
Draft Conservation Minutes 5/10/16

DRAFT Newbury Conservation Commission (NCC) May 10, 2016

Members Present: Katheryn Holmes, Chair; Eric Unger, Vice-Chair; Bob Stewart, Sue Russell, Members; Bill Annable, Alternate.

Russell Smith, Select Board Member, was in attendance.

Ms. Holmes called the meeting to order at 7:15 p.m.

ADMINISTRATIVE

Ausbon Sargent Land Preservation Trust (ASLPT) Easement Proposal

Andy Deegan met with the Commission to discuss two parcels of land whose owners are considering an easement and/or a possible donation to ASLPT. The properties are located on South Road in Newbury. Mr. Deegan asked if Newbury had a specific fund dedicated to funding easements.

Ms. Holmes noted that Newbury has been in partnership with Ausbon Sargent pertaining to past projects and questioned the proposed arrangement for this project. Mr. Deegan said Newbury's involvement would be to help purchase the development right to these properties. He added that Ausbon Sargent would be the primary easement owner and the town would be the backup easement owner. All stewardship of the property would be Ausbon Sargent's responsibility.

General discussion followed regarding land donations versus the purchase of property easements, the topographical characteristic of the properties under consideration, and the presence of wetlands. Mr. Deegan said Ausbon Sargent would ensure that Best Practices Management of the property would be implemented.

Ms. Holmes noted that there are RSAs regulating the use of Conservation Commission monies to purchase land. Mr. Deegan said there are two RSAs that apply: (1) Town funds may be expended money for property purchase without taking an interest in it; or (2) Town funds may be expended on property purchase for property that is not in town.

There was general discussion on what constitutes a conservation easement and the tax deduction implications of same.

Mr. Stewart said The NCC needs to know more about the actual particulars of this proposal and that, once learned, town counsel should be brought into the conversation.

There was further general discussion regarding agritourism, concerns about the ongoing effect of livestock on neighboring wetlands, and the impact of same on Gillingham Pond. It was noted that the property under discussion fronts on the pond. Mr. Stewart noted that the properties are subject to all regulations governing wetlands – both the town regulations and the state regulations.

Mr. Deegan noted that the total amount of the easement under consideration is \$264,800.

Commissioners agreed that further discussion is needed and will be pursued accordingly.

Minutes

The NCC reviewed the minutes of April 18, 2016 and made corrections. Mr. Stewart made a motion to accept the minutes as corrected. Mr. Unger seconded the motion. All in favor.

INTENT TO CUT

Mr. Unger reported on the following Intents to Cut:

- **Marion DeRoche** on South road, Newbury, Tax Map/Lot # M35-6251-252 for 50,000 feet of white pine, 10,000 feet of oak, and 10,000 feet of beech & soft maple.

WETLANDS/ShORELANDS

Ms. Holmes reviewed the following communication from the NH Department of Environmental Services (DES):

Shoreline Impact Permit

- For **Ronald Ferris**, 150 5th Ave. South, Naples, FL 34102, for property located at 131 Grace Hill Road, Newbury, Tax Map/Lot # 16A-351-060, Permit 2016-00730 to impact 24,933 sq. feet in order to remove existing dwelling, garage and driveway to be replaced with a new house and attached garage with patio. Add a new driveway, stone retaining walls, landscaping and new pervious path to the water's edge. All work is behind the 50-foot waterfront buffer except for the pervious pathway. No trees will be cut in the 50-foot buffer.

Ms. Holmes noted that a NCC Response letter was sent pertaining to this permit.

Planning Board Site Plan Review

Ms. Holmes described the Site Plan Review application presented to the Planning Board by The Fells for a proposed new parking lot. She requested that Commissioners review the application and submit their opinions to her via email. She said she will include them in the commentary section of the NCC review sheet and return same to the PB prior to the next meeting.

Ms. Holmes noted that LSPA has submitted a letter to the PB regarding the project and read it into the record as follows: *May 6, 2016, Newbury Planning Board, Mr. Bruce Healey, Chair, PO Box 296, Newbury, NH 03255, Re: The Fells Proposed Parking Lot Dear Mr. Healey and Planning Board, LSPA's Robert Wood and I met with principals from the Fells with regard to their proposed parking lot. The plans were preliminary, more conceptual in nature, but outlined 86 parking spaces. We shared several concerns on the project. Basically, the project requires filling in wetlands and the runoff, we feel, will potentially affect Beech (Bartlett) Brook, the most pristine brook in the Lake Sunapee watershed. While the stormwater management details were not clear, we are concerned about sediment and nutrients making their way to the brook. As you know this is the number one cause of lake decline, and we are now seeing increases in cyanobacteria in Lake Sunapee. Given the year round usage of the parking lot, the management of winter parking lot conditions, including plowing and sanding, are also a concern. The plan has level spreaders as part of the stormwater control, but these require constant maintenance to be effective. It is a difficult area, very wet with slope to the west side of the proposed lot. We have shared our thoughts that a smaller parking lot would have less environmental impact and that the Fells might consider this. Their project summary indicates that 60-85 spaces would fill their "needs". (For comparison, the Newbury Town Hall and Library have 60 spaces; Bubbas and the small commercial building in Newbury has approximately 40.) It should also be noted that there might be other designs that would require less filling of wetlands. NH regulations require projects to be the solution of "least impact". We also note that regulations are "minimum standards", and we would hope that our sister environmental partners would want to be above the minimum in the*

spirit of protecting the environment and water resources of Newbury. We are also concerned about "lighting pollution" as the plans include several post lights at a height of 20 feet. We realize that The Fells has new directions, but trust that any solution will be in keeping with Newbury's Master Plan and the quality of life around our lake.
Thank you, June Fichter, Executive Director, Lake Sunapee Protective Association

Ms. Holmes noted that concerns regarding this project include the negative impact on Bartlett Brook, the existing wooded wetland on the site, increased bus traffic, diesel fumes emanating into the woods, increased sound pollution, light pollution, and general degradation to the existing residential neighborhood.

Commissioners discussed the possibility of using off-site parking and shuttling to The Fells for events.

COMMUNICATIONS

Ms. Holmes shared with the NCC several pamphlets on tree planting, recommended pruning techniques, and good forestry practices.

OLD BUSINESS

Vail Property Restoration Update

Commissioners discussed the benefits of following up on the restoration plan put in place by Robert Vail at 81 Malia Terrace.

NH Lake Congress

Ms. Holmes noted that the NH Lakes Congress is scheduled June 2/3, 2016.

August NCC Meeting

Ms. Holmes suggested the August meeting include representatives from area lakes and ponds for a collaborative sharing of common issues and concerns. Commissioners agreed.

Tree Cutting Application

Ms. Holmes shared with Commissioners the current draft of the Tree Cutting Application and asked for input regarding edits/changes/etc.

NEW BUSINESS

Ms. Holmes noted that **Ausbon Sargent** is holding a Monitoring Workshop on June 8, 2016 from 2:00 p.m. to 5:00 p.m. and invited Commissioners to consider attending.

Ms. Holmes noted that the **Newbury Hazardous Waste 2016 Collection Day** is scheduled for June 18, 2016 at the Newbury Transfer Station from 9:00 to 12-noon. She added that more information is available at <http://hhw.uvlsrpc.org>. Mr. Stewart, Mr. Unger, and Mr. Annable volunteered to participate.

Mr. Unger made a motion to adjourn the meeting. Ms. Russell seconded the motion. All in favor.

The meeting adjourned at 9:06 p.m.

Respectfully submitted,

Meg Whittemore
Recording Secretary

