

# Town of Newington, NH

## CONSERVATION COMMISSION

Meeting Minutes, June 9, 2011

**Call to Order:** Co-Chair, Justin Richardson called the June 9, 2011 meeting to order at 5:10 PM.

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

**Absent:** George Fletcher; Nell Ann Hiatt; and Dorene Stern

**Public Guests:** Francis X. Bruton, III, Attorney at Law

### 1) David Hislop Conservation Easement

Attorney, Francis X. "F.X." Bruton, III introduced himself at the Commission's invitation to discuss assisting with the Hislop Conservation Easement of the property purchased for wetlands mitigation of the Spaulding Turnpike Expansion project. Mr. Bruton said his main focus has been with land use, conservation, and business litigation.

Co-chair, Justin Richardson suggested that one of the commissioners or Town Planner, Tom Morgan act as a point person with Attorney Bruton on the project. Richardson asked for Bruton's hourly rate and was told that he would settle for \$225 an hour.

Commission member, Peggy Lamson moved that the Commission engage Tom Morgan to work with Attorney Francis Bruton, III of Bruton and Berube, PLLC. Commission member, Nancy Cauvet seconded the motion, and all were in favor. As abutters and a relative respectively, Co-chairs, Justin Richardson and Jane Hislop recused themselves from voting.

Co-chair, Richardson explained the background of the Conservation Commission's collaboration with the NH Department of Transportation (DOT) in obtaining a conservation easement of the Hislop property, which had originally been one of three properties the DOT showed interest in obtaining for mitigation. There are now only two properties, the Hislop property and the Saba property that DOT made offers on. DOT made separate agreements, and are now moving forward with the Hislop property, and waiting to hear more on the Saba property. Richardson explained that there was concern that the DOT was not offering fair market value on the Hislop property and that the property might be taken by eminent domain if an agreement could not be reached, so the Conservation Commission made and approved of a motion to contribute \$150,000, of which \$75,000 would go toward the purchase of the Hislop property so long as the land owners weren't condemned to eminent domain, and the remainder would be available for additional purchase agreements.

Attorney Bruton asked if a formal agreement had been made as yet, and

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Richardson said it had not, but the conservation easement document provided by the DOT identified the Town of Newington as a grantee. Discussion ensued as to possible details of the conservation easement. Bruton said it would be important to document the easement details in case of future legal disputes, despite any past or current use understandings. Richardson asked Attorney Bruton if he would interface with DOT to establish easement documentation for the Town of Newington. Justin Richardson and Jane Hislop also said Mr. Bruton could contact David Hislop directly.

### **2) Newington Public School Landscaping** (see [newingtoncc.blogspot.com](http://newingtoncc.blogspot.com))

Co-chair, Justin Richardson said he contacted and requested landscape designer, Robbie Woodlawn to inspect the damaged shrubs and dead Red Maple that was planted on the school grounds last summer.

Richardson said it was his opinion that any problems in design, plant choices and locations would be the designer's responsibility, not LH Landscape Construction who just followed the design instructions. Co-chair, Jane Hislop said Woodlawn should've done soil samples to confirm whether or not the soils were anaerobic in the marshy area before planting. It was also noted that the shrubs planted on the western side entrance of the school might not have been a good choice for that area. Commission member, Nancy Cauvet recommended that the commission write a letter of complaint to Woodlawn.

**Minutes:** Co-chair, Jane Hislop moved to approve the minutes of May 12, 2011. Nancy Cauvet seconded the motion and all members were in favor.

**Adjournment:** Co-chair, Justin Richardson called the meeting to adjourn at 6 p.m.

**Next Meeting:** Second Thursday, July 14, 2011

**Respectfully**

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