

**Town of Newington, NH**  
**CONSERVATION COMMISSION**  
Meeting Minutes, Thursday, December 8, 2016

**Call to Order:** Co-Chair Jane Hislop called the December 8, 2016 meeting at 6:30 PM.

**Present:** Co-Chair Jim Weiner; Sandy Devins; Cindy Gunn; Ann Morton; Bill Murray; Alternate, Jane Kendall; and Town Planner, Gerald Coogan

**Absent:**

**Public Guests:** Margaret Lamson, Pease Development Authority Airport Committee Board Member; Denis Hebert; Lulu Pickering

1) **Wetlands Application** discussion for **Pease Development Authority** to remove trees for airport flight clearance

Town Planner, Gerald Coogan informed the Commission that Co-Chair Weiner and Planning Board Chair, Denis Hebert and he had done a site walk. Mr. Coogan said Margaret Lamson, Airport Committee Board Member and Peter Loughlin, Executive Committee Vice-Chair with Pease Development Authority (PDA) would do another site walk the next day. Ms. Lamson said she would be joined by Maria Stowell, Manager of Engineering at the PDA Engineering and Facilities Department and Charles Moreno, Town forestry consultant.

Mr. Coogan stated that Co-Chair Weiner, Mr. Hebert and he had walked the wetlands and observed the pines in the area. He said their recommendation to the PDA would be to consider cutting the tall pines in the wetlands area, do selective cutting of taller trees in other areas and adhere to a 100' buffer, considering there had been a lot of concern expressed by abutters regarding clear cutting.

Mr. Hebert said they were also asking the PDA to consider an increase in the setback to as much as 200 and 400 feet.

Ms. Lamson asked Mr. Coogan for a copy of the plan so she and Mr. Loughlin would know the specifications.

Mr. Coogan said the Town would have meeting with the PDA in the next week. He said Town engineering consultant, Eric Weinrieb with Altus Engineering would make comments to the Department of Environmental Services that the Town would not intervene with the wetlands permit, but that they would intervene with the Alteration of Terrain (AoT) permit.

Co-Chair Weiner stated that Planning Board counsel, Attorney John Ratigan said he informed the PDA that the Town wanted to work with them on acceptable

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alternatives, but was told that it was their property and they could clear cut if they wanted to regardless of any objections from the Town because the Federal Aviation Administration (FAA) gave them the right to do so.

Commissioner Jane Kendall asked about Eversource putting in new poles in the area and Mr. Hebert replied that the new poles would be below the height restriction.

Co-Chair Weiner said he asked their forester why they couldn't top the pines and they explained that topping the leader would open the tree to disease, make them weak and cause toppling.

Co-Chair Hislop asked how much hardwood was in the area and Co-Chair Weiner said there was about 60% hardwood there. Co-Chair Hislop commented that there would still be plenty of other trees to filter and absorb runoff and buffer noise if they only took out pines.

Ms. Lamson stated that she had made it clear to the PDA staff that abutters were understandably concerned with the impact of clear cutting the scenic byway along McIntyre Road on the abutters. She said that the Pickering's hill and would be very visible. Co-Chair Hislop added that clearing would make McIntyre Road look like Arboretum Drive.

Ms. Lamson reviewed the history of the property that had previously been inherited by Ghiribai Khalsa from the late Jack Mazeau. She said Ms. Khalsa offered the property to the Town, but it never went to warrant and then sold it to the PDA. Co-Chair Hislop said the offer never came to the Conservation Commission. Lulu Pickering of Little Bay Road said the problem was that Ms. Khalsa presented it to the Budget Committee.

Ms. Pickering commented that the PDA had stated at the Town Hall last March that they were only proposing to cut five to ten trees and now they were proposing clearcutting. Co-Chair Hislop replied that it was because the PDA was receiving one time funding from the FAA so they felt they needed to clear cut and grind stumps so it wouldn't grow back, but that wasn't true if they didn't mow and maintain it as was the case with her back field. Ms. Lamson said she would present the question to Mr. Loughlin and Ms. Stowell because she agreed with Co-Chair Hislop that the area would grow up if it was not maintained.

Mr. Hebert said the PDA planned on maintaining the clear cut seeded areas, but not other areas. He said the foresters told them that clear cutting and leaving stumps without maintaining would be bad because invasives on the edge would grow in and take over and other trees would eventually succeed.

Ms. Pickering commented that the PDA's representative from the Hoyle and Tanner Engineering discussed replanting shrubs to keep other plants from coming back and asked what would be appropriate for filtering water and dissipating sound waves and blocking runway lights. Co-Chair Weiner said he recalled the discussion about planting, but because the Town put a block on the AoT, they were reluctant to consider additional funding for plantings.

Mr. Coogan said they also discussed moving beaver dams. Ms. Pickering said she also talked with Mr. Weinrieb about building an earthen swale to block the flow. Co-

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Chair Hislop asked if there was a culvert under the road. Ms. Pickering said she didn't think so, but Mr. Coogan said there was one, but it was plugged on both sides.

Ms. Pickering said she was also concerned with water runoff coming from the Town cemetery and pavement at the transfer station running into their field. Ms. Pickering said storm water management was part of DES' mandate and they should have a plan to keep it from running down on Little Bay Road. Ms. Lamson said have storm there were stormwater management regulations for development, but there should be management regulations for the rest of the town.

Ms. Lamson said she also attended a Historic District Commission meeting and they were told that the FAA wouldn't touch the Historic District.

Ms. Lamson said she and Mr. Loughlin worked together well and she thought it would be helpful if Co-Chair Hislop and the Conservation Commission also worked together with the PDA.

**2) Conservation Easements and Mitigation Discussions:**

- A) Regarding property owned by John and Meg **Ripley**, located at 50 Old Post Road, Map 17, Lot 15 and the 2017 Warrant Article

Co-Chair Hislop said the Board of Selectmen had requested that public access available for this property and said they had discussed marking public access areas.

Mr. Coogan said waiting for feedback on funding from Eversource.

Ms. Pickering said there was a question about a 200' setback buffer listed in the previous minutes as she thought it needed clarification. Mr. Coogan said Town regulations listed a 100' setback.

Ms. Pickering said she was curious if the 100' setback on the Frink, Hislop, and Ripley easements, the 100' setbacks would impact her property that was not in a conservation easements. Mr. Coogan replied that it wouldn't affect her property at all.

- B) Discussion of conservation easement proposition on property owned by Jeff and Jill **Boynton**, located at 70 Old Post Road, Map 17, Lot 15A

Mr. Coogan said he was scheduled to meet with the Boyntons on the following Monday.

Mr. Hebert asked why town couldn't hold an easement on their own property and Commissioner Kendall replied that the Attorney General determined it to be a conflict of interest

Ms. Pickering questioned having different entities act as easement holders on properties in town. Co-Chair Weiner said it was difficult getting easements and they needed to allow owners a freedom of choice. Co-Chair Hislop added that different entities had various funding and easement requirements based on the property types, such as the Society for the Protection of New Hampshire Forests doing most of their work in more heavily forested areas and others conserving wetlands. She said the Conservation Commission's role was to facilitate the process. She went on to say that

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they usually worked with only one or two entities, mostly Southeast Land Trust that was a conglomeration of others.

Commissioner Cindy Gunn added that all easement holders relied on their donors that had differing conservation and habitat interests. Mr. Coogan added that the USDA farm grants were specific to agricultural properties.

*(Commissioner Bill Murray left at this point in the meeting at 7:33 p.m.)*

- C) Discussion on conservation easement and subdivision regarding property owned by **Adams Homestead Realty Trust**, located at 148 Nimble Hill Road, Tax Map 11, Lots 11, 11A and 11-3

Mr. Coogan announced that the Planning Board had received a preliminary proposal to consider a four-lot subdivision with a 17-acre conservation easement on the Adams Homestead Realty Trust. He said they would appear before the Planning Board on the following Monday, December 12, 2016.

Mr. Coogan said they were only in the preliminary stages and hadn't considered funding or easement holders yet.

Mr. Coogan commented that the property was passed down to the Knox family through generations from the late Reverend Adams in 1721 who was U.S. President John Adams' uncle.

### 3) Town Planning Status Report

Mr. Coogan reviewed the proposed zoning amendments that would go before a public hearing at the Monday, December 12, 2016 Planning Board meeting.

Mr. Coogan announced that Julie LaBranch from Rockingham Planning Commission would holding a work session for department heads to discuss rising sea levels at the Town Hall on Thursday December 15, 2016 at 2:30 p.m.

**Minutes:** *Cindy Gunn made a motion to **approve** the Minutes of November 10, 2016 with corrections as discussed. Sandy Devins seconded and all were in favor.*

### **Correspondence and Discussions:**

Mr. Coogan informed the Commission that DES confirmed receipt of a \$151,000 check from Wilcox Industries for their wetlands permit for impacts to building Wilcox Way.

Commissioner Kendall commented that the Town had proposed using the Town owned Flynn pit as a wetlands mitigation project, but DES had rejected the proposal in lieu of the financial contribution. Mr. Hebert replied that he had heard there had been legislation to eliminate the requirement because DES was using funds for pet projects

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elsewhere and sacrificing seacoast towns. He asked if the Commission would write a letter to let them know their opinion.

Mr. Hebert went on to discuss Eversource's transmission expansion through the area. He commented that the estimate for the project's impact on wetlands was \$80,000, which they were hoping would be approved for the Ripley easement, but they were also impacting the wetlands created at Flagstone Brook that had already been restored through the Spaulding Turnpike mitigation.

Mr. Hebert said he led the representation for Newington, but the Attorney General's office said they would listen to experts, which would also include comments through letters. He suggested that the Commission look at the wetlands like Knight's Brook the spring on the Frink Farm that used to be the town water supply that would be impacted from the project and put them in bullet form and then one of the Town attorneys could write a letter.

Mr. Hebert also mentioned a grassroots organization headed by Vivien Miller out of Durham that was trying to stop the project to protect Little Bay from plowing through the silt and endangering the unique marine life in the Bay.

Commissioner Gunn wondered how the project might disrupt the doing horseshoe crab studies UNH was doing around Motts Cove. Mr. Hebert said that might be an example of things they needed to consider. He said there was a gentlemen's agreement that Newington would concur with Durham's findings and suggested the Conservation Commission reach out to them. Commissioner Gunn agreed that the Commission should support them

Mr. Hebert said he was also working with Historic District Commission Chair, Gail Pare.

Commissioner Gunn discussed the impact the community had on the power companies in Connecticut. Mr. Hebert said the difference between Newington and Connecticut was that Eversource already owned this reliability project that they said they needed to maintain, whereas it was a new power project in Connecticut just as the Northern Pass was. Discussion ensued regarding Eversource being in the business of transmitting power rather than generating power.

Mr. Hebert said Eversource was saying that they were only bringing power in for the next ten years per ISO New England's ten year rules because they claimed they couldn't know for certain what technology might develop over the next ten years. Mr. Hebert said rate payers would be paying for the reliability project and he wanted to know why they weren't spending 18% to give an additional 10% needed in ten to fifteen years.

Commissioner Gunn asked if Mr. Hebert concurred with Normandeau Environmental Engineering's assessment or if the town should have their own consultant. Mr. Hebert replied that he had read Eversource's presentation and had punched holes in their arguments.

Commissioner Gunn asked if they could send the report to the Town's wetland's consultant, Mark West and include vernal pool activity in the wetlands in his report. Mr. Coogan said he could give Mr. West a call with the request.

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Mr. Coogan asked when the letter was due and Mr. Hebert replied that Town counsel, Attorney Susan Geiger gave guidance in her emails. He said he would be testifying on December 19 and 20, 2016, but the wetlands review was coming up at the end of January 2017.

*Cindy Gunn moved to have Gerald Coogan get an estimate from Town wetlands consultant, Mark West to review Normandeau Environmental's wetlands impact plan for Eversource's transmission expansion project through Newington. Jane Hislop amended the motion to have Mark West come up with points to be sent to DES for the site evaluation hearings. Jim Weiner seconded the motion and all were in favor.*

*Jane Hislop moved to have Mr. Coogan write a letter of concern to NH DES, House of Representatives and Senate regarding the \$150,000 that Wilcox Industries was asked to contribute for the impact to the wetlands in the building of Wilcox Way. Jim Weiner seconded the motion and all were in favor.*

**Invoices:** *Jim Weiner moved to request payment of \$760.26 to Rockingham County Conservation District for their work on the Boynton conservation easement. Jane Hislop seconded the motion and all were in favor.*

**Adjournment:** *Jim Weiner moved to adjourn. Ann Morton seconded the motion and the meeting adjourned at 8:19 p.m.*

**Next Meeting:** Monday, January 12, 2017

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

*These Minutes were approved and adopted at the January 12, 2017 Conservation Commission Meeting*