

Newington Conservation Commission
Meeting Minutes
January 10th, 2006

Present: Town Planner, Tom Morgan, Vincent Frank, Jane Hislop, Barbara MacDonald, Peggy Lamson, George Fletcher, Dottie Watson

*Please note that this meeting was not recorded on tape.

The meeting of the Newington Conservation Commission was called to order at 7:10pm by Peggy Lamson. The commission went into Public Hearing.

Barbara MacDonald made a motion to include a list of plants from the New Hampshire invasive species list and the Federal noxious plant list, include the watch list and delete aquatics. Seconded by George Fletcher, all in favor, motion carried.

Jane Hislop made a motion to correct the spelling on the list; to delete the “a” from Locust, on “Yew” delete the “w” and replace with “u”, and on Sugar Maple it should state to avoid salt areas.

Correspondence:

1. Tom Morgan received a phone call from CLF to inform him that they are filing a lawsuit against NHDES re: a large residential subdivision in Greenland. CLF is not pleased that DES issued the developer a wetlands permit. CLF is requesting that the Newington Conservation Commission (NCC) support CLF in this lawsuit, there will be no expense to the town, there is an attorney working on the case Pro Bono. CLF needs an answer soon as they indicated that they couldn't wait until next month's meeting.

Peggy Lamson suggests that the NCC should support CLF in this action. Barbara MacDonald asked if Justin Richardson was involved in any way with this. Jane Hislop said that the main problem is that CLF feels that DES didn't follow their own regulations. Tom stated that CLF's position was that this is not just a problem for Greenland, it is a statewide problem that can affect any town because DES did not follow the law. CLF wants the “good name” of the NCC to be put on a brief to be prepared for this lawsuit. George Fletcher said that this will not kill the whole development, it will only place restrictions on the developer. Peggy Lamson asked Tom if she could poll the members to see who was in support of this, Tom said she could not poll the members but that they can have a special meeting next week to decide the issue. Peggy Lamson stated that they should make sure that Justin Richardson is present for that meeting. Barbara asked Tom who was the point person at CLF to go to if there are any questions, his response was Tom Irwin. Jane made the statement that in looking at recent decisions from DES it would seem as if there is support of what the Corporations want vs. following state and local RSA's.

Jane made a motion to hold a special meeting Tuesday January 17th @ 7pm to make a decision on the CLF request. Seconded by Barbara, all in favor, motion carried.

2. Tom received a letter from Mark West stating that the Prime Wetlands Designation was imminent, Mark had gotten a verbal from DES that it was going to happen, and DES just needed to write it up. Barbara asked if NCC should send a letter to DES to follow up that they are going to write it up, the general consensus was no, just be patient and wait for the letter from DES. Tom assumes that NCC will get a letter from DES in a few days.

3. Tom passed out a letter drafted to the City of Portsmouth to see if the verbage was acceptable. Barbara asked if there will be a meeting with Portsmouth in February. Tom said that Portsmouth needs a written invite from Newington and this letter will serve as the invitation. Barbara will not attend the meeting because she serves on the Pease Development. Jane made a motion to accept the draft of the letter, seconded by George, all in favor, motion carried.

4. Regarding the bill that NCC received for the stewardship of the Frink Farm, Peggy said that there is not signed agreement saying that the NCC would be responsible for the bill. Barbara stated that NCC needs to send a letter to Rockingham County Conservation and the Frinks to make them aware that NCC will not be responsible for the fees.

New Business:

Fund Report by George Fletcher; a selectman approached George regarding the Frink Farm financing, it boils down to who is going to pay. Is it going to come out of NCC funds? The selectmen suggested a warrant article for \$100,000. to cover the cost. Barbara stated that the NCC was going to provide \$300,000. and the selectmen were responsible for bonding the remainder. Jane asked if this is what NCC still owes. George stated that it is the Town of Newington that owes this \$. Barbara stated that the NCC gave everything they had up front, the selectmen wrote the warrant article for the rest, NCC fulfilled it's obligation. George stated that there is \$153,000. in the fund right now. George made the motion that a letter be sent to the Board of Selectmen stating that 1- it is the responsibility of the Board of Selectmen to pay this and that the NCC believes that the 3 payments due should be paid by the Board of Selectmen Budget 2- Request that they put together a warrant article for \$100,000. for the conservation commission fund to help replenish the fund. Seconded by Vincent, opened up for discussion. Barbara asked how much does NCC have right now? George stated that there is \$153,000 in the fund as he just received \$100,000 last week for 2005. All in favor, none opposed, motion carried.

Old Business:

Landscape requirements; Jane stated that we need a work session to go over this. George said that in the past we NCC has asked for a landscape plan. Jane stated that is why we need an outline to give to Opechee, we need a work session to put it all together. Peggy suggested that we put the outline into a form and then have a public hearing on it. Barbara suggested that we have the work session after the special meeting next Tuesday and also need to find a way that the maintenance plans can transfer along with the property somehow. Next NCC meeting will be February 2nd, 2006 at 7pm.

Letter to NHDOT re: Spaulding: Peggy stated that Vincent had made a motion to accept this letter at the Planning Board meeting. The letter has been approved by the Planning Board and the Selectmen. Jane made the motion to accept the letter and to have it signed, authorizing Justin Richardson to sign it, seconded by George, all in favor, motion carried.

Discussion started from Barbara saying that there needs to be more substance in our reports. NCC has done a lot over the last year, she read off a list of many activities that NCC has been involved in. Peggy stated that Barbara makes a good point. Tom makes a list for the Planning Board of all approvals, maybe NCC could do the same type of thing. Barbara pointed out that NCC asks for a budget and people need to know what the NCC does. She would like for Tom to include it in the annual report.

Report from the Attorney General: Regarding the conveyance of Trickey Cove. The NCC hired an attorney to investigate the selling of Trickey Cove to NH DOT, then NCC voted to have Attorney Simmons to send a letter to the Attorney General. Peggy asked the members if there were any comments? Barbara stated that in August we asked Justin to look into the sale of Turkey Cove. Justin sent his report to the Board of Selectmen. Barbara read the letter from Attorney Mulvey. John Simmons did not fail to provide the A/G with a complete file, the A/G did not investigate and did not meet with staff. Peggy – so it's closed? Vincent – no it's not closed as far as he is concerned. Barbara said that the A/G responded on the construction issue but not on the violation of any RSA's in reference to the transfer. Jane stated that she thinks it is time to move on from this issue. George also adds that he has had enough of the Trickey Cove issue, the state won't do anything about it. Vincent said he agrees with George because the only way to get the land was to buy it from the Selectmen, eminent domain was not an option because of the easement that protected it. George asked if perhaps we should go to CLF with this issue. Vincent agreed. Tom stated that nobody does a better job at getting the state's attention than the CLF.

Minutes from December 14th, 2005:

Peggy stated that Barbara had called regarding corrections that needed to be made to the minutes. Barbara was concerned that the reason the meeting recessed was so that George could go and get his stamp. Several corrections made previously. The following corrections should be made; Delete the section referencing changing the meeting day from Tuesday to Wednesday, change the word "several" to "2" regarding the number of letters received from the attorney. On page 2 delete the part about the Attorney General because it makes no sense, delete "MacDonald forgot what the point of confirmation was" as MacDonald doesn't know what this refers to. On page 3 delete "without speaking to MacDonald as point person". On page 4 under Haberstroh – Mr. Frank presented a 3 page list of requirements – it should be more specific as to what the requirements are. Change "things" to "think", add that the 2 people who abstained did so because they were not members of the NCC at the time the bond was released. Barbara made a motion to accept the corrections, Jane made a motion to accept the minutes as amended, seconded by George, all in favor, minutes accepted.

Peggy asked if there was any additional business? Barbara made a motion to purchase a tape recorder with full size tapes for the NCC, Jane seconded the motion, all in favor, motion carried.

Motion to adjourn at 9:02pm by Jane Hislop, all in favor, meeting adjourned.

Newington Conservation Commission 2005

Shattuck Way Landscape/Maintenance Plan – Wetlands permit, dredge & fill
Shattuck Way Association – Conservation restriction open space
Trickey Cove
Prime Wetlands – Presentation slide show Mark West
Jared Jewelry landscape/maintenance plan.
Swale – Gosling Road (Appledore Engineering)
Frick Easement
Haberstroh – Standard dredge and fill permit
NH Soils – Haberstroh property, wetland permit
Margerson Land – Beane lane
Mary Alice Baer – septic system
Sprague Energy – Relocate Fence, minor impact expedited application
No salt/ low salt use by highway
Tycom Intergrated Cable Systems – DES received monitoring report that determined
wetland stream restoration is a success.
Site walk – West Environmental, Newington Public School septic system
Richmond Co. – restoration area a success
Mapping of Prime Wetlands Merridien
Spaulding Turnpike Expansion- wetland mitigation
Wetland Inventory Presentation @ Tradeport with Portsmouth.