

APPROVED

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MINUTES OF THE NEW CASTLE CONSERVATION COMMISSION
Tuesday, March 1st, 2022 – 5:00 p.m. (Macomber Room)

25 Seabreeze Lane, Tax Map 13, Lot 21. Applicant: Andrew M. Hunt. Representative: TF Moran. Proposed: outflow structure repair and replace project.

92 Wild Rose Lane, Tax Map 3, Lot 5-1. Applicant: Thomas and Andrea O'Reilly. Removal of 4 pine trees within wetland buffer zone.

Members Present: Conni White, Chair, Beth Barnhorst, Tom Chamberlin, Iain Moodie, Jim Rini.

Members Absent: None.

Others Present: Jay Aube, TF Moran, Inc.; Thomas and Andrea O'Reilly.

1. Call to Order.

Chair White called the meeting to order at 5:08 p.m.

2. Approve minutes from December 7, 2021 meeting.

Mr. Chamberlin made a motion to approve the minutes for the December 7, 2021 meeting as submitted. Ms. Barnhorst seconded. Motion carried unanimously.

3. Applications.

A. 25 Seabreeze Lane, Tax Map 13, Lot 21. Applicant: Andrew M. Hunt. Representative: TF Moran. Proposed: outflow structure repair and replace project.

Jay Aube, certified wetland scientist and environmental permitting specialist at TF Moran, Inc. presented a summary of findings on behalf of applicant Andrew Hunt. Mr. Aube was previously before the Commission at the December meeting, where he heard the Commission's concerns about the water coming out of the Hunts' pipe possibly contributing to water quality issues at the beach. Although the DES has already passed the application, Mr. Aube still conducted research and presented a summary of findings for the Conservation Commission. The Environmental Protection Agency signed into law the Beaches Environmental Assessment and Coastal Health Act in 2000, which allowed the DES to use funding in order to test water at public beaches. Water is tested in four spots at the New Castle Common. The data indicates that there is no correlation between the water being discharged from the pipe and the beach closures. The pipe water was tested when possible, but sometimes there would be no discharge from which to sample.

According to Mr. Aube, 96.3% of all samples were clean, meaning below the state's acceptable threshold. The studies also concluded that elevated bacteria levels from the discharge pipe did not always correlate with elevated bacteria levels at the beach. As a result of the periodic water quality testing, the DES beach program reached out to the University of New Hampshire. The UNH Center for Marine Biology conducted a study that analyzed the DNA of the bacteria in the water samples. Only 5% of bacteria were sourced to humans. The majority of bacteria were attributed to birds, wild animals, and unidentifiable animals. Mr. Aube noted that the pipe area is not considered part of the New Castle public beach, and felt it may be a good idea to keep people away from that area when there bigger storms and more water discharging from the pipe. He also noted that the Hunts updated their septic system in 2004, and the neighboring Cuttings also updated their septic system.

In addition, Mr. Aube tested water from three locations in the pond area by the Hunts' house. The samples were sent to the NH Department of Health and Human Services public laboratories. All samples were below the threshold for E. Coli and Enterococci bacteria in waters that are not designated beaches. The E. Coli sample would have exceeded the acceptable level for beach water, but the concentrations of bacteria in the pond were also higher given the volume of water compared to the open ocean. The studies pointed to wildlife that use the pond as the main source of bacteria.

Ms. Barnhorst shared her concern about water coming from the pipe contributing to erosion. Mr. Aube stated that the pipe will be moved a bit higher up. Mr. Moodie asked how the pipe will be kept in place. Mr. Aube said that it will be more accessible from higher up, which will make it easier to be maintained and cleaned out regularly. Ms. Barnhorst urged the applicants to do the least amount of soil disturbance and to do as much as possible to maintain the root system. Mr. Aube noted that as part of the permitting process, they proposed matting to maintain vegetation, and the area will be re-vegetated with native species upon completion of the work.

Commission members greatly appreciated the water quality study. Mr. Aube stated that the property owner wanted to take a good look at the pipe water to make sure he is not contributing to any issues on the beach. Mr. Hunt is interested in maintaining the property, though it is unknown how long the pipe will provide relief given that it has already collapsed in some spots.

Ms. Barnhorst recommended to approve the proposed outflow structure repair and replace project at 25 Seabreeze Lane, Tax Map 13, Lot 21, for Applicant Andrew M. Hunt. The Conservation Commission recommends, to the greatest extent possible, to minimize impacts and restore disturbed areas to the original grade with native vegetation. Mr. Chamberlin seconded. Motion carried unanimously.

**B. 92 Wild Rose Lane, Tax Map 3, Lot 5-1. Applicant: Thomas and Andrea O'Reilly.
Removal of 4 pine trees within wetland buffer zone.**

Chair White stated that she and Russ Bookholz, Town Building Inspector and Code Enforcement Officer, went to the O'Reilly house to look at the trees that the applicants wish to take down. Mr. O'Reilly noted that the house is turned sideways, and in the back right corner there is a big tree

close to the house. The O'Reillys would like to put a shed there, and did a 50 foot by 50 foot plot to calculate the point value of the trees. They came up with 57 points based on the four pine trees that they wish to take down in the back right corner. The O'Reillys have also marked other trees that they would like to take down along the road, which is not part of the application before the Conservation Commission.

Chair White pointed out that the applicants have a hill going down to the wetland, and the trees are on top of the hill. She was not sure if any of those trees were holding up the bank, though Mr. O'Reilly did not believe so. Mr. Moodie noted that there have been instances where certain trees that were part of a support system were removed, and with a windstorm, many other trees blew down. He suggested that the O'Reillys be prepared to plant other trees in the future. Mr. O'Reilly stated that he will be keeping other pine and cedar trees to make sure the support system is maintained. Chair White reminded the applicants to not take out the roots of the trees. Commission members appreciated that the O'Reillys came before the Commission before removing any trees.

Mr. Moodie motioned to approve the application as presented for Applicants Thomas and Andrea O'Reilly, 92 Wild Rose Lane, Tax Map 3, Lot 5-1, for the removal of four pine trees within the wetland buffer zone. Mr. Chamberlin seconded. Motion carried unanimously.

4. New Business.

Members went over chapters in the New Hampshire's Municipal Conservation Commissions Handbook. Ms. Barnhorst reminded members that there is a New Castle, NH Conservation Committee Facebook page that is open to the public.

5. Adjourn.

Mr. Chamberlin moved to adjourn the meeting. Mr. Moodie seconded. The motion carried, unanimously, and the meeting adjourned at 6:41 p.m.

Respectfully Submitted,

Meghan Rumph
Secretary