

**Town of Newington, NH**  
**CONSERVATION COMMISSION**

Meeting Minutes, Thursday, December 13, 2018

- Call to Order:** Co-Chair Jane Hislop called the December 13, 2018 meeting at 6:39 p.m.
- Present:** Co-Chair Jane Hislop; Co-Chair Jim Weiner (arrived late); Commissioner Elizabeth Durfee; Ann Morton; Jim Tucker; Alternate Jane Kendall and Town Planner, Gerald Coogan
- Absent:** Alternates Sandra Devin and Bill Murray
- Public Guests:**

**1) Newington Zoning Ordinance Article IX, Wetlands Overlay District: General Update**

Town Planner, Gerald Coogan informed the Commission that Town wetlands consultant, Mark West with West Environmental would present the proposed Wetlands Overlay District Zoning Ordinance amendment at the Newington Planning Board public hearing on Monday, December 17, 2018.

Co-Chair Hislop stated that the Commission requested funds be set aside in the Commission's 2019 budget to pay to have Mr. West map the significant wetlands that connected to Great Bay, but one of Board of Selectmen asked if they had requested three comparative quotes. Co-Chair Hislop went on to say that Mr. West had always been reasonable and already stated that he hadn't charged his full fee for his previous work, as well as charging significantly less than the Eversource wetlands scientists charged.

Commissioner Elizabeth Durfee said she would not be able to attend the public hearing, but she had a couple of questions regarding special exceptions that she would like to have asked at the meeting. Mr. Coogan responded that there were no special exceptions listed in the zoning districts, but she could provide questions to him in advance for Mr. West's consideration.

**2) Eversource Transmission Expansion, Seacoast "Reliability" Project:**

**A) Flynn Pit**

Co-Chair Hislop stated that Planning Board Chair, Denis Hebert attended last month's Commission meeting with Eversource's tree expert to discuss a planting buffer in front of the Flynn Pit of native species with root systems that would not be invasive. She said Eversource had originally listed red oak and white pine until Mr. Hebert noticed that

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they were stated that they wanted to cut red oaks and white pines that had invasive root systems. Commissioner Jim Tucker noted that white pine had needle cast problems too.

**B) Eversource Discussion with Newington Board of Selectmen**

Mr. Coogan stated that the Seacoast Reliability Project had already been approved by the Site Evaluation Committee, but there was still a time for appeals so there was no final decision yet.

Mr. Coogan stated that the wetlands impact mitigation was estimated at \$81,000, but it appeared that the parties that submitted the original conservation easement were not interested in waiting any longer.

Alternate Commissioner Jane Kendall asked if Mr. Coogan had followed up with Eversource to see if there was a deadline for submitting a second proposal.

Co-Chair Hislop commented that Tracy Degan with Rockingham County Conservation District stated that their last two proposals for Aquatic Resource Mitigation (A.R.M) grants were denied. Commissioner Kendall replied that the Commission had been told by Sarah Allen, with Normandeau Associates, environmental engineers for Eversource's Seacoast Reliability Project, that Eversource agreed to pay the \$81,000 mitigation funds directly toward a project that met the A.R.M.'s grant criteria rather than through the New Hampshire Department of Environmental Services (DES), but she didn't recall seeing anything in writing and suggested that Mr. Coogan be sure that documentation be included in the mitigation proposal for documentation.

Commissioner Kendall also asked Mr. Coogan if he had followed up to find out if the Commission could submit another proposal or if a deadline had passed, adding that Mark West's wetlands maps might indicate a good area for wetlands mitigation.

Co-Chair Hislop suggested that the Commission talk with Southeast Land Trust (SELT) or The Nature Conservancy (TNC), noting that there were few forests on the Seacoast that interested the Society for Protection of New Hampshire Forests (SPNHF).

**3) Wetlands Mitigation and Conservation Easements:** Update on proposal by John and Meg Ripley regarding their property located at 50 Old Post Road, Tax Map 17, Lot 15

Mr. Coogan asked the Commission if he should follow up on Mr. Ripley's letter suggesting that he was not interested in putting a portion of his property into a conservation easement as mitigation for Eversource's Seacoast Reliability Project mitigation, and if he should present a new warrant article requesting additional funds for the project. Discussion ensued, and Commissioner Kendall said it wouldn't hurt to ask the Ripley's to reconsider and present the warrant article again as Mr. Ripley's letter said they wanted to withdraw "...at this time", suggesting that they might change their mind later.

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### 4) **Wetlands and Conservation Plaques:** Discussion

Mr. Coogan presented copies and samples of wetlands markers. Commissioner Kendall said the markers were very nice, but they needed metal stakes with hooks to hang them on so that property owners would follow through in putting them up as required by their conditions of approval. Co-Chair Hislop suggested asking Town wetlands consultant to make a recommendation on what would work best.

Co-Chair Hislop asked Mr. Coogan if he had asked Mr. West to advise on recommended distance between wetlands markers and Mr. Coogan said he had not.

Co-Chair Hislop suggested that the Commission purchase 100 pieces of the wetlands boundary markers this year and wait until the following year to purchase the conservation easement markers.

*Liz Durfee moved to spend \$425 from the Community Education budget on wetland markers. Ann Morton seconded the motion, and all were in favor.*

### 5) **Other Business**

#### A) **2019 Conservation Commission Budget Proposal:** Feedback and decisions

Co-Chair Weiner joined the meeting on speaker phone to up discuss his meeting with the Board of Selectmen regarding their request to hold the 2019 budget flat. Co-Chair Weiner said that the Commission would drop the Legal budget line and go to them to request funds for legal needs. He said he asked how quickly the Board of Selectmen could respond to a request and Board of Selectman, Mike Marconi said they could respond in a day. Co-Chair Weiner went on to say that the Commission hadn't spent much from their legal budget lately because most legal consultation costs were passed on to the applicants that were before the Newington Planning Board, but the Commission still wanted to keep the budget line should they need it in the future.

Co-Chair Weiner said the Commission's budget updates were never included in the calculations resulting in three different totals and there was no spreadsheet, so they went through the budget line by line, until Budget Committee Chair, John Lamson suggested adjustments. He said Mr. Lamson asked for explanations for each request.

Co-Chair Weiner said he and the Board of Selectmen also discussed budgeting for projects like signage and marking trails in the Town Forest as well as obtaining a Town forester for a management plan. He said there were many projects, but none had been specifically earmarked for the next year.

Mr. Coogan asked who had been managing the Town Forest in the past. Co-Chair Hislop said the Town had fought to get the Forest back from Pease Air Force Base (AFB), but little else had been done since.

Commissioner Kendall commented that she felt that signage and marking trails was premature considering there was an old dump in the forest that had not been tested or contained. Co-Chair Hislop responded that the Commission had hired Stone Hill

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Environmental to survey the dump, but it still had not been tested to fully know what it contained. She said Pease AFB had provided aerial photos that showed a farm dump there before the base was built in 1954, but Pease may have continued to use the dump to bury items when they were clearing old farms for the base.

Co-Chair Hislop suggested that the Board of Selectmen should address the dump considering that the Commission had a small budget, was small, and only met once a month.

Co-Chair Weiner commented that he had received a call from former Board of Selectman, Rick Stern who had observed officials testing clams and oysters off Trickey's Cove. He said he heard that they were also seen testing off Board of Selectman, Ted Connor's property off Newington Road. He said he called Town Hall to see if the Board of Selectmen had been informed about the testing so that information could be shared with the Commission and residents. Commissioner Kendall suggested that someone ask the Air Force directly for a report rather than wait. Chair Hislop added that the Board of Health was required to test the water for the oyster farms also.

Co-Chair Weiner stated that he also discussed the Historic District Commission's going to the Board of Selectmen for permission to cut trees in the Town forest around the Old Parsonage without discussing it with the Commission for their input and perhaps contribution. He said Board of Selectman, Ken Latchaw presented him with information regarding the diminished authority of the Commission, however Co-Chair Hislop had provided him the RSA that confirmed that the Commission had did have control of the Town Forest unless the Town hired a town forester. He said the Commission could hire an attorney for legal interpretation or they could ask Board of Selectmen to make recommendation.

Co-Chair Weiner arrived in person at this point in the discussion at 7:45 p.m. to finalize his review of the 2019 Conservation Commission budget

### **B) Eversource Discussion with Newington Board of Selectmen**

Co-Chair Weiner went on to say that the Board of Selectmen also discussed the Commission's role regarding Eversource's Seacoast Reliability Project. He said it was suggested that the Commission should have done more to inform the residents. Co-Chair Weiner said he thought the Commission had accomplished much during their meetings that were outlined in the Minutes. He said he informed the Board of Selectmen that the Commission didn't have the budget or volunteers to work on such a large issue, whereas the Town had a paid staff that they could enlist.

### **6) Additional Discussion: Town Forester**

Co-Chair Hislop said she asked someone at work to recommend a forester for the Town Forest. She recommended that the Commissioners review the list provided but suggested that David Knowles in Epsom was closest.

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Commissioner Elizabeth Durfee noted that forestry students were required to prepare a management plan to obtain their license, so a management plan from the University of New Hampshire students might be another option.

Co-Chair Hislop said that the Town had retained the Langdon Library and the Old Parsonage when Pease AFB went in, but the AFB took over ownership of the Stone School when the new school was built and fenced off the Town Forest until 2008, long after the base was decommissioned in 1991.

Commissioner Durfee said that as of 1975 RSA: 3-112 talked about management of town forests and Part 1 said that if the town adopts the RSA it could be managed by the Conservation Commission. Commissioner Durfee read that then Board of Selectmen, Jack O'Reilly said that the deed required the Town to create a management plan to preserve the Town Forest, so it probably had to be put out to a vote. Co-Chair Hislop said Town Administrator, Martha Roy needed to check to see if that was ever done.

**Minutes:** *Ann Morton moved to approve the Minutes for the November 8, 2017 meeting with corrections as noted. Co-Chair Hislop seconded, and all were in favor.*

**Adjournment:** *Co-Chair Hislop moved to adjourn. Ann Morton seconded the motion and the meeting adjourned at 8:12 p.m.*

**Next Meeting:** Thursday, January 10, 2019

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