

**NEW CASTLE CONSERVATION COMMISSION
MINUTES March 7, 2017- 5PM**

Present: Lynn McCarthy, Chair, Connie White, Vice Chair, Jim Rini, Ron Pascale, Beth Barnhorst, Darcy Horgan, Brendan Tanguay, Bill Marshall, Tracy Degnan

1. Approve Minutes.

Connie White made a Motion to Approve the February 7, 2017 minutes of the Conservation Commission, as amended, which was seconded by Jim Rini. Motion carried.

2. Work Sessions/Applications. None.

3. Unfinished Business

a. Cutting/Connell property.

Site Walk at Marcia Cutting's property with Will Connell. The Commission attended a site walk last month to review the landscape and dead trees to be removed outside of the wetland buffer zone. Mr. Connell has submitted an engineering plan showing the trees to be removed outside of the buffer zone. He is not doing anything within the 50-foot buffer so there is nothing for the Commission to act upon as he does not need a Conditional Use Permit. However, Lynn McCarthy will write a letter to the Building Inspector to share some concerns from the commission, one of which is a large oak tree on the west side that is within the 50 foot buffer that may have to be removed if an arborist that Mr. Connell consults with deems the tree presents a risk of falling upon the proposed structure. Chair McCarthy would like the tree to stay. Connie White would like an arborist to comment upon this. There are dead tree limbs on the large oak tree which overhang which may need to be attended to. Connie White is concerned about the health of the tree during construction, and perhaps an arborist could offer some guidance. There was a question about the maple trees. Jim Rini noted Mr. Connell has stated that they want to save as many trees as possible. Connie White is not as much concerned about current owners, but new owners may want to do major clean up which may affect the wetlands. She noted there is a lot of dead material which future owners would want to clear. Chair McCarthy stated it is not allowed to remove anything under three feet within the buffer zone.

Mr. Rini is concerned about the gutters and the roof drainage. Also the driveway material was of concern. Darcy Hogan noted that Mr. Connell had said the driveway material could be pervious material, but that's not certain at this time. It was noted that they have to manage the storm water runoff. Darcy felt it needs to be dealt with before allowing to go into the wetlands. It was suggested that storm-water runoff be treated in a similar fashion to Bill Drew's property. Jim Rini suggested the Chair's letter strongly recommend that the driveway be impervious.

The letter ~~will~~ should also contain a requirement to maintain vegetation in the buffer, to help mitigate the storm-water runoff and provide a filter.

Darcy suggested that when writing the letter, the Chair address it directly to Mr. Connell and include all of the above recommendations. There is nothing to prevent a member of the Commission from addressing these concerns at a future point, with the homeowner, as there would be a copy of the Chair's letter to Mr. Connell in the file. There could also be a sit down meeting. Also make sure a copy of the letter is in the Building Inspector's file.

A question was raised about the septic system. It was determined to be outside the 75-foot zone.

Chair McCarthy will proceed to draft the letter.

Ron, Jim and Beth were asked to report about the Coalition meeting. (MS-4). Jim reported the presenter was not a good one. The main point he drew from the presentation was that it did not apply to properties under one acre. The "it" was unclear as well. NH DES put on the program and the presenter was a representative from Massachusetts DES. It was agreed by those in attendance that the program was not helpful. No one seemed to understand what the whole purpose of the program was.

Chair McCarthy asked Tracy if she could fill in some of the gaps. New Castle is in the MS-4 permit primarily due to its population density. She said we should care about the 2017 permit. The permit has something to do with storm-water runoff, to ensure that salt piles, sewer systems, etc. are dealt with appropriately at the municipal level. Additionally, how towns are dealing with the run off from their own buildings, enforcement of erosion infractions, control measures for development plans, and other things that create land disturbances. It was Tracy's belief that Pam Cullen, Assistant to the Select Board and Steve Tabbutt, Supervisor of Public Works ~~who~~ have completed surveys in prior years. There are six criteria she is aware of. These are regulations and may in fact be "unfunded mandates". The program was sponsored by the Southeast Watershed Alliance. It was intended to be a storm-water run-off status report. Tracy stated that Steve Tabbutt explained to her that he does all of the basic maintenance of the systems, and Pam works with him to complete the reports and surveys over the last few years. The newest permit is going to require additional items, such as public outreach and education. Tracy suggested to Pam that the Commission could help with the new permitting requirements, making suggestions on how best to protect the resources, what to do, what not to do, etc. Pam would like to be kept apprised of whatever assistance with the permit regulations that the Commission will undertake.

Tracy suggested that in the Annual Town Report, the Commission could place an article or brochure with suggestions, such as the problems with dog waste disposal, etc. It should be user friendly and informative.

Chair McCarthy suggested the Commission discuss a plan for the coming year for educating the public on storm-water runoff. There should be at least two public educational

outreach, like a poster. Theresa was named as the person most familiar with the big overall picture of this issue. She would know the specifics of what New Castle has to do to comply. As the Commission has a grant to work with her Mr. Rini suggested the Commission ask her to read the materials and regulations and report back. What areas are we lacking, and what needs to be done, should be part of her recommendations. We need a baseline, then decide what to do.

Tracy stated that DPW will have to be involved.

Theresa has already worked on two ordinance changes for the Town, one of them modeled on Newfields. (Definition of impervious surface, and change in the lot coverage.) Unfortunately, according to Darcy, they will not be going forward at Town Meeting this May. She indicated the Building Inspector had several comments and requested changes. There just wasn't enough time. Darcy did describe the Building Inspector's concerns. The lots are small, and once you lay in the setbacks, you may be overly restricting the property. He suggested that they look at the next applications which come in and consider them as if the new lot coverage definition was in place. The size of New Castle's lots are the basis for his concerns. She felt that made a lot of sense. He also felt there needed to be a definition of "pervious" along with "impervious". She pointed out that at least two public hearings would be needed in addition to perhaps 3 Planning Board sessions before these changes could go to Town Meeting.

Ron and Jim did a property size census and there are 489 residential properties which are less than .9 acres. Most of the lot sizes are either .2 or .3 acres. He recited the results...9 (Insert report here) Darcy requested he type up the findings as she stressed that this was really valuable information for the Commission to consider. This information came from the tax logs. They did not find out any information about vacant lots.

Tracy suggested the Commission focus in on the largest sized lots (5 to 15 acres). There was further discussion about the various larger properties.

Chair McCarthy next asked the Commission for their suggestions on how best to educate the public on storm-water issues. Lynn mentioned several possibilities, including fliers, articles for annual report, items in The Islander and Island Items. Jim suggested waiting for Theresa's bulleted list.

Tracy talked about other educational opportunities. On Thursday, there is "Soak-Up the Rain" at Portsmouth Public Library, and the other is a presentation by a Wetland Scientist at Great Bay Discovery Center. Jim Rini would like more information on enforcement and compliance. Also what is available in terms of incentivizing people? They need a concrete incentive. Perhaps a tax decrease? He was just putting forth some suggestions. Chair McCarthy suggested perhaps a tax credit for healthy maintenance of a buffer. Brendan Tanguay asked if posting a bond was required? He would like that question answered at one of the forums. Connie reported on a recent forum which focused primarily on

development, which really doesn't apply to New Castle due to its size. The Commission discussed fines for infractions, and the problems associated with this process. There is also performance security which could be required.

Tracy stated there are Coastal Adaptation Workshops on April 13th in Hampton Falls on what communities could do. She agreed to Email future workshops to the Commission. She also stated the phragmites were cut in the Lavenger Creek area.

Chair McCarthy informed the commission that Pickering Marine has submitted an application to NHDES on behalf of Marion Clough for a seasonal dock. She reminded the commission that a letter from the conservation commission was submitted to NHDES stating that at the August 2016 Conservation meeting it was voted to decline the application from Marion Clough for the seasonal dock.

There being no further business to come before the Commission, Jim Rini made a Motion to Adjourn, which was seconded by Beth Barnhorst. Motion carried.

Meeting adjourned at 6:30 PM.