

# Town of Newington, NH

## CONSERVATION COMMISSION

Meeting Minutes for March 14, 2013

**Call to Order:** Co-Chairs Justin Richardson and Jane Hislop called the March 14, 2013 meeting at 6:30 PM.

**Present:** Justin Richardson, Co-Chair; Jane Hislop, Co-Chair; Nancy Cauvet; Jim Weiner and Thomas Morgan, Town Planner

**Absent:** Nell Ann Hiatt and Marge Hislop

**Public Guests:** Jane Mazeau

### **1): Old Business Discussion:** Subdivision at 124 Fox Point Road

Commissioners discussed Town Planner, Tom Morgan's March 1, 2013 memo to the Planning Board regarding the removal of trees on the Mazeau subdivision lots on February 22, 2013 without putting erosion control silt fences up, and the Planning Board's waiver to have consulting engineers oversee construction of the project. Mr. Morgan said the Building Inspector was not available to oversee the project and there was no backup. Michael Mazeau was observed putting up the silt fence himself on February 28, 2013. Justin Richardson said erosion control is very important, especially prior to heavy seasonal thawing and precipitation. Richardson said he was surprised that the loggers didn't follow Best Management Practices (BMP's) and install silt fences before they began to take the trees down.

Jane Mazeau said they took the trees down when the ground was frozen, and didn't believe Tom Morgan had permission to go on their property for observation. Mazeau also said she expected to be notified whenever a board met to discuss their subdivision. It was explained that the Commission and boards only notified applicants when passing motions that concerned them, not every time they discussed matters in retrospect. Questions arose whether the Mazeau's had filed a Notice of Intent two weeks prior according to their Storm Water Prevention Plan (SWPP) and Jane Mazeau said they had, and had received a letter.

Justin Richardson said looking at it from a Conservation Commission standpoint soils were disturbed, and even though he agreed there probably wasn't any major environmental impact because the ground happened to be frozen, silt fencing is standard with construction, but sees it as more of a Planning Board issue. Richardson said he decided to run for the Planning Board specifically because the Conservation Commission had made a recommendation to the Planning Board *not* to approve the Mazeau subdivision plan as presented, and the Planning Board did not follow through. It was noted that the Planning Board representative went before the Zoning Board of Adjustment and commented that the Planning Board had the Conservation Commission's recommendations "on file", but did not convey their objections. Jane Hislop said she thought it might be more effective to run for the ZBA, but there was a question if those positions are by appointment. Hislop said it might be beneficial to have

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a joint work session between the Planning Board and the Conservation Commission. Justin Richardson said it would be a good idea to include the Building Inspector and Town engineering consultant to review lessons learned.

Jim Weiner asked about the tree cutting on the east ridge of the property, noting that Mike Mazeau had said that he was not going to touch any of those trees. Tom Morgan said he brought the question up at the Planning Board, and Chair, Denis Hebert, recalls the applicants' assurances that the trees would be protected. Morgan checked the final version of the plan and found nothing on the final plan indicating protection for the trees. Jane Mazeau said few trees were cut. Jane Hislop said it was a good thing it was a hardwood grove that could hold up to thinning since cutting that many pines would make any remaining pines vulnerable to being toppled by winds.

### **2) Town Forest Management Plan**

Tom Morgan said the Board of Selectmen put through his request to Public Works who moved the large boulders from the entrance of the Town Forest trail off to the sides.

Nancy Cauvet asked about capping the old dump in the Town Forest, and Justin Richardson said they would need a permit, and it would cost \$20,000 to \$30,000 to cap it. Nancy Cauvet suggested putting up a high fence. Justin Richardson said they could do that so long as no one touched it. Jim Weiner asked about putting cautionary signs on the fence, and Nancy and Justin both expressed concern that might attract curiosity and dump pickers.

Justin Richardson said they should do a field inspection, but it should be done in the winter when the ticks are dormant, and not in the spring when it is muddy.

### **3) Election of Officers**

Justin Richardson announced his resignation, as well as noting that Peggy Lamson and George Fletcher had resigned. A discussion on the problem with finding commissioners who would attend meetings ensued. Justin Richardson said he knew of someone he might ask. Jim Weiner was asked if he would consider the chairmanship or co-chairmanship, but he said he couldn't commit to coming to every meeting. Jane Hislop said she couldn't leave work to put together the agenda or any of the materials before meetings as Peggy Lamson had always done, but would be willing to chair the meetings. Tom Morgan said he would continue to put the packets together before meetings.

***Nancy Cauvet moved to nominate Jane Hislop as Chair of the Conservation Commission. Jim Weiner seconded, and all were in favor.***

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**4) Other Business**

A) Current Use Penalties: Jane Hislop asked about current use penalties being paid into the Conservation Commissions fund. Tom Morgan said they should speak to the Board of Selectmen. Justin Richardson said they had 18 months from construction to appeal refusals. Jane Hislop suggested they send a letter.

***Jim Weiner moved to have Tom Morgan write a letter for the Conservation Commission to remind the Board of Selectmen that Current Use penalties be put into the Conservation fund per the intent of the voters. Nancy Cauvet seconded, and all were in favor.***

B) SB110: A discussion of "SB110" that Senator Dave Waters of Dover is introducing to the legislature to force NHDES to conduct another peer review of the nitrogen levels in Great Bay ensued. Justin Richardson who represents the Town of Newmarket recused himself from the discussion. Currently, NHDES, The Nature Conservancy and the Town of Durham are against it, and the Cities of Dover, Portsmouth, and Rochester who have been required to upgrade their wastewater plants are for it. Jim O'Brien with TNC is asking for letters of support be sent to the Senate Energy and National Resource Committee.

***Nancy Cauvet moved to have Tom Morgan write and send a letter to the Senate Committee Chair, Russell Prescott regarding SB110. Justin Richardson recused himself. Jim Weiner seconded, and all were in favor.***

**Minutes:** ***Nancy Cauvet moved to accept the January 10, 2013 Meeting Minutes. Jane Hislop was absent and recused herself. Jim Weiner seconded, and all were in favor.***

**Adjournment:** Meeting adjourned at 8:30 pm

**Next Meeting:** Thursday, April 11, 2013

**Respectfully**

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