

*Approved: August 5, 2014*

New Castle Conservation Commission

July 1, 2014

4:00 pm

**Members Present:** Chair Bill Stewart, Beth Hume, Jim Rini, Curt Gillespie, Lynn McCarthy, Rebecca Audet, Sharon Houston, Darcy Horgan

**Members Not Present:** Bill Marshall, Nancy Gulley, Brian Mack

**Others Present:** Beth Barnhorst, Sam Asano, Susan J. Faretra, David Borden, David Shay, Chris McInnis, John Chagnon

Chair Stewart called the meeting to order at 4:05 pm.

David Borden told the members that they were welcome to use his truck for the Fourth of July parade for the Conservation Commission. He then introduced Dave Shay as the manager of the UNH lab at New Castle. He noted that they would also have a truck and band in the holiday parade.

Chair Stewart welcomed Mr. Shay and told him to contact the Commission if they could be of assistance.

Minutes June 3, 2014:

It was noted that members emailed grammatical corrections to the minutes.

*Chair Stewart MOVED to approve the June 3, 2014 minutes as amended; this was SECONDED by Sharon Houston and APPROVED unanimously.*

Wetlands applications/Reviews

1. Mark Klein and Leslie Parker, 11 Seabreeze Lane, Tax Map 13, Lot 19. Review and recommendation for proposed septic system within 100 foot tidal buffer.

Susan Faretra said she is here representing Mr. Klein and Ms. Parker. She asked the members to refer to the photos of the site in their packets. Ms. Faretra said there is a 16 year old existing standard septic system on the lot which has a leach field that is failing that they would like to replace. She said they would like to replace it with a new leach field and an aerobic pre-treatment tank to provide extra cleaning before the effluents reach the leach field. Ms. Faretra said the proposed leach field would be constructed in the same spot as the current leach field which is within the 100 foot wetland buffer. She noted there is no other location on the property where the leach field can be placed.

Chair Stewart asked why the proposed leach field would work in the same location.

Ms. Faretra said all the old materials will be removed and new materials will be used to construct the new leachfield. She said they will also construct a pre-treatment system and use stone and pipes which will make the proposed system last longer in the same location. Ms. Faretra said that a portion of the area will need to be dug out to get the old system out and the new system in. She said the area will be graded when construction is finished and the lawn will be replaced and no impervious surface will be added. Ms. Faretra said there will only be temporary impact. She said they will not be replacing the septic tank, only the leach field.

Jim Rini asked if it is known why the current leach field failed after sixteen years.

Ms. Faretra said the style of the system used lends itself to failing at an earlier age than a typical stone and pipe system without filter fabric.

Dr. Rini asked if the system had been pumped routinely.

Ms. Faretra said she believes it was pumped routinely. She noted that the filter fabric materials tends to clog.

Beth Hume asked if the proposed system is manufactured by Clean Solutions.

Ms. Faretra said that Clean Solutions is the manufacturer of the proposed system and that they are used in environmentally sensitive area. She noted that this type of system does a lot to clarify the waste water before it reaches the leach field.

Curt Gillespie asked if there is an added aeration tank why the leach field is proposed to be as large as the current leach field.

Ms. Faretra said the leach field does not need to be as large as it is designed, but she does not like to design to the minimum. She agreed that the leach field is bigger than it needs to be, but that is a bit of insurance.

Dr. Rini asked about maintenance that needs to be done to the proposed system.

Ms. Faretra said there will be a maintenance contract signed by the owner which provides for an inspection every two years to ensure the compressor is working and to view the level of effluent.

Chair Stewart asked if the signed maintenance contract will be filed with the Town.

Ms. Faretra said the Town has seen the contract and it is currently at the State office. She said she can make of copy of the contract for the Town to retain in its file. Ms. Faretra said she will be presenting to the Planning Board at the end of the month since they are within the buffer.

*Beth Hume MOVED that the New Castle Conservation Commission recommend approval of the plans dated June 4, 2014 for 11 Seabreez Lane, tax map 13/lot 19 for the replacement of a leach field as presented to the members on July 1, 2014 with the requirement that the maintenance contract be maintained for the life of the system and filed with the Town; this was SECONDED ;by Lynn McCarthy and APPROVED unanimously.*

2. Collins Residence, 95 Marina Heights, Dredge and Fill permit review.

John Chagnon of Ambit Engineering will be presenting this permit for the owners.

Chair Stewart noted when the members reviewed this application at a previous meeting they asked for three items: 1) have the lot pitched toward the treatment swale, 2) add perforated pipe from the roof line and 3) to reduce the cutting of trees on the property. He said that Frank Richards of NH DES asked that a full dredge and fill permit be completed and within that permit two of the three suggested items were stated, but the reduced tree cutting was not.

John Chagnon said that three items were changed since the last meeting and they include, the addition of the perforated pipe from the roof drain, the pitch of the site to the treatment swale, and a note was added to the plan that the tree clearing will be done in accordance with DES shoreline standards. He told the members that the trees on the property that have been flagged are those trees that will remain.

Chair Stewart said that only two big pines are flagged on the site.

Mr. Chagnon said he believes there are more trees than that which are flagged. He said the Shoreline Application includes a buffer detail showing the trees to be cut and the point score for the two grids.

Jim Rini asked what the pre-cut score is and what the post-cut score is proposed to be.

Mr. Chagnon said the pre-cut score is 120 and the post-cut score will be 50.

Dr Rini noted that the property has a very steep slope.

Mr. Chagnon said the stumps from the trees that are cut will be left.

Mr. Chagnon said he did research on the subdivision itself and found that the permits granted that this lot could be developed. He said the permits stated that as long as the design followed the intent of the other designs the lot would not need to be re-permitted. Mr. Chagnon noted that the permit was issued in 1996 and amended twice but is not active. He said that Mr. Richards felt that a new standard dredge and fill permit needed to be filed.

Chair Stewart noted that the members should be commenting on the standard dredge and fill application.

Dr. Rini asked if the members should be commenting on the cutting as well.

Chair Stewart said the Commission can comment to the State on anything the members feel is appropriate.

Dr. Rini said most of the trees are on the slope and that the cutting is excessive.

Chair Stewart said he agreed and noted that the cutting is within the 100 foot buffer, but will not be going before the Planning Board, so the Commission's comments will be going to the State. He noted that the modifications the members asked for at the last meeting were met with the exception of the

tree cutting. Chair Stewart asked Mr. Chagnon if anything has changed in the plan other than what the Commission asked for.

Mr. Chagnon said the only other change was the addition of the tree note to the plans. He said the detail on the plans show that the perforated connector pipes from the roof drain connections were added, and the plans also updated the impact area. Mr. Chagnon said they have applied for a shoreland permit for the entire impacted area.

Dr. Rini asked Mr. Chagnon about the point score for tree cutting in both grids on the property.

Mr. Chagnon said that the one grid is currently 64 points and there is no proposed cutting, the second grid is currently at 160 points and there is proposed cutting to reduce that to 50 points.

Sharon Houston said the cutting does not seem to be well distributed, which is recommended.

Mr. Chagnon said the cutting is distributed throughout the cutting area grid.

Chair Stewart said they are maintaining a 50 point score in each grid. He said the Town is not applying their 150 foot guideline. He asked about the size of the lot.

Mr. Gillespie said the lot is approximately .35 acres.

Chair Stewart noted that under the New Castle guidelines, a lot that is less than half an acre needs to maintain 25% of an evenly distributed tree cover. He asked the Town Code Officer if that applies to this lot.

Don Graves asked if that regulation was in effect when the lot was created.

Chair Stewart said he doubted that the regulation was in effect when the lot was created.

Mr. Graves said, if that is the case, the regulation does not apply.

Chair Stewart said that given those circumstances the Commission will be providing comments to be forwarded to Frank Richards who is reviewing the wetland application.

Dr. Rini said in his view, given the steepness of the slope, the eastern of the two 50 point grids change from 160 to 50 points is excessive. He said he recommends at the most a 40 point reduction from the 160 point to 120 points. Dr. Rini said due to the steepness of the slope, tree roots are needed to stabilize the bank. He said he believes reducing the tree point to 120 would still allow a good view.

Ms. Hume noted that some trees could be limbed up.

Chair Stewart agreed that it is a steep slope with a lot of rock.

Ms. Hume asked if Mr. Richards has been to the site.

Mr. Chagnon said he was not aware if Mr. Richards had visited the site or not.

Mr. Chagnon said the owners of the property are not against meeting with the Commission and discussing the project.

Chair Stewart welcomed them. He said the members had discussed the tree cutting with the owners at their previous meeting.

Mr. Chagnon said it may be better to delay the tree cutting until the house is under construction, however the lot is narrow and some cutting may need to be done to begin the construction.

Chair Stewart noted that the proposed cutting is in the front of the lot, and not where the construction will take occur.

Mr. Chagnon noted that there may be an issue with removing the wood. He said he can suggest that they wait on the cutting until the construction of the home begins.

Darcy Horgan asked if the tree cutting plan was done at the request of the owners.

Mr. Chagnon said the owners hired someone to mark the lot for trees that will be cut.

Ms. Hogan said it is conceivable that who was hired marked the maximum trees allowed to be cut. She said it is worth discussing this issue with the owners.

Mr. Chagnon suggested the Commission make their comments to Mr. Richards and then when construction begins arrange a meeting on the site regarding tree cutting.

Dr. Rini noted that the tree cutting portion of the plan is the issue.

Chair Stewart said the Commission would be happy to invite the owner to speak with them when he decides on the cutting plan so the members can review it. He said in the meantime, the Commission will provide comment on it to the State.

Chair Stewart asked the members what they would like to have included in the comments to the State.

Dr. Rini said that given the situation, it is appropriate to ask that the cutting be reduced.

Curt Gillespie noted that the owner is adhering to the rules and suggested encouraging him to postpone as much of the tree cutting as possible until the house is constructed and then try to be more discriminate with regard to cutting.

Chair Stewart agreed that the plan is using the grid, and noted that they do not need to abide by the New Castle regulations in this instance. He said this is a special case where the Commission can make comment beyond the letter of the law and he thinks the Commission should make those comments to the State.

Chair Stewart said the State will decide what is best and take the Commission's comments into consideration.

Chair Stewart suggested leaving any trees over five inches in diameter and limbing up. He noted that the ground cover is needed to hold the hill in place.

Ms. Hume also suggested waiting as long as possible before proceeding with the cutting.

Ms. Horgan said she agrees and feels that a strong message about the steepness of the slope and the other exceptions that are in place should be taken into consideration.

Ms. Hume said the Commission feels that the proposed cutting from 160 points to 50 points is extreme given the site and the steepness of the slope.

*Jim Rini MOVED to incorporate the following comments\* in a letter to Frank Richards (NH DES) with regard to the shoreline application for the lot located at 95 Marina Heights; this was SECONDED by Lynn McCarthy and APPROVED unanimously.*

\*Comments to NH DES: Due to the steepness of the slope and the conditions on the site the Commission has great concern about reducing the tree point count from 160 to 50 in the eastern grid and request that cutting be limited in that area and delayed until the house is constructed. The Commission also asks that serious consideration to limbing in place of cutting be done. The Commission feels this is reasonable in view of all the other exemptions that have been granted for the lot.

#### Old Business

1. Tracy Degnan from RCCD to review agenda for UNH Intern

Ms. Degnan introduced Jo Lewis, the UNH intern that will be working with the Commission. She noted that they toured the Great Island Common, Quarter Deck Lane, Fort Stark, River Road and private properties with phragmites. Ms. Degnan said they reviewed invasive plants and discussed projects and resources. She said they met with staff in Town Hall and were given a copy of the High Value Asset resource document. Ms. Degnan said that Ms. Lewis will have a location in the library to work and a laptop. She said that Ms. Lewis will be working on a brochure for homeowners and landscapers for best management practices. Ms. Degnan said they also met regarding access and cutting of phragmites. She said they have scheduled a controlled burn with Peter Rice at the Fort Stark location.

Darcy Horgan told Ms. Degnan that the outline for the intern was well done and should prove to be very productive and a good experience.

Ms. Degnan said they have also learned about perennial pepper weed which has been found on the island and planted milkweed.

Chair Stewart said that this project will consist of determining what needs to be done in terms of invasives and also what needs to be done to remediate the phragmites that exist. He said that Ms. Degnan has billable hours associated with this that will be paid from the 2014 budget against the grant management fund line in the amount of \$5599. Chair Stewart said he would like to have consensus from the membership to pay this invoice.

*Beth Hume MOVED to have Chair Stewart pay the invoice from Ms. Degnan in the amount of \$5599 to cover costs associated with the invasive and phragmite control study; this was SECONDED by Sharon Houston and APPROVED unanimously.*

2. DES Wetland Violation update

Chair Stewart noted that a violation was reported to DES with regard to 133 Little Harbor Road. He said the violation was with regard to the removal of vegetation and the placing of sod. Chair Stewart said there has been a subsequent report of the use of herbicide on or near the buffer and this has also been reported to the State. He said the State has issued a letter to the owners noting the complaint and asking for comment.

Beth Hume asked what would happen if the owner does not respond to the State.

Chair Stewart said if that occurs, NH DES would go to the site and review the area with regard to the complaint.

### 3. Islander Article

Beth Hume noted that the deadline for the August issue has passed. She reported that she ordered three flats of milkweed and that two flats were distributed to people who signed up at the Town meeting and Ms. Degan took the third flat and planted it with Ms. Lewis. Ms. Hume said this has become a nationwide project and that it would be nice to make the issue better known to residents. She said she would write up an article on the milkweed for the next issue of the Islander.

New Business:

Trial path to the beach:

Chair Stewart reported that he received a letter from Sam Asano regarding a path leading onto the beach for dog walkers to utilize. He said he spoke to the Select Board about the issue. Chair Stewart said the use of the path has been done on a trial basis which ends on the 16<sup>th</sup>. He asked what will happen after that point.

Mr. Asano said that no one seems to know what will happen after the 16<sup>th</sup>, but that many have been pushing for an extension. He noted that he receives many emails on this issue. Mr. Asano said the path was a good idea but there are two issues with it. He said the first issue is that you need to walk along Route 1B to get to the gate which leads you to the path and that is a dangerous area and the second issue is that there is an indentation in the earth that is significant and during rainy period fills with approximately 24 inches of water. Mr. Asano said this area needs to be circumvented and noted that it creates a safety issue for people walking with dogs. He said he suggested to Dave McGuckin that the indentation be filled or a bridge put across it. Mr. Asano noted that Mr. McGuckin said he would need to speak with the Conservation Commission about the issue since it may disturb the water flow. Mr. Asano said that a guardrail along Route 1B would be useful and a bridge over the water along the path to the beach would be useful as well.

Chair Stewart said that Route 1B is a State Road and erecting a guardrail would be up to the State.

Ms. Hume noted that the area Mr. Asano is discussing is considered a wetland and cannot be filled.

Chair Stewart asked what the length of the span is when it is filled with water.

Mr. Asano said it is approximately six or seven feet.

Lynn McCarthy suggested building a basic bridge across the area.

Jim Rini suggested building a boardwalk across the area.

Chair Stewart suggested that Mr. Asano device a plan, along with an estimated cost of instituting the plan and then the Commission would discuss that with the NH DES to see if they approve of it. Chair Stewart suggested keeping any structure to less than six feet in width.

Mr. Asano asked if a railing would be allowed.

Chair Stewart said if it is above a certain height it becomes a structure and would need a building permit. He suggested determining the minimum needed and what the associated costs will be.

Dr. Rini suggested keeping the design to less than 18 inches from the ground.

Beth Barnhorst said that Eagle Scouts have built boardwalks at Wagon Hill and College Woods in Durham. She said that Mr. Asano is attempting to find a solution for people to walk their dogs and he has put a great deal of effort into this.

Mr. Asano thanked the members for their time.

Chair Stewart suggested that the members take a walk down to see the area being discussed.

Sewer sniffing canines:

Chair Stewart said that he received a note from Peter Hunt asking if the Commission has looked into the possibility of using sewer treatment sniffing dogs. He asked if the members are interested in this and said there are pros and cons to it.

Jim Rini said it is a matter of being proactive and finding septic systems that are failing or have failed or recognizing that this can cause a great deal of angst for those involved and not open the issue up.

Beth Hume said it might be nice to have the information when homes are being sold.

Dr. Rini said that would place the Town in the position of knowing about a problem and not doing anything about it.

Chair Stewart said it is an interesting issue and said that Peter Hunt is looking into the canines and will report back to him.

Use of torch burning for control of invasives:

Jim Rini displayed to the members a torch that he purchased. He noted there are two different sizes of torches that can be purchased. Dr. Rini said that one size uses a small propane container and has small ports and that the second size is larger and connects to a propane tank the size that one would use for a gas grill. He said he was advised that the propane tank can be placed in a wheel barrow. Dr. Rini said the use of the torch is something that needs training and supervision and brings with it significant safety concerns. He noted that the torch gets hot and appropriate clothing must be worn and when the device needs to be moved the tank and torch need to be kept apart from each other which can be

cumbersome. Dr. Rini concluded that it is a good idea in theory, but in practicality it would take experience.

Beth Hume said it sounds as if it could be dangerous.

Dr. Rini said that on dry days it should not be used.

Lynn McCarthy asked if the device has been used successfully by others.

Dr. Rini said in his research he has found that people who use it love it. He said it appears that it would be easy to use on a driveway, but in areas the Commission would want to use it, it may be more difficult.

Ms. McCarthy suggested speaking to Piscataqua Landscape about their use of the device. She said the Commission could hire an individual to use the device.

Announcements:

There were no announcements discussed at this meeting.

Adjourn:

*Jim Rini MOVED to adjourn the July 1, 2014 meeting of the New Castle Conservation Commission at 5:34 pm; this was SECONDED by Bill Stewart and APPROVED unanimously.*

Respectfully submitted by,

Sue Lucius, Secretary to the New Castle Conservation Commission