

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes, Thursday, April 7, 2011

- Call to Order:** Chair Justin Richardson called the April 7, 2011 meeting at 6:30 PM.
- Present:** Justin Richardson, Chair Person; Margaret Lamson, Vice Chair; George Fletcher; Nell Ann Hiatt (left at 8pm); Jane Hislop; Dorene Stern; and Thomas Morgan, Town Planner
- Absent:** Nancy Cauvet
- Public Guests:** Kenneth and Laura Peterson

1) Newington Public School Landscaping Winter Damage and Maintenance:

Conservation commissioners met with a representative of LJH Landscape at the Fire Station parking lot looking over the landscaping project to access snow plow damage done to one of the trees planted on the hill last summer, and one of the bushes by the school's side door, as well as discuss solutions for storm water washout and fertilizing.

After returning to the Town Hall, Commission Chair, Justin Richardson motioned to approve a purchase order for mulch quoted at \$1,235 and erosion preventing stones, quoted at \$444. Co-chair, Peggy Lamson seconded the motion, and all members voted in favor.

Chair Richardson then motioned to contract for fertilizing the landscaped area in an amount not to exceed \$500, noting that he would email the commission for approval if the quote were more. Commission member, Jane Hislop seconded the motion and the motion passed unanimously.

2) Kenneth and Laura Peterson Application to Dredge and Fill Wetlands on 408 Newington Road, Tax Map 51, Lot 15

Kenneth Peterson came before the board for a recommendation of their Minimum Impact application to dredge and fill wetlands on their Newington Road property so they may build an indoor riding arena for Laura Peterson's therapeutic counseling riding activities that will be used during inclement weather. There was a brief discussion if there would be any possibility of putting the rink elsewhere, but the Petersons said as much as they would like to, the soil scientists said the area chosen would have the least impact. The Petersons also assured the Commission that they follow Best Management Practices of composting waste before spreading it on fields for fertilizer.

Chair Richardson pointed out that the rule of law says that the Conservation Commission is supposed to give their recommendation and signature *before* the Zoning

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Board of Adjustment approves any special exceptions, and then the next step would be to go to the Planning Board for final approval.

Commission member, Jane Hislop recommended approval for the Minimal Impact application. Member, George Fletcher seconded the recommendation, and all other members voted in favor.

3) Appointment and Election of Officers

Commission Chair, Justin Richardson announced that his workload is making it too time consuming for him to continue his role as Chair, and although he would like to continue working with the Commission, he would like someone else to take the position of Chair. All members present said they too were looking to cut back on their involvements due to time constraints, and Peggy Lamson and George Fletcher said their terms have ended. Richardson pointed out that until replacements are found, they would still be on the Commission, noting that the Commission has to be comprised of 3-7 members, allowing only for alternates at this time.

Town Planner, Tom Morgan said he would be willing to draft the agenda, email the chair for approval and put together the packets for the meetings to cut back on the amount of time consumed in the position.

Commission member, Jane Hislop offered to co-chair with Richardson, who thought it might be a possibility; but because one member was absent and another left early, there was not a complete forum, a vote would need to wait until the next month's meeting.

4) Invoices

Vice Chair, Peggy Lamson recused herself from discussion and voting regarding a bill received for \$9,050 from Baldwin & Callen, PLLC for the Supreme Court Brief on the PDA Wetlands case. Chair Richardson said the Commission had \$6,000 in their budget so made a motion to pay half, \$4525 and give the remainder to the Board of Selectmen for payment. Commission member, Dorene Stern seconded the motion, and all other members voted in favor. Peggy Lamson returned to the discussion.

Another statement from the NH Association of Conservation Commissions came for annual membership. Due to a lack of involvement, Vice Chair, Peggy Lamson moved not to rejoin the NH Association of Conservation Commissions. Jane Hislop seconded and all members were in favor.

5) Correspondence and Notices

Notification came in from Sandpiper Environmental Restoration Services that they had done restoration of "logging" access activities to wetlands on Pease. Jane Hislop made a motion that the Conservation Commission approves the March 28, 2011 restoration plan. Peggy Lamson seconded the motion, and all members were in favor.

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Jane Hislop announced that the NH Envirothon with high school student presentations on the nitrogen loading of Great Bay will be held at the Great Bay Discovery Center in Greenland on Saturday, May 17, 2011 from 8 a.m. to 3 p.m. Hislop said she would be attending and they are looking for local conservation commission member judges.

6) Discussions

As counsel to one of the towns in question, Chair Justin Richardson recused himself and left the room as Town Planner, Tom Morgan discussed recent developments with the EPA's permit requests for certain towns around Great Bay estuaries and watershed to improve their waste water treatment facilities, and the response of the City of Portsmouth who has organized and lead a five-town coalition, including Dover, Exeter, Newmarket and Rochester, questioning the EPA's nutrient pollution standards. Mr. Morgan pointed out that the City of Portsmouth only has an "advanced primary" wastewater treatment facility, one of just a few in the country that only treat their wastewater with chlorine in the water before dumping it in the ocean. Morgan said the EPA's press release said there would be a public meeting at the Exeter Town Hall on Thursday, June 9, 2011 at 6:30 p.m. and they would accept public comments up until then. Mr. Morgan suggested that Newington should write a statement letting them know that we don't agree with the City of Portsmouth's decision not to support the EPA's findings regarding sources and treatment of nitrogen pollution to Great Bay.

Jane Hislop motioned that the Conservation Commission draft a statement of support to the EPA for review during the next meeting. Peggy Lamson seconded and all members were in favor. Chair Richardson rejoined the meeting after the discussion ended.

Commission member, Dorene Stern asked about the status of the National Tire and Battery (NTB) landscaping project. Chair Richardson said they removed invasive species but haven't finalized anything more. Town Planner, Tom Morgan suggested pulling their plans for review and discussion during the next meeting. Chair Richardson suggested sending a letter and inviting NTB and code enforcement if necessary to the next meeting.

7) Pending Business

- A) Letter to EPA Regarding Surrounding Town Permits to Reduce Nitrogen Pollution to the Great Bay Watershed and Estuaries
- B) National Tire & Battery Landscaping Status
- C) Fox Point Easement Status
- D) Town Forest – Moving rocks blocking access trail

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Adjournment: Peggy Lamson motioned to adjourn, Jane Hislop seconded. all were in favor and meeting adjourned at 8:30 p.m.

Next Meeting: Thursday, May 12, 2011

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