

Approved: November 4, 2014

New Castle Conservation Commission Meeting
Tuesday October 7, 2014
4:00 pm

Members Present: Bill Stewart (Chair), Lynn McCarthy (Vice Chair), Nancy Gulley, Brian Mack, Jim Rini, Beth Hume

Planning Board Liaison: Darcy Horgan,

Members Not Present: Sharon Houston, Bill Marshall, Curt Gillespie

Others Present: Sam Page, Don Cook, Nancy Borden, Rebecca Audet, Jim Zuckerman

Chair Stewart called the October 7, 2014 meeting of the New Castle Conservation Commission to order at 4:07 pm.

The members suggested minor additions to the September 2014 New Castle Conservation Commission minutes.

Nancy Gulley MOVED to accept the September 2014 New Castle Conservation Commission minutes as amended; this was SECONDED by Lynn McCarthy and APPROVED unanimously.

Presentation by Sam Page on the use of Glyphosate with or without surfactants (Common ingredients in Roundup) on Town Land

Chair Stewart explained that the Town had been using a Roundup type formula for weed and invasive control on Town land and a resident inquired about the safety of its use. The Commission formed a subcommittee to look at the issue and to come up with recommendations and if necessary protocols for the product's use. He noted that all use has been in accordance with best practices, it was approved through NHDES permitting and the product's use is in compliance with EPA standards.

Sam Page (formerly with the World Health Organization -WHO) said that these types of decisions need to be made by performing a risk benefit analysis (weight versus potential toxicity). He reported that there is very little potential toxicity with Roundup. Dr. Page said there is a lot of controversy related to its use with genetically modified crops (especially in Europe), but Roundup has been approved both in the United States and by the European Food Safety Association (EFSA). He said there has been a tremendous amount of studies documenting its safety and the few studies questioning its safety have been done with cell/tissue culture studies. Dr. Page explained that there are several forms of Roundup. The one that is being used by the Town in proximity to water, Aquamaster; is for use around freshwater and is not an issue with the marine environment. Aquamaster does not have surfactants which are the additives that cause most concern in freshwater environments.

Chair Stewart asked about the safety of its use where amphibians are present.

Beth Hume asked if its use is safe near fresh water and salt water.

Dr. Page said the use of Aquamaster in brackish water is safe.

Dr. Rini said the likelihood of Aquamaster affecting amphibians is very low.

Dr. Rini asked about the concerns that are sometimes expressed about its use and effects on groundwater and birth defects.

Dr. Page said those concerns are fueled by studies done in cell culture systems and not in whole animals.

Dr. Rini noted that Roundup was used for the Fort Stark cleanup and Aquamaster was used in Lavenger Creek. He explained that the type of surfactant in the product is the difference and not the glycoposphate.

Ms. Hume asked for an explanation of surfactant.

Dr. Page explained that they are what opens the pores of the plant or skin and allows the glycoposphate to be more rapidly absorbed into plants.

Dr. Rini said that it helps the glycoposphate stick to the leaves and penetrate the leaf tissue.

Dr. Page said that once Roundup hits the soil it is very tightly bound so there is no issue with runoff. He said it slowly degrades and its half-life is two days to 97 days. Dr. Page said that Roundup in water is relatively stable as long as it does not have the extra surfactants.

Chair Stewart asked if it is soluble in water.

Dr. Page said it is very soluble in water, and once it hits the soil it is bound.

Chair Stewart noted that means that as long as it is not dumped into a fast moving freshwater stream it is not an issue with groundwater. Dr. Page concurred.

Rebecca Audet asked why there is so much misinformation about the product.

Dr. Page said that people have taken the cell culture studies and extrapolated to say that the results pertain to whole animals. He said that is not scientifically sound and until it is put in whole animals the toxicity is not known.

Ms. Hume asked if it is dangerous to humans or to animals.

Dr. Page said it is not dangerous to humans and there has been no negative effects that have been observed.

Chair Stewart asked Dr. Page if based on the most current thinking, the product is applied by a licensed applicator under a DES permit he views it as putting the residents or the property at risk.

Dr. Page said he does not view it as a risk. He said if the Town is dealing with invasive species what is the option. He said there is no way the Town can afford to pull the invasives three or four times before it is eliminated. Dr. Page noted that some invasive species can be very toxic to certain people.

Darcy Horgan asked who the authors of the studies that have proven that the product is safe are affiliated with.

Dr. Page said that both the World Health Organization and the European Food Safety Authority have reviewed it and both have approved it. He explained that both the WHO and the EFSA reviews use only academic or government scientists (no industry scientists are allowed to participate in the studies except to testify).

Chair Stewart asked if there is published information that the Commission can use and point to as sources of information that is presented in terms that can be understood by laypeople (residents).

Dr. Page said that Wikipedia has a fairly balanced report that is expressed in lay terms. He said that there are major studies from the World Health Organization on pesticide reviews and from EFSA.

Chair Stewart noted that Dr. Rini did a tremendous amount of research on the subject and is part of the subcommittee that was formed to study the topic. He asked if the subcommittee feels differently or are they thinking that there are concerns the Commission should be exploring.

Dr. Page said when using any sort of Herbicide you want to use the least amount possible, both because of the cost of it as well as any potential concerns. He noted that it is best to use Roundup when the sprouts are coming up.

Chair Stewart said that best management practices should address the current thinking.

Dr. Rini asked when the best time is to apply Roundup.

Dr. Page said the most effective time to apply Roundup is when the plants are coming out; he said it is effective with the first growth. He said it is not effective in the fall.

Chair Stewart asked if Aquamaster should be used on Lavenger Creek which has brackish and fresh water.

Dr. Page said that Aquamaster should be used in that environment.

Dr. Zuckerman asked Dr. Page to address the issue of the amphibians no longer being in Bull Toad Pond. He said some are concerned that it is related the spraying of Roundup. He also asked Dr. Page to address the concern of future generations and the guarantee of a safe water supply in two or three generations. Dr. Zuckerman asked the members to focus on the long term safety of our water supply and to focus on good practice.

Dr. Page said there is minimal migration of glycoposphate. He said it is bound very tightly and migrates at most 6 inches to a foot and will not migrate into water.

Dr. Zuckerman said he is skeptical when looking at biomedical science. He asked what if the science is wrong and it is found that miniscule quantities of glycoposphate are dangerous. Dr. Zuckerman noted that recently the dietary intake or contaminants of your grandparents have been shown to affect certain genes several generations in the future. He said he feels that this generation needs to pay attention to the water supply and its safety.

Dr. Page said that most research shows that the nitrogen from fertilizer that results in toxic algae blooms is more of a concern than the likelihood of having serious health problems from glycoposphate.

Dr. Zuckerman thanked Dr. Page.

Chair Stewart thanked Dr. Zuckerman for bringing the subject to the forefront and beginning this conversation. He said the Town should continue to talk and this will help with any future decisions.

Dr. Rini asked why the DES is so involved in the application of the product.

Chair Stewart said a permit is needed for any herbicide and pesticide use in proximity to and in water, not specifically for Roundup.

Ms. Hume asked if Roundup is the only chemical that is effective on those types of plants.

Dr. Page said it is the only one that the Town can afford and one of the most effective ones.

Dr. Rini asked if it would be appropriate to develop some general action principals while Dr. Page is here to ensure we are all on the same page.

Chair Stewart said the members can discuss it, but said the Commission's use in the past was fairly conservative and focused. He suggested having someone review those protocols/practices and make suggestions.

Dr. Rini asked if the members would say what the Commission had been doing in the past has been appropriate.

Chair Stewart said it has been prudent and appropriate, but it may be helpful to revisit protocols for future use to see if any changes would be appropriate.

Ms. Hume asked if the Commission needs to present this information to the Selectmen to get approval to use Roundup.

Mr. Stewart noted that in October of last year the discussion began and other options were discussed. He said that Roundup was not used during the fall and spring seasons, but based on the present information and the work of the subcommittee the Commission can go back to the Selectboard, present the information and move forward with selective use if the Commission deems it appropriate. He suggested the Commission state the process, where it will be used and get approval.

Dr. Rini said the Commission should rescind the suggestion that burning be used.

Chair Stewart said the Commission has already rescinded that suggestion. He said it would be helpful if the Commission decides to use it going forward to make an informed presentation to the Selectboard.

Dr. Zuckerman suggested focusing on best practices.

Dr. Page said he is a proponent of spot spraying.

Dr. Zuckerman reminded the members that timing is very important and suggested focusing on best practices and raising the awareness of what and when to do it.

Ms. Hume said that education of residents is needed.

The members thanked Dr. Page and Dr. Zuckerman.

Dr. Page suggested having some of the classes in the Grade School design experiments and take measurements to see changes in the aquatic life. Rebecca Audet said she would look into working with MHT school and with a program at the high school.

Old Business

1) Review of plantings for 180 Portsmouth Avenue

Chair Stewart reminded the members that Don Cook was at the September meeting and was asked to find out if there is a deficiency in the 50 by 50 grids and if there is any deficiencies in the 50% required from the 50 foot to the 150 foot. He said that Eben Lewis (of NHDES) reviewed the 50 by 50 grid and found it was still in compliance with State regulations and there were no additional cuts made outside of the 50 foot buffer. Chair Stewart said that six trees were inside the 50 foot (inside the grid) but they are compliant with the State regulations and the Town regulations. He said the issue or question the Commission has is was the decision to recommend approval based on the tree count and the plan submitted and would the Commission not have made it with the additional cuts. Chair Stewart said there was a tree cut in the vicinity of where the foundation drain daylight. He noted that the members did not require a rain garden because there were a lot of trees in that location; but with the current trees cut there is a question if there is enough vegetation there.

Don Cook distributed the plan to the members. He explained that they looked at every tree and found that there were six cut in the one area. He said they cannot tell if they were marked or mismarked. Mr. Cook said there is very little water coming out of drain, but they will keep an eye on it and revisit it in April or May and if a rain garden is needed they will add it.

Chair Stewart said the members had discussed with Mr. Cook that the drain daylight in a different spot but its current location and the plan shows it has been moved. He asked that it be moved back to where it was sited based on the Conservation Commission's input and as approved.

Mr. Cook said they could divert the drain to the left to sit in the low section below the berm where the trees are located. He offered to review the site and the positioning of the drain with Chair Stewart.

Mr. Cook said he would email Chair Stewart.

2) Lavenger Creek Conservation Plan

Chair Stewart reported that Dr. Rini forwarded comments to him which he sent to the other members. He said that Tracy Degnan is working on the map which highlights the buffers.

Brian Mack asked if property lines can be placed on the map and Chair Stewart said that is a good idea and should be possible.

Chair Stewart asked the members to send him any additional comments, he will get comments from NHDES and have Ms. Degnan review the plan. Once all the comments and changes are compiled he will send a copy to the Commission members for a final review.

Dr. Rini commented that the document is well written.

3) Islander Article

Ms. Hume reported that the Commission did not submit an article for the November issue and that the September issue had an article on Milkweed. She said the next deadline is for the December issue. Ms. Hume distributed the swallow wart brochure to the members.

Lynn McCarthy said she sent out the fertilizer letter to the landscapers with included a sheet for them to fill out stating that they have read the new ordinance and return it to the Town. She said that when that is done the landscapers information will be put on the website and in the spring when letters are sent to the residents it will contain a list of the landscapers that have signed the form.

Ms. Hume said it will be interesting to see which landscapers will respond.

New Business

Update and discussion of tree cutting within 50 feet of water

Tree cutting on Town land requests

Chair Stewart said he asked the Select Board if the Commission is the entity that should decide what is cut on Town land or not. It was stated that the Commission should have input on the environmental impacts of the cutting, but questioned if it should be the body that decides on requests. He said the Select Board decided that they would like to defer to the Commission on those decisions and if necessary someone making a request could ultimately appeal the decision of the Commission to the Selectboard. Chair Stewart said he discussed the criteria the Commission would use to make such decisions; 1) if it is beneficial for the natural resources of New Castle the Commission would say yes, 2) if it is neutral, the Commission would not recommend it; and 3) if it detrimental the Commission would say no. He noted this meant that there would be a high percentage of nos and asked if that would be acceptable. Chair Stewart said the Select Board were okay with this. He said the Commission could make determinations on a case by case basis. Chair Stewart explained that the Commission decision can be appealed to the Select Board.

The members discussed whether small growths should be removed to maintain a view or allow the areas to return to its natural growth.

Chair Stewart asked if a forest or open land is preferred. He said the Town will come to the Commission about cutting on Town land near a resource and the Commission will comment on each request as appropriate.

Chair Stewart said he assumes that the Commission will review requests from a conservation standpoint.

Dr. Rini said he does not have a problem with allowing cutting of poplars.

Ms. Hume said it is setting a precedent.

Chair Stewart said he doesn't have an issue with invasive species being removed; but healthy trees that are not invasive on Town land that don't need to be removed for any proposed use or environmental reason should remain.

Lynn McCarthy suggested that the Commission would want to base their decision on protecting the green space of the Island. She said that means not cutting anything unless there is a need to cut.

Brian Mack said trees can be cut for public safety or for rehabilitation projects but not to cater to people.

Chair Stewart reminded the members that at one time Ms. Soffio offered to pay to have a tree removed and we said leave it to maintain the natural habitat, but now another resident wishes to cut down trees.

It's something that has to be decided on a case by case basis with a focus on environmental concerns; it is a slippery slope.

Tree cutting on property of John Baybett on Walton Road

Chair Stewart said he received a phone call from a neighbor reporting there were trees being cut close to Quarterdeck Marsh and that at least one big pine was removed. He said that he reported this to Don White who discussed it with the tree company and asked if they had permits. Chair Stewart said their response was that the home owner had the permits. He said that Don Graves will review the issue.

Brian Mack asked if there is any setback for fresh water marshes.

Chair Stewart said it is classified as a Class A wetland so it is afforded the protections of a Class A wetland. He said if it is freshwater there may be other State regulations.

Over cutting on property located at 95 Marina Heights

Chair Stewart reported that the hill has been cleared of underbrush. He noted the Commission should begin taking photographs during site walks.

Darcy Horgan asked what the State regulations say.

Chair Stewart said within 50 feet anything under three feet high needs to be left untouched. He said he will ask Don Graves to review this and report back to the Commission and then the Commission can report to the State. Chair Stewart said it is a steep slope and there will be a lot of erosion which will work against the resource. He said the Commission can file a complaint with the State for them to review and determine if they are not in compliance with State regulations.

Ms. Hume suggested that the Town change their regulations to match the State regulations.

Beach access path on Beach Hill Road:

Chair Stewart said he received an email from Burt Cohen on Beach Hill asking if he would meet with Frank Richardson and himself about a path to the beach on Beach Hill Road. Chair Stewart said that he met with Curt Gillespie and that Jim Rini had met with Curt Gillespie separately. He explained that there is an easement for a pathway to the beach on Beach Hill Road (a private road) to access the beach. He said the pathway presently being used by homeowners is ten feet to the right of the easement and runs through Bill Williams property (not where it is prescribed on the plan). He said residents asked the Commission to look at where the easement is located on the plan.

Margaret Soffio – 63 Beach Hill Road explained that the deeded right of way is where the electrical supply boxes are located. She said where the path started is okay but it ends on the bluff (rocks), approximately five feet high.

Dr. Rini asked what the Beach Hill Road residents are requesting.

Ms. Soffio said they want to know what options there might be or what permit process would be required if they repositioned the path to the prescribed spot.

Dr. Rini said there is path to the right that is on Bill William's property and the boulders there are less treacherous and people can walk down them to the beach.

Brian Mack said it is on Bill Williams' property, so if someone else purchases the home it could go away.

Chair Stewart said on the 21st of October they will meet with Frank Richardson and Burt Cohen at the site. He said if they want to cut vegetation on the easement or put steps down to the beach the Commission would have comment.

Ms. Soffio asked if it is possible to put in steps.

Dr. Zuckerman said he does not believe there is any enthusiasm to put in stairs at that location.

Chair Stewart said from the DES and Conservation Commission view, the Commission will provide input. He said he looked at the vegetation which is significant and holds some of the dunes. There is no real issue above the rock.

Dr. Rini asked if it would be better to have the path remain where it is rather than to make a new one.

Dr. Zuckerman said the path now is on Bill Williams' land and there is an issue of liability that the residents want to protect Mr. Williams from.

Ms. Soffio said the Association needs to figure that issue out.

Dr. Zuckerman said if the path is the deeded path (even on Mr. Williams' property) it would be covered by the Association liability insurance plan.

Dr. Rini asked if the Association liability insurance can cover the path where it is located now.

Dr. Zuckerman said it would not cover it on the undeeded path. He noted that there are ten trees that are dead and asked if they can be removed.

Dr. Rini said the stumps need to remain from the dead trees.

Dr. Rini said the path as it is configured on the plan goes through the electrical boxes so there is no way that you can walk that path, he said you would need to walk around the boxes and that would place you on Mr. Williams' land that is not subject to the easement.

Ms. Soffio said the electrical boxes would need to be moved.

Chair Stewart said he will review it with Frank Richardson and look at the vegetation and the conclusion may be that the path where it is, is better than what is being proposed. He suggested speaking with Bill Williams and discussing it.

Dr. Rini noted that moving the boxes would be within the 50 foot buffer.

Chair Stewart said that would depend on where the highest observable tide line is.

Announcements

New Hampshire Association of Conservation Commissions Annual Meeting
November 1st 2014, Laconia Middle School.

Chair Stewart encouraged the newer members to attend.

Adjourn

Nancy MOVED to adjourn the October 2014 Conservation Commission meeting at 5:57 pm; this was SECONDED by Bill Stewart and APPROVED unanimously.

Respectfully submitted by, Sue Lucius, Secretary to the New Castle Conservation Commission

