

Approved: September 2, 2014

New Castle Conservation Commission

Tuesday August 5, 2014

New Castle Town Hall

4:00 PM

Members Present: Jim Rini, Curt Gillespie, Darcy Horgan, Chair Bill Stewart, Brian Mack, Beth Hume, Bill Marshal and Nancy Gulley

Members Not Present: Lynn McCarthy, Sharon Houston, Rebecca Audet

Others Present: John Chagnon, Jennifer McConathy, Craig Strehl, Sam Asano, David Borden

Chair Bill Stewart called the August 5, 2014 meeting of the New Castle Conservation Commission to order at 4:04 pm.

Approve July minutes

Jim Rini MOVED to approved the July 2014 minutes as written; this was SECONDED by Brian Mack and APPROVED unanimously.

Wetlands applications/review

Work session for 45 quarter deck lane, Jennifer McConathy and Christopher Bonner. Project consists of a proposed new entry at the front of the house. Proposed plans not included at this time

Chair Stewart noted that the members held a site walk approximately a year ago on the property.

John Chagnon said he is presenting the project for Jennifer McConathy and Christopher Bonner. He apologized for not presenting the plans to the members previous to the meeting and explained that they are waiting for the topography of the property. He then distributed six copies of the Conditional Use Permit application to the members. Mr. Chagnon said the applicants are trying to correct a deficiency in the property with this project. He referred to photo number 3 in the packet which shows a loose boulder/stone wall on the right next to house and deck. Mr. Chagnon explained that the owners feel it creates a hazard to their children since to the right of the boulders is what used to be the entry way to the house. He said the entry has been closed off by the applicants by the removal of the door and installation of a window. Mr. Chagnon referred to the existing conditions site plan. He said the property is located north of Quarterdeck Marsh and the driveway is on the southerly side of the property and proceeds under the deck and leads to an entrance to the house. Mr. Chagnon said this situation presented issues with mold and mildew under the deck. He said since then the deck has been replaced on the left side (created no change in the footprint) and what remains is the area on the east

side to the corner where the entry way used to be. Mr. Chagnon said they are proposing to remove the left side one story structure with the deck located above it and put in a foundation and build up two stories. He said that would allow the applicants to put in a stair tower to get to the first level and create a new entry. Mr. Chagnon said they propose to build a rain cover at the entry which will allow them to build a foundation wall to the first level and be able to fill in the area up to the building to provide a safer environ. He said the applicants would like to replace the loose rock wall slope with a more defined vertical retaining wall with a railing on the top.

Brian Mack asked if the retaining wall will be mortared and if it would have weep holes.

Mr. Chagnon said the wall will be mortared and will have weep holes.

Mr. Mack asked how far from the set back the proposed project will be.

Mr. Chagnon said it will be 70 feet from the roof overhang and 67 feet from the retaining wall.

Mr. Mack asked how much impervious surface will be on the site.

Mr. Chagnon said there will be a slight decrease in the impervious calculation on the site. He said this occurs by the project removing the removing stone walk and putting in pervious materials for a walk way.

Beth Hume asked if all the construction will occur within the 100 foot buffer.

Mr. Chagnon responded that all of the project will occur within the 100 foot buffer.

Curt Gillespie asked if the stone wall is still present on the property.

Mr. Chagnon noted that the stone wall was removed last fall.

Chair Stewart asked how far the small roof over the door will extend.

Mr. Chagnon said the roof will be three feet by eleven feet.

Chair Stewart noted that the difference between what is presently on the site and what is being proposed is that there will be 71 square feet additional in the 100 foot buffer. He asked if all the construction will occur outside the 50 foot buffer and Mr. Chagnon responded that it will all be outside the 50 foot buffer.

Mr. Mack asked if silt fence and silt soxx will be used on the lawn.

Mr. Chagnon said it will be and said that notation will be added to the plans on the north side of the driveway.

Chair Stewart asked if there are any issues with draining with regard to the retaining wall.

Mr. Chagnon said the applicants put up gutters and they will extend those out.

Ms. Hume asked if the members will participate in a site walk of the property. She asked how fresh water runoff will be controlled on the property.

Chair Stewart reminded the members that the applicants previously presented to them and were required to perform remediation that involved landscaping. He said that has been performed as required.

Bill Marshall noted that there are phragmites in Lavenger Creek Marsh that will increase if fresh water is allowed to migrate there.

Mr. Mack noted that the slope of the property is toward the Marsh.

The members discussed the installation of the current gutters. It was noted that the large rubber roof gutter-like structure under the house was installed when the deck work was performed. Ms. McConathy noted that the water is then directed to the gutter system along the front of the deck and distributed to the ground.

Mr. Rini asked if there is a dry well located at the end of the gutters.

Mr. Chagnon said there is no dry well, that the water discharges onto the driveway and then distributed to the ground.

Mr. Rini said that Mr. Marshall made a good point about fresh water going into the marsh. He said another rain garden might be a good idea and that a site walk would give the members a better perspective.

Ms. Hume said she agreed.

Mr. Rini said he does not have a problem with the plan, but it is an opportunity to mitigate fresh water if possible.

Mr. Mack asked if the purpose of the site walk would be to look at the extension or the fresh water issue.

Chair Stewart said the purpose of the site walk would be look at the conditions as it is now and what the runoff is and how the extension will affect that.

Mr. Mack said he does not feel the proposed project will add any more fresh water to the system.

Chair Stewart said she agreed, but said if the members feel it is important to have a site walk, he is open to that.

Mr. Rini said that if the flow of the runoff is in one direction, adding a rain garden might be helpful.

Chair Stewart said the area where the project is proposed does not slope as much as the rest of the property, it is built up, it does not drain as fast as the other side of the property.

Mr. Rini said he does not remember the property and feels a site walk would be helpful.

Ms. Hume and Mr. Marshall said they would also like a site walk.

Mr. Chagnon noted that the applicants would like to have construction begin in the fall and noted that the Planning Board meets at the end of August. He asked if the Commission would be able to make a recommendation to the Planning Board.

Mr. Rini noted that the discussion of this project is being done as part of a work session; so the members will not be voting on a recommendation at this time.

Chair Stewart said it may be possible for the members to vote on a recommendation at the site walk. He said plans for the project would need to be submitted to the members prior to the site walk. Chair Stewart said if a vote is not taken at the site walk it will need to wait until the September meeting.

Darcy Horgan noted that the deadline for projects being put on the Planning Board agenda in August is tomorrow.

Mr. Chagnon said he will file the application by the deadline with plans.

Chair Stewart said the members will use the plans filed with the Planning Board for the site walk. He said the members request changes to the plans, they would have to come back to the Commission's next meeting.

A site walk was scheduled for Monday August 11th at 4 pm.

Ms. Horgan reminded Chair Stewart that he will need to inform Town Hall of the site walk so it can be posted.

Chair Stewart explained that he needed to leave the meeting and would like to quickly go over a few items:

- a) The complaint regarding planting and tree cutting in the wetland area at 133 Little Harbor Road was investigated by DES who determined there was no violation.
- b) Cutting of trees within the 50 foot buffer that were not designated to be cut at the new property on Portsmouth Avenue. Chair Stewart said he went to the property with a map, the builder and logging people. He said there were four or five trees cut that had not been designated to be cut by the builder. Chair Stewart said there will need to be remediation to correct this and that he needs to speak with Don Graves, New Castle Building Inspector.

Ms. Hume said that remediation usually takes the form of replanting with appropriate native plants.

Chair Stewart noted that the trees cut were large trees – perhaps ten inch in diameter. He noted that the builder indicated he was aware of the error and would correct the issue. Chair Stewart said he asked the builder for his thoughts on remediation, but he has not heard back from him.

Mr. Gillespie noted that it is possible to purchase ten inch tree to be planted.

- c) The discussion on the right of way on Ritson should be concluded before the next NCCC meeting. He said he would update the members at that point.
- d) Chair Stewart reminded the members that Sam Asano spoke to them last month about a bridge crossing a wetland.

He said the members asked him to draft a plan and bring it to them for comment. Chair Stewart said the bridge has been built and now Mr. Asano would like to discuss it.

Ms. Hume noted that this is an after the fact request if the bridge has already been built.

Sam Asano distributed photos of the area under discussion, reminding the members that it is on the path from Route 1B. He said the bridge is sturdy and is well constructed.

Mr. Mack asked if the bridge crosses a wetland.

Mr. Gillespie said it crosses the number 14 Bull Toad Pond wetland.

Mr. Mack said a permit may be needed for the construction and said that will have to be applied for because the Commission should not set a precedent for this occurring. He urged Mr. Asano to discontinue further work until speaking with DES.

David Borden apologized for the miscommunication and for proceeding with the work.

Mr. Mack said the Town may need to get the permit since it is located on Town property.

Ms. Horgan said the project may need a conditional use permit and asked Mr. Asano if he had spoken with Don Graves about the plans. She advised him to speak with Mr. Graves about the site and the bridge.

Don Graves said if a structure is built, people will use it, so it has to be accessible and built a certain width with railings, etc. He said he spoke with Mr. Asano and Mr. Borden and told them the accessibility standards for width and length. Mr. Graves noted that the bridge is not built of pressure materials and only has one inch boards.

Mr. Mack asked if a wetland permit is required.

Mr. Graves said it is not since it is not removing anything, but is going over a wetland.

Ms. Horgan asked if a conditional use permit is required.

Mr. Graves said a conditional use permit is required since the wetland in question is a Class B wetland.

Ms. Hume encouraged the members to view the area, saying it can be very wet. She said the path is used for dog walking access during the summer months.

Mr. Mack suggested not using the path when it is wet.

Ms. Hume said that a lot of people use the path to get to the beach. She suggested an alternative path near the area – that would not affect the wetland.

Mr. Graves said he is concerned with the accessibility issue of the bridge built.

Ms. Hume said she does not believe this is the responsibility of the Conservation Commission, but should be the Town's decision.

Mr. Mack said if a wetland permit is not needed, it is not the responsibility of the Conservation Commission.

Ms. Horgan noted that a Conditional Use Permit may be required.

Mr. Mack said the bridge should not have moved forward prior to a review. He said the path could be used as a nature walk through the Commons. Mr. Asano said he was waiting till the end of the summer before asking the Commission to review it for that use.

It was noted that it was the consensus of the members that it is not this commission's decision to make, but should be up to the Board of Selectmen to review.

Ms. Horgan asked Mr. Graves how his discussion with Mr. Asano and Mr. Borden was left.

Mr. Graves said to build a structure in that area they would need to draw up plans that are wider and to code to present to him.

Mr. Mack suggested that Ms. Hume speak with Mr. Borden about this issue and have them inquire as to the requirements, if they need a Conditional Use Permit and if they need to speak with the Select Board.

Ms. Hume agreed to do this.

Old Business:

1. Update on loosestrife beetles and milk weed plugs

Beth Hume said that she, Bill Marshall and his daughter and grandson released the beetles into the Town marsh across from Pit Lane. She reported that this may be the last year they will be needed because they have done such a good job. Ms. Hume said she would speak with the state entomologist about this.

Jim Rini asked if a population of beetles has been established and if they live over the winter.

Ms. Hume said a population has been established and they do live over the winter.

Ms. Hume also reported that the milkweed plugs were distributed and planted with the help of the intern. She said the milkweed is now planted and growing. Ms. Hume said the next step is to wait and see if the Monarchs return. She asked members to keep their eyes aware for Monarchs and to report where they have been seen to the Monarch Watch.

2. Review of internship accomplishments

Ms. Hume displayed the lawn care trifold brochure that was done by the intern on fertilizers. She said the brochure provides information, laws, and what can and cannot be done. Ms. Hume said the brochure is comprehensive and informative but they are looking for suggestions as to how to distribute it. She encouraged the members to look at it, read it, and get back to her with comments regarding distribution.

Jim Rini said he read the pamphlet and it is very good. He suggested getting it published in the Islander in chapters.

Ms. Hume will speak with the Islander about this.

Darcy Horgan reminded the members that the deadline for the October issue is August 24th or 26th.

3. Island article

See above notation regarding Ms. Hume contacting the Islander about submitting the brochure for publication. Also, Ms. Hume has submitted an article for the September issue on the milkweed project.

New Business:

a) Annual membership fee to southeast land trust

Bill Marshall MOVED to pay \$100 to the Southeast Land Trust; this was SECONDED by Curt Gillespie and APPROVED unanimously.

Curt Gillespie reported that he and the Southeast Land Trust inspector performed the monitoring of the Caso Islands. He said there was evidence of activity of young people building forts and enjoying the Island. Mr. Gillespie said there were no signs of destructive behavior or of further fires on the Island. He said the Southeast Land Trust monitor was pleased with the Islands.

b) Request to trim vegetation on town property at Bull Toad Pond

Burt Cohen said there are some pine trees on Bull Toad Pond that need limbing. He reported that he spoke with Frank Richardson at NH DES about the possible trimming. Mr. Cohen said that Mr. Richardson was fine with the trimming as long as it did not affect the land, and does not get in the way of conservation. Mr. Cohen said he would like to have some trimming done on a substantial pine tree that is located on the town common side and is on Town property.

Darcy Horgan asked why the trimming should be done.

Mr. Cohen noted that the branches are interfering with the view.

Brian Mack asked who would pay for the trimming.

Mr. Cohen said he would pay for a professional to do the trimming.

Bill Marshall commented that there are some tress on Caso Island that if they were trimmed would improve his view. He noted that any tree will disrupt a view somewhat.

Beth Hume noted that limbing of trees are legal, but the permission is needed from the Town since they are located on Town property.

Jim Rini said the trimming of the one tree at that location should be okay.

Brian Mack said he is okay with it as long as it does not cost the Town any money.

Nancy Gulley said she has no issue with it.

Beth Hume said she would be okay with it as long as it is done by a professional.

Mr. Marshall noted that allowing this trimming sets a precedent for others who want trees trimmed because it is blocking their view.

Jim Rini MOVED to approve limited limbing of pine trees adjacent to Bull Toad Pond by a professional paid for by Burt Cohen after he receives permission by the Town; this was SECONDED by Nancy Gulley and approved by a vote of 5-1.

Mr. Rini suggested that Mr. Cohen have the arborist look at the other two small trees he is concerned about and would like removed and get back to the Conservation Commission with more information.

Announcements

Adjourn

Jim Rini MOVED to adjourn the August 3, 2014 meeting of the New Castle Conservation Commission at 5:32 pm; this was SECONDED by Nancy Gulley and APPROVED unanimously.

Respectfully submitted by,

Sue Lucius, secretary to the new castle conservation commission