

**Town of Newington, NH**  
**CONSERVATION COMMISSION**  
Meeting Minutes for Thursday, May 21, 2015

- Call to Order:** Chair, Jane Hislop called the May 21, 2015 meeting at 6:30 p.m.
- Present:** Chair, Jane Hislop; Sandy Devins; Ann Morton; Bill Murray; Jim Weiner; Alternate Jane Kendall; and Thomas Morgan, Town Planner,
- Public Guests:** NROC Community Education Leaders, Julia Peterson with NH Sea Grant and Jill Ferrell with PREP; Planning Board Chair, Denis Hebert

**1) Community Education with NROC**

Ms. Julia Peterson with NH Sea Grant and NROC handed out summary of evaluations from the “Spring at the Bay” presentation. Commissioner Jim Weiner said everyone he spoke with said it was well organized, had good content, presentation and handouts.

Chair Hislop said there was some concern that there was a disconnect between septic care and lawn care. Ms. Peterson agreed that they could have made a better connection. She said there would be follow up for those that requested it. Ms. Peterson said she had reserved more dates than needed so they could invite them out on the UNH research vessel to recognize the beauty of the Bay.

Chair Hislop said the information on fertilizing lawns and nitrogen runoff to Great Bay could have been misconstrued as well. Ms. Peterson agreed that they should have clarified that applying fertilizers in the proper amount and way could reduce runoff. Commissioner Weiner said it would be helpful to give actual examples of organic fertilizers in addition to theories and procedures. Ms. Peterson said she hoped everyone understood that there was no silver bullet product.

Commissioner Weiner said he discovered that the John Deere outlet off Banfield Road did soil analysis. Chair Hislop said UNH Extension also did soil analysis. Ms. Peterson said it was important to collect the soil sample properly.

The commissioners discussed inexpensive giveaways such as wildflower packets or fertilizer information stickers as incentives to attract people. Ms. Ferrell said the Portsmouth Water District issued rain barrels and Commissioner Kendall said compost bins would be a good idea too.

Ms. Peterson said she was concerned there was an impression that rain gardens were good for wet areas, but the point of them was to infiltrate runoff from impervious surfaces so they probably wouldn't be as effective in a rural area away from the Bay. Ms. Peterson said it appeared that the mailing flyers and word of mouth were effective and asked what everyone thought about the format and timing. Commissioner Weiner said he would recommend a Saturday at the library because it was a regular Saturday destination, but they might consider another location if they were to have a larger

# Town of Newington, NH

## CONSERVATION COMMISSION

Meeting Minutes for Thursday, May 21, 2015

gathering. Chair Hislop said Saturdays worked well for full-time weekly workers, but many stayed home to do chores because it was the first weekend after the snow melt. Ms. Jill Ferrell with PREP and NROC said the spring was still a good time of year, especially after the long winter.

Chair Hislop said she was disappointed that only one child attended. Ms. Peterson asked if the Commissioners would still recommend family activities to other towns even though it didn't work that time and everyone said they would. Commissioner Weiner wondered if they could do something to advertise more kid friendly activities to encourage parents to attend. Chair Hislop said she dropped the flyers and posters off at the school, but was told her neighbor said never saw them. Commissioner Devins suggested that they advertise on the school's website. Commissioner Weiner said they should make a larger poster for the library next time.

Commissioner Weiner said he thought about what would make him go out on a Saturday and thought discussing proper pruning methods and times of year for various shrubs. Ms. Peterson said the Extension Service frequently offered those workshops and they needed to connect with non-point source pollution. Alternate Commissioner Jane Kendall suggested weed control was a common concern that related to point source pollution. Chair Hislop said erosion control and invasive species removal could also be of interest. Commissioner Devins asked about decorative and vegetable gardening. Ms. Ferrell said they often discussed lawn care, but not flower and vegetable garden fertilizing. Chair Hislop said many trees were damaged along the shoreline buffer during storms and it would also be helpful to discuss preferred species to plant and care.

Commissioner Weiner said it would also be helpful to know what kinds of riprap erosion control that the Department of Environmental Services (DES) approved. Ms. Peterson said the Extension Service might have some information on that, but she liked the idea of protecting the shoreline with a vegetative buffer that didn't require a permit. Commissioner Weiner said UNH put out a book and Ms. Peterson said it was called "Landscaping on the Water's Edge". Ms. Ferrell said it was a good book, but a bit too involved for the average homeowner.

Commissioner Weiner said the spring would be a good time to promote the Cooperative Extension's State Nursery bare root campaign. Commissioner Kendall said the catalog was issued in winter. Commissioner Weiner said they could have a sample listing and sign up for a catalog to be sent to interested parties. Ms. Ferrell agreed that spring was when everyone would be interested in their yards and septic so they could tie in the education outreach to do-it-yourselfers as well as landscapers and then discuss shoreline protection in the fall. Ms. Peterson she would check with the staff at the Extension service to see who could guide them on shoreline plantings and erosion control. Town Planner, Tom Morgan said the high shoreline along the Bay was unique to the State.

Planning Board Chair, Denis Hebert said developers often stripped away topsoil from subdivisions, which they sometimes trucked away, leaving behind sand, which they then mix with loam. He said he observed a new lawn that looked good the previous year, but didn't this year. He said it was just like golf courses that are planted over

# Town of Newington, NH

## CONSERVATION COMMISSION

Meeting Minutes for Thursday, May 21, 2015

sandy soil and fertilized constantly to keep them lush. Commissioner Kendall said the monoculture grasses that are planted are not as resistant and require heavy watering and pesticides.

Mr. Hebert said he would like to see the Boards work with Mr. Morgan to do some regulation. Mr. Morgan wondered how they would enforce the regulations on contractors. Commissioner Kendall asked how other towns did it. Chair Hislop said Durham passed regulations because former Vice President, Dick Cheney had been strip-mining top soils.

Ms. Ferrell reminded the Commission that grant proposals were still being accepted and the Commission could review their environmental planning assessment and come up with improvements for storm water management and shoreline protection buffers. Ms. Ferrell said there was an \$10,000 incentive to rewrite ordinances, topsoil and fertilizing regulations and they could also put money toward the educational component. Commissioner Weiner said he was behind education and incentives, but he thought regulations would work against them. Ms. Ferrell said fertilizer regulations really start out as an honor system, but there was teeth behind the educational outreach component.

Ms. Ferrell asked suggested they identify all the shoreline property homeowners for a workshop. Mr. Morgan said approximately one-third of the population or 350 residents lived along the shoreline. Chair Hislop said other residents lived near streams that fed into the Bay and agreed that education on shoreline protection would be good to consider in the fall for winter storm surge issues.

Mr. Morgan said there was not a lot of populace support for regulations. Mr. Hebert said it was an opportunity to educate landscapers. Ms. Peterson said they could do a lot to encourage voluntary participation too. Commissioner Kendall said instead of rushing to regulate, they could lead up to it with education. Mr. Morgan adopting guidelines wouldn't need a Town Meeting.

Ms. Peterson said the next step would be to respond to Ms. Ferrell's email.

### 2) **Proposed Mitigation:** Discussion on Eversource

Chair Hislop said she was concerned with the dredging that would occur under the Bay for the Eversource's new power lines that would be crossing over. Mr. Hebert said he didn't know too much about it except that they were talking about plowing under the Bay, pulling the mud out and then proposing to use three 12" lines instead of using one 36" diameter line and plowing through the mud and then putting it back in. Commissioner Bill Murray asked why the line couldn't sit on the bottom of the Bay instead of dredging and Mr. Hebert replied that they couldn't take the risk that a boat anchor might hit and damage it.

Mr. Hebert said the Board of Selectmen and Town attorneys had asked that the Town boards work together. He said he Mr. Morgan were looking at alternative routes and solutions. Mr. Hebert said other options for alternatives have gone by the wayside, but the Town was still trying to discuss a transformer option with no power lines that wouldn't require an upgrade, but it appeared apparent that Eversource's proposal has

# Town of Newington, NH

## CONSERVATION COMMISSION

Meeting Minutes for Thursday, May 21, 2015

been engineered to provide inadequate power over the long term to justify the Northern Pass. Mr. Hebert said Rockingham County had done a study that said the area was all set for power for a long time, but Eversource emphatically disagreed because they want to sell off the power plant that had benefited the Town tax base for a long time and bring in cheap power.

Mr. Hebert presented an aerial view with alternate routes going from Durham to Newington Station. He said they were hoping to find an underground route that would not impact the residential areas in town. Mr. Hebert said the RSA said that they needed to avoid going through the Historic District. Commissioner Devins asked they had written a letter regarding the RSA and Mr. Hebert said he was working with Mr. Morgan, Historic District Chair, Gale Pare and Town counsel who were trying to intervene for the Army Corp of Engineers (ACOE) who were responsible for any impacts to Great Bay.

Mr. Hebert went on to say that he lived on Gundalow Landing, but that he didn't see that there would be any way to avoid going underground through the development because it was the shortest distance across the Bay to Eversource's right of way. He said right now they wanted to come up near the day pond near the Flynn Pit and there would be a vault as large as a room. Mr. Morgan said Normandeau Associates had been on the previous month's agenda to ask the Commission for assistance with mitigation, but did not appear. Chair Hislop suggested that Mr. Morgan contact them.

Mr. Hebert said he would like to see the lines go underground through all of the residential area and not come up until they were past Hannah Lane. He said they were considering a utilities corridor created on the other side of the gas lines along Arboretum Drive.

Mr. Hebert said going through Great Bay National Wildlife Refuge was a consideration, but U.S. Fish and Wildlife were doing endangered species programs with bats and the New England Cottontail. Commissioner Bill Murray said he was afraid it would set a precedent for doing more through the Refuge. He said he volunteered at the Refuge and knew there were nesting birds that were sensitive to disturbances. Mr. Hebert said he also appreciated the Refuge and he thought Eversource would be reluctant to pursue applications with the Federal government, but he couldn't promise that it would not be considered.

The Commission discussed the drawbacks and merits of alternate routes. Mr. Hebert said although each route might have issues, other boards voted unanimously to support underground or alternate routes and he was looking for a vote of support. The commissioners all agreed that they were in favor of the lines going underground.

*Commissioner Weiner moved to support the Town in encouraging Eversource to put the lines underground and pursuing the optimum alternate route. Commissioner Murray seconded the motion and all were favor.*

Town of Newington, NH  
CONSERVATION COMMISSION  
Meeting Minutes for Thursday, May 21, 2015

**3) Mitigation:** Flynn Pit

Mr. Morgan passed out Town wetlands consultant, Mark West's assessment of the Flynn Pit off Little Bay Road. Mr. Morgan said the New Hampshire Department of Environmental Services (DES) said they required 13 acres of high value habitat to satisfy mitigation for the extension of Shattuck Way. He said the Flynn Pit had 19 acres with the day pond that was of high value.

Discussion ensued regarding how to best meet DES' requirements and for Eversource's right of way for their power lines. Mr. Morgan added that the Town could offer land around the pond to Eversource to expand the right of way for the power line. Mr. Morgan said both parties would need to be in agreement with terms.

Commissioner Weiner asked if they could deal with the power line first and then the mitigation. Chair Hislop said the Shattuck Way Extension project would be delayed if they didn't do the mitigation. Mr. Hebert said Eversource applied for a site evaluation and had 90 days so he expected a decision by September or October 2015.

*Sandy Devins moved to recommend that Mr. Morgan present 13 acres in the Flynn Pit as consideration for mitigation to DES. Commissioner Weiner seconded the motion and all were in favor.*

**4) Fox Point:** Proposed Safeguards

Commissioner Weiner reported that he had been looking into steps to protect Fox Point from the possibility of any rogue Selectmen selling the Town property in the future. He said they had looked into setting up a conservation easement that would protect it into perpetuity, but it was determined that there were too many issues at this time that had delayed a resolution, including having a third party land trust oversee stewardship as required by law to avoid conflicts of interest. He said Mr. Morgan then suggested putting in a "will not be sold" declaration into the deed and Master Plan. Commissioner Weiner said he also thought it would be a good step and the Board of Selectmen were supportive as well.

Mr. Morgan said Town counsel, Peter Loughlin had advised them that a covenant in the deed would still require a Town meeting, but it would be less restrictive and probably receive more town support. He added that RSA: 41 also mentioned that the Conservation Commission could oversee management the same way another RSA said the Commission was the agent that managed the Town Forest.

Commissioner Murray asked what the Southeast Land Trust would do that would be detrimental. Mr. Morgan said the problem was that some residents would be concerned that easement restrictions would conflict with their intended uses of Fox Point. Mr. Hebert said an example was that Southeast Land Trust held an easement on Trickey's Cove and it was very restrictive, not even allowing walking along the shoreline. Commissioner Murray said he belonged to SELT and thought they did a good job in conservation preservation. Chair Hislop agreed, citing the work they did with the Baird easement, but said they still owned their land and Southeast Land Trust only held the

Town of Newington, NH  
CONSERVATION COMMISSION

Meeting Minutes for Thursday, May 21, 2015

easement, whereas many townspeople would not want that for Fox Point. Mr. Morgan added that townspeople enjoyed recreation on Fox Point, which SELT would not allow.

**Elections of Officers:**

*Jane Kendall moved that Jane Hislop continue as Chair. Jim Weiner seconded and all were in favor.*

*Jane Hislop moved that Jim Weiner serve as Vice-Chair. Sandy Devins seconded the motion and all were in favor.*

**Beautification:**

*Jim Weiner said he had been working on Town beautification with Peggy Lamson and had received approval by the Board of Selectmen to do some more landscaping around the white birch at the entrance of the Town Hall. He said Ms. Lamson had leading a lot of beautification at other points in town and they had discussed adding some "hard" landscaping plants for year round beauty. He said the Commission had \$1,500 in the Beautification budget, of which \$1,000 had been used so they offered to spend the additional \$500 if the Selectmen would cover the rest and they agreed. He said Stratham Hill Nursery agreed to provide plants at wholesale prices.*

**Invoices:**

*Jim Weiner moved to approve the payment of \$150.95 for pizza from Nick and Charley's for Spring on the Bay. Jane Kendall seconded the motion and all were in favor.*

**Announcements:**

Chair Hislop said she participated each year in Envirothon, a statewide high school natural resources competition and this year they used iTrees, a software program to identify and inventory tree and issues in community forests. She said it also puts an aesthetic and dollar value on street trees and she said she would like to see some kind of compensation or mitigation effort or regulation for developers that have been removing trees.

Mr. Hebert said the Planning Board paid close attention to the tree roots in the "No cut/Do not disturb" area that would be affected by the driveways.

Chair Hislop said they should also consider forest mitigation with the Eversource project.

**Minutes:** *Jim Weiner moved to approve the Minutes for the April 9, 2015 meeting. Jane Hislop seconded and all were in favor.*

Town of Newington, NH  
CONSERVATION COMMISSION  
Meeting Minutes for Thursday, May 21, 2015

**Adjournment:** *The meeting adjourned at 9:12 p.m.*

**Next Meeting:** Thursday, June 1, 2015

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