

**Town of Newport, NH**  
**Newport Conservation Commission**  
**Minutes of January 23, 2019**  
**6:30 PM**  
**Board of Selectmen's Room/Municipal Building**  
**15 Sunapee Street/Newport, NH**

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**MEMBERS PRESENT:** Stanley Hannum, Chairman; Linda Dennis, Ken Dennis

**MEMBERS ABSENT:** Kristen Boffo, Alternate Clifford Richer, Alternate

**GUEST PRESENT:** Town Manager Hunter F. Rieseberg

**STAFF PRESENT:** Town Manager Hunter F. Rieseberg

**VIDEOGRAPHER:** John Lunn

**CALL TO ORDER:** Chairman Hannum called the Conservation Commission meeting to order at 6:53 p.m. followed by a roll call and the Pledge of Allegiance.

**AGENDA REVIEW:** New Business was moved to the first order of business in order to accommodate the speaker.

**NEW BUSINESS:** Town of Newport: The Town of Newport will potentially acquire property owned by the Newport Youth Activities under RSA 31:3 providing the general authorization for the Town to purchase property for public use. The property is located at the corner of Meadow and Ash and identified as Map 114 Lot 159.

Town Manager Hunter Rieseberg thanked the Commission for the special meeting. He stated that the Town is pursuing the construction of a Community Center near the existing baseball field. In the process of planning, the Town discovered that a portion of the ballfield was not owned by the Town. It is owned by the Newport Baseball Association. He explained that on the advice of counsel the Town has begun the process of acquiring the land through eminent domain (see pages 3-4 of the November 5, 2018 Board of Selectman minutes). In this way the ballfield could be repositioned without a second party being involved.

Continuing, Town Manager Rieseberg said requirements of the eminent domain proceedings were to inform Boards and citizens of the Town's plans and seek their opinion(s). The Town hoped that the Boards would concur that it was in the Town's best interests to acquire the land.

The order of the procedure for the eminent domain acquisition would be:

1. Getting the approval of the Conservation Commission
2. Getting the approval of the Planning Board
3. Holding two Public Hearings at a Board of Selectmen's meeting for public comment
4. Go to the State Judiciary. Because there aren't any heirs or current members, the Town expects that the court will rule that the land belong to the Town of Newport henceforth.

Chairman Hannum asked for an explanation of the schematic drawing presented to the Commission. Town Manager Rieseberg indicated the land the Town proposed to take by eminent domain. Chairman Hannum asked where the medical (ambulance) shed and the current location of the ballfield was.

Town Manager Rieseberg showed him on the drawing.

Chairman Hannum asked what would happen with the two buildings (ambulance and grounds sheds). Town Manager Rieseberg stated the two buildings would be demolished and new ones of equal or greater capacities would be placed at another location owned by the Town.

Mr. Dennis indicated to Chairman Hannum the ballfield area that was in question.

Mr. Dennis addressed Town Manager Rieseberg and asked if when it became the Cal Ripken (Association), they lost ownership of the land? Town Manager Rieseberg stated that he believed the Cal Ripken Association assumed ownership. He explained his understanding of the ownership.

Town Manager Rieseberg stated that the Town intended to continue to use it for recreational purposes.

Chairman Hannum asked for clarification, that the land in question was a center part of the field and the parking lot of the currently located ballfield. Town Manager Rieseberg stated that neither parcel could exist without the other.

Chairman Hannum again asked for clarification of ownership. Would it be the Rec Center? Town Manager Rieseberg stated the Town would own it.

Mr. Dennis stated he had the same question. If Cal Ripken lost guardianship of the field, had they been approached to relinquish the field. Town Manager Rieseberg stated they had no standing on the field.

Mr. Dennis and Chairman Hannum asked why the Town had to go to the Conservation Commission. Town Manager Rieseberg stated it was a procedural acquisition step required by the Legislature. The Town had to make the Conservation Commission and ZBA aware of their intent.

Town Manager Rieseberg requested that the Conservation Commission members entertain a motion that the Conservation Commission supports the eminent domain acquisition of the property.

Chairman Hannum asked for clarification, that with the motion the Commission would only be supporting taking the property, not what was going to be done with the property. Town Manager Rieseberg stated it would still be used as a ballfield. The company (BreadLoaf) would be spending a lot of money refurbishing the field. It will not change hands or use anytime soon.

There was a discussion among the Commissioners concerning the ballfields in the (floodplain) area and flooding (Conservation concerns). Mrs. Dennis asked Town Manager Rieseberg if the ballfield (as it is currently) would be upgraded if the Warrant Article for the proposed Community Center did not pass.

Town Manager Rieseberg stated no, due to lack of funding.

Mrs. Dennis asked who would own the ballfield and under whose guidance. Town Manager Rieseberg stated the Town would own it and it would be under the guidance of the Rec Department. It would basically be a "paper change". The Rec Center would continue to use it.

There was a discussion as to whether the Rec Center currently used the ballfield as opposed to the Cal Ripken League, the historical use not being a Town ballfield and the Rec Department not being involved in it. Town Manager Rieseberg stated that as a recreation field, it would be under the Rec Department jurisdiction.

Mr. Dennis wanted to state for clarity that the Carl Ripken Association has always taken care of the maintenance of the ballfield. Town Manager Rieseberg stated they could continue to do so. Continuing, Mr. Dennis stated that if the land was taken by eminent domain, Cal Ripken should be able to go to the Town and ask for necessary upgrades to the field. Town Manager Rieseberg stated that it would go to the Town under Rec Department appropriations. He explained the process to the Commissioners.

There was further discussion on the field, ownership and use.

Mr. Dennis made a motion that *the Conservation Commission give their blessings to the Town for clarity purposes of the property to support the eminent domain acquisition of the property.* It was seconded by Mrs. Dennis. *The motion passed 3-0-0.*

Mrs. Dennis and Chairman Hannum reiterated their support was for clarity of purpose.

Town Manager Rieseberg asked if there were any other concerns of the Conservation Commission.

Mrs. Dennis asked for clarification on:

- Current use funds – how to get money to go to the Conservation Commission
- Work on getting all the Town tracts of land designated as Town Forest-jurisdiction of the Conservation Commission.
- Funds collected from the lands given to the Conservation Commission (as indicated by the State)

There was a short discussion on the items in question. Town Manager Rieseberg stated that the Commission would need a Warrant Article approved at Town Meeting to achieve their goal of directing money collected for current use (land) to go to a dedicated fund for the Conservation Commission. Mrs. Dennis agreed with him.

Town Manager Rieseberg stated that many times a Conservation Commission will receive the proceeds of a timber cut on Town property. He listed the items that the money in this fund could be used for.

Mr. Dennis said the Commission had recently begun discussing a Warrant Article possibility. Nothing would be done this year; they were looking to year 2020 for any proposal to the BOS or Town Meeting. They wanted the Commission to succeed.

Town Manager Rieseberg and the Commissioners discussed various aspects of the Town and the Commission's responsibility. They discussed Newport as a "Tree Town" designation, tree farms in Newport, Town Forests in Newport and Gilman Pond put under the control of the Conservation Commission and horse logging. Town Manager Rieseberg also gave a quick overview of the steps to get proposals on a Warrant Article.

Mrs. Dennis informed Town Manager Rieseberg of the Peder Johnson conservation easement (250 acres) that the Commission was working on. It would require money from the Town. Town Manager Rieseberg was very positive at the prospect of acquiring additional conservation easements for the Town. Town Manager Rieseberg and the Commission members discussed the projects and a presentation to the BOS on selective cutting on Town land.

Town Manager Rieseberg thanked the Commission for their time and support with the eminent domain and thanked them for the discussion on their projects.

There was a short discussion on taking down the old water tower in the Town Forest. The Commissioners thanked Town Manager Rieseberg for attending the meeting.

**MINUTES:** December 4, 2018

On a motion by Mr. Dennis, seconded by Mrs. Dennis; *the minutes of the December 4, 2018 meeting were approved as presented. The motion passed 3-0-0.*

**ADMINISTRATION:** none

**CONTINUED BUSINESS:** none.

There being no further business, on a motion by Mr. Dennis, seconded by Mrs. Dennis; *the Conservation Commission voted unanimously to adjourn at 7:38 p.m.*

Respectfully submitted,

Maura Stetson  
Scribe

Approved: February XX, 2019

Town Manager Rieseberg misspoke (to the Conservation Commission) when he listed needing approval/support of the Zoning Board of Adjustments. He should have said Planning Board (See the Public Notice for the BOS meeting dated 2019.02.04). *me8*