

# Town of Newington, NH

## CONSERVATION COMMISSION

Meeting Minutes, January 12, 2012

- Call to Order:** Co-Chairs, Justin Richardson and Jane Hislop called the January 12, 2012 meeting to order at 6:40 PM.
- Present:** Justin Richardson, Co-Chair; Jane Hislop, Co-Chair; Nancy Cauvet; Margaret Lamson; Dorene Stern; and Thomas Morgan, Town Planner
- Absent:** George Fletcher; Nell Ann Hiatt
- Public Guests:** Attorney FX Bruton; Arthur Ditto; Paul Hollis; Mike Saba; Rick Stern; Mark West

### **1) Town Forest Management Plan:** Discussion regarding old dumpsite located in the Town Forest

Conservation commissioner, Peggy Lamson introduced Arthur Ditto, formerly U.S. Air Force (USAF) Project Manager who started the environmental projects at Pease in 1988. Co-chair, Justin Richardson also introduced Mark West, environmental consultant who has been hired by the Conservation Commission to prepare recommendations for management of the Town Forest, and is seeking more information about the materials in the old dump in the Forest.

Mark West said knowing what is in the dump and what needs to be done with it will determine which nearby trails to abandon, or keep and maintain.

Art Ditto showed aerial maps from the 40's, 50's and 60's, with overgrowth patterns indicating that the dump was started before Pease Air Base arrived. Ditto said the Air Force did an investigation of the area in 1983, did test pits and determined the dump was probably a "farmers' dump", and there was no history of the Air Force continuing its use for dumping solvents. Mark West said that even if use of the dump was stopped by 1952, chemicals were still used and dumped before that time. Justin Richardson said an example was the experimentations with boiling mercury done at the Schiller Station in the 30's and 40's. Ditto said the larger AFB dumping site called Construction Rubble Dump #2 was closed under DES rules, and there are extraction wells fenced off in the area that extract water and vapors to assist in the release of any underground pollutants.

Mark West said the area is one of the most interesting areas of wetlands in the Forest for preservation and could be used for educational purposes except that the presence of glass, metals, tin cans, and unknown materials along with invasives, make it a problem area. Art Ditto said that the regulatory process says that nothing has to be done because it was abandoned before 1960, but it would be up to the Town to decide if they wanted to fence the area off, or fill and seed the area as hauling the materials out would be expensive, and then create the problem of where to dispose of the material. Ditto said it would probably be a good idea to block the area off to discourage further dumping.

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Peggy Lamson said there are currently no signs along the trails in the area, or near the access from Arboretum Drive alerting anyone of the dangers. Art Ditto said the Town could ask Mike Daley with the EPA in Boston , or Scott Hilton with NHDES to contact the Air Force to request signs.

Justin Richardson said the Newington Recreation Committee has discussed creating a community garden near the old ball field at the end of town, and asked Art Ditto if he thought the ground water would be safe to water gardens. Ditto said it probably was, while reminding everyone that the Town had to clean up a leaky tank at the Town Garage, but suggested they could check with Scott Hilton at DES regarding water quality.

In conclusion, Mark West said he would issue a report in the next month or two recommending some kind of treatment of the dump area because of hazards and the tangle of invasive species restricting the wetlands area.

### **2) Land Development Proposal:** Mazeau property at 124 Fox Point Road

Paul Hollis came before the Commission with a proposal to purchase and develop residential building lots on the Mazeau property. Hollis said he reviewed the wetlands before considering lot division. After some discussion regarding driveway buffer zones and setback requirements of primal wetlands and wetlands with contiguous surface waters, Co-Chair Justin Richardson recommended that Mr. Hollis make arrangements to present his proposal to the Planning Board as the Conservation Commission could not make any recommendations regarding lot divisions, private roads or shared driveways which is the Planning Board's jurisdiction. Town Planner, Tom Morgan informed Mr. Hollis that the Planning Board would refer to State law, statute 674:41, Issuance of Building and Subdivision Permits.

### **3) Land-Easement Acquisitions** of Knight's Brook area for NHDOT's Spaulding Turnpike Expansion Wetlands Mitigation, Saba Property, Tax Map 10, Lot 14

Saba Trust representative, Mike Saba came before the board for the discussion of property transference for conservation easement. Mr. Saba said after speaking with other members of the Trust, they made four counter proposals to NHDOT, of which two were turned down and one, to retain two front lots for future use was never responded to. Saba said the State assessed property at \$100,000,000 of which the State would pay \$970,000, leaving \$30,00 of residual value. Co-Chair, Justin Richardson said he and Town Planner, Tom Morgan had contacted Mr. Saba in September 2011 after closing the Hislop easement. Richardson said he had asked if members of the Saba Trust had any interest in retaining ownership, and understood Saba to say they would consider accepting the same \$75,000 that was offered to the Hislop's to sell the land to the Town, and avoid the State taking the property by eminent domain. But upon further discussion, Mr. Saba said they wanted "...the same offer the Hislop's had received..." including retaining their ownership, and if they couldn't have that, then they wanted an additional \$30,000 for the residual value that the DOT was not covering. Attorney, FX Bruton, representing the Town suggested the Commission consider the purchase of the

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property in an executive session. Mike Saba asked that any offers be put in writing to avoid confusion, and Attorney Bruton agreed that he would do so.

Co-Chair, Justin Richardson moved for a recess to meet with legal counsel. Co-Chair, Jane Hislop seconded and all were in favor.

After a brief discussion with legal counsel, Co-Chair Richardson moved to go into non-public session pursuant RSA 91:13II:E. Co-Chair Hislop seconded. A role call was taken and Nancy Cauvet voted aye, Peggy Lamson voted aye, and Dorene Stern voted aye. Abutters, Jane Hislop and Justin Richardson did not vote.

After a brief discussion, Co-Chair Richardson moved to come out of non-public session and seal the minutes until transactions were complete pursuant to RSA 91:13II:E. Jane Hislop seconded. A role call was taken and Nancy Cauvet voted aye, Peggy Lamson voted aye, and Dorene Stern voted aye. Abutters, Jane Hislop and Justin Richardson did not vote.

**4) Preparation of Commission's Annual Report to the Town**

Co-Chair, Justin Richardson requested that Commissioners assist in the preparation of the Commission's Annual Report due by the end of week ending January 19, 2012. Co-Chair, Jane Hislop said she would prepare the report on the Town Forest.

**Correspondence:** Commissioners reviewed Marge Hislop's letter of application as an alternate member of the Commission.

Co-Chair, Justin Richardson recommended that the Board of Selectmen approve Marge Hislop as an alternate member of the Commission. Nancy Cauvet seconded, Co-Chair, Jane Hislop recused herself, and all others were in favor.

**Invoices:** Peggy Lamson moved to pay Attorney, FX Burton \$3,155.48 for his services on the Hislop Conservation Easement. Dorene Stern seconded, Jane Hislop didn't vote, and all others were in favor.

**Adjournment:** The meeting adjourned at 9:00 pm

**Next Meeting:** Thursday, February 9, 2012

**Respectfully**

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