

Town of Newington, NH

CONSERVATION COMMISSION

Meeting Minutes for Thursday, November 13, 2014

- Call to Order:** Chair, Jane Hislop called the November 13, 2014 meeting at 6:30 p.m.
- Present:** Chair, Jane Hislop; Cindy Gunn; Ann Morton; Bill Murray; Jim Weiner; Alternate Jane Kendall; and Thomas Morgan, Town Planner
- Public Guests:** Attorney F.X. Bruton

1) **Old Business:** Proposed easement at Fox Point

Town counsel, Attorney F.X. Bruton provided a stripped down version of an easement and a memo regarding management of the easement. He said he talked to other groups with other towns and provided examples such as the Southeast Land Trust or The Nature Conservancy. Town Planner, Tom Morgan said Southeast Land Trust's handling of the Baird conservation easement went well, but he thought it would over complicate Fox Point.

Mr. Morgan said many Newington residents spent time on Fox Point whereas many other conservation tracks were not used. Attorney Bruton said most conservation areas were open to the public and those that weren't didn't get used so much.

Commissioner Bill Murray asked if an easement could be undone and Attorney Bruton said once it was created for public benefit the Attorney General's Office of Charitable Trust would oversee and the grantee would also have a say. He said any changes would have to go through the Attorney General's step process and would be approved if an improvement, but not if it didn't.

Attorney Bruton said the Town could not convey and manage their own conservation easement, acting as both grantor and grantee and would need to set up a non-profit entity to avoid a merger issue. He said a declaration of covenants was not as strong as an easement, but would have a restrictive covenant for environmental conservation purposes.

Commissioner Jane Kendall said the Commission had previously discussed a group that might be called "Friends of Newington". Mr. Morgan said he was in favor of a local option because he thought it would be more favorable to the community and could evolve with the community, whereas an outside entity would not be as flexible. Attorney Bruton said they could accomplish that goal by creating a local non-profit entity and there would be no additional cost for to the Town as there would be with an outside organization or the requirement that the area be open to the public. Commissioner Gunn said they agreed with most of the tenants of outside groups, but there was a consensus that it would be better not to go with them in order to maintain their flexibility.

Chair Hislop asked what would happen if there was a lack of membership to an entity such as Friends of Fox Point and Attorney Bruton said non-profits had to be renewed every five years, but they would also list a successor that would be qualified to

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hold executive interest if anything were to happen. He said back up provisions would go to a qualified entity and they would also discuss that.

Commissioner Jim Weiner said Fox Point was already a defined area that was not going anywhere so they would have support in that respect. Attorney Bruton agreed that the intent was basically to observe the status quo as it was, including management of physical features such as the caretaker's house, chicken coop, and docks and a local group would work to oversee it.

Chair Hislop some towns people were concerned with too much regulation on the property and that a conservation easement that would not allow their individual recreational interests. Commissioner Weiner said the Town had baseball fields at the school and behind the Old Town Hall and there were two tennis courts in town so there was no need for additional recreational fields that would create additional traffic on Fox Point that would impact the limited resident only use. Attorney Bruton said it was important for town's people to understand the intent of preserving the property into perpetuity. He said they could list certain outdoor activities, but not allow structural changes. He added that some people would object to something in the easement no matter what they wrote as people often do.

Attorney Bruton said he could draw up a group agreement. Commissioner Kendall said they had discussed having a representative from each Town Board in addition to town's people. Mr. Morgan said the board should be open to as many citizens as interested. Attorney Bruton said there could be a board of directors and a larger membership.

Chair Hislop said she approached the Board of Selectmen twice for input on the easement and they never offered any objections or recommendations. Attorney Bruton suggested a subcommittee of commissioners meet together over the next three Mondays to work on the easement and a framework for the non-profit. Chair Hislop, Commissioners Gunn, Murray and Weiner all agreed to comprise a subcommittee for the Fox Point conservation easement that would meet from 5-6 pm for the following three Mondays, November 17, 24 and December 1, 2014 and then report back to the next Conservation Committee on Thursday, December 11, 2014. Commissioner Weiner suggested that they invite the Board of Selectmen to the third meeting after their concepts were more fully developed. Commissioner Gunn said they should copy the Board of Selectmen on all communications.

Chair Hislop said they would need to hold two public hearings and ask the Board of Selectmen to put the proposal on the warrant for the March 2015 Town Meeting. Commissioner Weiner said there was a drawing in the library that showed Fox Point, the airport and surrounding homes prior to the 1980's when the Town purchased Fox Point. He said they should present the drawing at the Town Meeting.

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2) 2015 Budget

The Commission compared last year's budget line items to next year's proposed budget. Mr. Morgan said the Board of Selectmen wanted explanations for each line item this year.

Commissioner Kendall said she had been paid for her work, but it didn't appear that all of the payments were taken out of the Conservation budget Mr. Morgan said Commissioner Kendall also did filing. Commissioner Kendall said she usually waited toward the end of year to use the remaining balance for filing, but it was hard to know what was remaining. The Commissioners agreed to keep the secretarial wages and FICA the same.

Discussion ensued regarding the legal budget. Commissioner Gunn thought they might use more as they finalized the Fox Point easement. Mr. Morgan suggested they stick with \$4,000 and could go to the Board of Selectmen if they needed more.

Discussion ensued regarding community education. Chair Hislop said they didn't have the final cost on printing. She said she was also still waiting for posters from the UNH Forestry student project. Commissioner Weiner said they put out one mailer this year and they might put out two mailers next year. He estimated that it would cost \$800 for mailers and refreshments at the workshops. He recommended they give \$500 back and only ask for \$2,000.

Chair Hislop said the budget meeting would be held on December 10, 2014.

3) Community Education: NROC (NH Sea Grant, Cooperative Extension and PREP)

Commissioner Ann Morton said she called Cosmas Iaccovazi who said he would get some septic folders for the Commission to distribute. Chair Hislop said numerous people had taken the septic folders and brochure that was available during elections. She said the brochure, mailers and sticker for the back of the folders had been printed.

Commissioner Weiner suggested giving the septic folders to Town Clerk, Laura Coleman and give the brochures to the library.

Chair Hislop said she would invite Ms. Jill Ferrell and Ms. Julie Peterson from NROC to the December 11, 2014 meeting to discuss their next steps.

Other Business: Baird Property Conservation

Bill Murray moved to pay \$215,296 on Southeast Land Trust's invoice. Ann Morton seconded the motion and all were in favor.

Commissioner Gunn said she was on the Historic Society Commission and they were asking for approval to put a sign for the historic buildings, library and events at the corner of Little Bay and Nimble Hill Road by the Town cemetery. She said it would be an attractive sign in keeping to the area.

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Chair Hislop moved that the Conservation Commission approve the placement of a Historic District sign on the corner of Nimble Hill and Little Bay Roads. Jim Weiner seconded the motion and all were in favor.

Discussions: Library Rain Garden Maintenance

Commissioner Weiner said he read the Conservation Commission Minutes of May 8 and June 5, 2014 regarding the maintenance of the rain garden. He said library trustee, Lea Lamson attended the meeting requesting direction on the plant recommendations. Part of the discussion also involved concerns for maintenance and former Commissioner Nancy Cauvet said the Commission did not have funds for maintenance of Town landscapes. Mr. Morgan said the simplest solution would be to have public works do the maintenance.

The discussion also referenced a lack of maintenance of the landscape plantings between the Fire Department and the Newington Public School. Commissioner Kendall said she thought the Board of Selectmen had to give approval for the work order and recalled that there had been a discussion in 2011 of having the building inspector get a quote for maintenance of the landscaping between the fire department and the school, but nothing had been done at the school except mulching over the weeds each year.

Mr. Morgan recounted the history of the project when he introduced Jamie Houle from UNH who approached the Town with a grant for a rain garden and presented the terms to library director, Scott Campbell.

Discussion ensued regarding the appearance of the rain garden and whether it had been done correctly. Chair Hislop said the rain garden at UNH had river rock and looked better. Mr. Morgan said he would call Jamie Houle from UNH to see if there were a way to make the rain garden more maintenance free and then he would write a letter to the Board of Selectmen.

Minutes: *Cindy Gunn moved to approve the Minutes for the October 16, 2014 meeting. Jim Weiner seconded, and all were in favor.*

Adjournment: *Ann Morton motioned to adjourn and Jim Weiner seconded. All were in favor and meeting adjourned at 8:15: p.m.*

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary