

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes, Thursday, April 13, 2023

Call to Order: Chair Jane Hislop called the April 13, 2023, meeting at 6:33 PM.

Present: Vice-Chair Derrick Willson; Andrew Meigs; Laura Rogers; Jim Weiner; Alternate Member, Jane Kendall; and Town Planner, John Krebs

Absent: Alternate Member, Bill Murray

Commissioner Jim Weiner informed the Commission that he needed to leave the meeting early so offered comments and suggestions on agenda items before leaving.

1) Election of Officers

Commissioner Weiner said he had consulted with Town counsel and was told it was okay to have co-chairs. Town Planner, John Krebs agreed.

Commissioner Weiner proposed Laura Rogers and Andrew Meigs become Chair and Vice-Chair should Jane Hislop chose to step down, considering that she had retired and would continue traveling a lot.

Chair Hislop asked Commissioner Andrew Meigs if he had provided an oath for his current position on the Commission, and Commissioner Meigs replied that he had.

Chair Hislop said it was sometimes difficult to be available during the day when she was working full-time, so that was a factor, and she did intend on doing a lot of travel but would still be available between trips.

Vice-Chair Willson said he would prefer to have an experienced chair and would be happy for Jane Hislop to continue as chair and have Laura Rogers to be Vice-Chair she would.

Jim Weiner made a motion to nominate Jane Hislop as Commission Chair, and Laura Rogers as Vice-Chair. Andrew Meigs seconded the motion, and all were in favor.

2) Review of Town-owned Property: Located at 144 Old Dover Road, Tax Map 19, Lot 17, formerly owned by **Jane Moore** as requested by the Board of Selectmen.

Commissioner Weiner informed the Commission that the Planning Board was not in favor of allowing mixed residential use in non-residential zones.

Mr. Krebs said that the lot was in the Office Zone, but the pre-existing homes were grandfathered. Mr. Krebs said the Planning Board recommended selling the lot to abutter John P. Emery to combine with Tax Map 19, Lot 16, or Lot 15, or even Lots 18 or 25, but not sell it, and allow it to stand alone for residential redevelopment.

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Vice-Chair Willson asked what the Commission's interest would be in this property? Mr. Krebs replied that there had been 20 years of tax liens on the property, but the former Town clerk didn't want to deed the property to the Town until she retired, and the Board of Selectmen were asking the Planning Board and Conservation Commission for recommendations.

Chair Hislop wondered if there were septic tanks for the three lots. Mr. Krebs said they might be connected to the Town sewer, but it was unlikely as the Sewer Commission mandated that the municipal sewer was only for commercial and industrial use, and not for residential use.

Andrew Meigs moved to authorize the Town Planner to write a letter to the Board of Selectmen that the Conservation Commission had no interest in the Town-owned property formerly owned by Jane Moore, located at 144 Old Dover Road, Tax Map 19, Lot 17. Vice-Chair Willson seconded the motion, and all were in favor.

Chair Hislop said it would be good to have a list of all the small properties.

Mr. Krebs said it would be good if some of the businesses like North and South Construction adopted the island behind Mitchell's Gulf that was the entrance to Newington Village for further beautification.

3) Review of Transfer to Wilcox Industries of Town-owned right-of-way located at Piscataqua Drive and Woodbury Avenue as suggested by the Board of Selectman.

Commissioner Weiner informed the Commission that the Planning Board also moved to have Mr. Krebs write a letter to the Board of Selectmen that they thought it best to retain the right-of-way off the corner of Woodbury Avenue and Piscataqua Drive along the strip of property owned by Wilcox so that could it be developed at some time.

(Commissioner Weiner left at this point in the meeting at 7:03 p.m.)

Commissioner Derick Willson asked if Wilcox wanted that property, and Mr. Krebs said they did, but it wouldn't be a make-or-break Wilcox's development, and the Planning Board thought the Town might need it in the future. Mr. Krebs said the Planning Board was most interested in keeping the right-of-way, and their concern was with a dedicated right turn.

Commissioner Meigs suggested that they might allow Wilcox to extend the fence down to Woodbury Avenue until it was necessary. Mr. Krebs said he couldn't imagine that Wilcox would be interested unless there was a 100-year agreement. Mr. Krebs added that the investment in Wilcox was significant, so he didn't think it was going to go away anytime soon.

Vice-Chair Willson commented that there was a potential for a mess because Newington was challenged with keeping Woodbury Avenue up, and wondered if they might trade some of the area on Piscataqua Drive with Woodbury Avenue to do plantings to square off the corner.

Commissioner Laura Rogers agreed that they should let Wilcox have it and maintain it.

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Commissioner Meigs suggested that there would be a need for a landing place if there was a pedestrian overpass, even though there was no sidewalk there. Chair Hislop noted that there wasn't even a bicycle lane there.

Mr. Krebs said the Town would have to get an agreement from Wilcox because they landscaped and irrigated to the curb of Town property on Wilcox Way, and they might do the same. Mr. Krebs suggested that they could have green space further back. Chair Hislop said would want to specify that it remains green space.

Commissioner Meigs moved to authorize the Town Planner to write a letter to the Board of Selectmen that the Conservation Commission was had no objection to the sale of the Town-owned right-of-way located at Piscataqua Drive and Woodbury Avenue to Wilcox Industries as there was no conservation value, and due to public concern for expense of beautification, and they would encourage Wilcox to landscape greenspace if they took ownership of property. Jane Kendall seconded the motion, and all were in favor.

4) Other Business and Announcements:

Mr. Krebs opened a brief discussion of the Beane Farm conservation that was mowed, but was not left for habitat. Mr. Krebs said there was a stipulation that any interest in development would need the approval of original grantors. Commissioner Meigs commented that the area still was beneficial for nesting birds. Mr. Krebs responded that they could add a stipulation to only mow twice a year to allow nesting birds and allow reseeding.

Mr. Krebs said the Board of Selectmen had a meeting regarding the City of Portsmouth's Water Department replacement of the water main through Fox Point. Mr. Krebs said 30 people attended the meeting, and expressed concern that the original agreement did not adequately protect pedestrian access, and restoration.

Mr. Krebs said the Conservation Commission had approved their permits from the Army Corp of Engineers, and the New Hampshire Department of Environmental Services (DES) after two meetings, but the permits had lapsed. Mr. Krebs said there was also a hold-up with Durham, but Portsmouth Water Department might be able to go forward with eminent domain.

Mr. Krebs said he thought the project might start around September 23, 2023.

Mr. Krebs said concerns had been expressed about losing the few affordable housing dwelling units in town, and several people had asked if the Town was interested in selling the Old Stone School for affordable workforce housing or senior housing considering a number of residents wanted to downsize and still stay in town.

Mr. Krebs said the Old Stone School sits on 1.4 to 1.8 acres, but a developer would want a minimum of 25 units that could require septic loading near the Town Forest.

Mr. Krebs said the building was worth less than a \$1 with all the demolition and restoration issues, so the Town needed to find someone to do something to do something with it.

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Mr. Krebs said the Board of Selectmen determined that the Town already had the Town Halls and the Library for public gatherings, so they didn't need to retain the expense of the Old Stone School as well and appointed a committee to review the topic.

Chair Hislop asked how affordable housing costs could be guaranteed, and Mr. Krebs replied that other communities like Portsmouth, Portland, and South Berwick, Maine were using tax credits that required them to maintain affordable rent control forever.

Chair Hislop suggested that the Commission consider hosting a community education outreach presentation on oyster farming in May.

Commissioner Meigs suggested they also consider working with an American Chestnut expert.

Chair Hislop said there were many sick trees in town, especially along Post Road, and the only tree that didn't have a disease was black gum trees.

Mr. Krebs said the Commission had also talked about the control of invasives on Fox Point, but he thought it would be a good idea to ask for a quote for management, as the town would never get enough volunteers.

Commissioner Rogers wondered if the City of Portsmouth Water Department might be able to do something as mitigation for their project on Fox Point. Mr. Krebs responded that Portsmouth Water Department was a publicly owned utility that wouldn't be able to do anything with Newington's invasives, but they could be asked to time disruption with their equipment.

Discussion ensued regarding allowed expenditures of the Conservation Commission Fund, or the Fox Point Fund for preservation, and Chair Hislop said she would look into it.

Commissioner Rogers suggested that they get a quote and determine to spend a certain amount for two years in a row to reduce the spread of invasives, and then re-evaluate.

Chair Hislop reminded the commissioners about attending harassment training on Tuesday, April 25, 2023, at 6 p.m.

Minutes: Commissioner Meigs moved to approve the February 9, 2023, Minutes. Vice-Chair Willson seconded, and all were in favor with Commissioner Meigs abstaining.

Adjournment: *Vice-Chair Willson moved to adjourn. Chair Hislop seconded, and the meeting adjourned at 8:44 p.m.*

Next Meeting: Thursday, May 11, 2023

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

These Minutes were adopted and approved at the May 13, 2023, Conservation Commission Meeting.