

Town of Newington, NH
Board of Selectmen Meeting Minutes
Monday April 15th, 2024

Present: Chair Brandon Arsenault, Selectman Chris Wayss, Selectman Bob Blonigen, Town Planner John Krebs, Planning Board Chair Denis Hebert, Fire Engineer Ann Hyland Hebert, Matthew Lee, NH Fish & Game, Dockmaster Peter Welch, Residents; Emily Savinelli, Maggie Cooke, Patty Borkland, Kristine Hogan, Neal Hogan and Town Administrator Martha Roy.

B. Arsenault called the meeting to order at 5:36pm.

Minutes Approval: C. Wayss moved to approve of the minutes of April 1, 2024. B. Blonigen seconded the motion. All were in favor.

Manifest Approval: B. Blonigen moved to approve the manifests for \$208,543.22 dated 4/4/2024 and \$100,429.00 dated 4/11/24. C. Wayss seconded the motion. All were in favor.

Facility Use Requests:

B. Blonigen moved to approve the following facility use request:
Lobster Bake-Warwick Club (Skip Link)-Fox Point-9/22/24-12pm-8pm

C. Wayss seconded the motion. All were in favor.

B. Blonigen moved to approve the following facility use request:
Birthday Party-Jeremy Boston-Town Hall-4/21/24 -9am-5pm

C. Wayss seconded the motion. All were in favor.

B. Blonigen moved to approve the following facility use request:
Graduation, Practice for Show & Show – Newington School/Peter Latchaw-Town Hall-6/10, 6/11 & 6/12 9am-3pm and 6/13 All Day.

C. Wayss seconded the motion. All were in favor.

B. Blonigen moved to approve the following facility use request:
Social-Will Gilbert-Old Town Hall-Friday, 5/17/24 & Set Up 5/16/24

C. Wayss seconded the motion. All were in favor.

B. Blonigen moved to approve the following facility use request:
Recognition Luncheon-UNH Marine Docent Program-Town Hall-Thursday-4/18/24 -9:30am-2:30pm and 4/17/24 set-up 2pm-4pm

C. Wayss seconded the motion. All were in favor.

Matthew Lee-Fish and Game-Fox Point Floating Oyster Cages Permit Application:

M. Lee explained that NH Fish & Game had received a request for a modification to an application for a marine aquaculture license. The modification was for a 3.5-acre site in Broad Cove. The modification is to add the permission for floating shellfish cages to the

2 acres on the eastern portion of the site. This gear would rise up and down with the tide on the surface, rather than resting on the bottom.

There is going to be a public hearing on April 23rd at 9am at the Region 3 office in Durham. All are welcome to attend.

B. Arsenault said that Newington has always been a good steward of the environment and Little Bay and support bringing back a little bit of a working waterfront and residents understand how oyster farming benefits the bay. However, the problem is that Fox Point is now completely fortified by oyster farms. Newington has never raised an eyebrow when a new application comes in, because the farm is there and doesn't seem to bother anybody. The floating cages are more intrusive to Fox Point, especially since they need to have lights on them.

This proposed application also doesn't allow any type of recreational crossing at that location. The Board understands that this is a NH Wildlife area and it is controlled by the PDA.

M. Lee said that this is not an exclusive lease for the oyster farmer. It is allowed to be transited by anyone that is recreating in the area. However, this gear will always be present on the surface of the water.

B. Arsenault pointed out the Fox Point is Newington's beautiful open conservation area for residents to get outside and enjoy, with a boat launch and a dock. There is concern if other oyster farmers decide that they would also like to have the floating cages, it would completely change the beauty of the area.

C. Wayss questioned the drawing that was included with the application that only showed three cages. It didn't give an accurate representation of what was being proposed because the farmer could load up the 2-acre spot with many cages.

Patricia Borkland, 5 Little Bay Extension, said that her family uses the boat launch and dock weekly and it would be upsetting to see these floating cages. It is a type of pollution and it would take away from the beauty of Fox Point. P. Borkland is opposed to the floating oyster cages off Fox Point.

M. Lee encouraged residents to email him with their comments about this issue. M. Roy will put his email on the Town's website so residents can express their issues with this application.

Denis Hebert, 20 Gundalow Landing, is concerned about the eel grass in the area and thought that residents would be upset if they were losing recreational uses in that area.

D. Hebert asked where the oyster farmer would be landing his boat and bringing the oysters to market. M. Lee said that he thought they would be using Great Bay Marine, but wasn't sure. This particular oyster farmer already has an oyster farm in this area. D. Hebert pointed out that the town ordinances only allow recreational uses in the marina and don't allow businesses to be established there.

Dockmaster Peter Welch said that he thought that the oyster farmers were no longer going to be allowed to use Great Bay Marina. P. Welch reminded everyone that the Newington dock doesn't allow commercial operations. M. Lee said that there was a small boat launch by the Jackson Lab that they can use, but it can't be used at low tide. SeaGrant is helping the oyster farmers find a dock for them to use.

B. Arsenault pointed out that the bay is very dark after dusk and expressed concern about the lights on the cages and the impact it would have on the wildlife in the area.

M. Lee said that the lights are similar to a light that would be in a garden. They wouldn't be bright LED lights. They haven't received any feedback on the floating cages in Hampton Harbor but thought it might be because it is set back in a creek channel where nobody goes.

Ann Hyland Hebert, 20 Gundalow Landing, asked what the term of the lease was and if it is automatically renewed. M. Lee said that the applicant can pay for a 1-year license or a 5-year license and it would continue, as long as it is being renewed by the grower, in perpetuity unless there was a law enforcement issue. That site can be held as long as the renewal is paid for in perpetuity.

Patricia Borkland, 5 Little Bay Extension, is concerned that this application will set a precedent and then the other oyster farmers will apply for the floating cages.

Kristine Hogan, 42 Hodgdon Farm Lane, asked how long after the public hearing would a decision about this be made. M. Lee said that there is a fourteen-day period public comment period, after the public hearing, for public comment and it can be extended. For the Hampton floating cage application, Fish & Game didn't receive any comment against it and several abutters spoke in favor of the applicant.

Neal Hogan, 42 Hodgdon Farm Lane, asked if the regular cages could not be used in this 2-acre area and is that why they are asking for the floating cages. M. Lee said that it is possible because it is very shallow in that area, but that really is a question for the applicant. The oyster farmers are running out of real estate for oyster farms so they are getting creative with their gear types in order to utilize areas that couldn't be used before. It is a gamble to have cages on the bottom in shallow water. Neal Hogan said that he supported the oyster farmers but can't support the floating cages.

B. Arsenault thanked Matt Lee for coming in and answering the Board's questions and listening to the comments from the residents.

Public Comment:

E. Savinelli asked when the Portsmouth Water project at Fox Point would be completed.

B. Arsenault said the completion date was June 2nd. B. Blonigen said that he had walked out there and it is already hayed and seeded, but they haven't pulled up the timber mats yet. He said that Portsmouth Water had done a respectable job on this project.

C. Wayss said that there is going to be a phase II of the project when they replace the pipes. This project won't start before November 2024.

Review of Sealed Minutes:

It was a consensus of the Board to table the review of the sealed minutes from 1-17-06 & 1-24-06.

Volunteer Appointments:

It was a consensus of the Board to table the appointment of the PDA Representatives.

B. Blonigen moved to appoint Bob Byrnes, Sheryl Bagley, Derick Willson and Laura Rogers to the Conservation Commission for a three-year term. C. Wayss seconded the motion. All were in favor.

B. Arsenault moved to appoint Jack O'Reilly and Insook Valario as a full member to the Recreation Committee and Dana Nowell and Jessica Morgan as alternates to the Recreation Committee. B. Blonigen seconded the motion. All were in favor.

C. Wayss moved to appoint Bob Byrnes as a full member of the Zoning Board of Adjustment and Huddy Grandy as an alternate member of the Zoning Board of Adjustment. B. Blonigen seconded the motion. All were in favor.

C. Wayss moved to appoint Peter Caradonna and Ted Karabinas as a full members of the Economic Development Committee and Roger Dieker as an alternate member of the Economic Development Committee. B. Blonigen seconded the motion. All were in favor.

C. Wayss moved to appoint Lillian Wilson and John Wendall as alternates to the Library Trustees. B. Blonigen seconded the motion. All were in favor.

B. Blonigen moved to appoint Denis Hebert and Chris Cross to the Rockingham Planning Commission (RPC). C. Wayss seconded the motion. All were in favor.

C. Wayss moved to appoint Peter Welch as Dockmaster. B. Blonigen seconded the motion. All were in favor.

C. Wayss moved to appoint Chris Cross to the RPC Transportation Advisory Committee. B. Blonigen seconded the motion. All were in favor.

C. Wayss thanked B. Arsenault and B. Blonigen for working hard to put the new furniture for the deRochemont Room together. The new TV was donated to the Town.

B. Blonigen moved to enter a nonpublic session at 6:34pm per RSA 91-A:3 II (e) Legal. B. Arsenault seconded the motion. B. Arsenault asked for a roll call vote: B. Blonigen-Yes, B. Arsenault-Yes, C. Wayss-Yes. All were in favor.

Respectfully submitted, Eleanor Boy, Recorder

