

Town of Newport, NH
Newport Conservation Commission
Minutes of October 28, 2020
6:30 PM

Board of Selectmen's Room/Municipal Building
15 Sunapee Street/Newport, NH

Remote Access: Zoom.com - Meeting ID: 882 2217 8088 Passcode: 992576
+1(929) 205 6099 US (audio only, long-distance fees apply)

MEMBERS PRESENT: Clifford Richer, Acting Chairman; Linda Dennis, Ken Dennis, Barry Connell, BOS Representative

MEMBERS ABSENT: none

STAFF PRESENT: Christina Donovan, Planning and Zoning Administrator; Hunter Rieseberg, Town Manager

VIDEOGRAPHER: John Lunn

GUEST: *via zoom:* Jack Franks, Avanru Development Group

CALL TO ORDER: Acting Chairman Richer called the Conservation Commission meeting to order at 6:31 p.m. followed by a roll call of those present and the Pledge of Allegiance.

AGENDA REVIEW: It was requested that Administration be moved to after the cases (Donovan). All agreed.

MINUTES: December 18, 2019

Minutes of December 18, 2019

Acting Chairman Richer tabled the minutes of the December 18, 2019 meeting to the next meeting.

NEW BUSINESS:

Hunter Rieseberg (agent): request a review of 19 Depot Street to be acquired from Bar Harbor Bank and Trust

Town Manager Rieseberg addressed the Conservation Commissioners and explained that the Town had been approached by Bar Harbor Bank in Newport. The bank would like to gift the Depot building and the lot it was on to the Town. Town Manager Rieseberg said that as part of an acquisition of land, the law (NH RSA 41:14-a) requires the Selectboard to go to the Planning Board and the Conservation Commission for comment and recommendation. Town Manager Rieseberg stated he was thus bringing it to the Conservation Commission for their comment and recommendation.

Town Manager Rieseberg explained:

- The Town has been looking into having a regional dispatch center (to include Claremont and other communities). It seems a good location (Depot) for a new dispatch center.
- The bank has offered to gift the Depot with enough land for approximately nine parking spaces. Bar Harbor has gone through the subdivision process for the purpose of donating it to the Town of Newport at no expense to the taxpayers.
- The Town may or may not use it for a dispatch center, he stressed the proposal of a dispatch center is high on the list for its use.
- Selling the Depot would be an option for the Selectboard.

Commissioners had the following questions and comments:

1. *Has anyone gone through the building (by the Town) to inspect its structural soundness and integrity?* They were told yes.

It is very important to keep the integrity and historical value of the Depot building. Town Manager Rieseberg agreed and stated it was the Town's intent. He explained their concept.

2. *Will there be antennas? Will there be any mounted on the Depot building?* They were told none were planned; existing antennas on surrounding buildings as well as fiber optic cables would be used.
3. *The dispatch system needed to be updated years ago. What does the future look like?* Town Manager Rieseberg explained the request for proposal (RFP) document and evaluation needs that would be done in Newport and Claremont. He explained the vision of a regional dispatch center which would cover those two communities as well as smaller ones in the area. The cost of the study would be approximately \$40,000-\$50,000 and be shared by Newport and Claremont.

A Conservation Commission recommendation would include to accept the Depot and to utilize it for Newport's benefit. There was a general discussion on the costs and benefits of using the Depot building.

A Conservation Commission recommendation would include that the building not be sold.

A Conservation Commission recommendation would be to keep the integrity of the building.

4. *Might the building be used to house town records?* Town Manager Rieseberg stated it was a possibility.

The Commissioners stated that the use of the building as a dispatch is good. Its location is ideal. The quality of the building is excellent. The police department current capacity is at its maximum now.

Mr. Dennis made the following motion: ***that the Town accept the gift of the Depot building and lot from the Bar Harbor Bank with the following recommendations to the Selectboard:***

- 1) ***The building is preserved and its historic integrity kept.***
- 2) ***There will be no external antennas mounted on the Depot building***
- 3) ***The property/building will not be sold, it will be kept and utilized for the benefit of the Town***

Mr. Connell seconded the motion. In discussion, it was stated that the Conservation Commission was giving their blessing to accept the gift of the Depot building. The Commission's non-binding recommendations were listed for consideration by the Selectboard. ***The motion passed 4-0-0.***

Acting Chairman Richer thanked Town Manager Rieseberg. Town Manager Rieseberg thanked the Board for their time.

Avanru Development Group/Jack Franks (Agent): request a review/recommendations of wetlands on property identified as Map 115 Lot 002 and Map 116 Lot 076 and is located on Spring Street in the Heavy Commercial (B2) Zoning District

Mr. Franks was asked to summarize his project.

Mr. Jack Franks introduced himself to the Board and explained that he was before the Conservation Commission concerning a lot line adjustment made at the Spring Street location site. Avanru Development moved the lot line out of the one hundred year floodplain area to keep in line with State and Federal regulation statutes. The construction lot is 2.4 acres that is clearly delineated from the wetlands and flood plain.

There is a buffer to ensure that the wetlands will not be disturbed during construction. Mr. Franks gave a detailed explanation to the Conservation Commission on the construction protocol he would use.

He asked if there were any questions:

- Mrs. Dennis asked what the height difference was between the northern corner (parking lot), the western corner of the parking lot, the back of the proposed building and the delineated wetlands. She asked if there was going to be a lot of fill put in. Mr. Franks stated there was not going to be a lot of fill put in from what he knew. Most of the material was on site. Mr. Franks further explained that the slope is approximately 3%.

Mr. Franks explained the use of the catch basins for the protection of the wetlands. Everything is oversized to protect the wetlands. There was a discussion on construction, fill and wetland protection concerns.

Acting Chairman Richer addressed the Conservation Commission members and stated their only concern was the wetlands issue, that was their purview and why Mr. Franks was before the Commission.

Mr. Franks said they had a wetlands scientist (Sharon Monahan, CWS) that had inspected and tagged the property. Information was given to them and incorporated into the civil plan. Continuing, Mr. Franks stated they were following the wetland scientist's recommendations on appropriate construction practices. Mrs. Dennis thanked Mr. Franks for the information, it was reassuring.

Mr. Connell addressed Ms. Donovan and asked what was needed from the Commission. There was a long discussion about additional tasks and follow up on construction at the site after the Commission meeting. Mr. Franks listed the state and federal organizations that will be monitoring the construction on a weekly basis. He has never had to additionally have a local Conservation Commission also monitor the construction process.

There was a discussion between Ms. Donovan and Mr. Franks concerning additional information being submitted to the Conservation Commission. Mr. Franks reiterated that his project will be heavily regulated and others will be monitoring him.

- Mr. Dennis asked Mr. Franks to clarify the proposed new property line; was he staying west of the wetlands to make it easier and functional for the Avanru Developers to work on the property?

Mr. Franks stated there are funding mechanisms in the U.S. Department of Housing and Urban Development (HUD) which states they cannot use some available funding if they are within the 100 year flood plain. Therefore they did a lot line adjustment so they would be outside the 500 year floodplain and well outside the wetlands. The lot line adjustment was done to ensure they would have a free and clear lot and have access to funding. Continuing, Mr. Franks said that the other lot with the wetlands would not be impacted.

- Acting Chairman Richer asked Mr. Franks if the new lot line was delineated by an elevation. Mr. Franks said he was correct.
- It will be reestablished according to that elevation. Mr. Franks agreed, saying that the surveyors will go out and tag the line. He stressed that everything was west of the wetland delineation, outside the wetland delineation. Mr. Franks explained what would be done.

Mr. Connell asked Ms. Donovan who the Conservation Commission was making the recommendation to. Ms. Donovan said that recommendations go back to the Planning Board. Mr. Connell thanked her.

Acting Chairman Richer addressed Mr. Franks and stated the Commission had been told the lot line was along an existing elevation line. Acting Chairman Richer said he had looked at the grading on the survey.

The new lot line does not follow continuously along an existing elevation; it cuts through to the elevation Mr. Franks was talking about. Acting Chairman Richer addressed Mr. Franks and stated the lot line was not their concern at the meeting, only the wetlands. He wanted to recommend that the Planning and Zoning Office monitor the flagged wetlands. When told the flagging was already done, Acting Chairman Richer said the Zoning Office would monitor it and bring any problems to the Conservation Commission's attention. Mr. Franks agreed to the recommendation.

Acting Chairman Richer requested that the next time Mr. Franks brought a proposal to not use elevations. Acting Chairman Richer then stated he had a plan in front of him that had been signed by the Planning Board. There was no title on the plan. He explained what it should be for Ms. Donovan.

Acting Chairman Richer addressed the Commission for recommendations. *He recommended that the Planning and Zoning Office continue to monitor the wetland flags (red and black striped tape).*

Mr. Connell made a motion *that it is the position of the Conservation Commission that as proposed this plan meets the requirements of protection of wetlands in the property area.* It was seconded by Mrs. Dennis. *The motion passed 4-0-0.*

Acting Chairman Richer congratulated Mr. Franks. Mr. Franks thanked the Commissioners for their time and consideration.

ADMINISTRATION: After a general discussion of administrative duties, it was suggested that the Commissioners and Ms. Donovan meet again to clarify responsibilities.

On a motion by Mr. Dennis, seconded by Mr. Connell; *the Conservation Commissioners voted to continue the Conservation Commission meeting to October 28, 2020 at 6:30 p.m. to review Administrative Duties and supervision of:*

- 1) Monitoring Reports*
- 2) Annual Report (for Town Report)*
- 3) Treasurer's Report (sent from Finance Director Brown)*
- 4) Boundary Stakes*
- 5) New members*
- 6) Any additional information necessary*

The motion passed (at 7:43 p.m.) 4-0-0.

Respectfully submitted,

Maura Stetson

Scribe

Approved: October XX, 2020