

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes October 13, 2011

Call to Order: Co-Chairs, Justin Richardson and Jane Hislop called the October 13, 2011 meeting to order at 6:36 PM.

Present: Justin Richardson, Co-Chair; Jane Hislop, Co-Chair; Margaret Lamson; Nancy Cauvet; George Fletcher; Nell Ann Hiatt; and Thomas Morgan, Town Planner

Absent: Dorene Stern

Public Guests: Attorney "FX" Bruton; Dave and Marge Hislop; Mike Mazeau; Gail and Jack Pare; Selectman, Rick Stern; Environmental Consultant, Mark West

1) Public Hearing on proposed conservation easement on Hislop property at 34-46 Old Post Road, Tax Map 16, Lots 8 & 8A, to be acquired with an appropriation with Conservation Fund pursuant to RSA 36-A: 5.

Co-Chairs, Jane Hislop and Justin Richardson recused themselves as abutters to the property.

Commission member, Peggy Lamson moved to appoint fellow commission member, Nancy Cauvet as temporary chair. George Fletcher seconded the motion and all were in favor.

Town Attorney, "FX" Bruton who drew up the conservation easement document introduced himself and suggested that the Conservation Commission present their thoughts first, and then open public discussion. Attorney Bruton said the Department of Transportation (DOT) might be interested in making minor changes to the document language to allow their access for monitoring purposes.

Nancy Cauvet opened the discussion.

Peggy Lamson asked the Hislops if they had a copy of the easement document and if they were satisfied. Dave Hislop said they were and showed a copy of a proposed subdivision map to show they would not be getting as much by putting their property into a conservation easement as they would if they were to subdivide and develop. Gail Pare thanked the Hislops for their willingness to make their property with one of the nicest views in town available for conservation. Hislop said the area is also one of the main draws for Knight's Brook.

Justin Richardson said the idea behind the Town contributing funds would be to name the Town as main beneficiary, allowing the Town input on future use without reassigning interests to another organization like D.R.E.D. which could make a state park, with parking lots as happened in Sunapee. It also would prevent the property from being taken by eminent domain or as happened with Benson's Animal Farm when the property was purchased for a highway that was never built and then left. Peggy Lamson asked what would happen if property were taken by eminent domain, and Attorney Bruton said the town could still work to establish protections after the fact.

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Discussion ensued regarding the importance of establishing limited public access with executory rights with notification. Attorney Bruton said there must be access for yearly monitoring and stewardship. Selectman Stern said the Frink property easement has public access, but the Frink's can post if they so choose.

Environmental consultant, Mark West said the brook system is unique and it is the second to last wetland complex outside of Great Bay National Wildlife Refuge with upland and lowland stream links, which protect the watershed.

Selectman, Rick Stern asked if there are any requirements when a state organization purchases property for wetland mitigation, and Justin Richardson said they have to follow the DES wetlands mitigations rules. Mark West said they have to restore at equal or greater than the 12 acres of wetlands that have been disturbed by D.OT. and they have to include some uplands and uplands buffers. They are proposing to preserve 65 acres of wetlands and are working on restoring Railway Brook also.

Peggy Lamson asked for clarification of legal fees, and Selectmen Rick Stern said he would speak to the Board of Selectmen about payment to keep legal fees down.

Peggy Lamson moved to close the Public Hearing at 7:15 p.m. Nell Ann Hiatt seconded, and all were in favor.

Peggy Lamson moved to approve the conservation easement subject to counsel's final negotiation of terms with other parties and approval of contributing \$75,000 from the Town for acquisition of the Hislop property at 34-46 Old Post Road, Tax Map 16, Lots 8 & 8A. Nell Ann Hiatt seconded the motion and all were in favor.

2) Discussion of PDA's Cutting of Town Trees

Peggy Lamson recused herself as a member of the Pease Development Association.

Attorney Bruton said he had looked at the PDA's request to the Federal government. Town Planner, Tom Morgan said he and Attorney Bruton looked at the trees which have still not been flagged and called PDA to request flagging. The PDA said they would flag the trees in the next week.

Nancy Cauvet said once removed, it would leave the surrounding trees exposed to wind and weaken them, especially the white pines that have shallow roots. Jack Pare said white pines don't need to be cut down because the tops can be removed just as happens during ice storms. Tom Morgan said they saw mostly oak and few pines.

Justin Richardson said a forester could look at the trees proposed for cutting to determine if the trees are at their maximum growing height. Richardson asked consultant, Mark West if he could recommend a forester. Tom Morgan said forester, Marty Kern has experience in Newington also. Richardson said it would also make sense to have Mark West look for red flags in the Boiling Springs area. Mark West said he could check for impact on the area wetlands, but the PDA must do an EPA analysis for their federal funding. Tom Morgan said there are two stands of trees near the cemetery, but the trees proposed for cutting in Newington are not in wetlands.

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Justin Richardson also suggested that the PDA might shorten the runway. Jack Pare said the length of runways have been changed before with paint. George Fletcher asked if their flight pattern might also be changed.

Attorney Bruton said the problem is that the tree removal is part of a program proposal to increase airport safety by removing possible obstacles, and the change of flight paths would involve more studies, time and expense. Bruton also said the Town was heavily involved with Pease and noise, but is concerned with competing interests, and the Board of Selectmen and the Conservation Commission should meet in private with legal counsel.

The discussion ended and Peggy Lamson returned from recusal.

3) Mazeau Property: Proposed Conservation Easement

Environmental consultant, Mark West presented his assessment of the Mazeau's 12.31 acre lot with a 3-1/2 acre house lot and frontage on Fox Point Road which Mike Mazeau has shown an interest in putting into conservation easement. West reviewed the upland forests, wetlands including vernal pools, streams and pond on the property along with invasive vegetation, which is minimal, native trees, and wetland vegetation. West said the man-made pond does not have a liner and the silt washes down stream and is not good for the water quality. West recommended a liner or adding sand for filtration. Overall, West said the property definitely has conservation value. Co-Chair, Justin Richardson said the Commission's interest would be in stream buffers and to protect the wetlands and water quality. Town Planner, Tom Morgan said there is a lot of good ground water below the property that will be important to protect. Morgan said the abutting Knox Farm is an important piece of conservation land also.

Mike Mazeau expressed interest in putting the entire property into conservation easement, including the 3-1/2 acre house lot to prevent future subdivision and development. Justin Richardson said including the driveway would be a problem with parking, paving, salting and liability so recommended access to house lot not be included in the easement.

Co-chair, Jane Hislop asked if there might be other entities that could assist with funding acquisition of the property. Several suggestions included the Aquatic Mitigations Fund, Federal funding from the Department of Agriculture, and National Reserve Conservation Service (NRCS) Wetlands Reserve Program.

4) Town Forest Management

Environmental consultant, Mark West presented an aerial view of the Town Forest followed by slide presentation and discussion of his findings. West pointed out several issues that should be considered before going further with forest management, namely: Access; Parking; Dumps created by the Air Force; Pedestrian Trash; Maintenance and Upgrade of Wetland Bridge Crossings & Trails; Monitoring Wells; Endangered and Uncommon Species Protection; Invasive Species Control; Wetlands and Vernal Pool Protection. Peggy Lamson expressed concern over the dump on the site. Tom Morgan said the Air Force had studied everything, and a report could be

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requested. Co-Chair, Justin Richardson said that information would be necessary before addressing what to do with the dump.

Richardson asked West for recommendations for short and long term goals and priorities. West asked the Commission for additional feedback, and suggested that removal of the boulders that were dumped at the entrance be first, then remove the damaged bridge that may be a hazard, and create a trail map to start.

Selectman, Rick Stern recommended that the Commission start a Capital Reserve Fund for the Town Forest Management, and asked if a forester could be hired. Co-Chair Richardson said Forester, Charlie Moreno had been hired, provided an inventory from which no trees have been cut, but didn't complete the plan.

5) Other Business:

A) Selectman, Rick Stern came before the Commission to see if there would be any issues with the removal of trees that fell in Clamshell Pond behind Fox Point, which is used for ice-skating. After several questions, no objections were made.

B) Tyco contacted the Commission with a request to substitute an unavailable hornbeam tree with crabapple. The Commission had no objections.

Announcements:

Open House at the new Town Garage at the end of Nimble Hill Road on Saturday, October 22, 2011 from 9 a.m. to 3 p.m.

Global Warming Summit at Great Bay Discovery Center in Stratham on December 2, 2011.

Invoices: Co-Chair, Justin Richardson said he or Tom Morgan would fill out purchase orders and have Commissioners stop in to the Town Hall to sign.

Minutes: Nancy Cauvet moved to accept the Minutes of September 8, 2011. George Fletcher seconded and all approved. Jane Hislop was absent for the meeting and recused herself from voting.

Adjournment: The meeting adjourned at 9:15 p.m.

Next Meeting: Thursday, November 10, 2011

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary