

Town of Newington, NH
CONSERVATION COMMISSION
Meeting Minutes, Thursday, February 9, 2023

Call to Order: Chair Jane Hislop called the February 9, 2023 meeting at 6:30 PM.

Present: Vice-Chair Derick Willson; Commissioners Laura Rogers; Jim Weiner; Alternate Jane Kendall; and Town Planner, John Krebs

Absent: Commissioner: Andrew Meigs; Alternate Member, Bill Murray

1) Discussion of Proposed 2023 Warrant Articles:

- A) **Warrant Article 17:** To see if the Town will vote to change the amount of current land use change tax revenues collected by the Town annually pursuant to RSA 79-A from 100% of such revenues that are collected annually for deposit in the Town's existing Conservation Fund, and instead specify that it will be the first \$250,000 of the annual current use taxes that are collected, which shall be deposited in the existing Conservation Fund, provided further that once the Conservation Fund contains \$250,000, no further land use change tax funds shall be deposited in the existing Conservation Fund account that year.
- B) **Warrant Article 18:** To see if the Town will vote to establish a Perpetual Conservation Trust Fund per RSA 31:19-a for the purpose of conservation land acquisition, and conservation land use purposes. All land use change tax funds, other than the land use change tax funds that are to be deposited in the existing Conservation Fund per Warrant Article #17 shall be deposited in this Perpetual Conservation Trust Fund. The interest generated in this new Perpetual Conservation Trust Fund may be transferred to the existing Conservation Trust Fund at the end of each calendar year, up to but not exceeding any existing Conservation Fund cap level.

The Commission met to discuss the wording of warrant articles to change the procedure for the distribution of revenues received from current use change taxes into the non-interest bearing Conservation Fund that was established by Town vote in 1973, to an interest bearing Perpetual Conservation Trust Fund, as previously discussed with the Board of Selectmen at the October, November, and December 2022, Conservation Commission meetings.

Vice-Chair Willson asked how much current land use change tax would be paid from the sale of the Shackford development. Town Planner, John Krebs replied that he estimated that it might be around \$1.1 million.

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Vice-Chair Willson asked if payments would be made as individual lots were sold. Mr. Krebs said that the Board of Selectmen oversaw payments, and as soon as any area was less than ten acres, the property wouldn't qualify for current use taxes anymore.

Commissioner Jim Weiner added that the established practice of depositing the entirety of the change of use change tax into the Conservation Fund, which was ten percent of the purchase price, would be changed by the proposed warrant articles to a cap of \$250,000, and the remainder of approximately \$850,000 from the Shackford development would be deposited into an interest bearing Perpetual Conservation Trust Fund.

Commissioner Weiner went on to say that funds from the Perpetual Conservation Trust would then be available for deposit into the Conservation Fund if a project came up that needed more than the \$250,000 cap, but would otherwise remain in the Perpetual Conservation Trust to accrue interest as described in Warrant Article 18.

Mr. Krebs suggested that wording be added that made it clear that passing one of the warrant articles depended on passing the other, and if Article 18 failed, so did Article 17. Chair Hislop asked if an explanation could be provided to votes in the same way that the Planning Board did. Mr. Krebs said there statutes allowed explanation for changing regulations, but he would have to ask Town counsel if the Conservation Commission could do the same.

Commissioner Laura Rogers commented that the omission of explanation would beg the question of what would happen to the rest of the funds, so it needed to be clearly stated.

Mr. Krebs agreed that an explanation that Article 17 needed passage of Article 18 to explain where the funds would go, and that Article 17 would automatically fail if Article 18 fails. Commissioner Weiner noted that the worst case scenario of the warrant articles failing would be that the entire current use change tax would go into Conservation Fund.

Alternate Commissioner Jane Kendall said she would also like to see an explanation that the change in distribution of the change of use taxes would benefit tax payers by removing the need for a warrant article to add to the Conservation Fund every year.

Commissioner Weiner said he also wanted a reference that the change in process was recommended by the Board of Selectmen and the Conservation Commission, and that the warrant article was not asking for funds, but to create an interest bearing perpetual trust fund that was similar to the Langdon Library Trust Fund from incoming current use change taxes received on subdivided properties as originally established in 1973 for the Conservation Fund, that would allow relief to tax payers from annual warrant articles, and allow more flexibility and sustainability for conservation projects.

Mr. Krebs suggested that the Commissioners send recommendations for edits to the warrant articles directly to him. Mr. Krebs said Town Administrator, Martha Roy could post explanations in the Newington Town Newsletter, and one of the

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commissioners could also post explanations on the Newington Residents Facebook page.

Derick Willson moved to recommend 2023 Conservation Commission Warrant Article 17 that would cap the Conservation Fund as established in 1973 to \$250,000 dependent on the passing of Warrant Article 18 as recommended by the Board of Selectmen, and as discussed and amended. Jim Weiner seconded the motion, and all were in favor.

Derick Willson moved to recommend 2023 Conservation Commission Warrant Article 18 as discussed and amended. Laura Rogers seconded the motion, and all were in favor.

2) Other Business and Additional Discussions

- A) NHDES Minimum Impact Wetlands Application:** by **University of New Hampshire Eastern Great Bay Estuary** to monitor, assess and restore 6.8 acres of oyster reef.

Chair Hislop informed the Commission that they had received notification of the University of New Hampshire's Minimum Impact Wetlands application had been submitted to the New Hampshire Department of Environmental Services.

Jane Hislop moved to accept the NHDES Minimum Impact Wetlands Application by University of New Hampshire Eastern Great Bay Estuary to monitor, assess and restore 6.8 acres of oyster reef into the Conservation Commission files. Derick Willson seconded the motion, and all were in favor.

Adjournment: *Jane Kendall moved to adjourn. Derick Willson seconded, and the meeting adjourned at 7:22 p.m.*

Next Meeting: Thursday, March 9, 2022

**Respectfully
Submitted by:** Jane K. Kendall, Recording Secretary

These Minutes were approved and adopted by the Conservation Commission at their April 13, 2023 meeting.