

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes, September 8, 2011

Call to Order: Co-Chair Justin Richardson called the September 8, 2011 meeting at 6:33 PM.

Present: Justin Richardson, Co-Chair; Nancy Cauvet; George Fletcher (arrived at 7:30 p.m.); Nell Ann Hiatt; Dorene Stern; and Thomas Morgan, Town Planner

Absent: Jane Hislop, Co-Chair; Margaret Lamson

Public Guests: Ken Baldwin, UNH Professor, Center of Ocean Engineering; David and Margery Hislop; Gail Pare, Newington Historical Society

1) Proposed Tidal Testing Platform to be installed adjacent to Sullivan Bridge

Ken Baldwin, UNH Professor with Center of Ocean Engineering came before the Commission for a recommendation of a DES Standard Dredge and Fill application to drill and install mooring chains for a research barge that would be used to test underwater turbines in a DOT approved area near the Sullivan Bridge outside of the Federal navigational channel. Professor Baldwin said they will be testing equipment to see if it can hold up, and test hypothesis to avoid faulty science, emphasizing that they will be acting as testing underwriters, not developers, noting that UNH is a research facility, not a business, and the area would not work as anything besides a test site anyhow.

Baldwin went over the project purpose, design and engineering for the Commission members explaining that there would be a barge with a pool in middle to lower equipment for testing. The 64' long by 34' wide barge will be stored in Newcastle when not in use. The moorings will have surface markers and have been over designed to hold fast even if three out of four of the chains failed.

Commissioner, Dorene Stern asked about security. Baldwin said they would probably install security cameras.

Commissioner, Nell Ann asked how many years they expected the project to last. Baldwin said it could last tens of years, but hard to say for certain where the industry is heading and how long the demand for this kind of testing would be.

Co-Chair, Justin Richardson moved to recommend that DES approve the UNH Chase Ocean Engineering Laboratory Standard Dredge and Fill Application subject to the condition that the project be used for research, not commercial purposes.

Commissioner, Nancy Cauvet seconded, and all members voted in favor.

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2) Proposed Conservation Easement on Hislop property at 34-46 Old Post Road, Tax Map 16, Lots 8 & 8A, to be acquired with appropriated contributions from the Conservation Fund pursuant to RSA 36-A:5.

As an abutter, Co-chair, Justin Richardson recused himself from the discussion. Commissioner, Nancy Cauvet chaired the discussion.

Cauvet noted that the Commission had received the Hislops revised conservation easement document. Dave Hislop said his only concern is that the easement would prevent them from using their five-acres for personal use. Town Planner, Tom Morgan said he had discussed the matter with Town counsel, Attorney "FX" Bruton to adjust the easement language to allow the Hislops to use the property at their discretion, but they would still need to go before the Planning Board and ZBA for an adjustment. Morgan then asked about public access in the document to be sure everyone is on the same page. The current conservation draft says that the Conservation Commission and the Hislops can agree in writing to allow general recreational access. Commissioner, Dorene Stern expressed concern for a lack of public access of an easement obtained with the assistance of town funds. Nancy Cauvet said currently there is no public access unless the Saba property with road frontage becomes part of the total easement. Marge Hislop said until that is resolved, they would still allow public access through their private property if anyone wanted to use it for walking, cross-country or snow shoeing through the trails with notification. Tom Morgan suggested that the Hislops write a letter to the Conservation Commission outlining their acceptance of certain activities on the easement. Dave Hislop said he is interested in using the conservation easement for farming. Gail Pare said that is what was done when the Town contributed to the conservation easement of John Frink's property for farming purposes only.

Nancy Cauvet moved to hold a Public Hearing on Thursday, October 13, 2011 to discuss use of Conservation Commission funds in acquiring a conservation easement on the Hislop property at 34-46 Old Post Road, Tax Map 16, Lots 8 & 8A. Nell Ann Hiatt seconded the motion. Abutter, Justin Richardson abstained, and all others were in favor.

Discussion ensued regarding the merits of Town involvement in Conservation Easement of the Hislop and Saba properties for the Department of Transportation Wetlands Mitigation for the Spaulding Turnpike Expansion Project. Tom Morgan said it would be important to acquire easement rights to the Saba property to avoid loss of rural character from development of the large amount of road frontage on the property. Morgan suggested that the Conservation Commission authorize Town counselor, Attorney Bruton to approach the Sabas with fee acquisition. Nancy Cauvet said the easement is also important in the preservation of Knights Brook and as a wildlife corridor.

Nancy Cauvet moved to authorize Town Planner, Tom Morgan and Attorney Bruton to negotiate with the Sabas and DOT to come to an understanding in the acquisition of the Saba property for conservation easement. Dorene Stern seconded. Abutter, Justin Richardson didn't vote, and all others voted in favor.

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Invoices:

Co-Chair, Justin Richardson moved to pay Mark West Environmental Services \$804.20 for Town Forest Management Plan work. Dorene Stern seconded the motion, and all were in favor.

Nancy Cauvet motioned to pay Attorneys Baldwin and Callen \$804.52 for 8/17-31/11 work on PDA case. Nell Ann Hiatt seconded, and all were in favor. After review, Justin Richardson amended the motion to pay \$204.81 from Conservation Commission funds. Nell Ann Hiatt seconded the motion, and all were in favor.

Nancy Cauvet moved to pay Attorneys Bruton and Berube \$1,215 for legal services on the Hislop easement. Nell Ann Hiatt seconded, Justin Richardson abstained, and all others were in favor.

3) Discussion of PDA's FAA Grant and Application to Clear Trees

Gail Pare from the Historical District Commission (HDC) joined the Conservation Commission to discuss the PDA's application to remove trees 10 feet below a 40'-1 pitch glide pattern at the end of the runway, which would include trees in Boiling Springs, the former Khalsa property within a prime wetlands designation. Gail Pare said there has also been a history in trying to protect trees in the field behind the library.

Conservation Commission Co-Chair, Justin Richardson said this is one of the longest runways in the country with a 100 foot landing set back, and believes the designated trees are not within the 40'-1 pitch glide pattern and that flight path should be reconsidered. Richardson said nothing can be done about trees on PDA property, but they should not be taking trees from the historic district, which has been threatened with removal by eminent domain.

Town Planner, Tom Morgan suggested they request legal services from Town counselor, Malcolm MacNeil for detailed evaluation and review of all other alternatives.

Justin Richardson moved to request that the Board of Selectmen hire legal counsel to ensure that environmental impacts are thoroughly reviewed, and prevent tree cutting on Town-owned lands. Nancy Cauvet seconded, and all were in favor.

Minutes:

Nancy Cauvet motioned to approve the Minutes for August 11, 2011. Dorene Stern seconded and all approved.

Adjournment: Commissioners adjourned at 8:55 pm

Next Meeting: Thursday, October 13, 2011

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary

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