**

Steve Couture called the meeting to order at 4:00 p.m.

Pledge allegiance was recited by all present.

**Conservation Commission Attendance:** Steve Couture –Chair, Cindy Robertson- Vice Chair, Phil Fitanides- Member, David Ross-Town Council Rep, Deborah Miville-Member

**Not Present:** JoCarol Woodburn-Member, David Hess-Member, Todd Lizotte-Alternate

**Staff:** James Donison, Leann Fuller and Kathy Lawrence

**Public Input:** N/A

**Consent Agenda:**

- i. Copy of Society for the Protection of NH Forests magazine was distributed.
- ii. Transfer to the Peoples Conservation account from the Towns General Account (Pike Stewardship \$17,855 and State of NH DRED \$50,000) previously approved by Conservation Commission.
- iii. Transfer from the Peoples Conservation account to the Towns General Account (Stantec \$3,000.52, Citizen Bank/Staples \$86.80 and Morello Construction \$31,745.00, Total \$34,832.32) previously approved by Conservation Commission.
- iv. Blue Ribbon Companies invoice for Merrimack River Trail split rail fencing and two 12' gates- Invoice for \$4,391.50. David Ross made motion to approved payment of the invoice, seconded by Cindy. Motion passed unanimously.

**Meeting Minutes:** Phil Fitanides made motion to approve the meeting minutes for October 17, 2016, seconded by Deborah Miville. David Ross and Cindy Robertson abstained. Motion passed.

Jim Donison mentioned that the October 28, 2016 meeting minutes are incomplete. Steve made the board aware that no business was discussed as it was a “work” session. It was not technically a meeting as no motions or actions were made. Phil Fitanides and Todd Lizotte were not present at the Pinnacle Park Dedication. Steve motioned to table these minutes until Jim verifies what needs to happen at these kinds of “work” sessions.

**Appointments:**

- i. **Tom Sokoloski, TES Environmental Consultants, LLC- J.K. Mullikin, Map 36, Lots 22, 21-3 & 67, 87 & 89 Auburn Road and extension of Jaime Lane.**

This project was reviewed in September and a Special Exception was requested as well as a variance. Tom is coming back for the Conservation Commission to sign off on wetlands permit for the same impacts that we approved back in September. If the Conservation Commission signs off on the Wetlands Application it will be moved more quickly through the State.

Tom Sokoloski (Wetlands Consultant in Bow, NH) introduced himself and made the Conservation Commission that he is here for signatures on the Wetlands Application and asking for a minimum expedited review period (30 days) but it requires the Conservation Commission's signature prior to going to the Town Clerk and getting the application brought to the State. This Wetlands Application is just for the roadway crossing and the driveway crossings.

David Ross: What was our determination in prior meetings in regards to this?

Steve stated that we submitted approval for the ZBA application with no comments.

David Ross made motion to approve signing of the Wetlands Permit Application on behalf of the Conservation Commission, seconded by Cindy Robertson. Motion passed unanimously.

Jim brought out the plan for this site to review with Conservation Commission.

Tom: The roadway impact and driveway impact are the only items I am here for tonight.

Phil Fitanides: Was there an environmental report complete for soil?

Tom: There was not a high intensity soil survey or an environmental impact assessment because the wetlands impacts are minimal under the State's thresholds. Below 3000 square feet is considered the minimum impact. This qualifies under that.

Steve: In September, Did the town mitigation fee come up at all, greater than 1000 square feet? How large are these Wetlands, are they less than an acre?

Tom: The isolated wetland for the road impact is less than an acre.

David made motion to sign the Wetland's Permit Application for an expedited review, Cindy Robertson seconded. Motion passed unanimously.

Steve Couture signed five copies of the Wetland's Application on behalf of the Conservation Commission for Tom Sokoloski.

No comments on the planning board memorandum regarding same property.

ii. **Tom Sokoloski, TES Environmental Consultants, LLC- Sierra Homes, Inc., Edgewater Drive, Wetlands application for five seasonal docks on Merrimack River.**

This project was reviewed at October meeting. Steve Couture requested Tom walk the Conservation Commission through the project again.

Tom: The project for sierra homes that was reviewed two years ago when it started, involves a creation of condo association. This property is located on a long narrow piece of land on Edgewater Drive that goes to the Bow town line. The lot was wooded in southern portion and the Northern portion was a hay field. The development was concentrated by the hay field with a driveway extended from the Cul-De-sac. 5 residential condo units were proposed and received State shore land and wetlands approvals as well as all town approvals. The concerns over rare species in the area consisted mainly of the Bald Eagle species winter roosting habitat on southern part of site where the trees are over the bank and are thick enough to give the Eagles some comfort. The project mitigation involved setting aside that land and a portion of northern end of the site for conservation easement that will be maintained by condo association with strict limits on removal of trees .Trees will only be removed if they are a hazard. The units are not yet under construction. The units will be under construction soon. Since it is on the Merrimack River on the Hooksett dam area., Eversource has requirement to maintain a resource conservation district on river they require a demonstration that docks would not be in the vicinity of aquatic vegetation. I had to complete a survey to determine if those areas where the docks are proposed did have aquatic vegetation. Fortunately, this summer was a draw down to do dam repair and I was able to scout the bottom and saw there were two isolated aquatic vegetation which were easily avoided. Since each of these docks has more than 200 linear ft. of shore land frontage, it was no problem to locate docks away from vegetation beds and shoreline that would be susceptible to erosion. Each of those docks are separated by a couple hundred feet at minimum. People with water property expect to have means of access to the water and to have a dock is a pretty basic means to that access. These sights are not amendable for any sorts of beach as land surfaces some 10 feet above the river water elevation during the summer time and what we proposed for docks is a ramp that would lead down to the dock surface. These would be seasonal docks and removed every year which corresponds roughly with when the eagles would be using the area for winter habitat. We have a Wetlands Application submitted. The application was filed about a month ago. The Wetlands Application was a Standard Application can take up to 75 days. Wetlands bureau is taking up to 75 days due to workload. State would be looking for any comment by the Conservation Commission.

DR: I remember this property quite well. We went back and forth talking about the shore and erosion issues. I remember in every single presentation stating that there may be one dock in the future now we are talking about 5 docks along river. This is turning into

something people were assured would not happen. There is historical erosion with trees being undermined. It is really inundated. I find this as a complete surprise. It is not at all the way it was presented when the lot was first brought forward. The concern was that this was already a major impact to get this lots going in general. There were issues with how the lot was being accessed already due to it being a sensitive area due to erosion. All of a sudden we are looking at 5 docks with ramps going down to them. I just see this as a major change to what we were presented previously.

PF: In our discussion in doing all this work, didn't we make a mitigation or a trade and that all that land belongs to the town that they are going to put all those docks on?

SC: No, the portion that the lots are on is private deeds. Conservation land was set aside that is public accessible about 6 acres. The docks would not be on public land that is private land.

PF: Has any of this gone before the planning board?

SC: This does not need to go before the planning board.

PF: Ok, well I have a few questions. Is there any type of pollution protection? Are there any provisions for emergencies such as skimmers for fuel/oil accidents? What is to prevent sewage going into the water? I need to know if these people are going to be charging for their docks and leasing them out to other people. What controls are you going to have to stop people from using docks because that is pretty lucrative and can charge a couple of grand a summer and not even use the dock and rent it out to others?

SC: Just a couple of points. They are all great questions. A lot of them are not within our purview.

PF: Ok, I will let you extricate the ones that are. As David said, erosion control issues and like David said there is one dock and now there is 5 and the original plan was one home and now it is five and five extra sewage facilities. What type of boats would be allowed? I have seen some pretty powerful boats over there.

SC: There are no regulations on types of boats. Other than something that has an actual cabin. First of all, we do not have a sketch at all, no drawing.

Tom: I do apologize as I was not aware this was going to come up tonight. I noticed on the agenda and grabbed the file. This was filed on October 12<sup>th</sup>. I do have the application with me and can show you the plans.

SC: I do just want to make a couple of points as far as least impact and alternative was since it is a condo association, instead of have five individual docks, was it considered to have a community docking system?

Tom: It was considered. The owner felt that it was not something that he wanted to pursue. The idea of that is that it would concentrate all the effects in one location and having each lot with its own individual dock will allow the owner to decide whether or not he would put it in or not put in each year. If he had the five docks together in one location it would have to have a more elaborate configuration. The condo association would need to be the ones to install it each year. Some owners would not want to install it in a year or install it and not use it.

SC: The question is, was it looked at from a least impact alternative?

Tom: It was not.

Tom showed the plans submitted to the Conservation Commission. Tom also pointed out the Eagle roosting habitat. Tom stated that Eagles are not as bothered by cars as they pedestrians. Tom pointed out where the docks would be located and how they would be L shaped configuration. Each dock is located sufficiently far enough away from the vegetation. The docks are all the same length. Also, in the application is a detailed sheet that shows that. Ramp would be a platform anchored into bank.

PF: Will power lines be going to the docks for lights?

Tom: I do not have that little detail. That is something that does not typically go into the permit details.

PF: How about fuel at the docks?

Tom: Typically, smaller boats have portable fuel tanks.

David Ross stated that this is not at all what he originally saw and was presented. He is feeling strongly opposed against the five docks.

DM: Condo association has to have docks out seasonally. Is there a timeframe?

Tom: End of boating season, usually by Columbus Day they should be out. It is a common practice to be removed. They are made to be removed since the ice will damage the dock.

Phil requested that Tom send a copy of the plans to staff so the staff can send it out to the members of the Conservation Commission.

SC: It does not seem they have gone through the exercise of researching the least impact option for the docking systems. However, I am not certain if that would be allowed within the individual lot owner rights depending on how it was deeded so they may not have the ability to have a community dock system.

DR: We need to revisit the minutes and discussion on this property. We had so many meetings and discussions that's why I am very hesitant to take any action on this. I remember the shore land afterwards was a huge concern. The shore line was not supposed to be messed with at all. This is a major impact of shoreline because on the other side of the river you are going to see these big ramps and all these docks. Any size boat they want, they can put there. It changes the whole shorefront in my opinion. I think it is a little premature for us to deal with it.

SC: I agree but at the same time we want DES to consider our comments but we have to get them to them before our meeting next month. They will be reviewing it sometime in the next 20 days. If we want them to consider our comments, we need to get them to the State. It does not go through anything else in the town. No Town Council, no planning board, no ZBA. This is it.

DR: My concern is the shore line disturbance through the construction period and use of the docks. I am very concerned it will negatively impact the river.

PF: Add to what Mr. Ross said, I would like to see something in writing or something from the Conservation Commission saying that five extra docks and five boats and whatever they may rent out. There is nothing to stop them from renting out. We could see 20 boats at one time.

Tom: Driven solely by what is there. It is not possible to put anything else there as it is a violation of the permit.

SC: This is not something we can regulate. What we can regulate is whether or not they go in and how they go in. How these docks impact the river and the shorefront is what our comments have to focus on.

PF: Is there a requirement for the materials they are going to the make docks out of?

Tom: Pretty standard conditions. Any commercially available materials within state requirements can be used.

DM: You said something about the land already being in the deeds. Does that mean the lots are already sold?

SC: They are already created. They are not necessarily sold but deeds are created. Pretty certain there was not any language stating that the condos declaration and rules have to go through planning board and council as part of the deal and sign off.

DR: They have blindsided me about docks, I do not remember anything about docks.

PF: The owner of property is also a member of Planning Board. Was he recused of any meetings?

SC & CR: Yes.

CR: David, I agree. It was not presented with five docks. Even if it changes later, the question is how does it affect the conservations point of view of it? Perhaps, it was not initially laid out this way, but if they want to lay it out this way now, does it change the Conservations point of view of it. I was under the impression it would be one community dock that they would all be using, not five individuals. That was what was represented. It if it less impact then they should go that way.

PF: In all this planning, providing someone comes up with the Sizes of boats, nothing to stop you from having 30', cabin cruisers, will there be any dry docking facility? If you have that many docks there, there should be a methodology to get the boats out of the water in case of a storm coming and usually there is a dry dock.

Tom: Usual ways is that people have their own private docks, launch at public launch. There are a few different public launch sites.

DM: Is there another part of the river that is experiencing five docks? So we know the impact on the river.

SC: Look on either side of the river up 3A, there are solid walls with docks. In that instance there was not a lot of control on how the docks were installed or how the banks were stabilized. It has been done in Hooksett going into Manchester. But this stretch, there is only this one. Everything else is conservation land, undeveloped.

DM: is there a lot of negative impact?

SC: It is more aesthetic than anything. There are some impacts as proposed, 300 square feet per dock of impact. My recommendation is that we do submit comments to DES. We ask that the agency request the applicant to look at or explain why a community docking structure was not considered or why it could not be considered. If it can be, please provide analysis so we can understand the impacts. That will get the point to us. Legally they have the right to submit a permit application, like they did. That is what our concerns are.

DR: I am concerned about the Eagles being disturbed by these docks.

Tom: The Eagles use this area as a winter habitat only.

SC: Also included in this letter is that additional consultation with Fish & Game will be required so that will be addressed. We can also list that in our comments. The other thing that is interesting is they show this as one lot. Legally might be one lot but it is subdivided.

Tom: One other point I would like to make is there was a discussion about putting a dock on the northern part of the site which is now conservation land and is subject to a conservation easement. Allowed uses would be spelled out in conservation language in the easement.

DR: Going back to all the discussions we had, there was a reason the town chose to discontinue that road because there were assurances that nothing on the river side of that road would happen. It is an impact on the environment including the shading of the dock ramps going over those vegetation areas and the inhibition of creatures running up the river banks. There are a number of things that we know docks have an impact.

SC: I really want to move this on. I know what we should do and I think we all agree. We are all reiterating.

SC: I would like to make a motion to send letter to DES stating our concern with the application. We want to understand why the applicant did not consider community docking structure. We want reassurances and to understand the potential impact on the eagle habitat. If a community docking structure is allowed, on this single lot application, then is it the least impacting alternative in comparison to what is being proposed? Is everyone comfortable with that?

David Ross seconded. Motion moved unanimously.

- iii. Eversource- Wetlands Application- Conduct maintenance on the D-121 Transmission Line.** Jim elaborated on the maintenance line. The wetlands application notification states that they will be maintaining utility services within there right away. It goes from Pine street south on that side of I-93. They submitted letter from National Heritage Bureau and a letter from Kim Tuttle with NH Fish & Game. Kim identified the Blanding's turtle and spotted turtle in that area. She did state they do not expect impacts to the Blanding's and spotted turtle.

SC: This is just a notification. State set it up that they can do it once we are notified. No comments from us.



**iv. Donna Thompson- Collect 5-6 clay samples along Merrimack Valley.**

Donna came with handouts for everyone. The handouts note that she is an Archaeology graduate student studying early northeastern Native American pottery. She has been working with the state archaeologist, Dr. Richard Boisvert, on pottery forms from the Merrimack River Valley. Donna is trying to understand the clay resources that the Native people used as well as pottery construction methods and pottery use. She is looking for clay sampled from along the Merrimack River in the vicinity of Garvin's Falls. She would like to obtain clay from Heads Brickyard to include in her study.

DR: I recommend that you get in touch with Kathleen Northrup. She is in charge of the Heritage Commission and would be a great resource.

Steve Couture researched what our easement was on Merrimack river.

Donna went into detail and stated that she would clean the clay, scrape all service stuff off and use a shovel to remove and keep the clay clean. It is all done by hand. Generally, it is collected off a slope so no hole would be necessary. If she did have to dig a hole, she would make sure to fill it back in.

SC: After researching the easement, we need a written letter from NH State Archaeologist.

Donna's only concern is that she wants to get this done before the ground freezes.

SC: Once we get that writing from the State archaeologist, we should be covered and it's pretty straight forward.

**Development Reviews**

**i. Department of the Army, NH Army National Guard, 1227 Hooksett Road, Map 34, Lot 4. Construction of a 28,855 SF Field Maintenance Shop.**

This lot is located across from Cinemagic. This is just a courtesy as they do not have to follow local regulations. We received a huge document with CD.

Steve was there when presented at council. He does not see any issues as they are making adjustments per local concerns. No wetlands to worry about. No significant impact.

PF: I know that topography very well. How much blasting?

SC: Blasting was discussed at Planning Board. They have gone up and down on blasting, test wells and monitoring property. Blasting is covered. Although they are not required to, they are taking it into consideration.

**Other Business**

**a. Merrimack Riverfront Trails**

- i. Fundraising for benches**
- ii. Signs (Blue signs, Private Property, Rules)-Jim went out and marked the site. Steve double checked and made notes where signs should be moved to.**
- iii. Fencing-Complete and approved already**
- iv. Rules-Jim will provide draft rules for next meeting**

**B. Warrant Article 2017 \$150,000- Phase II Riverfront Trail continues construction to corn field.**

This was discussed last meeting. Taxes already went up quite a bit this year.

David Ross suggested that maybe we should wait. We have a lot of good will in town with what has been done. It may not be the year. The property is not going anywhere. Maybe next year we will have a pleasant surprise.

Jim Donison: It is better to get the warrant articles in early as the Budget committee has reviewed warrant articles already.

DR: Everyone was already made aware.

SC: How was it received? We did come in off schedule. That is a good point.

DR: Tax rate is bothering people.

SC: This can sit.

CR: This is all everyone is talking about it is the tax rate. There is quite a reaction already. Wait until it calms down. We can have a year to pause. Let people enjoy that first. It is still very unknown.

SC: We can still apply for a grant for other things on the property. Focus on building up the rest areas.

CR: It would be nice to move forward but I think this might be a tough year.

SC: Last year we got all three items approved. Forestry will be bringing in money this year as well.

DM: It is going to be a tough year with the Budget Committee.

PF: I think we should put it in; you might be surprised by what the council might approve. When does it have be presented by?

SC: Must be in before council in December. We can put it forward and let council and budget committees give their recommendation. This will raise taxes by .01-.02 per thousand. If we want to ask for the money, we have to be behind it.

CR: If we do it, I will be behind it 100% but I can definitely see not going after it this year and let people see it and get into it first. Build more awareness of it first.

SC: If we get it, it would be easier to use it in 2018 than 2017. We can get benches in, promote it, and have some activities. We can also negotiate our right of ways in 2017, so we are certain we have access. We are certain we have a variance issue.

PF: We have such good momentum now. Do you believe it would decrease if we wait a year?

SC: No. If they are aware and are behind us they will be there the following year. I feel more comfortable holding off as we have more work in Phase I to do.

Consensus is to hold on this topic.

**C. The Lions Club International: 100 years old and would like to donate a granite bench with the Lions logo that would be placed on the rail trail.**

SC: Good location would be the first pull off spot which we authorized Kathy to install a Heritage marker. We can put two benches there.

DR: You want them that close to the bridge? Or should be move it further down the instead of putting everything right in beginning of trail.

SC: Then we could do one event for Heritage Marker and Lions Club bench. We should ask Lions Club where they would like the bench and give them the options. I will work with them and find a location. I will discuss style and the type of bench with them. Would anyone like to do the research and deliver different types of benches? I think we should do two benches per location that will give us about 12 benches. Once we have a design we can tell them what we are looking for.

Phil offered to do research on benches with backs.

**D. Clay Pond III Warranty Deed with Executory Interest and Conservation Easement Deed.**

SC: I sent this to Attorney Dunn, have we received back anything back from him?

JD: I am not aware of that

SC: I have not received anything back so we are not ready to forward it yet. Once we get Attorney Dunn's comments we can move it to town council.

No action yet.

**E. Calhoun and Corwin Forestry, LLC- Invoice for \$3,500;** Motion made by Cindy Robertson, seconded by David Ross. Motion passed unanimously.

**F. Mark R. Dunn Attorney at Law- Invoice for \$150;** Motion made by Cindy Robertson, seconded by Phil Fitanides. Motion passed unanimously.

**G. Mark R. Dunn Attorney at Law- Invoice for \$300;** Motion made by Cindy Robertson, seconded by Phil Fitanides. Motion passed unanimously.

**H. Moosewood Ecological, LLC- Invoice for \$2,000;** Motion made by Cindy Robertson, seconded by Deborah Miville. Motion passed unanimously.

**I. Merrimack Conservation Partnership approved a grant for \$11,414 to fund eligible transaction expenses on the Hooksett-Bow Forest project with a 25% matching contribution of \$2,853;** Motion made by Steve Couture to recommend the council receives the grant, seconded by Cindy Robertson. Motion passed.

**J. Other Committees/Boards**

- I. Town Council- None
- II. Planning Board- None
- III. Parks & Rec Advisory Board-None

**K. Pinnacle/ Bear Paw/ Heritage Day Dedication Event Update**

Went well and had a good turnout. Bear Paw was there. Not a ton of people but for a rainy day it was nice. Dave Ross, Dave Hess, Kathy Northrup all had nice words to say.

**L. Stewardship Contractor Assistance- Bear Paw**

This does not have to be decided right now. We still have properties to manage. Bear Paw now has stewardship coordinator. I sent him an email asking him about work on conservation properties could we contract with coordinator? He was more open to it if Bear Paw was already involved in it.

**M. Mosquito Control**

Updates on it will be done. Phil made a few more discoveries about Dragonflies. Phil will check to see what the progress is on the mosquito borne diseases. However, it was not bad this summer.

Motion to adjourn was made by Steve Couture, seconded by Cindy Robertson.

Meeting adjourned at 5:54pm.