

Approved: January 5, 2016
NEW CASTLE CONSERVATION COMMISSION
December 1, 2015

Members Present: Planning Board Representative Darcy Horgan, Chair Lynn McCarthy, Conni White, Beth Barnhorst, Brian Mack, Nancy Gulley, Ron Pascale, Bill Marshall

Members Not Present: Curt Gillespie, Jim Rini

Others Present: Tracy Degnan, Bill Stewart

Chair McCarthy called the December 1 2015 meeting of the New Castle Conservation Commission to order at 4:01 pm.

Approve November minutes

Nancy Gulley MOVED to approve the November 3, 2015 meeting of the New Castle Conservation Commission minutes as written; this was SECONDED by Ron Pascale and APPROVED unanimously.

Work Session / Applications:

Review of Wetland study with Tracy Degnan

Tracy Degnan reported to the members on the progress of the Wetland study. She noted that during the months of September and October a wetland scientist reviewed the sites noted in the 2005 study and accumulated data sheets and photos for each wetland. Ms. Degnan said that they have purchased a range finder to aide in the review of the wetlands and to see if there were any structures within 100 feet of the wetland. She said they also performed a more thorough evaluation of Lavenger Creek. Ms. Degnan explained that this was done in case the community decides to put forth a request for a prime wetland designation for Lavenger Creek. She said they have also GPS'd the wetland edges to find the boundaries of

Lavenger Creek and its buffer. Ms. Degnan said that the boundaries and buffer were then overlaid with the tax maps to see who might be impacted by a Prime wetland designation. It should be noted that it was determined that the buffer for a Prime Wetland will be the same buffer that currently exists (there would be a different regulatory strength if a Prime wetland designation is conferred – the desire to move forward with this request needs to be voted on at Town Meeting; it would then go to the State for approval). She explained that the designation provides the State the ability to review applications with a more formal eye. Ms. Degnan distributed the data accumulated by the wetland scientist, the method for evaluation used and the inventory of marshes. She said that four functions noted on the sheet are required for a wetland to be designated as a Prime Wetland and Lavenger Creek scores highly on six of the functions, moderately on one and lesser on two functions (of nine functions).

Ms. Degnan said that she and Chair McCarthy met with Frank Richardson (of NH DES) who said he would be willing to come to New Castle to explain the importance of the marsh and the Prime Wetland designation.

Ms. Degnan distributed aerial photos of the area saying that if the Commission feels strongly about this they would need to go to the Select board with the appropriate information and ask if they would be willing to place it on a warrant article for Town Meeting. She said that a Public Hearing would need to be held and that abutters need to be notified.

Conni White said that most people are not familiar with this information and it needs to be presented to the residents in a succinct, graphic way. She said it is important to educate the community before the Town Meeting.

Chair McCarthy said the education component is important and that was why they held the workshop and will be doing other initiatives over the winter.

Tracy Degnan said they are hoping to put together a PowerPoint presentation discussing the functions and values of the marsh and why it is important to protect.

Chair McCarthy suggested having a poster each month that deals with the discussion and post it outside the Town Hall/Post Office.

Ms. White said she has found in the past that it is important to have mailings and a blog. She suggested sending out at least two pieces of mail regarding this to each resident (at different times).

Darcy Horgan noted that assigning individuals to discuss the topic with a group of residents would be helpful.

Ms. White said the abutters need to be approached individually if they do not attend meetings.

Mr. Stewart asked if the abutters are notified by the State if the Town makes application for a Prime Wetland designation.

Ms. Degnan said the Town notifies abutters.

Mr. Stewart said the designation does not change any RSA or ordinance; it provides the State the ability to scrutinize projects being proposed and the ability to request a Public Hearing regarding the application.

Ms. Horgan asked if the State would consider the Town's and the Conservation Commission's comments with more weight if the marsh has a Prime Wetland designation.

Mr. Stewart said that would be the case.

Ms. Degnan said there is a size criterion (2 acres) so other important wetlands in town would not be able to be designated as Prime

Wetlands. She asked if the Commission would like to move forward with this request for a prime wetland designation.

Ms. White said she thinks it is important and noted that there are many properties that abut Lavenger Creek.

Mr. Stewart said he thinks it should be done and would have liked to have had it designated years ago. He said this would provide the

need to maintain good conservation practices. He asked if there will be any concerns from the Planning Board members.

Ms. Horgan said the Planning Board may be concerned what the designation will mean to each individual home owner that abuts Lavenger Creek (what the impact would be). She suggested that information be prepared for the Planning Board and for the home owners. Ms. Horgan asked if any rights will be taken away from the home owners that they currently have if the Prime Wetland designation is conferred on Lavenger Creek.

Ms. White said the Planning Board may want to know how the designation affects the value of a property also.

Mr. Stewart said there are at least two properties for sale that abut Lavenger Creek.

Ms. Horgan said it would helpful to have the names of people who own homes that abut Lavenger Creek. She said a site walk would also be very helpful to the Planning Board members and to have a knowledgeable individual (such as Frank Richardson) speak with the Planning Board.

It was suggested to have Ms. Horgan and Chair McCarthy work on scheduling a site walk for the Planning Board for later this month and then to have them meet for a discussion regarding the designation at a later date.

Ms. Horgan asked who could lead the site walk.

Ms. Degnan suggested having Mr. Richardson lead the site walk; she said he has a good feeling for the property and is from NH DES. She also encouraged the Conservation Commission members to attend the site walk (to continue to learn and to show support).

Ms. Degnan will contact DES to set up a site walk for the Planning Board members.

Brian Mack MOVED to proceed with the appropriate steps to designate Lavenger Creek as a Prime Wetland; this was SECONDED by Nancy Gulley and APPROVED unanimously.

Ms. Degnan said the other wetlands in town have also been reviewed (28); #13 was removed two years ago and in 2007 the Canfield wetland was added (it is on the map but there is no write up from the 2005 report). She said she has photographs of each wetland and a data sheet for each wetland. Ms. Degnan said the data sheets contain a photo log, the percentage of cover in the buffer, the predominate species, and if there is fill.

Ms. Degnan said she met with Mike Cuomo (the wetland scientist who did the site walks and wrote up the data sheets) and discussed with him which wetlands he feels should have a 100-foot buffer. She said they then met with Frank Richardson and discussed the buffer situation and discussed restoration recommendations.

Ms. Degnan reviewed each wetland with the members and the recommendations by Mr. Cuomo and Mr. Richardson as well as their restoration potential. There are only two or three wetlands that are degraded to the point that they do not require a 100-foot setback (#3, # 20, #25 - there was disagreement between Mr. Richardson and Mr. Cuomo on #18). Ms. Degnan suggested utilizing the conditional use permit process as a way to increase buffers and protect the resource.

The members discussed green waste issues in town. Mr. Stewart suggested that if the Commission has recommendations they should be made to the Select Board.

Chair McCarthy asked the members how they feel about asking the Planning Board to increase the buffers to 100 feet for most of the wetlands.

Mr. Mack said it is worthwhile but strong, coherent arguments and information need to be presented when the request is made. This should include what impacts there will be to property owners.

The members discussed issues in town where property owners have performed actions on their properties that are in conflict of Town ordinances and approvals and the difficulty of enforcement.

Ms. Degnan suggested that the Commission determine which wetlands they feel they should ask the Planning Board to move forward with changing the buffer to 100 feet.

Mr. Mack suggested the wetlands that are a part of a system should have an increased buffer.

Ms. Degnan said they will also be reviewing the regulations to determine where they can be strengthened. She said she has wording from the Town of Rye (they have the ability to review restoration planting as a condition within the conditional use process). She said that “Storms to Tide” program is offering funds to help communities with issues such as storm water management, writing a climate adaptation Master Plan chapter, performing outreach, etc. She said that Julie LaBranche will be before the Planning Board in January to make a presentation.

Chair McCarthy asked if the Planning Board has discussed a storm water management plan; which should include buffers and plantings to help to deal with the storm water.

Chair McCarthy suggested that the members review the maps and next month discuss which wetlands they would like to suggest to the Planning Board to increase the buffers.

Mr. Mack suggested that it would be easier to sell the idea of increasing buffers if it is done with specific wetlands (such as Lavenger creek and both sides of Pitt Lane). He suggested choosing the more important wetlands and the larger wetlands.

Nancy Gulley agreed but said the Commission needs to move forward now.

Mr. Stewart suggested creating a “Lavenger Creek watershed”; to include the two Pitt Lane wetlands and the Lavenger Creek wetland and perhaps a few others as well, such as #16 and the Brothwell

Marsh. He suggested including in the argument the discussion of how healthy wetlands help with storm water runoff and the issue of resiliency.

Ms. Barnhorst also suggested that the Brothwell marsh (#15) should have a 100-foot buffer.

The members will discuss this issue further and provide direction to Ms. Degnan at a later date.

Unfinished Business

There was no “unfinished business” discussed at this meeting.

New Business

Wild Rose Lane stump removal

This item was not discussed at this meeting.

Announcements

New Member!

Chair McCarthy introduced Ron Pascale to the members and welcomed him!

Nancy Gulley MOVED to adjourn the December 1, 2015 meeting of the NCCC at 6:25 pm; this was SECONDED by Ron Pascale and APPROVED unanimously.

Respectfully submitted by,

Sue Lucius, Secretary to the New Castle Conservation Commission