

The Town of Newington
New Hampshire - Incorporated 1764
Newington Conservation Commission
Meeting Minutes - Revision
Thursday, February 8, 2007

1. **Call to Order:** Vincent Frank, Chair Person called to order the meeting of Thursday, February 8, 2007 at 7:05 P.M.

Present: Vincent Frank, Chairman, Barbara McDonald Vice Chairwoman, George Fletcher, Peggy Lamson, Tom Morgan, Town Planner, Justin Richardson and Jane Hislop

Not Present: Dottie Watson

Guests: None

2. **Old Business:**

1. ***Tom Morgan and Peggy Lamson – Report on Town Forest***

Tom: We were promised the Town Forest back in 1991 and the Town had hired a lawyer four years ago to negotiate the transfer and she racked up an immense amount of billable hours, not getting very far, which was not her fault. She kept getting one bureaucratic snafu after another over at PDA and we got the impression it was not accidental that she wasn't getting anywhere. Tom and Peggy had private meetings in the last several weeks with the Board of Directors and PDA and have been exchanging views and it's been very productive/informative. We gathered some information that we never heard before and they heard some things they never heard before and guess that was the problem all along. There was a lack of communication. Peggy: The clincher was the letter they handed me on December 18, 2006 from Simone Masse, Attorney for McNeil & Taylor from the Board of Selectmen. Simone tried to contact Lynne from July right through to December and Lynne Hinchee never responded. We don't know why. Peggy immediately faxed it over to Peter Loughlin and John Bohenko. Peter and John were under the impression it was going to be transferred. We then met with Peter and John at their convenience. They met with them on the 29th of January and it was a productive meeting. Tom spoke with Simone on the phone and asked about the six-month period where she was not able to get a response. She replied that she finally caught up with PDA's legal counsel in December and the reason that she had not responded for six months was because she was authorized not to talk to anyone from the Town of Newington. She was basically told not to talk to Newington. Vincent: Did they give you a reason why they didn't answer? Tom: They were instructed not to communicate. Barbara: We wrote a letter to each Board member. Peggy: That's right. Tom: The Board members are essentially in charge, but there's a communication gap. Tom: We expressed surprise that this hasn't already happened and we thought it was already done. Meanwhile, their attorney is telling our attorney that she's not authorized to speak to anyone in Newington. Peggy stated to and told Vincent that when she met with Peter Loughlin and John Bohenko, she said that if this doesn't go forward there will be a suit. Barbara

asked when was the next Board meeting. Tom: The next Board meeting is March 15th. There's none in February. Peggy told them she doesn't want to see this in non-public because it doesn't cut it to be there and won't sit in on non-public. It has to be out in the open. Peggy told Barbara when she called her. That she met with Art Nicholas and with Anthony McManus. Arthur Nickless would like to come to a meeting to meet the PB and CC; he's Chairman of our Board. He knows the CC when he did business in town and owns Norway Plains. Vincent: That's fine. Vincent and Peggy will attend the March 15th PDA Board meeting. Vincent: Can you have him attend the March 8th meeting? Tom: If he can't make the 8th, how about April? Tom will check it out. Discussion continued in regard to the Quitclaim deed. Barbara/Peggy: The deed should be very simple. Tom: Theory, believes certain parties are trying to provoke the CC and so we need to be smart about this and not play into their hands. Discussion ensued. Vincent: Any other questions? Justin agreed with Tom to handle this with discretion. Vincent: Brought up 100 Arboretum and also the gravel situation. Discussion ensued. Tom thinks we will get the forest deed in the next month, and then we will have a bit of challenge on the wetlands. Vincent: Suggested waiting a month, till March. Vincent: Does anyone want to make a motion? **George made a motion to wait until March 15th to see what the PDA is going to do on the status of the Town Forest. Barbara seconded it. Vincent: All in favor? All: AYE. Motion passed.**

3. Wetlands and miscellaneous items

Barbara: Has a comment to make; She was told that the whole CC is not on board with the Warrant Article for the \$16,800.00 to hire Mark West to map the rest of the wetlands in between a half and ten acres. Barbara told them (BOS) it was a unanimous vote. She told them they should check their information. Peggy said for them (BOS) to read the February minutes. Discussion ensued. Barbara asked for a copy of the Warrant Article. Tom didn't have access to the Warrant Article at this time. Justin was absent at the time this was discussed and Barbara, including Tom, brought Justin up-to-date on the Warrant Article. Discussion continued on wetlands/tax benefits/costs/digital mapping and strategy.

Barbara read a letter to explain the project regarding the Warrant Article and explanation of the wetland maps.

Justin made a motion to send the explanation to each resident and everyone to sign it. Peggy seconded it. Vincent: All in favor? All: AYE. Barbara and Pearl will work on the explanation/more to add, and then everyone will sign it. Peggy: Suggested placing it a week before the election in the Newington Neighbor. Justin feels it should be done sooner. The decision was to put it in the Newington Heights, all in agreement.

Barbara: Seriously thinking of writing a letter to the Newington Neighbor explaining what happened at Shattuck Way. The future generation, when they see that there's a lack of vegetation/trees, this explanation would let them know what took place. How does everyone feel about it? Discussion ensued. No decision made.

Barbara received a bill from Baldwin, Callen & Ransom re: Pease Development Authority's authority to disregard the Newington CC's designation of prime

wetlands on PDA property. Amounts and dates were listed. Justin said that the CC didn't have to pay anything. The CC has a \$2,000.00 credit. Justin went on to explain the bill and to ignore the bill. He explained how the CC ended up getting the credit of \$2,000.00. The \$260.00 due on the bill should come out of this amount and suggested the CC to be careful, that the descriptions have a lot of legal strategic information in them i.e. who the lawyers are talking to, etc. which sometimes involve issues that are confidential and shouldn't be given out. This bill was okay.

Barbara attended the Public Hearing on the purchase of the land over by the Transfer Station. Barbara doesn't know whom the individuals are, but wants the CC to realize that they have a Warrant Article to pay \$525,000.00+ and she asked Jack O'Reilly to give her the Purchase and Sales Agreement. He read it to the Public. Barbara: What they have done, they have forfeited the current use. The Town will have to raise that money (looking at over \$600K). Do the Selectmen have the authority to forfeit current use on this property? Current use versus value when sold, 100% to go into the Conservation Fund. Barbara wanted the CC to be aware of what's going on right now. Barbara has asked for a copy of the P&S Agreement. O'Reilly is out of town and Bea doesn't think she can give it out because no one has asked for it before. He read it at the meeting and it's on tape that he had negotiated current use out. Jane: Did they negotiate it with the owner? Barbara: No, with the Developer. Discussion ensued regarding current use, etc.

Barbara would like to make a motion that the CC write a memo to the Town, the BOS to encourage them to follow the fine example of our Town Planner, Tom Morgan and recycle. Peggy agrees and seconded it.

4. Minutes of December 14, 2006 and January 11, 2007

Peggy moved to accept the amended version of the December 14, 2006 as presented. George seconded it. Vincent: All those in favor? All: AYE. Jane made a motion to accept the minutes of January 11, 2007 and Peggy seconded it. Vincent: All those in favor? All: AYE.

There were some minor corrections to be made and also under number (5.) Correspondence: Needed to rewrite the paragraph, too confusing, Clarification of Portsmouth Chevrolet. This will be corrected and sent to the Chairman.

5. Correspondence

Letter of Deficiency WET 07-010

Wetlands Bureau Complaint File #2007-92, PSNH/Brown, Utility Clearing, Portsmouth and Newington.

On December 1, 2006, personnel from DES conducted an inspection of the above referenced utility line from Borthwick Avenue in Portsmouth to the Gosling Road in Newington. The purpose of the inspection was to determine compliance with RSA 482-A, the New Hampshire wetlands statute. It has been determined that disturbance of freshwater wetlands took place along the utility line without a permit from the DES Wetlands Bureau. The disturbances occurred as a result of heavy equipment causing rutting in wetlands from a logging operation. The Letter of Deficiency; in response, they are requested to take the action listed in the letter which is in everyone's package.

6. Adjournment:

Vincent: Do I hear a motion to adjourn? Peggy made a motion to adjourn and Jane seconded it. Vincent: All in favor, AYE. Meeting adjourned at 8:30 P.M.
Next meeting set for March 8, 2007 at 7:00 P.M.

Respectfully submitted:
Pearl Travis-Sirois, Recorder/Transcriber
File: NCC Mins. 2/8/07

