

BUREAU OF ENVIRONMENT CONFERENCE REPORT

SUBJECT: NHDOT Monthly Natural Resource Agency Coordination Meeting

DATE OF CONFERENCE: June 18, 2014

LOCATION OF CONFERENCE: John O. Morton Building

ATTENDED BY:

NHDOT

Christine Perron
Marc Laurin
Matt Urban
Don Lyford
Mike Dugas
Cathy Goodmen
Mark Hemmerlein
Victoria Chase
Steve Babalis
John Butler

Army Corps of Engineers

Michael Hicks

EPA

Mark Kern

NHDES

Lori Sommer

NH Fish & Game

Carol Henderson

NH Natural Heritage

Bureau

Melissa Coppola

Winnepesaukee River Trail

Association

Rick Silverberg

Quantum Construction

Consultants

Niki Polish

Jim Bouchard

McFarland Johnson

Vicki Chase
Gene McCarthy

City of Dover

Steve Bird

Strafford Rivers

Conservancy

Bruce Kern

Tendercrop Farm

Tyler Matteson

(When viewing these minutes online, click on an attendee to send an e-mail)

PRESENTATIONS/ PROJECTS REVIEWED THIS MONTH:

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NOTES ON CONFERENCE:**Finalization of May Meeting Minutes**

The May 21, 2014 meeting minutes were finalized.

Tilton-Northfield, X-A000(567), 14839

Jim Bouchard of Quantum Construction Consultants (QCC) provided an overview of the project, which will involve the construction of a multi-use path to connect the Franklin, Northfield and Tilton trails, which were constructed in previous phases. The path will be constructed within the existing railroad Right-of-Way and across Town of Tilton owned land. The construction will require the installation of a 48" culvert crossing near the east abutment of the existing railroad bridge.

J. Bouchard reviewed the proposed alignment for the multi-use path and the parcels affected. As originally proposed, the project included a 200' single span pedestrian bridge crossing of the Winnepesaukee River. The bridge element has been removed due to fiscal restraints and may be constructed at a later date. There is a Brownfields Site on parcel U4-71. The proposed path would cross that site without disturbing any contaminated soils remaining on the site. The consultant hired by the Town of Tilton proposes to put a fabric down as a marker layer and put a granular material over it. The path will start at the marker layer and add 6" of stone dust for the path surface. No excavation will be done through this site. A NHDES Trails Notification and a Shoreland Permit Application have been submitted for proposed impacts to wetlands and protected shoreland.

Carol Henderson asked if there was a need for removal of any large white pine trees in the area. J. Bouchard noted that the alignment of the path avoids the need to remove any of the large white pines in or near the project area.

Michael Hicks asked if there were any jurisdictional wetland impacts. J. Bouchard noted that there are impacts in the area of the 48" culvert installation as well as a small portion in the drainage swale along the railroad. M. Hicks asked if there was any work to be done in the 100 year floodplain and J. Bouchard noted that there is not. M. Hicks asked if rare species have been reviewed. J. Bouchard stated that the NH Natural Heritage Bureau review was completed (NHB14-1886) and there were no records found at this time. M. Hicks asked if there had been contact with the NH Division of Historical Resources. J. Bouchard replied that Individual Inventory Forms requested by NH DHR have been completed for all parcels with structures over 50 years old in the Area of Potential Effect. The railroad is eligible for the National Register and a survey was done to determine that there are no impacts to contributing elements of the railroad. Also completed was a Phase 1A Archeological Assessment that found no archeological sensitivity in the path alignment. M. Hicks asked what the timeline was for the project. J. Bouchard noted that they are planning to bid in the Fall of 2014 and begin construction in the Spring of 2015.

This project has not been previously discussed at a Monthly Natural Resource Agency Coordination Meeting.

Meredith, STP-F-X-0241(014), 10430

Gene McCarthy from McFarland Johnson introduced the project. The planning phase of this project studied the US Route 3 and NH Route 25 corridors from the intersection of US Route 3 and NH Route 104 up to the Center Harbor town line. The current phase of the project (scoping), which incorporates recommendations from the first project, will study alternatives for the section of road from the intersection of NH Route 104 and US Route 3 to the intersection of NH Route 25 and Pleasant Street in Meredith Center. The reasonable alternatives selected from Phase A for further study include the No-Build, Travel

Demand Management, Transportation System Management, and three build options that involve lane reconfigurations and roundabouts. The options under consideration also include improvements for pedestrians and a bike lane on US Route 3. Overall, the options stay mostly within the existing right of way. The biggest constraint to traffic flow is at the intersection of Routes 3 and 25. While a two-lane roundabout would solve traffic flow problems at this intersection, it would affect a historic building at the northwest corner of the intersection and would affect retail space in other areas. The Advisory Committee, made up of local merchants, residents, and town officials in Meredith, have requested further study of an option that had not been intended to carry forward, the "Pleasant Street Bypass" options. These options would involve a bridge over Hawkins Brook north of the intersection of Routes 3 and 25. There are various configurations that could be used here, but McFarland Johnson wanted to seek resource agency feedback before proceeding.

Mark Kern asked how much traffic benefit the Pleasant Street Bypass options would provide for traffic relief. G. McCarthy said that the same traffic relief could be gained with the two-lane roundabout at the 3/25 intersection, but without the other historic and retail impacts. The project is to be funded through a federal earmark. The cost of the bypass options would be more than the cost of the other options and would exceed the funds available (approximately \$5 million). M. Kern said that we would need to look at project need and alternatives, including traffic benefits, aquatic losses and historic impacts. An alternative can be dismissed as not practicable if costs are quite a bit more. Don Lyford asked the group to rate the potential for the bypass to get permitted. M. Kern stated that if the option were to make it through the alternative analysis, a permit is possible with appropriate minimization and mitigation.

The Town of Meredith has recently voted to "unlist" their designated prime wetlands. Hawkins Brook had been a prime wetland, which some on the committee felt would simplify wetland permitting. M. Kern pointed out that the "undesignation" does not change the federal perspective on permitting, since they have no involvement with state law. M. Kern asked if the NH stream crossing rules and mitigation had been studied. He recommended that the bridge would have to be as big as possible to span the associated wetlands. G. McCarthy stated that those aspects had not yet been studied. M. Kern said that it would be helpful to the town to get preliminary costs for mitigation and for a longer span bridge.

The bypass options are currently being studied from a traffic perspective. McFarland Johnson will present the traffic and cost data, along with Natural Resource Agency input, to the committee to determine if the bypass options should be pursued any further or put aside.

Pedestrian crossings along Route 3/25 were discussed. There is heavy pedestrian traffic across 3/25, and various options were considered in the first phase for accommodating pedestrian traffic, including constructing an overpass or underpass walkway. Roundabouts are much easier for pedestrians to cross than roadways because they only need to cross one lane at a time.

Stormwater treatment for the project was discussed. Without the bypass, the project may have a net reduction in stormwater. Currently, there is no formal stormwater treatment. There is very little room for stormwater treatment other than by a mechanical unit. There may be some opportunity for treatment in the medians. Mark Hemmerlein suggested looking into Low Impact Development techniques.

This project was previously reviewed on the following dates: 5/21/1992, 6/15/1995, 4/16/1997, 5/18/2005, 9/17/2008, 1/21/2009.

Bedford, X-A000(143), 13953

A change in the preliminary design was made based on public comments received during a Public Informational meeting held in the Town on May 13th. The proposed sidewalk from Nashua Road east to

Constitution Drive was shifted to the south side of the highway. This did not result in a substantial change to wetland impacts, which remain at approximately 4 acres. Marc Laurin discussed the coordination efforts with the Town of Bedford regarding mitigation. The Department was provided with several areas that the Town has identified that are next to proposed Prime Wetland areas or are larger undeveloped areas that could be appropriate for preservation. DOT has also been approached by a private land owner of a 4 acre undeveloped parcel abutting NH Route 101 at the intersection with Pilgrim Drive. This lot is a mowed field and wetlands have been delineated by the land owner. About half of the parcel was verified to consist of a wet meadow with a scrub-shrub edge and small stream. Due to its location and the amount of wetland area relative to its small size, the Resource Agencies concurred that this parcel would not be an appropriate mitigation for the preservation credit that it would receive.

M. Laurin also described preservation options that may be appropriate along Riddle Brook. Mark Kern and Lori Sommer thought that a working session to discuss some options with the Town of Bedford would be appropriate. M. Laurin will coordinate a meeting with L. Sommer and the Town to discuss mitigation options. From a timing perspective, it will be challenging to gain consensus on preservation options in time to show the impacted property or properties at the public hearing. The public hearing is currently scheduled for September 30, 2014, and notification of affected property owners must happen at least 30 days in advance. M. Laurin inquired about the McQuesten Brook project, located near the FEE Turnpike, that has been initiated by the Town. L. Sommer stated that the Town has an application in for an ARM fund grant to do some of the restoration/preservation work at that location.

An in-lieu fee payment to the ARM fund by the Department was also discussed, and there were no concerns expressed by the Resource Agencies with the payment to the ARM fund if no other mitigation options were found.

The impacts to the existing DOT conservation lands and to the Bedford Land Trust properties under conservation easement were discussed. L. Sommer indicated that the conservation easements would need to be amended and this may need to be discussed with the Attorney General's office. She suggested coordinating with Terry Knowles with the Charitable Trust Foundation regarding how compensation for impacts to these preserved lands would need to be addressed. She thought that it would most likely entail additional preservation rather than monetary compensation. M. Laurin is to follow up with the Bedford Land Trust and the Charitable Trust.

This project was previously reviewed on the following dates: 9/18/2013, 3/19/2014.

Newington-Dover, NHS-027-1(37), 11238

Tyler Matteson reviewed the Harvest & Clearing Map for the Tendercrop Farm, which was prepared for agricultural purposes (apple orchard, growing perennials, and pasture land). The wetlands were recently delineated and substantially match the VHB delineation, as shown in the 2007 FEIS. A 75-foot buffer to John's Brook (tidal wetland) would be retained. There are two major forested wetlands as well as several channels draining these areas. Logging would be restricted to the top of the steep slopes of these channels. Cutting of trees within the forested wetlands would be accomplished by mechanized feller bunchers that would extend their reach 20 feet into these wetlands, but would not disturb the wetland soils. There would be the need to obtain a DES Minimum Forestry Impact Notification Permit to cross channels to complete the proposed clearing.

Lori Sommer inquired about the availability of a Forest Management Plan, as was discussed during the last presentation by Tendercrop Farms during the March 2014 Natural Resource Agency meeting. Mark Kern expressed strong concerns that the wetland resources are not protected with this proposal since clearing into the wetlands would occur. An undisturbed upland buffer is needed. L. Sommer agreed that the

Management Plan should provide a vegetated buffer that would provide adequate protection to the wetlands. T. Matteson stated that there are specific exemptions from buffers for agricultural uses. For example, the tidal buffer would be 50 feet with 50% of trees left up to 100 feet, so it is simpler to leave a 75 foot buffer to the tidal wetland.

Melissa Coppola inquired about the proposed pasture area/cattle use. T. Matteson replied that 7 or 8 acres would be in pasture. Complying with the standard Cooperative Extension recommended density of 1 cow/1 calf per acre would equate to no more than 20 cattle. He acknowledged that nitrogen loading concerns were expressed by the Dover Conservation Commission and stated that all appropriate best management practices would be followed. M. Coppola and L. Sommer stated their concerns with cattle in wetland areas, that fencing should be shown in the Forest Management Plan, and that the plan should detail how adjacent wetlands would be protected. Christine Perron commented that the NH Department of Agriculture Best Management Practices Manual recommends keeping livestock out of surface waters or wetlands. T. Matteson was uncertain at this time on the methods of how water would be provided to the cattle if they could not access water on their own. L. Sommer expressed concern with the small upland areas located between wetland pockets that are shown as being cleared. She commented that these should not be used as pasture, and clearing in these areas would preferably be limited or eliminated.

Steve Bird stated that a DRAFT Management Plan has been submitted by Tendercrop Farms and reviewed by the City. Marc Laurin would submit this DRAFT Plan for Agency review and comment. M. Kern stated that there should be 50-foot upland buffers to protect the integrity of the wetlands, including the perennial streams, and a 100-foot buffer to the tidal wetland.

Regarding the Natural Heritage Bureau review, M. Coppola stated that a landowner review was requested by Tendercrop Farms, which cannot be used for permitting. A new request for review would be necessary when applying for a permit.

S. Bird stated that the City has been coordinating with Tendercrop Farms to address questions from the Conservation Commission and has asked for opinions from the City Attorney on the easement. The easement does allow for agricultural uses of the property. The City wants to know how cattle and runoff from the property would be managed. Ultimately, it is the City's decision, but they will take under advisement the recommendations from the Strafford River Conservancy and the DOT on whether the proposed plan is acceptable, recognizing that the landowner's rights will need to strike a balance with the protection of resources. L. Sommer reiterated that buffers to the wetlands and a Management Plan that addresses the issues discussed would resolve a lot of the Agencies' concerns.

This project was previously reviewed on the following dates: 4/16/2003, 7/16/2003, 4/21/2004, 6/23/2004, 1/19/2005, 4/20/2005, 7/20/2005, 8/17/2005, 11/2/2005, 12/14/2005, 2/21/2006, 3/21/2007, 10/15/2008, 8/19/2009, 8/17/2011, 3/21/2012, 3/19/2014