

**Town of Newport, NH**  
**Newport Conservation Commission**  
**December 14, 2022 6:30 PM**  
**Board of Selectmen's Room/Municipal Building**  
**15 Sunapee Street/Newport, NH**

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**MEMBERS PRESENT:** Barry Connell, Chairman and BOS Representative; Donald Schagen, Vice Chairman; Guenter Hubert, Lawrence Schissel, Linda Dennis, Ken Dennis

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Maura Stetson, Recording Secretary

**VIDEOGRAPHER:** John Lunn, NCTV

**CALL TO ORDER:** Chairman Connell called the meeting to order at 6:31 pm followed by a roll call of the Commissioners in attendance and the Pledge of Allegiance.

**AGENDA REVIEW:** MOVE: Guest Speaker PJ Lovely to first item of new business (Connell), short discussion on proposed 96 unit building up by the airport as pertains to the watershed (Schissel) ADD: Summer Street map and letter (L. Dennis)

**MINUTES:** November 16, 2022

November 16, 2022

On a motion by Dr. Schissel, seconded by Mr. Hubert; *the Commission approved the minutes of October 19, 2022 with the following amendments:*

1. *Page two, first paragraph after bullet points; acronym TOPAZ should be written out: Town Office Planning and Zoning.*
2. *Page two, first paragraph after bullet points, third sentence from the bottom should read: "Mr. Dennis said the Commissioners needed to be able to talk to the people and explain what the Commission wanted to do and to tell the people that anything not spent would become part of the future Conservation Commission operating budget."*

Dr. Schissel made a motion *to approve the amended motion.* It was seconded by Mr. Hubert. *The motion passed 6-0-0.*

There was a brief discussion on the Commission being able to use TOPAZ funds for their operating budget. Finance Director Brown will be consulted.

**(For full presentation go to: [www.nctv-nh.org](http://www.nctv-nh.org) )**

**GUEST SPEAKER:** Peter J. Lovely, Director; Newport Recreation Department

Chairman Connell addressed Mr. Lovely and stated the Commission has had discussions about the Town Forest and its usage. They received a letter from the state listing several violations in regards to the covenants and deeds for Barton and Johnson properties. The Commission wanted to talk about how much the Recreation Department uses the properties; and how cautious the Commission needed to be concerning the use of the properties.

Mr. Lovely addressed the Commissioners and stated that his knowledge of the Barton property is from when he was on the Conservation Commission. What he read (in the deed) was that the Pinnacle view was to remain clear; which he believed he has done.

Chairman Connell asked how much Barton property land the disc golf used. Mr. Lovely stated it was not on the Barton land.

Chairman Connell asked if the disc golf area was in the Town owned land. He was told yes; it was in the Town Forest. Mr. Lovely explained that the Barton property was on the east side of Summer Street.

Mrs. Dennis asked Mr. Lovely for the history of how he perceives the Town Forest and the Conservation Commission's role in it. She stated it was not clear; there was School property, Town Forest (on the west side of Summer Street). The Johnson and Barton properties are on the east side of Summer Street. She asked for clarification on the Rec Center versus the Conservation Commission's roles.

Mr. Lovely explained the land owned by the Town.

- ❖ west of Summer Street
- ❖ The Town actually owns part of the new field hockey field (did not know the exact amount).
- ❖ He believed the Town owns the Boardwalk area.

Mr. Dennis said he had understood there was a small area of land that the School owned. There is governance with LCHIP money received. That is “spelled out”; a requirement to monitor the boundaries, clear the view. He asked if there was a governance for the Conservation Commission on the Town owned property.

Mrs. Dennis asked if it was the Town, Rec Department or Conservation Commission’s responsibility. Mr. Lovely said that originally it was all Conservation (Commission); caring for the trails, etc. when he started 29 years ago. He started helping (Nancy Parssinen of Commission) with the trails and creating new ones. When she stepped down, everything still went through the Conservation Commission until the interests of the Conservation Commission changed. Mr. Lovely said he continued his work in the Town Forest. There was an active biking group that helped him care for the Town Forest; the commission wasn’t interested in the upkeep of the Town Forest. When he went off the Commission he continued to work in the Town Forest and manage the trails. He concluded, explaining that was how he became more involved in the Town Forest.

Mr. Dennis stated he agreed that was how it happened and that in the past, Town employees did things because they “needed to be done”. The answer to the Commission’s question was, the Town land and Forest isn’t within our bounds. Should it be? He believed it should, but there is nothing written that the Conservation Commission was ever in charge of (the properties).

Mr. Lovely relayed that when the Town had Shane O’Keefe as manager; a storm went through, the Town logged it and the money (came to the Conservation Commission). Commissioners stated that there was confusion; the Rec Center received some of the money...Mr. Lovely said his department did not receive any money from the logging. Legally the money had to go to the Conservation Commission.

Mrs. Dennis asked how Mr. Nelson (forestry teacher at high school) used the land. Mr. Lovely said that he tapped trees for maple sap (started years before Mr. Nelson was teacher). He is using Town Forest land for the school (Mrs. Dennis questioned any oversight). Mr. Lovely stated that Mr. Nelson asks him before working on a part of the forest; if something major was to be done, the request should go to the Conservation Commission. Chairman Connell said the Commission has asked Mr. Nelson to inform them of work he is doing in the forest. He is very cooperative. The Commission wants to be aware; not say no. Mr. Lovely agreed with their request.

Chairman Connell asked what Mr. Lovely would like to see done in the Town Forest area? He was told that Rec wise, the trails are decent.

- They did lose a portion of a trail when they lost permission to use it from a land owner (consequently a new trail has been made on Town Forest land).
- The disc golf is hugely popular. Trail running and mountain biking is popular.
- There was a brief discussion on the ski jump.

The Commissioners and Mr. Lovely had additional items they discussed. Mr. Lovely informed the Commissioners of an event the Rec Center will be putting on June 24, 2023: “Curse of the Pinnacle”. It will be a 12 hour marathon event. He asked if any Commissioners would be interested in helping. They discussed Conservation Commission participation; members will contact Mr. Lovely concerning how much they will be able to assist.

After further discussion on Conservation concerns in Town, the Commissioners thanked Mr. Lovely for attending the meeting, answering their questions and for all the work he has done in the Town Forest. They requested that he keep them abreast of work he is doing in the Town Forest; some members would like to participate in future endeavors.

## **NEW BUSINESS:**

### NRI Examples:

Chairman Connell addressed the Commissioners and asked for examples of what they believed should be included.

Chairman Connell stated that he had read over the Natural Resource Index handout from a previous meeting as well as the Master Plan 2012 and the (Conservation) highlights that were there. He gave his proposals for the NRI:

1. Keep the information already in the Master Plan 2012.
2. Improve the current maps in the Master Plan. Maps are very important.
3. Information/mapping of water in the Town. Protect the residents with wells.

There was a discussion among the Commissioners and Mrs. Stetson on the (North Newport) well, water aquifers, and meetings. A presentation by hydrogeologist, Frank Getchell had been suggested at a BOS meeting. January 2023 was a tentative timeframe for his presentation. Questions were voiced by the Commissioners as well as the desire to attend the presentation in keeping with their Mission Statement “to ensure the proper protection, promotion and management of the natural resources of Newport”...and as... “protectors of the natural resources in Newport.” Continuing their discussion, they stated they needed to protect the area around the proposed Town well.

Chairman Connell asked what additional items needed to be included (in the NRI), what were the major areas of importance. He stated that the Commission could ask a consultant (hired to create an NRI) at what depth their NRI needed to be. Mr. Schagen stated the Master Plan refers to an NRI in several places. He said it pointed out that a NRI should be done to address those related issues. The issues referenced could be the Commission’s guide. He reviewed their discussions from the past months about going to Mr. Littleton of Moosewood Ecological; giving him information the Commissioners wanted in a Master Plan and asking for a price. He asked if the Commission still wanted to do that. Chairman Connell said he believed yes. The others concurred with Chairman Connell.

Chairman Connell also said they could (ask Littleton’s guidance) about what else Newport needed. He stressed that the Master Plan needed better maps. He listed information that needed to be expanded on: wetlands and water.

There was a discussion on the use of websites to obtain basic information for a NRI. Dr. Schissel had had a two hour tutorial from Mr. Chute (Conservation District) and was able to navigate the Granit website. Mr. Schagen again referred them to Claremont’s NRI. He stated that every section in Claremont’s was pertinent to Newport as well: wetlands, water resources, wetland protection zone.

Mrs. Dennis requested that with the Shoreline Protection have brooks and streams.

Mr. Dennis said he had questions concerning the landowner who had cut the trees and gravel removal down on Route 10 across from Corbin Road.

Chairman Connell asked for input from the Commissioners.

A budget was discussed. Chairman Connell stated that money for the Commission would come from both a Warrant Article for NRI (\$12,000) and a budget line item (\$1200). Mr. Dennis said he would like Mr. Littleton to look at their proposed list and ask for a price; not tell Mr. Littleton that the Commission had \$12,000. It was agreed to ask him to attend a future meeting. Mr. Schagen will contact Mr. Littleton. Dr. Schissel asked if the project would be sent out to bid, or did the Commission have the authority to choose the consultant. The Commission members discussed the bidding process by the Town. Three bids are required (or request of qualifications); there are approximately three companies that do the work. Mr. Littleton will be asked to attend the January meeting. Mrs. Dennis requested the meeting be postponed to January 25, 2023 (due to a conflict). The commissioners agreed to the change.

To Recap:

The six items for the NRI agreed upon by the Commissioners were:

1. Detailed, improved maps
2. Wetlands identification
3. Water resources(including brooks and streams)
4. Rare Species

5. Lands for preservation (future easements or purchase)
6. Recreational

Also discussed was the need to talk to someone about NRIs basic and more advanced information for inclusion and whether Newport could take the NRI information (in the Master Plan) and update it; the NRI as a component of the Master Plan and the use of the Master Plan by Ms. Donovan, the Zoning and Planning Boards as a major part of their reasoning to approve applicants projects.

#### Warrant Article

Chairman Connell stated he was told \$12,000 could be allotted for a NRI Warrant Article. Townspeople would be told it was an ongoing project. There was a general discussion on a Warrant Article being submitted by the Conservation Commission. There is no record of a warrant article written by Ms. Donovan; Finance Director Brown stated he had not met with her about one. Mr. Dennis said the Commission needed to be able to talk to the people and explain what they wanted to do (with the money).

#### Land Conservation Invest Program Reports/Monitoring of Barton, Yeomans, Wells and Johnson properties

They were done and submitted to the state.

#### Chairman Position

Chairman Connell stated he had read up on some RSAs. One statute specifically stated an ex officio board member like him could not be the chairman of the group. After a general discussion, Chairman Connell tendered his position as Chairman of the Conservation Commission as status as an ex office member of the Commission (now that he realizes he should not be Chairman). Chairman Connell made a motion *to tender his position as Chairman of the Conservation Commission*. It was seconded by Mr. Dennis. *It was accepted with regret by the Commissioners.*

#### New Chairman of the Commission

Mr. Connell requested that Mr. Schagen step up from Vice Chairman to Chairman until June 2023. The Commissioners concurred that Mr. Schagen will serve as Chairman of the Conservation Commission for the remainder of the term (until June 2023). The Vice Chairman seat will remain vacant until the next election in June 2023. Mr. Connell thanked the Commission for allowing him to serve in the Chairman capacity. He enjoys being a part of the Commission and will continue to serve as a BOS Rep. Mr. Connell asked that the minutes reflect that the new Chairman of the Conservation Commission is Donald Schagen and that Barry Connell will remain in his ex officio status.

#### **ADMINISTRATION:**

##### Annual Report

Joanne Dufour sent an email stating the Annual Report write up was due by January 17, 2023. Chairman Schagen will write it, send it to the Commissioners for comment and then email it to Joanne for inclusion in the Town's Annual Report.

##### Summer Street – No Dumping Signs

The action item will be brought up at the January 25, 2023 meeting.

##### Letter to Barton Property Abutters

Dr. Schissel will write a *draft* letter to be sent to all the property owners on Sunapee and Swan Streets that abut the Barton Property. He will reference text from the 2015 letters from the state attorney general's office. Chairman Schagen requested that the Lot numbers be read aloud into the record. Mrs. Stetson complied, reading aloud the lots on Sunapee Street: 27, 26, 25, 81, 80, 30, 82, 83, and 84. She also read aloud the applicable lots on Swan Street: 85, 86, 31, 32, 33, 34, and 35.

##### Proposal for elderly housing on Route 10

Dr. Schissel asked about the project and stated there were wetlands on the property. They are identified (and described) in the National Wetlands Inventory. Chairman Schagen asked if Ms. Donovan has brought it to their attention. Mrs. Stetson stated she believed Ms. Donovan had (and explained the permitting necessary). After further questioning (by Dr. Schissel) about permitting and labeling, the Commissioners asked if the developers would be going before the Conservation Commission first; or

“after the fact”. Mr. Connell said that the Conservation Commission should request (from the Planning Board) that the developers go before the Commission before being seen by the Planning Board. The Conservation Commission is always seeing applicants after they have their projects approved, it should be the other way around (be integral to their approval).

#### Article for Newport Times

Dr. Schissel has written an article for the March 2023 Newport Times using information from the monitoring walkabout with Ms. Charlotte Harding. Commissioners were given copies of the draft to proof. Mr. Dennis said that if a quorum was at the walkabout there needed to be minutes of their time together.

#### Yeoman’s Property

Chairman Schagen, Dr. Schissel and Mr. Hubert walked the Yeoman’s boundary lines and put up Conservation tags. They discussed the work they did. Mr. Dennis informed the Commission of Mr. Cliff Richer’s health and his goal to again join the Commission when monitoring the Conservation land in Newport.

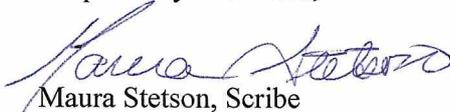
Dr. Schissel asked for a financial report at the January 25, 2023 meeting.

#### Corbin Road Tree Fund

Dr. Schissel again asked about the Tree Fund, who and what it was established for, and whether its use was within the jurisdiction of the Conservation Commission. He was referred to Mr. Larry Cote for its provenance. Dr. Schissel will contact Mr. Cote for more information. Chairman Schagen asked that the January 18, 2023 meeting be changed to January 25, 2023. Chairman Schagen asked that the Corbin Road Tree Fund be an action item at the January 25, 2023 meeting.

On a motion by Mr. Dennis, seconded by Mr. Hubert; *the Commissioners voted unanimously to adjourn at 8:31 p.m.*

Respectfully submitted,



Maura Stetson, Scribe

Approved: February 15, 2023

The next Conservation Commission Meeting will be held on January 25, 2023 in the BOS room.

To recap:

- 1) Dr. Schissel will write draft letter (Barton abutters)
- 2) Commissioners will proof Dr. Schissel’s article for the March 2023 edition of the Newport Times and send comments to him. Dr. Schissel will submit the article to the Newport Times editor.
- 3) Chairman Schagen will draft an annual report for the Town Report, submit to Commissioners for review and email to Joanne.
- 4) Corbin Road Tree Fund-Action Item January 25, 2023
- 5) Action Item: Financial Report at January 25, 2023 meeting
- 6) Action Item: “NO DUMPING” signs at the parking area at Summer Street.
- 7) Mr. Littleton speaker at January 25, 2023.
- 8) Mr. Connell will investigate a Warrant Article for the NRI