

Public Informational Workshop

The workshop was opened at 7:00 p.m. by Chairman Marlon Frink and Vice Chair Gail Pare. Marlon Frink welcomed all of the attendees, introduced the other committee members in attendance and described the action of previous town meetings which established this committee with representatives from the Selectmen, Planning Board & Historic District Commission.

Marlon stated that the sole purpose of this workshop is to provide information about conserving open space in Newington - that 10 property owners had been identified by the Planning Board as owning potential parcels and the committee is ready to assist owners with decision making. Also, the potential is not limited to the 10 parcels listed by the Planning Board. Gail Pare noted that there was a sign-up sheet and various booklets/pamphlets with additional information were available.

Phil Auger from the County Extension Service was introduced.

Mr Auger spoke about the population growth in New Hampshire, especially in Rockingham County, and the concern that over development will use up a lot of natural resources in this corner of the State.

Options for voluntary land protection were shown and it was noted that there are many options available for protecting land from development while protecting the owners interests and a variety of ways to protect development rights with customized agreements.

The following questions were raised:

Randy Watson, Nimble Hill Road, asked if the land could be groomed after an easement is granted. Mr Auger stated that overgrowth would need to be kept down.

Barbara Hill, Little Bay Road, asked about legal responsibility for granting easements. Mr Auger recommends that both the owner and the agency being granted the easement, should have their own legal representation.

Mrs Hill also asked if public access is granted to any land that an easement has been given. Mr Auger stated that public access does not have to be given but funding from some recreational agencies may have strings attached.

Marlon Frink brought up the matter of taking a portion of land for a conservation easement. Mr Auger stated that setting a portion of land aside does not create a legal subdivision but he recommends when parceling the property, that enough land be included to conform to local subdivision requirements.

Keith Frizell, Nimble Hill Road, asked if placing land in a conservation easement would prevent a takeover by eminent domain. Mr Auger stated that there is no protection from eminent domain but he knows of no case in New Hampshire where this has happened and if land is in a land protection agreement - it would make a very good defense against eminent domain.

Mr Auger discussed some of the tax benefits - that benefits can be taken over a period of 6 years.

Also, can be deferred until some time in future.

John Frink, Nimble Hill Road, questioned the marketability of land with Conservation Easements. Mr Auger stated that in his opinion land does not lose value and can even increase in value.

A survey and appraisal is usually needed and it is recommended that owner have and pay for the appraisal. Appraised value, for easement purposes, is generally based on the land as-is.

Some costs involved are: Legal Costs; Title Search; Recording Fees; Agency Fees; Monitoring Fund Contributions. Most costs are tax deductible.

Planner Tom Morgan noted that municipalities can own easements. Mr Auger stated that municipalities sometimes have problems monitoring the property - however Newington is small and manageable.

Marlon Frink noted the amount of funds, to date, available to purchase easements and or development rights. There are some State funding sources available.

Gail Pare asked if cell phone towers can be restricted from land in conservation easement. Tom Morgan advised that cell phone towers are prohibited on all Newington land west of the Spaulding Turnpike.

Mr Auger passed the meeting over to Bob Miller of the NH Nature Conservancy.

Mr Miller explained that his agency is one of nine agencies that formed a partnership called Great Bay Resource Protection Partnership. This partnership works to identify resources that should be preserved and to prioritize the resource. The shoreline of Great Bay is a main priority to the Nature Conservancy.

There are a variety of funding sources and most grants have strings attached and most also require matching funds.

Marlon Frink concluded the meeting - stating that the Open Space Committee recognizes that each parcel of land is unique, including salt & fresh water wetlands and the committee is available to meet with any interested property owner.

Mr Phil Auger stated that he also available to meet with property owner, that his job is to educate the individual.

Gail Pare suggested that another forum be held with an attorney present to answer any legal questions - will consider this later.

Meeting was closed at 8:45 p.m.

Pat Main
Secretary

