

MINUTES OF THE NEW CASTLE CONSERVATION COMMISSION
Tuesday, September 4th, 2018 – 5:00 p.m. (Town Hall)

Members Present: Lynn McCarthy, Chair, Conni White, Vice-Chair, Rebecca Audet, Beth Barnhorst, Tracy Degnan, Rockingham County Conservation District, Brian Mack, Ron Pascale, Jim Rini, Brandon Tanguay.

Members Absent: Darcy Horgan, Bill Marshall.

Others Present: Steve Riker, Ambit Engineering.

1. Approve Minutes.

Ms. McCarthy called the meeting to order at 5:06 p.m. and asked attendees to sign in. Mr. Rini made a motion to approve the July minutes as written. Ms. Audet seconded. The motion carried unanimously.

2. Work Session / Applications.

Steve Riker, of Ambit Engineering, was present on behalf of Louise K. Greene, 21 Vennards Court (Tax Map 12, Lot 4), who is requesting a conditional use permit from the New Castle Planning Board to build a puncheon type crossing structure across wetlands on her property. The project proposal is for one crossing structure to be constructed to “provide an adequate crossing for the walking trail”, which would be approximately 500 square feet of permanent impact within the wetlands.

A dock style crossing was previously being built on Ms. Greene’s property but was halted. Ms. Greene was then required to go before the New Castle Conservation Commission with her proposed crossing structure, which the Commission did not recommend for approval by the New Castle Planning Board.

The new proposed crossing structure would use “topped log construction” with two stringers providing the base for the treadway. The wooden boardwalk would be roughly 125 feet long and would sit approximately four inches above the wetlands. Mr. Riker noted that this design follows the Best Management Practices for Erosion Control During Trail Maintenance and Construction (State of NH, DRED, 2004). The puncheon design would allow for water to flow through, and the elevated boardwalk would prevent erosion of the fragile soils in the area. Mr. Riker added that the New Hampshire Department of Environmental Services (NHDES) approved Ms. Greene’s Wetlands Minimum Impact Trails Notification on August 14, 2018.

Mr. Riker stated that hiking in wetlands is permitted in New Hampshire, but that any trail crossing must meet specific construction requirements. According to Mr. Riker, any impact in the wetlands buffer is required by the NHDES to be a minimum of 20 feet from the neighboring setbacks. The proposed puncheon structure meets these requirements.

In addressing concerns from Mr. Mack and Ms. Barnhorst, Mr. Riker said that the proposed trail would be curved and routed around trees and rocks in the impact site so as to minimize the disruption to the vegetation. No grading is necessary for the implementation of the walking trail. Mr. Riker noted that permit requirements for creating a trail do not require a detailed plan showing where specifically the trail would run. He said the trail would not interfere with the trails used frequently by deer in the area. Mr. Mack asked what will happen if the wetlands floods and how the beams would be stopped from sinking into the muddy soil. Mr. Riker responded that nothing will prevent the bottom stringer from sinking into the mud, and that in the event of a flood, water would flow under the crossing structure and over it if necessary. He added that while there is a water course in the wetlands at 22 Vennards Court, there is no stream over which the crossing would be built.

Mr. Pascale asked if the beams would be built on site, which Mr. Riker assumed would be the case. Ms. Barnhorst wanted to know what type of equipment would be needed to construct the trail and what type of screws and nails would be used. Mr. Riker responded that construction would be done with hand tools, and that the property owner could use stainless steel, but it would be more expensive. Mr. Rini inquired about the size stringers Mr. Riker anticipates would be used. He responded that the stringers would be four feet by four feet, with a center sill added for larger sections. Mr. Rini noted that the wider the stringers are, the less they will sag into the soft ground below. Ms. Audet felt that using treated timber in the wetlands is not a good idea, but Mr. Riker commented that this is actually recommended now because the wood is no longer treated with arsenic. Ms. McCarthy would like the applicant to use natural wood as a precaution against chemicals leaching into the wetlands.

Ms. White asked about the impact of rising water levels on the proposed trail site, and wondered if the lumber used for the trail would last 10 years. Mr. Riker commented that he did not feel there would be a measurable impact with the rising water table, but Ms. White said that the lumber will likely rot faster as a result. She added that no bed would be constructed in the area of wetlands where the trail would be, and that given the materials being used, the trees would rot and go back into the soil. Ms. White did not see a problem with this, and added that the walking trail likely would not even be visible to others, to which Mr. Mack disagreed.

Ms. McCarthy agreed with Ms. White that the trail would have a minimum impact on the wetlands, especially when compared to the alternative of stepping directly on the fragile soils while crossing through the area. Mr. Riker noted that there is a reason NHDES allows these puncheon type structures, as they are the “least impacting alternative while providing a crossing for foot traffic”. Furthermore, the trail would significantly reduce walking distance for the property owner to reach common sites such as the New Castle Library and the Great Island Common. Ms. Barnhorst and Mr. Mack remained concerned about the precedent that would be set by permitting building in the wetlands. Ms. Barnhorst felt that the proposal would cause a lot of disturbance from just one property owner, and believed it would be difficult to monitor issues with trash and dogs in the wetlands area where the trail would be built.

Mr. Rini motioned to approve the proposed puncheon type boardwalk at 21 Vennards Court, Tax Map #12, Lot #4, as submitted on August 7, 2018, with the following conditions:

- maintain wetland in natural state;
- no use of treated wood;

- use either 2x6 foot or 2x8 foot support stringers under the 4x4 foot stringers, as shown in Drawing A, dated September 4, 2018, in order to help avoid settling of the walkway;
- no heavy equipment used on project in the wetlands; and
- \$1,000 security deposit to insure proper construction and area returned to its natural state post-construction. The security deposit would be released upon verification of the above construction conditions pursuant to a satisfactory post-construction site visit by the New Castle Conservation Commission.

Ms. White seconded. Ms. Barnhorst and Mr. Mack opposed. Mr. Pascale abstained. The motion passed by a vote of five to two.

3. Unfinished Business.

Mr. Tanguay motioned to go into a non-public session under RSA 91-A.3 (L) to continue consideration of legal advice. Mr. Pascale seconded. The motion was unanimously voted on at 6:28 p.m.

Ms. Barnhorst motioned to move back into a public session. Mr. Pascale seconded. The motion was approved unanimously at 7:00 p.m. Mr. Tanguay motioned to seal the minutes from the non-public session RSA 91-A.3 (L) concerning consideration of legal advice. Mr. Rini seconded. The motion carried unanimously.

4. New Business.

Ms. McCarthy announced that Ms. White has offered up her home to have a cocktail party as an informational venue for discussing the preservation of Lavenger's Creek. Ms. Degnan added that wetlands scientist Dan Geiger is willing to come to the event to teach people about the Creek's functions, values, and the importance of this resource. Ms. Degnan mentioned that Mr. Geiger could also talk about what Prime Wetlands Designation means, in particular for the preservation of Lavenger's Creek. The proposed gathering would be on Thursday, September 27th, 2018.

5. Announcements.

None.

6. Adjourn.

Ms. McCarthy moved to adjourn the meeting. Ms. Barnhorst seconded. The motion carried, unanimously, and the meeting adjourned at 7:01 p.m.

Respectfully Submitted,

Meghan Rumph