

Approved: June 3, 2014

New Castle Conservation Commission

May 6 2014

4:00 pm

Members Present: Bill Stewart, Lynn McCarthy, Darcy Horgan, Brian Mack, Jim Rini, Sharon Houston, Nancy Gulley, Beth Hume

Members not present: Curt Gillespie, Bill Marshall

Also Present: Mark Wojcikic, Donald Cook, Bernard Christopher, Michael Hennessey, Rebecca Audet, John Chagnon

Chair Stewart called the May 6, 2014 meeting of the New Castle Conservation Commission to order at 4:10 pm.

Approve April Minutes:

Sharon Houston MOVED to approve the April 2014 New Castle Conservation Commission minutes as written; this was SECONDED by Brian Mack and APPROVED unanimously.

Wetlands Applications/Reviews

Review for Recommendation

Location: 180 Portsmouth Avenue Property of Stephen Eldred, Tax map 15 Lot 5. The project consists of constructing a proposed residential building (single family dwelling). A review of drainage details (methods) a cutting plan of the trees on the property, and a review of connecting to utilities including the sanitary sewer force main on Portsmouth Avenue. Final storm water management design for the property will be discussed. DES application pending.

John Chagnon distributed plans and photos of the site and noted that the members participated in a site walk of the property in April. He said the house is located outside the 100 foot buffer so no wetland or town permitting is required. Mr. Chagnon said a Shoreland Permit is required. He said the impervious surface calculations for the site is currently 5% and after the proposed plan will be 18.8 % (under the limit of 20%). Mr. Chagnon said at the encouragement of the members they have included a mitigation plan for the site. He said that two water infiltration areas will be constructed: one will be located under the driveway and will be constructed of stone and pipe to handle the pavement runoff and is designed for a 25 year storm. Mr. Chagnon said if that level is met the overflow will be directed into header pipes through a stone wall.

Brian Mack asked if all the work will be done outside the 100 foot buffer and Mr. Chagnon responded that it would all be done outside the 100 foot buffer.

Lynn McCarthy asked how deep the infiltration system would be dug underneath the driveway.

Mr. Chagnon responded that it would consist of a stone layer of twelve inches. He noted there is not enough space at that location to construct a chamber system.

Mr. Chagnon said the second drainage feature will be an infiltration system to the southwest of the house to capture the roof and patio runoff and direct it to a storm chamber (30" tall) which is led in by pipes and will consist of an overflow area that will direct the runoff to travel west to a riprap apron.

Chair Stewart asked about the design of the foundation drain.

Mr. Chagnon said the design consists of piping under the walking path which will daylight at a suitable elevation just outside the 50 foot buffer. He said they would like the Commission's feedback on the plan before they submit the application for the drain. Mr. Chagnon noted that the owner would like to utilize the basement as living space and they would like to submit a minimum impact application for the foundation drain.

Mr. Mack asked what soils are located in the area.

Mr. Chagnon said test pits were done and no ledge was found.

Donald Cook (builder for the project) said that a series of test pits were dug more than six feet and no ledge was found.

Sharon Houston asked approximately how much water would be coming from the area and if it would all be ground water.

Mr. Cook said the amount would depend on the time of year. He said these types of drains are imperative for the lower level because they do not want to rely on pumps. Mr. Cook said only ground water would flow through the drain (no contaminants). He said the system will take rain water and tie it into a drainage system and tie that to a lower point to ensure there is not a wet basement. Mr. Cook said it will not be creating a negative impact.

Mr. Chagnon said to know how much water the drain will discharge would require a study of monitoring wells etc.

Jim Rini asked if the amount would be small, medium or large.

Mr. Chagnon said it would be a small amount of ground water.

Mr. Cook said these types of drains typically trickle, other than during a couple of weeks in the spring when the discharge is more.

Mr. Rini asked if the floor of the basement is above sea level at high tide.

Mr. Chagnon said it is and noted that the floor is at nine feet; so it is at the current flood elevation and the ground around the house is higher

Ms. Houston noted that there should be no use of pesticides or fertilizer since the property is all within the 250 foot setback.

Chair Stewart said that the foundation drain will transport the ground water faster than it would normally, but it is still the same water that the ground would be dealing with without the drain.

Mr. Mack noted that this drain would be located within the 50 foot setback which the Commission normally does not give approval to.

Mr. Chagnon pointed out that the plan is providing mitigation even though it is not required.

Chair Stewart asked where they intend to have the drain daylight.

Mr. Chagnon said the plan at the moment is to have it surface in front of the boat house.

Chair Stewart suggested having it surface at the low level where there is ponding.

Mr. Rini said since the roof and driveway water will be trapped, the foundation drain will only be dealing with ground water. He said he feels the plan is reasonable.

Chair Stewart noted that this would take place on the river side where there is good flow and there are not many phragmites from the fresh water infiltration.

Mr. Chagnon discussed the tree removal plan with the members. He noted that the CSPA Grids are marked on the plan. He said there will be some cutting within the first 50 feet. Mr. Chagnon said an arborist reviewed the site and identified trees that should be cut for the health of the stand. He said that six or seven trees within the 50 foot setback will be cut. Mr. Chagnon said the remaining point scores are all above the required levels. He said there will be no further cutting near the boathouse. Mr. Chagnon said trees will be cut to construct the house but will meet New Castle ordinance requirements. He said 50 % of the trees need to be preserved in the area between the resource and the 150 foot setback. Mr. Chagnon noted this has been accomplished by preserving most trees between the 50 and 100 foot setback other than the foot path; The house is being constructed between the 100 and the 150' line and thus more trees are being taken in that area. The total remaining will be equal to or more than the 50% as required.

Ms. Houston suggested having the foundation drain empty to a managed rain garden rather than into the river.

Ms. McCarthy asked if that would be possible.

Ms. Houston said it is already a wet area, so it would not be overloaded.

Beth Hume said nitrogen fixing plants would take care of any nitrogen runoff and they would do well in that area.

Mr. Chagnon said the plan was to do a rain garden if we did not construct the infiltration systems.

Mr. Rini said it would be helpful to have plants in that area to absorb the water.

Chair Stewart again suggested having the drain surface to the left where the depression is located.

Mr. Chagnon said that would be possible.

Ms. Hume asked if that area is located within the flood line of the new calculations.

Mr. Chagnon said he has not reviewed the new calculations with relation to New Castle.

Mr. Mack said he would be concerned about draining into a flood plain.

Mr. Chagnon said he had the maps and would review them quickly to comment on this. It was noted that the area is not located within the flood plain.

Ms. Hume noted that the members will receive phone calls about the number of trees marked on the lot.

Mr. Cook said he would remark the trees to make it more accurate.

Chair Stewart said the tree cutting is being planned in an even distribution other than where the house will be built.

Ms. Hume said it would be a good idea to plant blueberry bushes. She said they would be the safest bet in the shade and in the water.

Chair Stewart asked the members if they felt comfortable with the foundation drain. He said he thought it was a reasonable request.

Ms. McCarthy said the catch basins will help a lot with the contaminated water.

Mr. Chagnon said the owners are anxious to move ahead with the project. He said they would like to submit a minimum impact expedited application which would require the Commission Chair's signature.

Mr. Mack asked if they plan to hook up the boat house to the sewer line.

Mr. Chagnon said they do not, but do want to put in conduits to be used in the future for hookups for power and communications.

Mr. Rini asked if the conduits will follow the walking path and Mr. Chagnon said they would, noting that it would be easier and safer to put the conduits in now during construction, rather than later.

Ms. McCarthy asked what the path will be constructed of and Mr. Chagnon replied that it will be either gravel or wood chips.

Mr. Rini asked if there would be any lawn on the property.

Mr. Chagnon said it would be better to leave it in a natural state. He noted that the plans for the Historic District Commission show an arbor vitae hedge and shrubs in the front, but there is no set landscape plan at this moment.

The members asked the Town Building Inspector, Don Graves if there are regulations relative to foundation drains out letting into flood plains.

Mr. Graves said FEMA does not regulate the water flow to a flood plain.

Ms. Houston asked if they will be leaving the low plantings and shrubs.

Mr. Chagnon said they will leave the low growth that comes in.

Sharon Houston MOVED to have the New Castle Conservation Commission recommend the approval of the proposed plans c1, c2, c3, c4, d1, d2, dated May 1, 2014; with the following additions (1) a foundation drain to follow the proposed walkway which will open to the south of the path in the low lying area behind the boathouse to the east, (2) the addition of an appropriate number for the space, of low lying bush blueberries, and (3) the inclusion of the drainage systems maintenance plans to be filed with the Town and maintained by the owner. This was SECONDED by Jim Rini and APPROVED unanimously.

Work session:

Location: 95 marina heights. Property of tim and Dawn Collins. Construction of a proposed residential building (single family dwelling) within 100 ft. of Tidal Buffer Zone, including deck, driveway, walkway and associated site improvements. DES approved building within the 100 feet in 1996, recorded at the Rockingham County Registry of Deeds as Plan B-26026.

John Chagnon distributed photos of the site and explained that in the 1990s there was permitting done on the Wentworth site. He displayed the subdivision plan that was permitted and noted that the lot under discussion in the past has served as a secondary means of egress from the restaurant (Latitudes) located on the parcel adjacent. Mr. Chagnon said that condition is being removed and the current owner has put the lot up for sale. He said there was a lot line relocation done to cure the encroachment of the deck of the restaurant onto the lot, however, the deeds were never exchanged, so that issue is being worked on but it does not affect the construction of the house. Mr. Chagnon said the builder will be Mark Wojciki. He noted that the prior approval discusses a line that was drawn on the plans which makes note that the buffer line is less than 100 feet.

Chair Stewart asked if that line was specific to the site or the subdivision as a whole.

Mr. Chagnon said it was part of the subdivision approval. He said they met with Mr. Richardson of DES who agreed there is a recorded permit that discusses that approval and that 21,000 feet of wetlands were dredged to construct the access road and for the landscaping. Mr. Chagnon said there was construction work done within the tidal buffer zone for implementation of the development and said the plan was contingent on the applicant donating the areas designated as open space in perpetuity through an easement. He said this was done as a tradeoff to facilitate the development. Mr. Chagnon said the lot under discussion was undeveloped due to the proximity of the restaurant. He said the proposed house will be within the tidal buffer zone and they will file the appropriate permits with the hope that the State will recognize the previously mentioned and agreed to line on the plans. Mr. Chagnon said he does not believe that the construction will impact the buffer zone because of the elevation. He noted that the Town of New Castle now has its own buffer requirements, so they will file a Conditional Use Permit and hope that the Town will recognize the deal that was approved years ago.

Brian Mack asked if there is a basement planned for the house.

Mr. Chagnon said there will only be a crawl space.

Beth Hume commented that the planned house is close to the size of the lot.

Mr. Chagnon agreed that it is.

Chair Stewart said that the Commission will review and comment on the proposal under the current zoning and current conservation regulations.

Mr. Chagnon said he understood.

Sharon Houston suggested that the members schedule a site walk of the property.

Ms. Hume asked if the Home Owners Association have seen the plans for the home.

Jim Rini noted that they have not been fully distributed throughout the Association, but reviewed by some.

Mr. Chagnon said they have been in contact with the Architectural Review Committee.

Chair Stewart commented that they are planning on construction of a big house within the 100 foot buffer and that is a significant hurdle. He said the Commission has been advised to follow current conservation ordinances to review the plan until given different indications. Chair Stewart said there is an RSA in place that speaks to grandfathering which is up to interpretation. He said the Town of New Castle has been advised that grandfather does not always apply and the Commission should follow current zoning regarding any existing subdivision where there is an open lot.

Mr. Chagnon asked if the Town has gotten an opinion from the Town attorney.

Chair Stewart said the Commission has been told to consider the proposal under the current zoning and to assume the 100 foot buffer remains in tack for condition use permitting. Chair Stewart said, with that in mind, the proposal encroaches heavily on the buffer.

Mr. Chagnon noted that it would be impossible to build a house on that lot that is not within the 100 foot buffer, especially since there are utility easements on the property.

Chair Stewart noted that the fact that the lot is burdened with easements is not the Commission's issue. Those easements were given in order to develop other lots in the subdivision. Now after the other lots have been developed this lot is asking for relief because it is hindered by the easements.

Mr. Chagnon agreed that the members should schedule a site walk. He said they would discuss the comments with the owners, but they still plan to file standard permit applications and go through that process.

Ms. Hume asked Mr. Chagnon to have the 100 foot buffer line flagged on the site for the site walk.

The site walk was scheduled for Tuesday May 27th at noon.

Work Session: Mark Jacobs property at 47 Locke Road

Mike Hennessey of Hennessey Landscaping and Bernard Christopher of Great Woods Post & Beam Co, Inc. presented this project to the Commission.

Mr. Hennessey said the work that is being proposed is to remove the driveway and replace it with pervious pavers and in the back remove a large creosote railroad tie retaining wall and replace it with a stone wall. He explained that located above the stone wall is a pervious patio. Mr. Hennessey said he spoke with the Building Inspector about a building permit for the decks.

Mr. Christopher explained that currently there are several decks located on the back of the house. He said they are proposing to eliminate approximately 40% of the decks.

Mr. Hennessey said the construction will be beyond the 50 foot buffer but will be within the 100 foot buffer. He said they will be installing rain gardens, and replacing impervious surface with pervious surface so there will be a net reduction of the decks by 30%. Mr. Hennessey asked what process they need to follow to get the appropriate permits to renovate the decks.

Chair Stewart asked if the footprint of the wall will be closer to the water.

Mr. Hennessey said it will be on the same footprint of the current wall.

Chair Stewart asked what is located on top of the wall currently.

Mr. Hennessey said there is a deck which will be removed and replaced with pervious pavers. He said there will be an overall reduction of 7% of impervious surface on the property and there will be no use of fertilizers.

Mr. Rini asked if footers will be used for the stone wall.

Mr. Hennessey said that crushed stone will be used.

Mr. Rini asked how deep they will be digging to install the crushed stone.

Mr. Hennessey said they will be digging approximately 12 inches for the crushed stone.

Mr. Rini noted there will be some soil disturbance.

Mr. Hennessey said they will minimize any disturbance and will use Siltsoxx, and add blueberry bushes between the 30 foot buffer to the edge of the property.

Mr. Rini asked if the stone wall will be a dry wall or if cement will be used.

Mr. Hennessey said it will be a dry wall reinforced on the back side with mortar.

Ms. Hume asked if there will be drains in the stone wall.

Mr. Hennessey said they will follow the guidelines for pervious surface and have crushed stone underneath to act as a drain.

Mr. Rini asked if dirt will be excavated to build the stone wall.

Mr. Hennessey said there will be excavation, but they will minimize the amount needed. He noted that the current ties are three feet deep and that will be matched.

Mr. Mack asked if all the work will be done by hand.

Mr. Hennessey said a skid steer will be used to bring the rock to that portion of the property. He said there is currently lawn located there. Mr. Hennessey asked if they would now be able to request a permit from the Building Inspector.

Darcy Horgan asked if they will be rebuilding on the same footprint and Mr. Hennessey said they would be using the same footprint.

Mr. Christopher said when they met with the Building Inspector last week he suggested that they speak with the Conservation Commission.

Chair Stewart noted that if the construction is occurring within the same footprint the Building Inspector can make a decision on the permit with only the Commission's comments.

Ms. Hogan noted that the Building Inspector is the one to decide if the application needs to go before the Planning Board.

Chair Stewart instructed Mr. Hennessey to fill out the Conservation Commission application, include the plan that is being proposed; then the Commission will vote and comment on the project to Don Graves and the Planning Board as needed.

Chair Stewart said Mr. Hennessey should discuss with Don Graves if he wants the Commission comments only before he approves the building permit or if it will need to go to the Zoning Board of Adjustment or to the Planning Board.

Ms. Hogan noted that Mr. Graves is in Town Hall on Wednesday and Thursday from 4:30-6:30 pm. She suggested calling him and getting an indication regarding the process.

Chair Stewart suggested filling out the Conservation Commission application which is located on the website, indicate the plan and then the Commission will vote on it next month. He noted that if the Commission holds a site walk the members could vote at the site walk, if it does not need to go to ZBA or the Planning Board.

The site walk was scheduled for Thursday May 8th at 3 pm.

Chair Stewart told Mr. Hennessey that the members will need a plan set with a date and details that will be presented to Don Graves for the building permit application.

Mr. Hennessey said he will use the plans that he submitted to the State.

Ms. Hogan suggested meeting with the building inspector prior to the site walk to familiarize them with the process to follow after the site walk.

Old Business:

1. Preparation for Town Meeting

Sharon Houston displayed the Green Waste poster for the meeting and asked for input as to what can be brought to green waste day and what cannot be brought to green waste day.

The members suggested noting that if an item is green or was once green it can be accepted. They also suggested renaming the Compost Column to Town Composting and stating that leaves can be brought to the Town Composting. The members suggested putting plastic bags in the NO column and paper bags in the YES column.

The members discussed the whereabouts of the Invasive Species Poster. Nancy Gulley will check with Linda Ball regarding this issue.

Beth Hume displayed the Monarch poster to the members and asked if it should be larger. It was decided that it should be enlarged for the Town meeting. Ms. Hume displayed additional handouts she would have available regarding plants to attract butterflies.

Chair Stewart asked for volunteers to “man” the table at the Town Meeting. He said he would be there during the evening (5-7); Rebecca Audet said she would be there also and will go by around 11:30 am, Sharon Houston said she would be there from 5:30-7, Beth Hume said she would go by at mid-day as well as at the end of the day.

Ms. Audet asked if it would be appropriate to have a recycling reminder at the table as well.

Ms. Hume said that Pam has a poster regarding recycling at Town Hall.

Chair Stewart suggested that Ms. Audet ask Pam for the poster for the Commission to use at the Town Meeting.

Chair Stewart encouraged all the members to vote for the fertilizer ordinance at the meeting.

Ms. Audet noted that the organic, 50% slow release fertilizer is sold at Home Depot.

2. Islander article – This item was not discussed at this meeting.

3. Loosestrife beetles and milkweed plugs update:

Beth Hume asked for volunteers to assist with the release of the beetles. Nancy Gulley, Bill Stewart and Rebecca Audet volunteered.

Ms. Hume asked if they should have a signup sheet at the Town Meeting for people who want the milkweed plugs for their property. She asked if the Commission should sell or give away the plugs (Ms. Hume noted that the plugs cost \$1.90 per plug and are small). Ms. Hume explained that the milkweed is the host plant for the Monarch Butterfly and is necessary for their survival. She suggested if people volunteer to help the Commission plant them on Town property they could then get some plugs for free. She noted that volunteers are needed to plant the plugs.

The members discussed this being a project and having an educational portion to the project.

Chair Stewart advised Ms. Hume to place the order for two flats of the milkweed plugs as soon as possible and the details can be finalized at a later point.

Ms. Hume asked if it would be appropriate to have a sign-up sheet for people to volunteer for planting at the Town Meeting and Chair Stewart agreed that Ms. Hume should do this.

4. Identify possible projects for grant opportunities? Funding possibilities?

Beth Hume reported that Tracy Degan suggested starting small with the restoration of Lavenger Creek by beginning with the area between the condominium and the house on Lavenger Road.

Chair Stewart said that flow is needed to restore the area.

Nancy Gulley suggested that things may improve now that a leak was found on Wildrose Lane that was pumping fresh water into the area and that the culvert will be cleaned out.

Chair Stewart agreed it may help.

5. Culverts:

Chair Stewart said he spoke with the Town about replacing the culvert on Pitt Lane. He said the Town is open to this suggestion and will need to decide what type and size of culvert to use. Chair Stewart said the Conservation Commission will proceed with the permitting and the Town will provide the digging and replacing of the culvert. He explained that the bottom of the current culvert is rotted out and the culvert is filling in with sediment. Chair Stewart said replacing the culvert should assist with the flow of water.

Chair Stewart reported that the culvert at Wild Rose Lane will be assessed. He noted that this may not need to be replaced.

6. New Member:

The members voted to recommend Rebecca Audet as a regular member to the Commission to the Select Board.

Beth Hume asked about the progress of providing a packet for new members.

Nancy Gulley said that she and Alex Kennedy worked on that project several years ago.

Ms. Hume suggested holding a site walk for new members.

Chair Stewart agreed.

Sharon Houston said that some clarification regarding tree regulations is needed for her to finalize the Homeowner Guide. She said she can edit the guide this week and print a limited number of them to have available at the Town Meeting.

Chair Stewart directed Ms. Houston to get the information regarding the tree regulations and to print a limited number of the guides.

New Business

1. Replacing dock floats on Marshall Property:

Chair Stewart reported that Bill Marshall informed him that he will be replacing the floats on his dock. He said this does not need to be permitted since it is the same item as what is being replaced. He encouraged members to discuss this with Mr. Marshall if they have any questions.

Announcements

“OIL SPILL RESPONSE 101” May 31, 9-12pm, Pease Tradeport

Rebecca Audet reported that on May 23rd there will be a meeting regarding the seacoast’s response to rising sea levels. Ms. Audet will send an email to the members about this meeting.

Adjourn

Sharon Houston MOVED to adjourn the May 8th, 2014 meeting of the New Castle Conservation Commission at 6:18 pm; this was SECONDED by Nancy Gulley and APPROVED unanimously.

Respectfully submitted by,

Sue Lucius, Secretary to the New Castle Conservation Commission