

Town of Newport, NH
Newport Conservation Commission
Minutes of September 22, 2021
6:30 PM
Board of Selectmen's Room/Municipal Building
15 Sunapee Street/Newport, NH

MEMBERS PRESENT: Ken Dennis, Chairman; Linda Dennis, Vice Chairman; Donald Schagen and Herbert Tellor, Jr. BOS Representative

MEMBERS ABSENT: Clifford Richer, Jesse Johnson

STAFF PRESENT: Christina Donovan, Planning and Zoning Administrator

COMMUNITY MEMBERS PRESENT: none

VIDEOGRAPHER: John Lunn, Executive Director NCTV

Acting Chairman Ken Dennis called the meeting to order at 5:02 p.m. followed by the Pledge of and Allegiance roll call of members present.

MINUTES: July 14, 2021; August 18, 2021

July 14, 2021

On a motion by Mr. Schagen, seconded by Mr. Tellor; *the Commission voted to approve the minutes of the July 14, 2021 meeting to September 15, 2021. The motion passed 4-0-0.*

August 18, 2021

On a motion by Mr. Tellor, seconded by Mr. Schagen; *the Commission voted to approve the minutes of the August 18, 2021 meeting with the inclusion of the following:*

- 1. the addition of a diagram of the Town Common showing its trees and the proposed work to be done on them*
- 2. Verification and documentation of the number of trees to be cut "of the seven trees originally proposed to be removed on the Common, six will be replaced. An additional one (7th) was located in the walkabout...." The motion passed 4-0-0.*

NEW BUSINESS:

Reorganization of the Commission

Acting Chairman Dennis addressed the Board and asked for a nomination for Chairman of the Conservation Commission.

Mrs. Dennis made a motion *to elect Mr. Ken Dennis as Chairman of the Conservation Commission for fiscal year 2021-2022.* It was seconded by Mr. Tellor. *The motion passed 4-0-0.*

Mr. Tellor made a motion *to elect Mrs. Linda Dennis as Vice Chairman of the Conservation Commission for fiscal year 2021-2022.* It was seconded by Mr. Schagen. *The motion passed 4-0-0.*

New Hampshire Department of Environmental Services (NHDES) - Violations

- NH DES File Number 2021-02542. High School wetlands. DES stated there was: No Violation Observed Within RSA 482-A Jurisdiction. Due to the fact that the school has had the violation for over 30 years (footprint of field) the state determined it was not in violation. The Commissioners listed a number regulation the school had broken without any violations being

given to them. DES did contact the school to inform them that DES had not received any permit applications for the construction of the new playing fields at the school complex. If additional information was brought to the attention of the NH DES they would reopen the case. The Conservation Commission had been cc'd on all correspondence between the NHDES and Newport School District.

The Commissioners directed Ms. Donovan to follow up on the decision of the DES compliance specialist and to ensure that DES had had all pertinent information to correctly make their decision on File Number 2021-02542:

1. Contractor getting the correct permits
2. The old well
3. The banking
4. No silt fencing before and during construction

The Conservation Commission and Ms. Donovan held a lengthy discussion on the process; whether the school needing to come to the Commission and Town Boards “fell through the cracks”. They also discussed the Town Forest and who oversaw the Town portion of the property.

- NH DES File Number 2021-02609: Newport Golf Club. The Conservation Commission had been cc'd on correspondence between NHDES and the Golf Course. All permitting and authorizations were in order.
- Permit: AoT-2015. Sunapee Street Solar. Permit approved on September 15, 2021/ Expires on September 15, 2026. Specific conditions and general conditions were outlined in the (Alteration of Terrain) permit approval letter.

There was a lengthy discussion on the Conservation Commission Case for the project and the conditions that had been set by the Commission for its approval on February 17, 2021.

From the February 17, 2021 CC Minutes: Case 2021-SFPF-001.

Mr. Connell made a motion *from the Conservation Commission that the project appears to be able to go forward pending the development of any issues of permitting that may come forward.* Neither Mr. nor Mrs. Dennis would second the motion as stated. Acting Chairman Richer stated there were two choices; Mr. Connell could table the motion or Mr. Dennis could amend the motion. Mr. Connell tabled his motion.

Mr. Dennis stated he would like to amend the original motion. He wanted the Conservation Commission informed after the state's approval of the applicants permitting.

Ms. Donovan asked, for clarification, if he wanted the Conservation Commission approval contingent upon the Commission being notified of approved state permitting of no disruption of wetlands or encroachment on the Sugar River. Mr. Connell stated that was his (original) motion.

Mr. Connell made the motion *to state as a Conservation Commission that the project may go forward pending any issues related to state permitting approval for no encroachment on the Sugar River and state approval of no disruption of any wetlands.* It was seconded by Mr. Dennis. In discussion, Mrs. Dennis stated she did not like the fact that there were so many trees being cut, she does not like the idea of the river being adjacent to the property, the Conservation Commission advocates for clean water and then this is done for clean energy. She stated there were a lot of conflicts with the project. Acting Chairman Richer called for a roll call vote. *The motion passed 3-1-0 (Mrs. Dennis voted no).*

The Commissioners and Ms. Donovan also discussed the Turkey Hill Road construction by Norwich Solar Technologies and the condition of the terrain, water runoff and any infringement of the wetlands on that property.

Discuss August Meeting: Tree Locations and species on Common

The Commissioners discussed the walkabout of the Common held in August. They all agreed that Jesse Johnson is a great asset as a Commissioner and that Gwyn Gallagher and Gallagher Tree Service has been an excellent choice for the work on the Common and Newport. They discussed the types of trees,

conditions of the trees, the work that has been done and how the Common is going to benefit from the Tree Management Program. They addressed Ms. Donovan and again asked if they could be provided a diagram of the Common with its trees, their species, and the work done or to be done on each one. Ms. Donovan said she would get one for each of the Commissioners.

To reiterate the work to be done, the Commissioners reviewed the Tree Management Program work schedule:

- 1) Mr. Gallagher and crew will do tree trimming (starting September 20, 2021 and on).
- 2) The Conservation Commission will choose the types of trees (native species) for replacement.
- 3) Throughout the spring and summer 2022 Mr. Gallagher's company will remove identified trees (proposed removal schedule; 3 in 2022; 3 in 2023) and plant, water and care for the new trees.
- 4) In the late fall 2021 Mr. Gallagher's company will start tree fertilization (root zone injections).

In discussion, Chairman Dennis told the Commissioners of the extensive work done to the Blue Spruce located behind the gazebo. Mr. Tellor explained the mitigation the BOS was discussing to prevent the runoff from Park Street as well as other mitigation to prevent people's misuse of the Common. There was further discussion on whether there was notification to the public, which trees were native and which were invasive; as well as whether mulching would be appropriate for the newly planted trees in 2022.

The Commissioners requested that Mr. Gwyn Gallagher be invited to attend (in person or via zoom) the next Conservation Commission meeting on October 27, 2021.

ADMINISTRATION:

Mail

There was a short discussion concerning the Commission's mail sent to the Town office. Previously the Commission Chairman has picked it up. Chairman Dennis agreed to start picking up the Conservation's mail at the Town office.

Conservation Commission Public Outreach

Mr. Schagen asked that information on the work of the Commission be more readily available on the website (permitting, etc.). Items such as the tree trimming and cutting should be easy for the Townspeople to look up.

Ms. Donovan informed the Commission of the bimonthly Newport magazine that Ms. Christine Benner is starting (first edition will be November 2021). She explained it will be mailed to every home in Newport. The Conservation Commission could submit articles to be included in the magazine. Brainstorming, she stated they could have a standing article "Ask the Arborist" which could include historical (Clifford Richer) as well as current and pertinent information from the Conservation Commission. The Commissioners will discuss it further at the October 27, 2021 meeting.

On a motion by Mr. Schagen, seconded by Mr. Tellor; ***the Commission voted unanimously to adjourn at 7:43 p.m.***

Respectfully submitted,

Maura Stetson
Scribe

Approved: October XX, 2021

Gallagher LLC has been contacted for a diagram of the Common, the work to be done. They have email and Town fax numbers. The diagram will be distributed as soon as it arrives (and attached to the minutes at a later date).

Maura