

Town of Newington, NH
CONSERVATION COMMISSION
Meeting Minutes, Thursday, October 13, 2022

Call to Order: Chair Jane Hislop called the October 13, 2022, meeting at 6:30 PM.

Present: Vice-Chair Derick Willson; Andrew Meigs; Jim Weiner; Alternate Member, Jane Kendall

Absent: Laura Rogers; Alternate Member, Bill Murray; Town Planner, John Krebs

Public Guests: Board of Selectmen representative, Brandon Arsenault

1) Discussion on Land Use Change Tax with Board of Selectmen's representative:

Board of Selectmen's representative, Brandon Arsenault joined the Commission to discuss management of conservation funds received after properties in Current Use were sold. Mr. Arsenault said his understanding was that the funds would go into the Conservation Fund after the land use change tax was assessed.

Mr. Arsenault said it was his understanding that the Conservation Fund had been voted into existence by the town on a warrant article. Chair Hislop clarified that there had been a warrant article to establish payment of Land Use Change Tax from Current Use into the Conservation Fund. Chair Hislop stated that the Conservation Fund was specifically designated to match funds in the purchase of conservation easements.

Mr. Arsenault added that the Conservation Fund was designated to preserve open space, and suggested that the Commission consider the possibility of putting a cap such as \$300,000 on the Conservation Fund, and put the remainder of larger funds received into a revolving trust fund, or perpetual fund so it could accrue interest, and be protected, similar to the Langdon Library's trust fund.

Mr. Arsenault said the Conservation Fund was currently empty, but there were 27 pieces of property in town that were still in Current Use, and the Town expected that a number of parcels were poised for development of at least ten lots that would pay into the fund once they were sold. Mr. Arsenault suggested that securing the funds for future conservation properties would reduce or eliminate Conservation Fund requests from the Town through Warrant Articles when projects came up, and would reduce the burden on taxpayers who had covered costs that weren't covered by lowered Current Use taxes in the past.

Commissioner Meigs said he was aware that the Commission was not in the real estate business, but was concerned with a fixed cap for the Conservation Fund considering that assessments would go up for properties that might come up for sale in

Town of Newington, NH
CONSERVATION COMMISSION
Meeting Minutes, Thursday, October 13, 2022

the next ten years, and wondered if they might consider price per acre to determine the amount to go into the Conservation Fund.

Mr. Arsenault agreed that caps remain static, and the Commission would still present a Warrant Article to make adjustments over time.

Commissioner Weiner commented that the purpose of the Conservation Commission was to help facilitate agreements when putting properties into conservation, and they were not in the real estate business by offering funds at current development site costs. Chair Hislop added that properties were often held in the owners' names, and the Commission then purchased easements on the properties.

Mr. Arsenault said the Conservation Commission was in the practice of asking for \$35,000 to \$45,000 a year to build the Conservation Fund, but it would not be enough to purchase an easement, so the purpose of the cap was to allow a perpetual fund to grow, and they could draw on interest accrued.

Commissioner Weiner commented that someone might argue that there are enough conservation easements in town, but endowments could be better vehicles for donations as well. Commissioner Andrew Meigs responded that they also needed to consider that many unused lands had wetlands and no additional infrastructure that would be costly or impossible to develop. Chair Hislop agreed that the Hislop easement was still in Current Use, and could never be built on because it was all wetlands.

Mr. Arsenault said it was true, however, that SAU50 still looked at Newington's full market evaluation, not Current Use, and public utilities didn't pay school taxes, so town property owners did make up the difference. Mr. Arsenault responded that the purpose of managing the Conservation funds better would be to reduce the number of times they went to the Town for to purchase easements.

Discussions continued regarding various conservation and environmental uses for funds. Chair Hislop noted that there had been a discussion on using part of the Conservation fund for a bike trail, but former Town Planner, Tom Morgan said he felt it would not be proper appropriation of the funds, and that a Warrant Article would be more appropriate.

Vice-Chair Willson said they needed to read through the list from the State on what conservation commissions were tasked to do. Chair Hislop read that local Conservation Commissions are created to inventory, manage, and map natural resources, evaluate wetlands, purchase easements, cover training for their commissioners and citizens, and invite guest speakers.

Vice-Chair Wilson said they also needed to review the pros and cons of a fund versus a trust to determine what they could do with conservation funds, and where.

Mr. Arsenault said the Langdon Library Trust Fund was created by a private donation, and they were only allowed to use the interest, which hasn't been very much lately. Mr. Arsenault said the Commission could create their own fund within their purview. Mr. Arsenault said a trust could take the funds to funnel to either the Conservation Fund when needed, or to other projects reviewed by the Commission.

Mr. Arsenault said the Board of Selectmen have concerns that other departments could make non-conservation requests if the Land Use Change Taxes went into the Conservation Fund completely without any being protected into a perpetual trust fund.

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes, Thursday, October 13, 2022

Discussion ensued on identifying what properties would come out of Current Use to determine the Change of Land Use Tax, and what cap they might want to have paid into the Conservation Fund, and what amounts they would want paid into a perpetual trust that would build rolling interest that would build up.

Commissioner Meigs said he would be interested in knowing how the Commission could improve the surrounding environment by buying environmental credits. Chair Hislop agreed that it would be good to think about how the town could contribute to energy savings for climate change, or erosion control, and suggested that Town Planner, John Krebs could look at how other towns have done similar things.

Commissioner Weiner noted that some functions were the jurisdiction of other entities such as DES and the Environmental Protection Agency (EPA), so they needed to be realistic about what the Newington Conservation Commission could do.

Chair Hislop agreed that the Commission needed to research State law on how the Conservation Fund was established, and how it can be used for a variety of purposes.

Mr. Arsenault asked that they discuss the topic further at the next meeting, and said the Board of Selectmen could engage Town counsel, Attorney John Ratigan. Commissioner Kendall wondered if they might consult an attorney that specialized in conservation use guidelines and RSA's. Chair Hislop said they might consider Attorney F.X. Bruton, who they had used in the past.

Chair Hislop asked the Commissioners to review the New Hampshire Municipal Funds Guild, and uses under the Conservation Land Foundation before next month's meeting.

2) 2023 Conservation Commission Budget finalization:

Chair Hislop informed the Commission that she was going to meet with the Board of Selectmen soon to discuss the 2023 Conservation Commission budget proposal.

Chair Hislop said they had discussed a desire to keep the total budget level as requested by the Board of Selectmen, and had also discussed whether they wanted to keep certain line items that hadn't been used very much over the last two years since the Covid epidemic, such as Community Education Outreach and Consultants.

Commissioner Weiner said they might want to hire Town wetlands consultant, Mark West to do a survey of endangered species on or near a development near Pease Tradeport.

Commissioner Kendall said they had also talked about hiring a consultant to determine the area of the dump from the 1950's on the Old Town Forest, and how much it would cost for materials, and construction of a surrounding chain link security fence for the area.

It was agreed to keep the Consultation line item, as well as Community Education Outreach.

Town of Newington, NH
CONSERVATION COMMISSION
Meeting Minutes, Thursday, October 13, 2022

Andrew Meigs moved to recommend \$9,342 for the 2023 Conservation Commission budget. Derick Willson seconded the motion, and all were in favor.

3) Discussion on Community Outreach

A) Quarterly Newsletter Topics

Chair Hislop suggested they consider a review of droughts, drought tolerant grasses, and plants, and efficient water management.

B) Feedback on Invasive Species Article

No one had received any feedback on the Invasive Species Article that had been included in the Town Newsletter, and on the Town website, but every agreed that it was well done. Chair Hislop suggested it would be nice to include photos.

C) Community Education Event Topics

Chair Hislop said she had spoken with someone regarding pollination that would be interested in leading a discussion for a Community Education event at the Langdon Library.

Chair Hislop said she would like to do one event in the summer, Commissioner Kendall said the problem was attendance could be low while many residents were away on vacations, but it might work if it was scheduled right after school was let out, or in the fall right before school started up again.

Commissioner Meigs suggested reviewing local and marine and wildlife in the newsletter would also be interesting.

Other Business:

Vice-Chair Willson told the Commission that he had done some research on how the Town might minimize the amount of salt on roads over the winter. Vice-Chair Willson said this would not be something that the Conservation Commission could do by themselves, as it would require monitoring of temperatures and weather, and equipment to apply brine on surfaces before storms. Vice-Chair Willson said the New Hampshire Department of Transportation (DoT) required that their highway drivers obtain education and certification on these applications.

Chair Hislop commented that there had been issues in other places like Colorado that used magnesium or potassium chloride that clings to windshields and obstructs visibility if not used with the correct the concentration mix or temperatures. Chair Hislop

Town of Newington, NH
CONSERVATION COMMISSION

Meeting Minutes, Thursday, October 13, 2022

said the other issue is that the solution doesn't totally melt the ice, and then it builds up slush, freezes over night, and wears tires out.

Commissioner Kendall asked about salt sand mixes. Commissioner Meigs said salt was good around freezing temps, and sand was good after the ground and ice had already frozen.

Commissioner Kendall suggested that they work with the Board of Selectmen who would then work with the Town road agent. Commissioner Weiner suggested that the Town consider a bonus reward for proper salt usage.

Minutes: *Andrew Meigs moved to approve the August 11, 2022, Minutes with corrections as discussed. Jim Weiner seconded, and all were in favor.*

Adjournment: *Chair Hislop moved to adjourn. Derick Willson seconded, and the meeting adjourned at 8:10 p.m.*

Next Meeting: Thursday, November 10, 2022

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

