

**The Town of Newington**  
**New Hampshire**  
Incorporated 1764

**Newington Conservation Commission Meeting Minutes**  
**Thursday, June 8, 2006**

1. **Call to Order:** Vincent Frank, Chair Person called to order the meeting of June 8, 2006 at 7:10 P.M.  
**Present:** Vincent Frank, Chair Person; Barbara McDonald, Peggy Lamson, Jane Hislop, Justin Richardson, Dottie Watson, and Tom Morgan, Town Planner.  
**Not Present:** George Fletcher  
**Guests:** Jim Reynolds, Jack Pare, and Cliff Abbott
2. **Minutes: Acceptance of Minutes of May 3, 2006:**  
Justin: Wanted to change under Page 2, under *New Business*, the first sentence to read, "Justin recused himself." Barbara, on Page 4: Strike out "Vincent called for a vote."  
Also on Page 4, Peggy requested deleting "request to order book."  
**Peggy:** So moves to accept the minutes of May 3<sup>rd</sup> as amended. Jane seconded it. All those in favor, Aye.
3. **Old Business**
  - **ConEd-Shattuck Way Landscaping: George Germano – No Show**
    - Bond due mid July- would like to meet with George in two weeks on June 22/06 at 7:00 P.M. Discussion ensued regarding circumference and height of trees. Tom: Received an e-mail from the Landscape Architect from Columbus, Ohio. He would like to see our landscaping requirements. He's designing landscaping for a proposed new restaurant, same firm who designed Long Horns.
  - **100 Arboretum Appledore Engineering Inc. PDA – No Show**  
**Office Building Expansion Gregg Mikolaities, P.E.**
  - **Dirty Dirt Data: DES – Gary Lynn**

Vincent was talking with Gary Lynn today and he was telling Vincent, he said basically he shouldn't have even sent the letter. The only thing that was necessary he had sent a two-page letter and one thing that they found was toluene that was in well number one. It said 1.1 parts per million and it was basically okay. Discussed about taking tests after all the rainfall in the next couple of weeks.

Barbara asked to read a portion of the letter (someone to tell her how to interpret it) to the CC from the testing agency (Jacques Whitford Agency), which Gary Lynn has asked them to test. The test was done on May 30<sup>th</sup>. It states Re: Newington Monitoring Well Sampling Soil Transfer Effort, N/Dover, NH and NH DOT, Project samples: New 11238-E. It says "Analytical results for the five ground water samples are attached. Based on these results, the only analyte detected above laboratory reporting limits was toluene in the sample collected for monitoring well MW-1. The detected concentration was 1.1 micrograms per milliliter which is below the NH ambient ground quality water standard for toluene of 1,000 µg/l." No other analytes were detected above laboratory reported limits and sample collected during the sample event. Based on the general absence of toluene observed in historic sample results for soil, it's presence can not be readily

explained by placement of soil at the site. This is what throws Barbara. This is the test they just did. Justin: They suspect it's coming from the Spaulding Turnpike and not from the soil. Vincent: He told him that they had got a little gasoline and some oil that came from the road. Vincent feels the PB should handle it. Barbara feels they should keep abreast of monitoring the situation. Vincent: Feels separators need to be put in. *Discussion ensued.* Jane: Made a motion to send a letter to DES, and voice concern we got the results of May testing, with the weather that we have been having, we have concerns on surface water issues, one from Dirty Dirt and two, just from the Construction. We as non-engineers have been noticing that a lot of the efforts down in that construction area have not been maintained during these storms. We can cc to Frank and Dori Wiggins. Barbara seconded it for discussion purposes. Vincent: Any discussion? None. All in favor, Aye.

#### 4. **New Business**

- **USA Federal Energy Regulatory Commission  
Tidal Energy Hydroelectric Project: Tom Morgan**

**Justin recused himself.** Justin gave the CC the location map to look at and the application they filed.

Tom: Doesn't know any more about this other than what was written in the newspaper. He forwarded it to everyone on the CC. He understands that the comment period expires in just a few weeks. If you have some comments you need to decide/discuss what you want to say to who is representing the town. Peggy feels that with this project the CC won't have much to say. Tom talked about Jack Pare who is involved in this type of technology. Barbara: There was an article in the Portsmouth Herald on Sunday. Which lead Barbara to believe that people process of staking out their territory right now and want to get their ground covered right now. Not enough information.

**Jack:** Very simply the preliminary application that they filed is the first step in the regulations that control power development process. The regulations that govern this are put in place to benefit the power industry. Not necessarily us as public at large. Reason for this first step is to keep multiple parties from spending money doing engineering, environmental, and economical analysis over the same site. They haven't really started that yet. Idea is to put in their claim to say, stating they are going to study this area so if someone else also doesn't spend money in studying this area. They are staking their claim. Then what will happen, if there is no other person in the industry to say they have a competing plan during the 60 day comment period, then they have the first right to file and go through the necessary steps, etc. That's when you actually start getting the public involved and when you start going thru those sharing processes. What they are trying to do with the first regulations are just simply to keep two or three power companies from going in and spending money and/or fight over the same territory. These laws are written for any power development. It takes three years to actually begin the process. So this is just staking the claim for the next three years. Barbara do we have to intervene at this point? Jack: There is a 60 day comment period and have until June 30th/July 3<sup>rd</sup>, because the 2<sup>nd</sup> falls on the weekend. Not sure which date they will interpret. But any comments need to be in. As a local party they get to comment, if you are another power producer or another person like that, you can go in and intervene or you can put in a competing plan. I believe as a local jurisdiction, we can comments. Barbara: Can you summarize what our comment should be at this time?

Jack: There are about 6 producers in North America about 2 here and 4 in Canada and a fully strong contingent in Europe. Jack: Went ahead and explained about Lord & Bower. They have greatest number of high-powered engineers and the greatest amount of money and the largest number properties under their belt. It turns out they did pretty good work. The technology they are proposing and had an artist's conception in the paper and mentioned in text in the application is the analogy of underwater wind farm. The idea is you place these windmills anchored to the bottom and they are spaced apart a distance so they don't interfere with each other. Can't be placed too close together. Continued to explain this technology regarding RPM/fish. Jack's personal impression is what they are proposing is good technology. There are other technologies, not wind mill farms and went on to explain He's put a fair amount of effort into looking at the technology and engineering and the economics of this. Jack's personal impression is; What it comes down to is what they are proposing for free and open unobstructed areas where you have the analogy of the wind blowing free is a good technology and a good company to go at. They are however, claiming areas where the under bridge kinds of technologies, of which there's one very good one in Canada and two very good companies in Great Britain, and also other places in Europe that has these technologies. What he recommends in talking with other State agencies for their comments is that they have the closure or the energy areas be refrained/constrained from 600 feet within a DLT bridge. Two reasons, 1<sup>st</sup> is the DLT to work on a bridge needs to be able to anchor vessels, i.e. crane barges, other ships, tugboats, etc. So you need that 600-foot buffer zone so that you're not dropping from the other guy's electric array. The other reasons is these technologies, because you have a type approach under the bridge and a sensitive wind farm type process, you want to keep a turbulents buffer zone between the two. Jack's proposing that the 600-foot anchoring buffer would serve as the proper buffer for turbulence. The idea being that the State and the region would have it in their interest to also enter at a later time and entertain and perhaps invite other of these bridge based technologies to come in and use the bridges which NH has 3 bridges. Those three bridges could probably turn out power equal to or greater than the 100 power units that they're proposing in this project here. Questions ensued by Tom, one Jack had no answer to and second, on how much power do the produce. Jack went on to answer and discuss them regarding mega watts power, etc. and about lobsters/seals getting caught in these turbines. No studies have taken place yet.

Jane: One, will there be room to turn around and where are some of the locations.

Jack: This specific technology is in the East River, of NY City for two years. They are now staking claims with their 2-year experience. It's a five-stage build out, etc. They are selling their power to ConEd.

In terms in price of electricity, most expensive place in the US is Hawaii, New York and New Hampshire. Because of high cost of energy in these areas, this type of technology is cost competitive. Where they make the money is being able to sell transferable renewable energy credits to someone else that has a carbon plant, which is 4.7 cents per kilowatt per hour. This is really where they become profitable.

Peggy: On Jane's question on navigation about large tankers coming into Newington, will there be room? Basically these turbines will not go between the red and green buoys and they cannot by federal law you can't impede that navigation because the controlling depth is 40 feet in this channel and not really

enough just lower than 40 feet at low tide to stick anything. They didn't bother to claim that at all. Barbara, basically what you're saying the concept could be very beneficial. Jack: It stands a chance of doing not reducing price that we are paying but might slow down the increase in the future because of the availability of a very competitive source, you don't have to import anything. Peggy: What would the town receive? Jack: Doesn't know of any benefit other than the taxation of the shore-based component. You would need a shore-based component because you have to tie in to the electric the same way and that's where the cabling area comes in. The value of that above the high water mark is taxable in whatever community that it is. This technology is in its infancy. Been six years in Nova Scotia, is another title plan, the longest plant in this area. There is a very similar technology off the coast of England since 2000. It's a higher RPM technology and in our vicinity it would be a fish killer and would not be recommended. This system is fish safe, but don't know if it's marine safe. Thank you to Jack for the explanation Justin: It's important to get involve in this. Tom will work on this.

- **Great Bay Wildlife Refuge: Jim Reynolds**

Jim Reynolds, Manager: He submitted 3 plans for dredging fill permits on the Refuge. The first one is Lower Peverley Pond; First major project is to re do the dike and put in a five (5) foot water control structure. I really needs rehabilitation/serious need for repairs since it started as a refuge. The second is an important project because it's a Trail. It's a two miles loop out to the Bay that is open to the Public, crosses a Beaver flowage. Had a culvert underneath the dam, failed as it was blocked up. Need to replace the culvert (to make it Beaver resistant). The third project is on the Bay they have an old access to the Bay. A new boat launch was put there. Need to improve launch area and propose to put down cement blocks. Any questions? Jim: on engineering, not technical cannot answer specific questions you would like answers to. Vincent: How long will these projects take? Jim: Hopefully to have these done by early fall (mid September/October). Jim is the only staff person there with some dedicated volunteers. Vincent: Anymore questions? Jane made a motion to accept all three applications for Standard Dredge and Fill to the State of NH, DES on Great Bay National Wildlife Refuge. Peggy seconded it. Vincent: All in favor, AYE. Discussion ensued. Peggy: It would be great if CC (suggested) did a mass mailing to promote the Refuge like they did in 1990. Jim: It would be a great idea. Vincent agreed. Tom: Will write to all individuals, he's been through this procedure before. Notification sent to everyone regarding funding being endangered of being lost and CC wants them to know it. Barbara wants this letter to come from the CC and to all the CC's in NH. Also put it in the Newsletter that comes out four times a year. Vincent: Suggested sending it to the Portsmouth Herald and to Fosters. Make it a letter to the Editor. Barbara agreed and suggested asking them to support our individuals in the area. Discussion ensued on whom to send this letter to and the possibility of Jim being moved somewhere else. Jim: Thank you for coming.

## 5. **Other Business:**

- **Great Bay Wild Life Refuge: Bill Murray**
- **Prime Wetlands RE; legal update; Justin Richardson**

Peggy recused herself. Justin passed out letter of June 1<sup>st</sup> and met briefly with Geoff when this came in and our feeling is that the PDA has essentially for the most part rehashed the same arguments in responding. There a few things we could respond to but it really comes down to if the commission decision if they want to

spend additional money going after DES, etc. DES has indicated informally to Geoff that they intend to make a decision within the next three weeks. It could be six weeks. Something will come soon, take a look at this letter and if you see anything that really jumps out that needs to get addressed. Justin's feeling is that DES will see our letter and see what the PDA says and they will make up their own mind. Barbara: What was the attorney's figure/bill for Geoff to date. It was \$7,000, we paid \$2,000, and think \$7,000 got paid instead for the \$5,000 and got paid for the \$2,000 twice. We may have a credit with them and will get a statement from them and agreed to wait until DES decides, bring him back down and then discuss where to go from here. Hopefully DES will rule in our favor.

- **Adoption of Time Table Plan Submission**

Barbara just wants everyone to look at this for the next meeting. This would be for the Town Clerk to hand out to people that come before us. She took it from Nashua and tailored it to the CC. Application two weeks in advance so we can look at it and then the applicant is to mail the package to each of our homes so that we won't incur those costs. The Wetland Buffer and Delineation and Protection Plan. Gives us a lot of information and if we can get some of this adopted, look at it and at the next meeting, develop a document like this for the CC. Work on this as a procedure. Discussion ensued. Board moves to accept this. Jane: Seconded it. All in favor, Aye. Motion Passed.

- **Manifest**

Have two bills: One for Pearl for the 5-3 meeting and site walk for \$91.00. The other to approve for seven handbooks they received from the NH Municipal Conservation Commission and they were \$17.00 each, Total of \$119.00. Vincent: All in favor, Aye.

- **Organization of Files**

Barbara would like to see the files get organized. Asked Pearl to get these organized and she agreed to help out. We have been given a file in the vault. We need to move forward. Not sure of the cost at this time, could possible ten hours, not sure and Pearl will do it hourly. Jane made a move to hire Pearl to organize CC files starting with the most recent (present) and working back (past) and keeping track of her time and how much was done. Peggy seconded motion and at this point need to amended motion to put in rate of \$14,00 per hour. Vincent: All those in favor, Aye.

**6. Correspondence**

- **Peggy** suggested sending a "Thank You" to Nancy Corbett, past member, a week ago for putting in plants in the planter down at S. Newington. She does a very good job. All agreed.

**7. Adjournment: Jane asked to postpone some of the actions.**

**Vincent moved to adjourn the meeting at 9:30 P.M. Jane seconded it. All in favor, AYE.**

**Respectfully submitted:**

**Pearl Travis-Sirois, Recorder/Transcriber**

*file: NCC Mins. 6/8/06*