

Approved: October, 7, 2014

**New Castle Conservation Commission Meeting
September 2, 2014**

Members Present: *Bill Stewart, Jim Rini, Sharon Houston, Beth Hume, Brian Mack, Lynn McCarthy, Curt Gillespie, Darcy Horgan*

Also Present: *Al Weston, Steve Tabbot, Don Cook, Cos Jcovozzi, Burt Cohen, Tracy Degnan*

168 Portsmouth Ave - Review of Septic Removal and Sewer Hookup

The applicant did not present engineered drawings – a rough sketch was done and it indicated that the work would be done 60' or more from the resource.

The Conservation Commission voted to recommend approval of a requested removal of an existing septic tank replaced by connecting to an existing sewer hookup on an adjacent property.

It should be noted that the applicant indicated that the existing system was severely stressed and expected to fail at any time but not yet failed. The applicant brought both the contractor (Chris Co.) and a representative from New Castle DPW (Steve Tabutt) both of whom indicated that the proposed hook up was the best solution given the conditions on the site.

The motion is as follows:

To recommend approval to remove an existing tank and dry well system replacing that system with a two compartment system. The two compartment system will consist of a first tank (capacity of 1250 gallons), a second tank (capacity of 500 gallons) and approximately 225' of 2" pipe connecting into an existing pressurized sewer line on the adjacent property. The excavation area will be approximately 20' by 20' and once installed the system will be properly back filled with septic sand. The trench for the pipe will be approximately 4.5' to 5' below grade and of minimal width. No work or equipment will be closer than 60' from the HOTL and proper silt fencing and silt soxx will be installed prior to any work being done.

180 Portsmouth Ave – Tree cutting beyond approved plan

Review of the site and the 'Tree Removal Site Plan' (Sheet C4) by Ambit Engineering, Inc. A site review of the property indicated that approximately six trees were cut in the 50' waterfront buffer that were not indicated to be cut in the plan submitted to the Town for a building permit and in the plan submitted to NHDES for approvals.

Don Cook appeared before the Commission as the General Contractor for the project. Mr. Cook said that he takes full responsibility for trees that were cut that were no supposed to be cut. He explained to Commission that there were two arborists from Bartlett tree that flagged everything and unfortunately the tape they used made it very difficult to distinguish the trees to be cut from those that were to be saved. There were many people involved, so he wasn't sure

exactly what happened that led to the trees being cut. There has not been a recalculation of waterfront buffer 50 x 50 grids yet to determine if the extra points for those trees taken will cause them to violate State RSAs or Town Ordinances.

Bill Stewart asked if all the trees taken that were not indicated on the plan had been identified. Mr. Cook replied that they had and that the stumps are now painted orange.

Bill Stewart indicated that there are two important components in reviewing this:

1. 50x50 grid needs to be looked at by Conservation and DES. Someone needs to recalculate to determine if there is a deficiency.
2. The trees remaining need to be evaluated per town regulations to determine if 50% well-distributed stand was maintained in the buffer area.

Don Cook replied that it wouldn't be a problem, the arborist can calculate.

Bill Stewart said that if deficient on State standards the State will prescribe its own remediation. We don't have a specific plan established for remediation, but taking the general measurements of the six trees and replanting would be a start.

Beth Hume commented that the trees replanted should be native; nothing invasive.

Bill Stewart said the Arborist should know what natives would be best for that area. Basically, we will need some combination of plantings that would get back what was lost.

Don Cook asked if it would be possible to plant farther back from the water?

Bill Stewart said the trees being replanted should be in the waterfront buffer, where they were taken from. The benefit of having trees in this area is to protect the resource from fresh water and pollutants and to reduce erosion which causes siltation and other related issues. Specifically in this case, the Commission approved a daylight drain without a rain garden that ports out within the 50' buffer because all those trees were there to mitigate the runoff.

Darcy H. asked about the stumps?

Don Cook said the stumps are still there, and painted orange.

Bill Stewart said the stumps are require to remain but can be ground down to grade once this matter is resolved.

Bill Stewart: In summary, about six trees were taken that weren't indicated on the submitted and approved plans, the grid calculations for the waterfront buffer zone point loss has yet to be determined. It also hasn't been determined if any additional trees were taken in the woodland buffer area which is governed by a Town ordinance that requires leaving 50% of the area unaltered in well distributed stands. Bill S. requested that Don Cook review the site and the plan to determine the effect on the 50 x 50 grid and the woodland buffer area. He asked that Don come back in October with complete information as well as any remediation recommendations.

Members of the Commission stated that that the land owner should be made to put back the same amount of vegetation that was indicated on the original plans and used for the approval process regardless of state regulations. The remediation plan should also include a moratorium on cutting, and some stipulation on cutting dead trees.

Lynn McCarthy added that the plan should definitely consider native plants, not necessarily exactly what was removed.

Proposal for removal of limbs and trees surrounding Bull Toad Pond made by Burt Cohen

Burt Cohen: In addition to the limbs on the Pine there are several poplars in the area that are very fast growing and have really grown tall and close together in the last couple years.

Beth Hume: That is normal for poplars.

Bill S. How many trees are we talking about?

Burt C.: About 10? Maybe 2in each.

Beth H.: Would it be helpful to have a site walk?

Burt C.: Not sure, the issue is that there is no view from the deck of my house on the water side. I had a view but the growth has blocked it.

Lynn M.: But is it detrimental to the pond?

Beth H.: We need to be careful about setting precedents.

Jim R.: It would definitely be important to do a site walk.

Burt C.: I don't know if you saw, but Frank Richardson has been very supportive of the cuttings in email.

Lynn M.: Could you please summarize the email?

Burt: Basically that it was a simple issue with regards to conservation and that from the state's point of view there should be no problem.

Bill S.: Part of the problem that we are faced with in dealing with your request is that you may want to remove trees to improve your view but your neighbor may want to maintain the vegetation to give the privacy from the Common or the beach. While I appreciate your request, the issue can become political and may not be one for conservation. Requests to cut or trim trees on Town land that don't specifically impact conservation may not be our purview. It may be that you need to request the cutting you want of the Town. The Town will then ask for input from conservation on the value of the trees or the impact the cutting may have on the natural resources. The Town would then decide what is in the best interest of the People of New Castle regarding the request. I am not sure this is something we should be deciding.

Curt G.: If there is a positive benefit realized by the Town, not just by the individuals, then yes. For example, 20 trees may look sorry, but trimming them out could make them more health. Maybe we could see the site and determine whether some improvement can be made. If there's no justification ecologically, we shouldn't be involved.

Lynn M.: But then there's the natural process that would take care of the trees by itself if we just left it alone.

Burt C.: Maybe a site walk would help.

Bill S.: I think before we schedule a site walk, we need to determine if this is something that should be requested of the Town and not the Conservation Commission.

Dave McGuckin: I don't think this has anything to do with conservation. It has to do with a view.

Bill S.: I don't think this will be decided here tonight. Let's set a site walk to better understand the request.

Site walk scheduled for 4pm on 9/3/2014. A second walk will be scheduled at a later date for those who cannot attend.

INTERNSHIP ACCOMPLISHMENTS:

Tracy Degnan: Jo Lewis tackled the task list, lots of pulling invasives, created a brochure about lawn care, completed Phragmite cutting totaling about 1/3 an acre.

Tracy presented opportunities for grant proposals under \$5,000 for some conservation plan implementation through the NH State Conservation Committee. I would take about 15-20 hours to draft proposals from several funding sources.

Bill S.: We have about \$1500 for time for grant. That's about 15 hours left.

Tracy asked about the Lavenger Creek Conservation Plan.

Bill S.: A draft has been completed and sent to the members of the Commission for review. The goal is to get it to the State as soon as possible so that it can help inform their decisions regarding any development in the Conservation area.

Beth H.: We should include a map that defines the conservation area clearly. I think we should also make sure to address access; we want people to get access responsibly.

Bill S.: I agree those are good suggestions to be added to the plan. Please send edits, both grammatical and content, as soon as possible. And we'll get a map to determine the best way to define the conservation border.

Beth Hume: Motion to approve use of remainder of Tracy's time to put together a grant proposal from NHSCC for Phragmites control and other grants. Jim Rini second. All approve.

OTHER BUSINESS:

Jim: I had a chance to try out the small blow torch. In conclusion, it's completely ineffective.

Beth: It's important to use pesticide/herbicide responsibly and spray selectively with a special permit.

Bill: Certain situations may require specific measures. We should get that special committee too reconvened to make recommendations on use. We also have the option to revert back to existing protocols for the use of pesticide/herbicide selectively.

Reminder about state annual meeting attendance later this year.

Meeting adjourned at 6:45pm