

TOWN OF NEWMARKET, NH  
**CONSERVATION COMMISSION**  
 August 10, 2017

7:00 PM Council Chambers

Members Present:), Patrick Reynolds (Vice Chair), Andrea Sellers (Treasurer), Jeff Goldknopf, Marianne Hannagan, Ann LaFortune, Julia Sinclair (alternate), Rose-Anne Kwaks (Planning Board Rep), and Casey Finch (Town Council Rep-Ex-Officio)

Members Absent: Drew Kiefaber (Chair) was excused

Called to Order: 7:04 PM

Agenda Items:

**1. Pledge of Allegiance**

**2. Roll Call**

In the Chair's absence, the Vice-Chair appointed **Julia Sinclair** to serve as a voting member this evening.

**3. Public Comments**

There were no public comments.

**4. Approval of Minutes**

No minutes to approve.

**5. Treasurer's Report**

**Andrea Sellers** reviewed the copy of the financial report with the members. The report included the Schoppmeyer Park donation list and the remaining balance in that account is \$74,734.00. In the future, the Treasurer will see that all members receive a copy of the financial report prior to the meeting.

**6. Committee and Subcommittee Reports**

**Town Council:** **Casey Finch** reported on the recent meeting of the Council on July 19. There will be pertinent information to share with the CC after the next meeting.

**Planning Board:** **Rose-Anne Kwaks** reported the Town has received a Technical Assistant Grant under the New Hampshire Setting SAIL (Science, Assessment, Implementation, and Legislation Recommendations) Program to update the Town Storm Water Management Plan, last revised in 2010, to the most current, state-of-art thinking in a collaborative effort with State and local groups. A subcommittee of the PB was established and is expected to complete this project in six months beginning in late August. The PB is seeking volunteer(s) from the CC to assist in this effort. The subcommittee is tasked to complete: 1) an audit of existing regulations, 2) preparation of draft regulations, 3) presentation to the PB and the public, 4) preparing outreach materials to educate the public about storm water management, and 5) see to the ultimate adoption of these regulations. **Patrick Reynolds** will contact Diane Hardy about making sure that she knew he had volunteered and learn the date for the first meeting. **Rose-Anne Kwaks** also reported on the designation of Schanda Park. The park was created early in the 1980's with funds from the Land and Water Conservation Program under the National Park Service. The regulations of the NPS requires that the total acreage not be reduced unless other property in Town be appropriated to mitigate the loss. Basically, the CC will need to be mindful if any changes to the seawall 'fix' reduces the size of the land as originally

purchased. She also spoke with Judy Ryan from the condo association regarding the name of the company who put the riprap along their property.

**Schoppmeyer Park Committee:** Jeff Goldknopf reported on the recent meeting of the Schoppmeyer Park Committee. He sent everyone proofs of two sign designs. The CC concurred with the Park Committee that the sign be three lines and 18 x 24". It will be printed on both sided and hang from a wrought iron hanger. All the stone posts have been installed on the property. The final garden design was discussed at the meeting and changes are being made to save as much money as possible and make it easier for long-term maintain. There was discussion of grass vs. flowers by the members. The Park Committee has not yet discussed picnic tables by the river. Once they hear the suggestions of the CC, Patrick Reynolds suggests that the Committee attend a CC meeting and we could show the Park plans to the community. The State has some concerns about the docking system plans, so the system may not be in place this year. Casey Finch and other members would like to see a wider foot path to the seating oval to accommodate wheel chairs. Jeff Goldknopf will email all the collected comments from this meeting to the members for any additional suggestions and then he will invite Elizabeth or Richie to the next meeting. If they are not available, Jeff Goldknopf will report back after the next Park Committee meeting.

## 7. Chairman's Report

**Coastal Viewer 101 for Land Conservation Training – September 6, 6-8:00 PM at UNH:** Drew Kiefaber sent an email to all members and is currently signed up to attend. Others are encouraged to sign-up.

## 8. Old/New Business

**Schanda Park Maintenance:** The Chair and Vice-Chair were looking for information from the CC files on directives for Schanda Park and found none. The safety fence has been installed. The CC needs to continue to pursue the costs for repairs. Rose-Anne Kwaks asked Amy Burns, TC Rep to the PB, to take the CC concerns about the condition of the boat ramp back to the TC for discussion and get in touch with Fish & Game about repairs. Diane Hardy mentioned that there are grants available for such work.

**Dearborn Property - Survey:** The Vice-Chair reviewed for the members the proposed survey lines. These lines were discussed at the previous meeting. The lines were also discussed by Jeff Goldknopf and Steve Walker, OEPD, and on their site walk last winter. Jeff Goldknopf mentioned that, if we wish to grant the abutter at 202 Grant Road a formal easement, we should ask the selected surveyor to make a 'recordable plan' for the Town to change the deed officially. Drew Kiefaber is still preparing the materials to send to at least three surveyors for bids and Jeff Goldknopf will send additional comments from the members.

**Heron Point Sanctuary:** Patrick Reynolds reported that the boulders have been placed along the opening of the path. The Town Administrator said that the Town cannot take on the role of opening and closing the gate. The gate is currently locked and shall remain locked for now. Casey Finch mentioned that the easement is for walking to enter the park, but not for car access. A lively discussion followed. While realizing a legal opinion is necessary, no further action can be taken by the CC at this time. The Vice-Chair will follow-up with the Chair about future meetings regarding Herron Point.

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*The Official Town Statement on Herron Point Sanctuary  
may be found on the last page of the minutes as an addendum.*

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**Turtles Crossing on Elm Street:** Andrea Sellers reported that the fence along the cemetery could possibly be a barrier for turtle crossings and we should consider additional signage there. She saw a snapping turtle in the cemetery and also saw a painted turtle in the road. Both were moved successfully. Thank you Andrea!

**Piscassic Kiosk Map Update:** **Julia Sinclair** reported that Ellen Snyder has sent a draft of possible text for the kiosk and a draft the aerial the map. She will be attending the next CC meeting which will give all members time to review the materials that received. The members are encouraged to send email comments or suggestions to **Julia Sinclair** who will consolidate them for Ellen prior to the next meeting.

**Brochures of all the Conservation Properties in Newmarket:** **Rose-Anne Kwaks** brought up the possibility of getting a brochure of all the Town Conservation Properties which could be made available to the public. The Vice-Chair mentioned a program, prepared by UNH Coop Ext. as a phone app, is currently being used by many communities as a way to share their conservation properties and descriptions. The CC is very interested and will pursue this further.

## 9. Adjournment

### Action

**Motion:** **Rose-Anne Kwaks** moved that the meeting be adjourned.

**Second:** **Andrea Sellers**

**Vote:** Approved 7-0-0

The meeting was adjourned at 8:45 PM.

The next meeting will be held on Thursday, September 14, 2017.

Respectfully submitted,

Sue Frick, Recording Secretary

**Addendum****The Town Statement on Herron Point Sanctuary:**

The Town has received communications from members of the public regarding the Heron Point Sanctuary and it being gated now. First, I want to say that while it is gated, it is open but only by foot access.

The Heron Point Sanctuary had been ungated for well over 10 years, with minimal issues. Earlier this year, the Heron Point Estates Homeowners Cooperative, through their legal counsel, contacted the Town with a complaint of people in the park after dusk. The Town did not want to close the park at that time, nor do we want to now. To address this, the Cooperative's Attorney and the Town agreed to increase police patrols and encouraged the neighbors to call the police if they saw people in the park after dusk. The police did patrol the area, and only received one call that someone was in the park after the allowed time.

The Town received notice in June from the Board of Directors' Attorney to lock the gate on a permanent basis if we cannot assure that the gate would be locked nightly at dusk. After consultation with our legal counsel, the Town cannot assume the liability put forward by the Board of Directors that it will be locked nightly at dusk by the Newmarket Police Department or Conservation Commission. If the police are dealing with another issue in the community, locking the park will not take priority. In addition, the Conservation Commission is made up of volunteers, and we cannot expect that they would be able to lock it either. Please note, that this is the only park in the community that is locked every evening. The Town continued to patrol the area and requested that residents call the police if people are in the park after hours, as they were doing previously.

In July, the Town received a follow up letter from the Board of Directors threatening legal action to revoke the Town's access over their property to enter the park, if we did not lock the gate. If the Town did not lock the gate, the Cooperative would remove the public use of their streets to get to the park. At that time, it was determined to comply with their request and lock the gate.

The Town cannot risk legal action from the Cooperative and lose the right to pass over their roads to access the park. Again, the park is open, but can only be accessed by foot. The Town is looking at other solutions, and would encourage the Cooperative to work with us as well. Please share your concerns with the Heron Point Estates Homeowners Cooperative c/o Robert M. Shepard, Esq. Smith-Weiss Shepard, P.C. PO Box 388 Nashua, NH 03061-0388.