

Town of Newington, NH  
CONSERVATION COMMISSION

Meeting Minutes, Thursday, April 14, 2016

- Call to Order:** Co-Chair Jane Hislop called the April 14, 2016 meeting at 6:30 PM.
- Present:** Co-Chair Jim Weiner; Sandy Devins; Ann Morton; and Alternate Member, Jane Kendall; Interim Planner, Gerald Coogan
- Absent:** Bill Murray and Cindy Gunn
- Public Guests:** Julia Peterson with NROC; Ray Grizzle, Ph.D., UNH Jackson Estuarine Laboratory Research Professor; Kristyn Ward, Research Technician, UNH Jackson Estuarine Laboratory; Tracy Degnan, Rockingham County Conservation District; John and Meg Ripley; Martha Roy, Town Administrator

**1) Shoreland Protection:** 2016 "Spring for the bay" Community Outreach

*This item was delayed so that the next item could be presented first.*

**2) DES Wetlands Permit Request:** for asked

*This item was presented first.*

Ray Grizzle, Research Professor at UNH Jackson Estuarine Laboratory appeared before the Commission on behalf of his project with Granite State Shellfish and Choice Oyster, which was run by Kristyn Ward, Research Technician at UNH Jackson Estuarine Laboratory.

Professor Grizzle said they would be working an area over ten acres in a thirty-acre site on the northwest side of Nannie Island off Woodman Point, which now had a low density of oysters, but had previously been a major oyster site in the State.

Professor Grizzle said they were working under the same permit with multiple partners, including The Nature Conservancy on one side and UNH's Jackson Estuarine Laboratory on other side. He said their permit would have a five-year life span. He said the projects were previously funded by NOAA before they went bankrupt, but were now being funded by Farmer's grants, and, they would continue working in the area as funds became available. He said they had authority from the State to post for non-harvest for three years, and if it went well, the oysters could be harvested for recreation in future as recreational use had less impact.

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Chair Hislop asked if would be seeding the bed and Professor Grizzle replied that it would be a two-part process. He said the first step would be to lay down mollusk shells as a base and then they would seed the base with oyster shells raised on land. He said the oysters only lived three to five years.

Chair Hislop asked if heavy storms and the drop in salinity affected the oyster beds adversely. Professor Grizzle said some flood events had a sediment load, but typically heavy rains and a reduction in salinity was good for the oysters because it flushed them out.

Co-Chair Weiner asked what else they were trying to get out of this project and Professor Grizzle replied that oyster beds were beneficial for the health of the bay. He said oyster reefs created habitat for other creatures, served as water filtration and well as recreational harvest.

Professor Grizzle said the State set a goal of twenty acres of oyster beds by 2010. He said that goal wasn't met at the time, but they have exceeded twenty acres since then. He stated that building oyster beds was not like building a bridge as they were constantly in flux, with some reefs hanging on and others completely gone.

Co-Chair Weiner asked if there were any issues associated with the project. Professor Grizzle replied that oysters and eel grass got along fine, but they wouldn't put oyster beds near existing eel grass because the agencies were still learning how to manage competing species of sea grass.

Ms. Ward said the permit was almost finished, but they were still waiting for a letter from the Historic District first.

*Jim Weiner moved to recommend approval of the wetlands permit for creation of an oyster reef by Nannies Island. Sandy Devins seconded the motion and all were in favor.*

### **3) Knights Brook Wetlands Mitigation: A.R.M. Funding Application by John and Meg Ripley of Old Post Road**

*This item was taken out of order and heard as the second item.*

Tracy Degnan with Rockingham County Conservation District said John and Meg Ripley were interested in putting ten acres of their property into conservation easement. She said they had been discussing the prospect for the past five to six years and she was asked to talk about funding options.

Ms. Degnan said she had talked with the Newington Conservation Commission and walked the property with DES Aquatic Resource Mitigation Director, Laurie Summers last summer. She said at that time they were looking at seven acres and Ms. Summers thought there were not enough wetlands to meet their criteria.

Ms. Degnan said the Ripleys had since hired wetlands scientist, Mark West with West Environmental to do a wetlands map, which she presented with his letter. She said there appeared to be more wetlands in the 12.98-acre parcel than they originally

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thought, with a 2.98-acre house lot and an easement of 10 acres, comprised of 2.94 wetlands and 7 acres of uplands.

Ms. Degnan said she reviewed the regulations with DES and NATURAL RESOURCES CONSERVATION SERVICE (NRCS) and they thought the property looked like a better possibility for an A.R.M.s grant. She said this area had the highest ranked habitat value in New Hampshire that would meet the eligibility requirement for A.R.M., NRCS, and the New Hampshire Fish and Wildlife Action Plan.

Alternate Commissioner Jane Kendall said it was her understanding that they had missed the A.R.M. deadline for mitigation of the Eversource transmission lines. Co-Chair Weiner said Planning Board Chair, Denis Hebert met with Eversource about keeping the approximated \$80,000 wetlands impact mitigation in town and he received a soft commitment from Eversource that they would return for further discussion on the matter.

Ms. Degnan said Knight's Brook was mostly freshwater and asked if the Eversource impacts were in tidal or freshwater wetlands and Chair Hislop replied that they were in both.

Ms. Degnan stated that the 2016 pre-proposal for DES A.R.M. application was due in a week and a half. She said there was \$330,000 in grants available and over \$100,000 was available for Newington tidal buffer impacts and \$200,000 for freshwater impacts that had carried over from 2015.

Ms. Degnan said both programs looked possible and she was recommending to go with the A.R.M. pre-proposal if the Ripleys and the Conservation Commission agreed to have her and Mark West work on the wetlands function and value assessment tables for the application. She said the application was due on April 29, 2016, but she was leaving for vacation on April 22, 2016 so she would need to get it in earlier.

Interim Planner, Gerald Coogan asked who the applicant would be and Ms. Degnan replied that the A.R.M. grant for the Eversource mitigation would have to be the Town.

Chair Hislop asked the Ripleys if they wanted to proceed and Mr. Ripley agreed.

Ms. Degnan said she would probably need to put in another five to six hours, plus an hour or so of Mark West's time. Chair Hislop said the Town should pay Mark West's fee as well since the Town was the applicant. Mr. Coogan said he would contact Mr. West.

Ms. Degnan went on to discuss additional funding sources. She said she had emailed information on the NRCS Wetland Reserve Easement Program to Town Administrator, Martha Roy and Secretary Eleanor Boy. She said the Ripleys would need to look at their deed, because NRCS would want a warranty deed to protect the function and value of the wetlands.

Ms. Degnan said DES didn't care about restoration components so much anymore, but NRCS did and might want to look at the ditches. Mr. Ripley said the ditches had been there since early farm settlement years.

Ms. Degnan said towns were no longer eligible for these funds so the Ripleys would have to have apply. She said the application was a cumbersome process with a

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lot of paperwork so she would help the Ripleys. She said the round in funding was closed in January, but then the State asked for more Federal funds and received them. She said NRCS didn't contribute a lot of money, but they would do the appraisal if necessary, do an assessment, pay for restorations, hold the easement and do monitoring forever.

Ms. Degnan said the next step would be to come up with a value and negotiate a purchase and sale agreement. She said she spoke with an appraiser who told her they like to see a conceptual plan, with GIS, soils and zoning for the ability to develop and then they determined the easement value.

Ms. Degnan said there was no requirement for test pits and the cost would range between \$5,000 and \$7,000. She said some communities had the applicant pay and others split the costs. Mr. Ripley said he had paid Mr. West for the wetlands mapping and therefore hoped the Town would pay these costs. Chair Hislop said should thought the Town paid for the appraisal when the Frink property was put into an easement, but she not sure if they split the appraisal for the Baird easement. Co-Chair Weiner asked Mr. Coogan to research the bill for the Bairds.

Ms. Degnan said she thought she would only need to put in ten hours for the pre-proposal. She said she would like to do a Natural Heritage inventory for the GIS data base that the Department of Resources and Economic Development (DRED) housed. She said she would return with an appraisal and a conceptual plan estimate.

Ms. Degnan recommended that they also put together a conservation or restoration list together so that the Town would be ready if they wanted to apply for an A.R.M. grant for another mitigation project in the future. Chair Hislop replied that the next property to fill in between the Frinks' property and the Ripley's lot along Knight's Brook would be the Boynton's property, as well as the Spinney property, if they were interested. She said the other property would be the Pickering property above the Frinks' lot, which had a spring. She said the Frinks had well heads installed for monitoring years ago, adding that the town was sitting on one of the largest natural aquifers in New Hampshire, but it was contaminated by runoff from Pease Air Force Base.

Chair Hislop asked Ms. Degnan if she had a bill and Ms. Degnan submitted a detailed invoice of her services.

*Jim Weiner moved to approve payment to Tracy Degnan with Rockingham County Conservation District in the amount of \$735.75 for research done on the Ripley conservation easement project. Ann Morton seconded the motion and all were in favor.*

*Sandy Devins moved to approve an additional 5-6 hours, exceeding no more than 10 hours of research by Tracy Degnan at Rockingham County Conservation District, and one hour for Mark West, along with payment of \$1,000 for a conceptual plan. Jim Weiner seconded the motion and all were in favor.*

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Ms. Degnan said she would send a copy of the application in to the Town Hall for signature and return to report her findings to the Commission at their next meeting in May.

**1) Shoreland Protection: 2016 "Spring for Bay" Community Outreach**

*This item was heard as the third item.*

Julie Peterson with New Hampshire Sea Grant and NROC appeared before the Commission to continue discussions on community education outreach during the upcoming 2016 "Spring for the Bay" with DES Shoreline Protection speaker, Jay Aube on Tuesday, May 10, 2016.

Ms. Peterson asked if the Commission wanted to include local regulations that affected shoreline property if there were any. Mr. Coogan replied that there were no Town shoreline ordinances, but there were wetland and wetland buffer setbacks that, included tidal buffers.

Ms. Degnan suggested they might also present information on those Town Regulations. Ms. Peterson said Mr. Aube usually did a presentation followed by questions. She asked who would present information on the regulations and when. Commissioner Kendall suggested an introduction to the event and then simply reference the survey and evaluation form that would be made available to participants. Chair Hislop said she would do the introduction and then Commissioner Kendall could follow her. Mr. Coogan said he could provide material from the Ordinance on the wetlands setbacks.

Mr. Coogan suggested they might consider brainstorming groups. Ms. Peterson said Mr. Aube's presentation would take up much of their time, but that would be a good idea for a future follow up.

Chair Hislop said Mr. Coogan had attended a workshop on the effects of rising sea levels due to climate change, which was what she was considering in regards to erosion control and shoreline protection. Ms. Peterson said multiple choice items of concern could be listed on the survey for participants to circle.

Discussion ensued regarding the copy, layout and colors on the event mailer and posters.

Chair Hislop suggested printing enough posters for the Langdon Library, the Town Hall, the South Newington bulletin board, Mitchell's Gulf station, Great Bay Marina and the Town Transfer Station.

Co-Chair Weiner commented that the RSVP did not need a deadline to sign up through the Town Hall. Commissioner Kendall said it would also be helpful to put a note on the sign-up sheet to remind anyone taking calls to encourage guests to spread the word and invite neighbors. Discussion ensued whether it was important to take names and contact information RSVP's and it was agreed that it would be important as a way of noting how many people lived on the shoreline or elsewhere in town.

Chair Hislop suggested the Commission also set up a table of free informational flyers for guests.

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*The community education outreach talk by Jay Aube with NHDES Shoreland Protection will begin at 6 p.m. on Tuesday, May 10, 2016. A light meal of pizza, crudités, beverages and cookies will be provided.*

**4) Finance Audit**

*Chair Hislop said she did not understand why this item was on the agenda considering all the items on the budget had been passed without change.*

*Mr. Coogan said he would look into it and follow up with an email.*

**5) Election of Officers: 2016-17**

*Jane Kendall nominated Jane Hislop to continue serving as chair of the Commission. Sandy Devins seconded the motion and all were in favor.*

*Jane Hislop nominated Jim Weiner as Co-Chair. Jane Kendall seconded the motion and all were in favor.*

**Other Business:**

Co-Chair Weiner informed the Commission that the Planning Board had terminated the full-time planner's position and had separated the administrative functions that from former Town Planner, Tom Morgan had done and given those tasks to Town Secretary, Eleanor Boy. He said the Planning Board determined that Ms. Boy could contact Jane Kendall, who recorded the minutes for several Town boards for a number of years and also covered the administration of the Planning Department last summer and winter while Mr. Morgan was on leave. Commissioner Kendall replied that she was not sure that she could always be available on short notice. Co-Chair Weiner said he would talk with Planning Board Chair, Denis Hebert about compensation for information transfer.

Town Administrator, Martha Roy appeared before the Commission and said she wanted to be sure the Conservation Commission would continue to receive what they needed from the administration.

Chair Hislop replied that she would need to know what items of concern, including wetlands applications and permits that were being presented to the Planning Department between monthly meetings.

Co-Chair Weiner formally introduced interim planner, Gerald Coogan to the Commission.

Mr. Coogan reviewed his history as a former executive director at Rockingham Country Planning Commission, followed by thirty years of consulting, that included being an interim planner for ten different towns in New Hampshire, as well as working with the Newington Planning Board for a few months in 2015.

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Mr. Coogan said he would be available to provide assistance and talk about applications.

Mr. Coogan said he hoped to get packets out to Commissioners on the Friday by their Thursday meetings, but wanted to know what materials to include.

Chair Hislop said permits and applications made up part of the agenda and Mr. Morgan would send her a rough draft for her approval to be posted and included in the informational packets that would be sent out a week before the meetings.

Mr. Coogan said he had received a wetlands application from Eversource as part of their Seacoast Reliability project earlier in the day. Chair Hislop said no arrangements had been made for Eversource representatives to present the application. She said the Commission could not control when applicants and DES sent wetland permits in for recommendations and so it was not always possible to put items on the agenda, but they still needed to be scheduled for meetings to meet DES deadlines, with five copies of permits available for signature.

Mr. Coogan asked Chair Hislop what he should do if someone wanted to come in at the last minute. Chair Hislop said permitting requests could come in at the last minute and didn't require for 30 days, but other items would depend on whether the agenda was full or not. She said the Commission only scheduled an extra monthly meeting if necessary.

Mr. Coogan said he would not be able to attend the next meeting on the second Thursday of May, but would try to attend meetings as needed. Co-Chair Weiner replied that he should attend each meeting.

Discussion ensued regarding availability during May and it was determined that everyone would be available during the first Thursday of May instead of the usual second Thursday. Chair Hislop noted that Ms. Degnan and Ms. Peterson would need to be notified that the meeting date had changed.

Co-Chair Weiner reviewed how the Board of Selectmen came to the Planning Board with a request to review replacing contract services with all Town employees, including the Town planner.

Co-Chair Weiner said the biggest issue of concern was the financial costs and a worksheet was presented by the administration showing a savings between \$40,000 and \$60,000 a year in savings between the costs of a full-time planner's salary and benefits replaced with a part-time contract planner and the Town secretary's wages and benefits. He said some of the planner's earnings could also be charged to applicants when they go before the Planning Board. Co-Chair Weiner said similar structures were used in other towns. He said the Planning Board successfully used Mr. Coogan's services as an interim planner twice before.

Co-Chair Weiner said Rockingham Planning Commission also informed them that they could utilize their services for planning in all areas except the Zoning Board of Adjustment (ZBA).

**Correspondence:** Mr. Coogan passed out material on a training session put on by Southeast Land Trust regarding identification of vernal pools that would be held in

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Epping on Saturday, April 23, 2016. Online registration could be done at [bit.ly/vernalpoolpursuit2016](http://bit.ly/vernalpoolpursuit2016)

**Minutes:**

*Ann Morton made a motion to **approve** the Minutes of March 10, 2016 with minor changes. Jim Weiner seconded and all were in favor.*

**Adjournment:** *The meeting adjourned at 8:55 p.m.*

**Next Meeting:** Thursday, May 5, 2016

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

*These Minutes were approved and adopted at the May 5, 2016 Meeting.*