

MINUTES OF THE MEETING OF THE NEWINGTON CONSERVATION COMMISSION HELD ON 11 APRIL 2002

Present were Commission members Jane Hislop, George Fletcher, Nancy Cauvet, Barbara McDonald, Margaret Lamson, Jack O'Reilly and Kay Akerley, and Town Planner Tom Morgan. Unavoidably detained elsewhere, Dorothy Watson arrived late. Jim Leger was absent.

Present to address agenda items before the Commission were Fox Point residents Mr. and Mrs. Gary Kiedaisch, Mr. and Mrs. Barry Kimball, Larry Ramunno and Pam Blevins, and, representing Wal-Mart, Atty. Philip Hastings and Ken MacGregor of Sain Associates.

Chairman Lamson called the meeting to order at 7:07 p.m.

On a motion by Jane Hislop and seconded by Nancy Cauvet, it was voted to accept the minutes of 7 March 2002.

The Chairman called for the election of officers. On a motion by Kay Akerley and seconded by Jane Hislop, Margaret Lamson was voted as Chairman. On a motion by Nancy Cauvet and seconded by Jane Hislop, Kay Akerley was voted as Vice Chair/Secretary.

The Chairman noted it was time to reappoint Commission representatives to the Open Space Committee. Barbara McDonald agreed to continue to serve and Dorothy Watson was returned to the committee as well.

Jack O'Reilly noted that the Historic District Commission has already started on its study to identify areas of old apple orchards and species of fruit.

The Chairman recognized the Fox Point residents who had requested to be heard at this meeting concerning their request to be allowed to enter upon town property and selectively cut trees, specifically the poplars which border the edge of the field, waterside, across from Mott Cove, and which the residents claim are obstructing their view of the river and the General

Sullivan Bridge. Gary Kiedaisch, spokesman for the group, outlined the group's proposed plan to cut and thin trees along the water on the easterly shore of the field across from Mott Cove in order to improve the view from their homes. He said they, the Mott Cove residents, would arrange for the cutting and trimming, assume the cost of same, and assume any liability resulting therefrom. He reiterated the points made in the residents' letter of 8 April 2002 to the Board of Selectmen, specifically: 1) That the beauty of Fox Point Road is due to its varying topography and natural scenery, and some of the view shed is being lost; 2) That historically the area has always been farmland with a minimum vegetative buffer at the shore, and it would be desirable to keep it so; 3) That the poplars are choking out some of the more traditional trees and so are affecting wildlife habitat, and 4) That the fringe between the field and shoreline would be maintained by leaving other trees and shrubs of various size and species.

Jane Hislop said poplars do serve a purpose -- they provide cover and foster the sprouting of other trees and shrubs. They are also utilized by a number of wildlife species. Barbara McDonald, having experienced the severity of the noise problem when trees were removed in back of her home along the runway to permit expansion of the Pease golf course, said she would think the more trees the better, to serve as a buffer from the noise of traffic on the Spalding Turnpike.

Kay Akerley noted that the town does have a Forest Management Plan, which addressed Fox Point, as well as the Town Forest and the Flynn Pit. Both Mr. Kiedaisch and Mr. Kimball stressed that the area in question could in no way be considered part of a forest -- it is simply a narrow fringe of trees along the shore. Nancy Cauvet pointed out that the land under discussion is town land and the town is responsible for determining how it will be managed. Jane Hislop read some excerpts from the Forest Management Plan. Mr. Kiedaisch and Mr. Kimball evidenced interest in the Plan and asked for and received the name, address and telephone number of the author, Charles Moreno.

Mr. Kiedaisch observed that the issue was obviously an emotional one. He asked what guidelines the Commission uses in its decision-making process. He referred to the Shoreline Protection Act and asked if it could be agreed that the Shoreline Protection Act could be used in reaching a decision in the

instant case. Barbara McDonald pointed out that the Commission's decisions are not always made based solely on the Shoreline Protection Act.

George Fletcher said he has been concerned for some time about erosion in the area in question. He said he had measured the width of the buffer line of trees. He found the average width to be about 12 ft. and he is of the opinion that a 20 ft. width would be far more desirable to help control erosion.

Barbara McDonald made a motion that the Commission take the plan under advisement, review it, and after discussion at a subsequent meeting, vote on a recommendation to the Board of Selectmen. Seconded by George Fletcher. Motion carried.

The Chairman thanked the Fox Point residents for attending and explaining their proposal, and advised that the Commission could only recommend approval or disapproval to the Board of Selectmen. The group departed with Mr. Kimball urging the Commission not to dismiss their request.

Tom Morgan, Town Planner, led the review of the maps provided by the Rockingham Planning Commission. The Existing Land Use map, the product of several series of corrections by the Commission, was reviewed and deemed to be accurate. Tom pointed out that he had managed to get this map free. Also reviewed were the Surface Drainage and Groundwater Resources maps. Concerning the Wetlands map, Tom pointed out, and members agreed, that this map is a milestone. He reiterated that the natural resource inventory will prove invaluable in updating the Town Master Plan. Chairman Lamson said Mark West is going to confer with the RPC on the quad maps.

Barbara McDonald said in view of the projected impact of PDA operations along Arboritum Drive, she would like to see Mark West start his project in the Town Forest area. It was also noted that the contract Mark West proposed needed to be received and signed so that his work could commence. Tom Morgan said he would call Mark, tell him the contract was needed, and ask him if he has come up with a timetable for commencement of work.

Nancy Cauvet made a motion that the Commission ask Mark West to get started as soon as possible, that he be asked to start in the Town Forest

area near the Pease north ramp, and that he advise the Commission whether or not he considers it necessary to attend the Commission's next meeting. Seconded by Barbara McDonald, Motion carried.

The Chairman recognized Atty. Philip Hastings and Mr. Ken MacGregor, both representing Wal-Mart, and present to discuss the landscaping situation. Atty. Hastings handed out copies of the proposed landscaping plan. Chairman Lamson said the Conservation Commission cannot sign any agreements with Wal-Mart -- any such agreement would have to be between Wal-Mart and whatever landscaping firm they hired. After considerable discussion, it was agreed to address the landscaping issue in two parts. As to the first, Jane Hislop made a motion that the Commission accept the replacement plan that has been submitted by Sain Associates to replace known dead trees and shrubs, and any that may be found to have died over the winter. Seconded by George Fletcher. Motion carried. As to the second part, Barbara McDonald made a motion to accept the maintenance plan between Wal-Mart and Lynch's Landscape, subject to the town being provided a legible copy, signed in both places. Seconded by Dorothy Watson. Motion carried.

The subject of the request by the Mott Cove residents was once again addressed. Jane Hislop mentioned the possibility of contracting with UNH four-year natural resource students to do a study of the Point's natural resources. George Fletcher said we need to find out what kinds of trees/shrubs are best suited to control erosion. Jane Hislop said she will look into this at UNH.

Jack O'Reilly said if the Mott Cove residents come to the next Board of Selectmen's meeting to address the issue, he would advise that the Conservation Commission has the matter under consideration and needs time to address the extensive number of tangential issues it raises.

On a motion by Jack O'Reilly and seconded by Jane Hislop, it was voted to adjourn. Meeting adjourned at 9:30 p.m.

Kay Akerley
Vice Chair/Secretary