

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

**Newington Conservation Commission Meeting Minutes**  
**Thursday, July 13, 2006 - Revised**

1. **Call to Order:** Vincent Frank, Chair Person called to order the meeting of July 13, 2006 at 7:10 P.M.

**Present:** Vincent Frank, Chair Person; Barbara McDonald, George Fletcher, Jane Hislop, Justin Richardson and Tom Morgan, Town Planner

**Not Present:** Dottie Watson

**Guests:** Bernie Pelech, Atty. and David George, Engineer of WD Devel. Partners, both for Texas Road House, Sara Romeo, and John Sinnette also with WD Devel. Partners.

2. **Old Business**

1. *Shattuck Way Landscaping:* Vincent: The deal had taken place before George Germano came before the board. The Board did not accept the \$2,000.00 offer and lost about \$35,000 in plants and 25 trees.

2. *Wetland on non-site specific Permit #2006-00997 Lordco Pier Association approval dated June 16, 2006.*

Vincent: Lordco Pier: Approved the 16 of June 2006. Sprague Energy: Their approval date was 16 June 2006.

3. **Acceptance of Minutes: June 8 & 29, 2006**

Peggy moved to accept the minutes of June 8 & 29, 2006. Corrections were made to June 8<sup>th</sup> Minutes on Page 4, last sentence should read: “commission *wants to*”, Page 5 top sentence should read, “*spend additional money responding to the PDA*”. Then the seventh sentence needed correction regarding Attorney’s bill/figure for Geoff to date and should read: “\$7,000, we paid \$2,000 and I think \$7,000 got paid instead of the \$5,000”. The other correction to June 29, 2006 Minutes, on Page 1 under “Not Present”: “**Justin Richardson, Abstains**” to be removed. Then at #3 “*Landscaping Shattuck Way*” The first sentence should read “*Mr. Germano offers \$2,000.00 to the Town*” (not \$2,600.00). The last correction was under *Correspondence*, Nancy Corbett to be changed to **Nancy “Cauvet.”** Barbara passed out books on “*Water Wetlands and the World of Local Government*” for anyone who would like them. Peggy: wants guidelines implemented. Vincent wants to wait until all the landscaping is together. Barbara: Speaking on what they are doing now. If any applications come before the Board for anything, she would like to have them in the member’s hands a week before our meeting for review. If necessary they should be mailed directly from the applicant with the intent to be sent to each persons home. So they don’t have to be delivered. That’s what they tried to do. There was confusion on the first time and then we have an Expedited Minimum Impact that the town secretary routed it incorrectly. Motion on the floor. **So moved to accept the minutes of May 8 as amended.** Jane seconded it. All in favor, AYE. Jane made a motion to accept the 29<sup>th</sup> of June Minutes as amended.

Peggy abstains, she wasn't here. Dottie seconded it. Vincent: All in favor, AYE. Motion passed. The minutes were adjusted and re-sent.

Barbara: Asked Pearl to give update on filing. Pearl: It was a complete reorganization of the files and labels. It has taken more than the hours that were suggested. It's moving along and making great progress. Pearl comes in on Tuesdays and Thursdays to work on this project, plus typing up the labels at home.

**4. Correspondence:**

Barbara: Received a letter from Judd Gregg, U.S. Senator, Re: U.S. Fish & Wildlife Services proposal for the Refuge. He wanted to assure the Board he will continue to do all he can to protect Great Bay and the other unique natural resources in NH. This in reference to the Refuge being in potential closure. He was cc'd in the Boards letter and that's why he got it. There was a letter in the packet that some signed and sent and for those who didn't, please do sign and send.

**5. Town Planner, Tom Morgan on a proposed Bio-diesel refinery.**

Tom: J.D. Lewis from Alberta, Canada is anxious to build a biodiesel refinery down Gosling Road. He said it was very good for the environment and energy problem. Because of such a great project, he enlisted DES to personally lobby Tom and he got a call from DES pushing this project. Becky Olart? of Resources Division called Tom and then JD asked him if he really has to go through all this PB stuff and can he start building it right away. Tom's answer was, NO. Biodiesel is made from all kinds of different things and a lot of it is going on in the mid-West. They make it from soybeans or vegetable oil. They haven't submitted an application to the PB yet. Told him he isn't going to get through the door without the property owners written permission and has not yet received that. It's the Old Mobil Tank Farm) 17 acres. Did indicate he's in a big hurry to get going. Discussion ensued. There is not smell. The only smell it may emit is of French fries.

Barbara: Another piece of correspondence was submitted today from John Frink. She read the following:

Dear CC Members: I would like to take this opportunity to thank you for your assistance and sponsorship of the Farm and Ranch Land Protection Program by which I was able to conserve this land. As God gives me strength, improve it from its current condition of fair condition haylage to good condition haylage.

There is an opportunity for me to obtain power plant generating stations, wood ash to use as a lime substitute to improve the pH of the soil using Best Management Practices as required. Both by the County's soil conservation plan and the supplies. (Resource Management Inc.) It has come to my attention that this co., Resource Management Inc., also deals in other waste products. But, I want it to be clear that my interest is solely in certified organic wood ashes although at some future time, I might use chemical fertilizer commercially available.

I don't really think any formal action is necessary on the part of the CC., but I thought, as there would be material arriving from out-of-town (20 ton loads on tractor trailer dump trucks) coming on the easement property, you might like to know.

Please do not discard the information sheets, as I have not yet scheduled delivery. Thank you for your consideration. John Frink

John also attached a pH+-Bulk Wood Ash Agricultural Land Application to his letter. Barbara: Made a motion for the record to accept it and that John follows Best Management. George seconded it. Vincent: All in favor, AYE. For the record, Justin voted against it.

## 5. *New Business*

1. Landscaping Plan for a Texas Roadhouse Restaurant on the corner of Woodbury Avenue and Fox Run Road. Atty. B. Pelech

Bernie Pelech and Sara Romeo were present. Bernie gave a brief overview while pointing to the plan. It's a difficult site. Steep banking that runs from this site down to Woodbury Ave. It's a grassy slope and vegetation on the top. He continued the overview. They are obligated to maintain 50% of the trees and cut 50% over a 20-year period. They are still in the conceptual plan stage. Wanted to meet with the PB and get input/recommendation on the landscape plan. These plans are most recent. John Sinnette (Landscape Architect) spoke next. He is with WD Partners also. Thanks the Board for the meeting. He's very excited about this project and has spent time in this area. As Bernie mentioned they added required trees around the perimeter. However, at this point that's really a conceptual phase due to the fact that there is so much existing vegetation on the site right now and it's an extremely wooded site. They are looking for direction/feedback on how to approach effectively developing and designing the site while still preserving some of the existing vegetation there. There will be a likelihood of some retaining walls although we are in the conceptual grade stages as well. Hope to be working with engineers to make those more of an esthetic element than just an engineering functional element so that it will contribute to the site as well. As you can see in the perimeter, they have gone to some great lengths to screen parking and cut down on the headlight glare from the site, although with the elevations that we are looking at in this particular site not sure that you can see much of the lights. Make an effort to help de-emphasize those. We included a substantial number of ornamental/shade trees within the islands. In his opinion, as they continue to do site/tree survey they may look at some of these islands as preservation areas for mature trees as opposed to clear cutting and putting new vegetation up. Planning on saving trees. So as they do additional investigation with the tree survey, that's what they will be doing. Sara Romeo also from WD Partners: As far as the 50% of the trees, circumference of 15 inches or larger can only take out 50% of those trees within the setback area and as you know it's a heavily wooded lot. As far as surveying each tree within that setback area, is there something that they can come up with instead of surveying the trees. John went on to explain what they've done in the past. Discussion ensued. John: Trying to establish expectations of the PB. Tom: Yes, there are. Looking for a practical way and Tom went to the *Zoning Ordinance, Site Plan Review Regulations, Blue Section Page 78-Section 5b) Vegetative Buffers: Within each setback required by the Zoning Ordinance, no more than 50 percent of the trees may be removed over a 20 year period. For the purposes of this section, "tree" shall mean any woody plant, which has a circumference of 15 inches or more at a point 4 feet from the ground.*

Discussion continued. Bernie attempted to walk the site today, a lot of growth needs to be cleaned out, once cleaned out, and there may not be many large trees. If the Board wants to take a site walk, they are welcome and they are open to suggestions. Discussions continued about cleaning it out (trees) and come back on what's worth saving or not saving and the cemetery.

John: Any other questions? Jane: Recommended getting various different sub-species of daylilies, more variety. Other discussions were on putting up an aluminum fence, which won't rust inexpensive, no maintenance fence; timing of water sprinkler system, no salt used in winter (other alternatives available to take place of salt), sturdy plants that won't be crush by snow and islands that have species that can handle being crushed by snow and where to store snow. Barbara asked how many people would it seat. Sara: The restaurant seats about 239 people. Bernie: Wants to come back next month and be included in the Agenda and hopefully to get some information from Mr. McCoy to at least cut some of the underbrush. Bernie: Thank you for your consideration.

Jane: Requested for a sign-in sheet for guests. Pearl has one already established.

Justin: Wanted to go over and discuss Exit 4 sediment. He went out to take pictures of Exit 4 and saw a tremendous amounts of sediments there coming off the piles, their construction areas and passed out the photos he took after the rain a few days prior. Discussion ensued. Justin: Didn't put it together, but any project that needs a site alteration permit, what this project does, you're not allowed to discharge sediment into service waters. That's exactly what they are doing. You might want to call their attention to this. Discussion continued. Barbara sent a letter to LaBonte and hasn't heard from him. Justin: They don't need a wetland permit, but what's happening is they do need a permit under RSA 485-A:17 alteration of terrain (Site Specific) and because they have a site-specific permit, it's illegal for them to discharge sediments into service waters. There's a DES rule and will send everyone a copy. Justin can draft a letter. Peggy: Should put it on the record that it was brought to the attention by Commissioner, Justin Richardson and move that the Newington CC Chairman send a letter to DES with cc DOT, the BOS, the Assistant Attorney General LaBonte and the PB. Motion to accept, Jane seconded it. All in favor, AYE.

6. Barbara: Motion to adjourn, Jane seconded it. All in favor, AYE. Meeting adjourned at 8:45PM.

Respectfully submitted:  
Pearl Travis-Sirois, Recorder/Transcriber  
*File: NCC Mins. 7-13-07*