

# Approved: 10/6/15

New Castle Conservation Commission  
September 1, 2015  
4:00 pm

**Members Present:** Chair Lynn McCarthy, Jim Rini, Curt Gillespie, Beth Hume, Brian Mack, Bill Stewart, Darcy Horgan

**Members Not Present:** Nancy Gulley, Bill Marshall, Rebecca Audet

**Also Present:** Ron Pasquale, Beth Barnhorst, Connie White

Chair McCarthy called the September 1, 2015 meeting of the New Castle Conservation Commission to order at 4:05 pm.

Approve August Minutes:

Editorial changes were made to the minutes.

*Beth Hume MOVED to approve the August 4, 2015 New Castle Conservation Commission minutes; this was SECONDED by Jim Rini and APPROVED unanimously.*

Work Session/Applications:

**Review and Recommendation for 41 Locke Road, Tax Map 11, Lot 4, Ron Pasquale. Request to build three retaining walls to house three rain gardens to help minimize erosion.**

Mr. Pasquale explained that the area between his house and the neighbor's (Mark Jacob) there is a steep slope. He said he is proposing to build three dry laid retaining walls (approximately 18 inches tall) with rain gardens to mitigate the amount of water that flows down the hill (which has been exacerbated by renovations done at the property next door). Mr. Pasquale explained that the retaining walls will be backed up with dirt where plantings will be installed. He said the plantings will be shade plants that are native to the local area (he did not provide a plant listing at this time).

Beth Hume that rain gardens need to be installed in a very specific manner which involves multi layers of sand (to allow filtering) and to be planted in a fairly deep hole.

Mr. Pasquale noted that the area in question has a large amount of granite so there is not the possibility to dig deeply; but the area by the retaining walls will be built up some for the plantings.

Mr. Pasquale noted that during severe rain storms there can be wash outs in the area being discussed. He said that the rain comes into the driveway and shoots down to the water.

Ms. Hume said she does not feel the plantings will help to slow down the water and noted that the gardens do not fulfill the requirements of a rain garden. She encouraged Mr. Pasquale to submit a plant listing when one is available.

The members discussed the steep slope ordinance and recommended that Mr. Pasquale discuss this proposal with the building inspector, Don Graves. It was noted that this issue may need to go before the Planning Board but should be brought to Don Graves' attention in order to determine the steepness of the slope and the proper procedure to move forward.

*Beth Hume MOVED to recommend approval of the addendum attached to plans dated 4/22/13 to install three 18" dry laid retaining walls to contain native plants to help constrain erosion from the steep slope at 41 Locke Road, Tax Map 11, Lot 4. The applicant will need to ensure that the proposal conforms to the steep slope ordinance (regulation 5.2.2); this was SECONDED by Jim Rini and APPROVED unanimously.*

**Review and Recommendation: 21 Vennard Court, Jerry and Louise Greene. Request to approve a boardwalk connecting their property to Pitt Lane through a wetland.**

Chair McCarthy read a letter from the Greene's describing their project; what they have done and what they would like to do to complete the project.

Mr. Greene noted that the walkway he has constructed extends approximately 42 feet into the wetland (which is approximately 100 feet-as delineated by Ambit Engineering). He said he is proposing a structure that will be approximately 150 feet and located next to the existing wall.

Brian Mack noted that not only does the walkway extend into the wetland but it is also built within the 50 foot buffer zone. He suggested getting an assessment of the marsh and what the impact of building the proposed structure would have on it.

Ms. Hume noted that wetland scientist Dan Geiger of Oak Hill Company in Loudon, NH is very familiar with the wetlands in New Castle.

Bill Stewart agreed that having a scientist review the wetland, confirm the delineation and say what the impact would be of putting a structure on it would be a good next step.

Mr. Mack also questioned the feasibility and stability of this type of structure; asking if it will sink in the wet spring weather.

Mr. Greene noted that part of his vision is to build a wood bridge (an approximate span of 30 feet) over the wettest area to connect from the walkway to dry land.

Mr. Mack and Mr. Greene discussed the construction and structure of such a bridge. Mr. Mack noted the difficulty of building a 30 foot wooden structure in a wetland. He also noted that a 30 foot wooden span would need supports. Mr. Mack said there can be no drilling within the wetland and that the use of equipment would be detrimental to such a sensitive area. It was suggested that a feasibility study and engineering plan would be useful information and should be submitted as part of the proposal.

Chair McCarthy noted that the next step should be an impact assessment by a wetland scientist.

The members noted that this is one of the wetlands in New Castle that will be reviewed in October by a wetland scientist from RCCD as part of a recently approved PREP grant. Ms. Horgan suggested informing Tracy Degnan (of RCCD) of this request and asking the wetland scientist to review the wetland with this proposal in mind.

Bill Stewart reported that from the Town's perspective, they spoke to Jerry and Louise Greene's about working with them on this project (if it makes sense from a conservation stance) about putting in a walkway to allow citizens to pass from Pitt Lane to Vennard Court. He said this would involve a walking path in the wooded section and then continue across the boardwalk onto Pitt lane. Mr. Stewart said the vision is to connect the area through town land to Bosens Hill to potentially create a central walking connector for the two sides of Pitt Lane and Bosens Hill.

Jim Rini noted that in the case of a bridge, the height of the bridge and the possible need for railings need to be taken into consideration if the bridge will be open to the public.

Mr. Greene said he will likely move forward with the next step and have the plan analyzed, determine the impact to the wetland and discuss possible ways of moving forward.

Darcy Horgan indicated to the Greene's that the construction of a walkway and bridge brings up the issues of height and building a structure in a wetland. She said the process begins with the Conservation Commission; which will provide a recommendation to the Planning Board. Ms. Horgan told the Greene's they would then need to go before the Planning Board for a public hearing (which would require them to fill out an application for a conditional use permit and notify abutters prior to the Public Hearing). If the permit is approved by Planning it would then need to go to the ZBA for a Public Hearing also. She suggested contacting Don Graves (Building Inspector) to begin the process.

Mr. Stewart also reminded the Greene's that the project will need State approval.

Mr. Greene indicated they have begun discussion with NH DES. He agreed it would be helpful to know what impacts the project will have on the wetland and said that will be his next step.

Chair McCarthy encouraged the Greene's to phone her after an assessment has been done to discuss the next steps. She thanked the Greene's for coming to the meeting.

Ms. Hume noted that one of the issues is that homeowners do not know that they are prohibited from performing work in and near wetlands. She asked how the Commission can make this more readily known to residents and homeowners.

Chair McCarthy said the members have been working on the "Welcome to New Castle" packet and that should be helpful.

Ms. Hume asked if there are funds to mail the packet to residents who own property on wetlands.

Jim Rini suggested using the wetlands map to determine the lots located on wetlands.

Ms. Horgan suggesting sending a letter with the "Welcome" packet to all property owners with property in the wetlands and to watch for the sale of properties within wetlands.

Ms. Horgan said the "Welcome" packet is an excellent document but may be too much information and a little intimidating for new homeowners. She said that a tri-fold pamphlet may be more helpful to the homeowners.

Beth Barnhorst said as new homeowners in New Castle they had no idea what was required when they undertook a project. She said that a new homeowner's guide would be helpful but noted that something more concise would be more helpful.

Ms. Hume suggested creating a pamphlet and noting a link to the homeowners guide.

Ms. Barnhorst said it would also be helpful to have some printed copies of the larger document available at Town Hall.

### Unfinished Business

#### PREP Grant– Tracy Degnan (RCCD)

Tracy Degnan reported to the members on the Integrated Pest Management grant (IPM) which involved an innovative study on removing phragmites. She said the technique used solar with the land owners permission. Ms. Degnan said with they set up three 10 x 10 plots with plastic to heat the peat enough so that the phragmites would not return and on August 17<sup>th</sup> they removed the panels and there were no plants growing in two of the plots. She said on the third plot there were a few small plants growing so they deemed the experiment a success. Ms. Degnan said they will return in six weeks and see what sprouts (did it melt the roots or not?). She said they also spot treated with herbicide around the plots (30 feet). Ms. Degnan reminded the members that another component of the grant is to provide a workshop and explain the restoration efforts at Lavenger Creek.

Ms. Degnan said that a workshop has been set for October 24<sup>th</sup> from 2-3:30 pm. She distributed documents for the members to review which included a flyer for the workshop to be distributed to residents. Beth Barnhorst suggested noting that resident's participation in the workshop will be used as matching "in kind" hours for the PREP grant. Ms. Degnan said that invitation to the abutters will be sent out during the month of September and that posters will be posted around town.

Ms. Hume suggested putting a notice in the "The Islander".

Ms. Degnan encouraged the members to keep track of their hours and to note them on the "volunteer hour sheet". She said it is her goal to collect hours from the members once a month.

Ms. Degnan explained that another component of the grant is updating the 2005 Wetland Study. She distributed copies of the study and of the wetlands map. She said an RCCD wetland scientist will be walking the wetland to review them for the grant. She said the residents need to be notified that he will be walking the wetlands.

Mr. Rini said he would like to be notified when the wetland on his property is being viewed so he can be there.

Ms. Degnan said the study should be complete sometime in October. She said they would like to investigate if it would be possible to list Lavenger Creek as a prime wetland so the wetland scientist (Mike Cuomo) will be keep that in mind when he visits Lavenger Creek.

Chair Stewart suggested that Mr. Cuomo speak with Mr. Geiger who did the original New Castle wetland assessment.

Ms. Degnan said that the letters sent to the abutters have brought some response requesting that they be present when the wetland on their property is viewed by the wetland scientist. She said she hopes to have draft language for the members to review next month that will then go to the Planning Board for review. Ms. Degnan encouraged the members to review the documents, discuss the workshop with residents and to provide comments to her regarding the flyers.

Ms. Hume said she will write a notice and have it put in "The Islander" with the date for the workshop and contact information. She suggested the information also be noted on the Town website.

Ms. Degnan said they have treated invasive plants at the Great Island Common but need to wait for a special permit to treat near the wetland.

Bill Stewart asked that they be notified of the dates for the treatment before it occurs.

Ms. Degnan asked the members if they would like her to revise the Moose Plate Grant proposal from last year and resubmit it. She said the proposal was well received and they like the education component but questioned the management component. Ms. Degnan said she could discuss that part further and resubmit the proposal.

*Beth Hume MOVED to instruct Tracy Degnan to follow through with the Moose Plate Grant proposal for Lavenger Creek buffer education; this was SECONDED by Jim Rini and APPROVED unanimously.*

Welcome to New Castle Packet – This item was discussed earlier in the meeting.

#### New Business:

##### *Letter from Phil and Rita Fusco-*

Chair McCarthy said she received a letter from Phil and Rita Fusco (25 Piscataqua Street) regarding their neighbors building a driveway. He said they feel it will cut into the root system of their maple tree and sent a letter to the Conservation Commission, the Historic District Commission, the Planning Board and the Board of Selectmen. Chair McCarthy said the letter included a report from the Northeast Shade Tree Company who noted that the root system is important for the tree's health and major root damage could cause a hazard. She said they recommended that a certified arborist devise a plan. Chair McCarthy asked if the members would like to comment.

The members noted that this issue does not concern a wetland; so they do not have a comment.

##### *Enforcement Issue-*

Bill Stewart said that the issue of enforcement has been discussed among the select board. He noted that frequently a resident in town will see an issue and phone one of the members on the Commission; who in turn attempt to contact the Code Enforcement Officer (sometimes he would not be available due to the hours that he works). He noted that if the Code Enforcement Officer is not available the Commission has contacted the Police Department who would check on the issue and suggest that the owners meet with Don Graves about a building permit. Mr. Stewart said there has recently been a discussion about deputizing someone on the Commission as an assistant building inspector who would have code enforcement authority to issue a stop action letter to the homeowner. He said the Select Board has not reviewed this suggestion yet. He suggested the members think about the concept and discuss it at the next meeting.

New Membership-

Chair McCarthy said perspective members Connie White and Beth Barnhorst attended tonight's meeting to see if they are interested in becoming members.

Announcements

Chair McCarthy announced that Sharon Houston has resigned from the Commission.

Adjourn

*Bill Stewart MOVED to adjourn the September 1, 2015 meeting of the New Castle Conservation Commission at 6:11 pm; this was SECONDED by Brian Mack and APPROVED unanimously.*

Respectfully submitted by,

Sue Lucius, Secretary to the New Castle Conservation Commission