

# Town of Newington, NH

## CONSERVATION COMMISSION

Meeting Minutes, Thursday, April 15, 2010

**Call to Order:** Justin Richardson, Chair Person called the April 15, 2010 meeting at 6:05 PM. Meeting posted for 6:00 PM

**Present:** Justin Richardson, Chair Person; Margaret Lamson, Vice Chair; Nancy Cauvet; Jane Hislop; Dorene Stern, Dorothy Watson and Thomas Morgan from Newington Planning Board

**Guests:** Helen Rist, Principal, Newington Public School and later arrival, David Mueller, Chair, Newington School Supporters  
Peter Laughlin, Esq.  
Mark West, West Environmental  
Ray Grizzle, Granite State Shellfish

### 1. **Election of Officers**

Votes were taken to elect new officers for Newington Conservation Commission.

Vice Chair, Peggy Lamson moved to re-elect Justin Richardson as Chair Person; George Fletcher seconded. All moved in favor.

Chair, Justin Richardson moved to re-elect Peggy Lamson as Vice Chair and Nancy Cauvet seconded. All moved in favor.

### 2. **Replacement of Trees at Newington Public School**

Chair, Justin Richardson introduced Newington Public School Principal, Helen Rist (Newington School Supporters Chair, Dave Mueller arrived a bit later). Discussion began on possible sources of funding to restore and improve landscape plantings on the slope between the school and the Newington Fire Station. Mr. Richardson said no more than \$400 would be available from the conservation commission. George Fletcher reminded everyone of the Federal Fresh Air Mitigation Fund available to towns which would need to be approved by the Board of Selectmen to authorize the conservation commission to start the application process.

Planning Board Chair, Tom Morgan discussed the possibility of eventually incorporating a bike and walking path to enable the students and townspeople a safer passage from Nimble Hill to Fox Point Road. Jane Hislop suggested seeking out the services of a biking organization for their services. Conservation Co-chair, Peggy Lamson pointed out the necessity of a landscape architect or designer, and it was agreed that a bike path would necessitate a civil engineer

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and couldn't be accomplished any time in the near future, but should be kept in mind when designing the plantings.

Peggy Lamson suggested starting a subcommittee and Chair Richardson agreed to authorize a subcommittee to engage services. Tom Morgan volunteered to serve on the subcommittee, and Jane Hislop was asked to lead. Jane Kendall volunteered, and Dave Mueller from the Newington School Supporters offered to assist, invited members to attend the next NSS meeting at 7:00pm on Tues, April 20, 2010.

Chair, Justin Richardson motioned to authorize \$2,000 of NCC funds toward the project, Nancy Cauvet seconded and all were in favor.

**3. Review of proposed Fox Point Conservation Easement with Peter Laughlin, Esq.**

Additional review and comments were made of changes to Attorney, Peter Laughlin's documentation proposal for the Fox Point Easement.

Discussion ensued to the pro's and con's of listing permissions and restrictions, and the general consensus was to limit listing, and maintain the status quo with the town selectmen acting as the governing body which regulates and controls access to the town owned property.

Chair, Justin Richardson stressed that the deed needs to include preserving the existing residence putting in a provision saying that "No portion of this property shall be sold without a vote of approval by town meeting."

Further discussion continued as to the cumbersome language used in such documents. Attorney Laughlin pointed out that these documents started out small and simple, but grew through the accumulation of historical disputes. Nancy Cauvet asked if the document might be further translated in laymen's language to which Attorney Laughlin said that it would be more appropriate for the Conservation Commission to create a separate laymen's document.

Chair, Justin Richardson and Attorney Peter Laughlin said that the goal of the commission would be to get a working draft to the selectmen, and that the selectmen would hold two public meetings and a vote to sign the document which would go to town meeting for finality. All members agreed.

**4. Discussion of NHDOT Railway Brook Restoration Project with Mark West of West Environmental related to Spaulding Turnpike Expansion**

Mark West presented a review of the NHDOT Railway Brook Restoration Plan with a list requesting more detailed information of what the total area of wetland restoration or creation will be, what it's desired functions and goals will be, what kinds of species there will be in various planting zones, as well as what

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the effect of various high and drier wetlands, berms and ditches, interfacing the adjacent wetlands. Chair, Justin Richardson said it would be important to address and integrate the likelihood of increased flooding, and Nancy Cauvert raised the question of what effect the incoming source of water coming off Pease runway and Arboretum drive would have on the area and habitat.

The general consensus was that this would be an excellent environmental education opportunity and that the plan would need to include a trail for public access without crossing wetlands. Mr. West suggested they could use the former railroad line. The creation of a "duck blind" observatory was also mentioned as an asset to public support and use.

5. Application of **Granite State Shellfish** for permit to construct **oyster reef off Fox Point**

Ray Grizzle with the UNH National Resource Conservation Center presented a request to restore one acre of oyster reef at the bottom of Little Bay off Fox Point using seasoned ocean cohog and soft shell clamshell with oyster spat set on the shell in their lab at Adams Point. Mr. Grizzle said this spot was chosen due to the known success of the Little Bay Oyster Farm's 7 acres in the adjacent area. Mr. Grizzle said although there is always some loss of young oysters for their only known predators, the green crab and the small blue crabs that come up in mid-July when the water temperatures increase. Mr. Grizzle said that it takes three years for oysters to reach market size, and currently most existing reefs are only living for four years and are then dying out from bacterial diseases. Mr. Grizzle said that the intent of this reef is for ecological and educational purposes; and there will have no structures, no buoy markings and no harvesting. Chair, Justin Richardson requested a more precise measurement of the placement of the reef, expressing a concern with interface there might be with local recreation like swimming as well as the effects of other recreational activities like jet skis and yacht club moorings might have on the habitat. Mr. Grizzle said the reef would be six feet below low tide, but agreed to provide more precise information on the proposed location. Mr. Grizzle said that the DES confirmed that they would agree to an expedited permit for the project, which would fall under federal habitat restoration.

George Fletcher asked about the effect oyster reefs have on nitrogen reductions, and Jane Hislop asked if there was any potential for EPA nitrogen reduction credit. Mr. Grizzle said that thousands of acres of oyster reefs would be required to do the job as there is only about .01½ reduction per oyster, but the State Fish and Game still considers them beneficial to the environment and the economy. Mr. Grizzle asked how the commission would feel about additional

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oyster reefs or farms along the east side of Fox Point and Chair Richardson said they would need buoys to be extra careful of boaters and swimmers in the area.

Nancy Cauvet moved that Chair, Justin Richardson sign the expedited application contingent on providing the exact location of the one-acre plot. Peggy Lamson seconded and all voted in favor before Chair Richardson signed the application.

### 6. Correspondence

Correspondence from Attorneys, Shaines and McEachern response regarding the Newington Conservation Commission and Newington Planning Board's objections to Granite State Mineral Realty Trust's Dredge and Fill application was discussed. Despite the NCC's objections, the Planning Board approved the permits at the last meeting. Chair, Justin Richardson requested that Town Planning Chair, Tom Morgan communicate to the Zoning Board of Adjustment that a letter of recommendation from the Conservation Commission is required. Mr. Richardson said that there are still concerns with the storm water runoff management and treatment standards that have not been addressed except to collect them in a basin.

Correspondence regarding a motion to extend the stipulation deadline for exhibits and facts for one week regarding the Town of Newington vs. PDA & DES. Chair, Justin Richardson expressed the importance of outlining the background of the PDA. Co-chair, Peggy Lamson recused herself from any discussion regarding the PDA.

### 7. Invoices

Chair, Justin Richardson discussed Attorneys, Balwin & Cullen's invoice regarding the PDA case. Peggy Lamson recused herself from that discussion also. Jane Hislop motioned to approve payment of their March 31, 2010 Invoice #06030 of \$1,552.99 regarding PDA's authority to disregard the NCC designation of prime wetlands on PDA property. Jane Hislop motioned to approve payment, Nancy Cauvet seconded and all approved.

Peggy Lamson motioned to reimburse Nancy Cauvet in the amount of ??? for the cost of replacement whiskey barrel planters and potting materials for the south end kiosk. Jane Hislop seconded and all approved.

### 8. Approval of Minutes

Although minutes from the March 11, 2010 NCC meeting had been emailed to all members, minutes had not been printed out for this meeting packet and approval was postponed till the next meeting.

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**Adjournment:** Meeting adjourned at 8:55 pm.

**Next Meeting:** Thursday, May 13, 2010 at 6:00 pm at Town Hall

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