

TOWN OF NEWMARKET, NH
CONSERVATION COMMISSION
April 12, 2018

7:00 PM Council Chambers

Members Present: Patrick Reynolds (Vice Chair), Andrea Sellers (Treasurer), Cris Blackstone, Drew Kiefaber (Alternate), and Casey Finch (Town Council Rep - Ex-Officio)

Members Absent: Marianne Hannagan, Ann LaFortune, and the Planning Board Representative

Called to Order: 7:05 PM

1. **Pledge of Allegiance**

2. **Roll Call**

The Chair appointed **Drew Kiefaber** as a voting member for this meeting.

3. **Public Comments**

There were no public comments.

The Chair asked to revise the agenda to accommodate an item from Old/New Business. There was no objection.

8. **Old/New Business**

Silverman Schneer Easement: Attorney F.X. Bruton, from Bruton & Berube PLLC, came forward at the meeting to represent Dr. Joffree Barnett who is the new owner of 41 Neal Mill Road which abuts the Silverman Schneer Easement. A site walk of the property was held earlier today to review the concerns of the Conservation Commission detailed to Dr. Barnett in a letter dated January 22, 2018. **Drew Kiefaber**, Jeffrey Goldknopf (former member of the CC involved with the original assessment of the easement), and **Patrick Reynolds** were present during the site walk. Attorney Bruton, who drafted the original easement in 2006 to benefit the Town, explained that Dr. Barnett is building a new home within the non-restricted area to fit the profile and topography of the site. Christian O. Smith PE, Beals Associates, PLLC, presented the restoration plan. A snap-line now exists along the back length of the stone wall and all the conditions of concern have been or soon will be remediated. The encroaching drainage pipe will be replaced with a French drain with a 4" perforated pipe within the non-restricted area. (*Definition: "A French drain or weeping tile is a trench covered with gravel or rock or containing a perforated pipe that redirects surface and groundwater away from an area."*) The area where trees were cut within the exclusion area will be replanted with native plantings as this will not become lawn. **Drew Kiefaber** asked that a revised plan be submitted to the CC, so that an accurate plan will be on record for future reference. Mr. Smith agreed to do so with all the changes on the plan. **Patrick Reynolds** will let the members know once the final plan has been received. The CC members thanked Dr. Barnett for his prompt response to the Conservation Commission.

The meeting returned to the agenda.

4. Approval of Minutes

March 15, 2018:

Action

Motion: **Drew Kiefaber** moved that the Minutes of March 15, 2018 be approved as drafted.

Second: **Andrea Sellers**

Vote: Approved 3-0-1

Action

Motion: **Drew Kiefaber** moved that the Non-Public Notes of March 15, 2018 be approved as drafted.

Second: **Andrea Sellers**

Vote: Approved 3-0-1

5. Treasurer's Report

Andrea Sellers reported that she had submitted the check request for the school bus trip to the Boston Aquarium. The Schoppmeyer Fund stands at \$60,000 and the current balance in the Conservation Commission account is \$294,063.30. As mentioned in the March 15 minutes, there were funds deposited on February 12, 2018 for three properties (362, 366, & 370 Grant Road) for current use @ \$5,750 each (total of \$17,250).

6. Committee and Subcommittee Reports

Town Council: **Casey Finch** reported that the TC held a goal setting meeting and that Primex³ (<https://www.nhprimex.org/>) is finalizing the recommendations. The three he mentioned included 1) the Facilities Plan for the Town, 2) the Economic Development Plan (which included several sub-points), and 3) the 'Outdoor Quality of Life' plan which included Parks and a Marketing Plan as-well-as waterfront erosion concerns. The last point has many overlapping areas with the concerns of the Conservation Commission. Thank you Casey! The first RSA reading of the Tucker Property purchase was also completed and the second reading and vote will take place at the next TC meeting.

Planning Board: A new representative from the PB has been appointed and will attend the next meeting.

7. Chairman's Report

Serve with Liberty: **Patrick Reynolds** reported that the day is all set for Friday, May 4, from 9:00 – 4:00 pm. The group will gather at the Wiggin Farm parking lot. Jeff Goldknopf and **Andrea Sellers** will go out and mark the areas that need the most work with orange tape. Jeff will inform the CC when the work is completed. **Andrea Sellers** will borrow the weed wrenches from the Great Bay Discovery Center. The SELT also has a tool lending program and DPW has lent the CC shovels and other tools to help the crew. The major invasive plants to be targeted include bittersweet, burning bush, glossy buckthorn along with several pockets of multiflora roses in the field. Dennis Abbott from the Schoppmeyer Park committee has asked the Chair for some help on Serve with Liberty Day at the new Schoppmeyer Park. **Patrick Reynolds** is meeting with him at 10:00 am on Sat. to look at the size and scope of the job and determine if there will be enough time. Right now the plan is to work in the am at Wiggin, have lunch, and then work at Schoppmeyer. Thank you Jeff and Patrick for getting this going for another year of invasive removal!

Letter from NHDES to the Commission and the Town: The Chair received a copy from NHDES regarding the approval of the wetland non-site specific permit application for the property along Young Lane for the installation of a new 18" culvert and out-fall to the Lamprey River. No CC comment is required. The Chair also received a copy of a letter from Underwood Engineers to NHDES regarding an AOT for New Road and Young Lane. The letter contained responses to questions from NHDES. No CC comment is required.

8. Old/New Business (cont)

Piscassic River/Loiselle Property Kiosk: The Treasurer is submitting the check request for payment of the new kiosk signs tomorrow. **Drew Kiefaber, Casey Finch, Cris Blackstone, and Patrick Reynolds** will meet on Saturday, April 21 at 9:00 am to install the signage on the kiosk.

Dearborn Property: **Drew Kiefaber** will contact Scott Boudreau as soon as possible.

Schanda Park Repairs/Maintenance: Repair of the park is a serious financial concern as it will most likely require funding from the Town and other entities. During the recent super high tides, Schanda experienced more damage. A tree fell into the park, but was removed (by DPW?). **Patrick Reynolds** believes, that once we have new officers appointed, a sub-committee should be formed to determine the best way forward in order to maintain and preserve this property into the future. This sub-committee would include a member from the TC, PB, LRAC, and members of the CC. Schanda Park has many restrictions. **Cris Blackstone** is the Newmarket Rep to LRAC and would be happy to serve on the sub-committee. LRAC could provide 9 towns of expertise to help us.

Heron Point Sanctuary –Ongoing: The next step is to determine the specification for an automated gate and get some quotes. **Cris Blackstone** mentioned that fire departments around the state have lots of logging roads that are gated and we could make contacts with other towns for help. She will also ask Suzanne Petersen at LRAC about other towns who might have used this type of gate.

Election of Officers for 2018 – Chair, Vice Chair, and Treasurer:

Action

Motion: **Patrick Reynolds** moved that the election of new officers be postponed to the next meeting when more members are present.

Second: **Cris Blackstone**

Vote: 4-0-0

Turtle Signs: **Andrea Sellers** asked about the turtle signs. **Patrick Reynolds** will contact DPW about the turtle signs, the shovels and tools for ‘Serve with Liberty’, and will ask DPW if they removed the tree in Schanda Park and, if so, thank them!

Question during the Site Walk: **Patrick Reynolds** was approached by a neighbor during the site walk at 41 Neal Mill Road today. They wanted to know who was responsible for removing trees if they fell over the road. Jeff Goldknopf stepped up and said that Class VI roads are not maintained by the Town.

State Definition of Class VI Roads:

In the state’s highway classification system, which is defined in [RSA 229:5](#), Class VI roads are “all other existing public ways,” meaning public ways not otherwise classified as Class IV or Class V roads. Class VI roads include those that have been discontinued subject to gates and bars, as well as those that have “not been maintained and repaired by the town in suitable condition for travel” for five successive years or more. (See [RSA 229:5, VII.](#)) The two important keys to this statutory definition are that Class VI roads are public ways, and they are roads that the town has no duty to maintain. Note that the definition of a Class V road is one that the town does have a duty to maintain. (See [RSA 229:5, VI.](#))

Conservation Commission Scholarship: **Andrea Sellers** will pick up the applications on Wednesday, May 9 from the Newmarket Jr/Sr High School Guidance Counselor and bring them to the next meeting. A small group of members will review them after the meeting to determine the \$1,000 award recipient. **Drew Kiefaber** has agreed to give out the scholarship at the award night on May 10. Thank you Drew!

9. **Adjournment**

Action

Motion: **Drew Kiefaber** moved that the meeting be adjourned.

Second: **Andrea Sellers**

Vote: 4-0-0

The meeting was adjourned at 8:00 PM.

The next meeting will be held on Thursday, May 10, 2018.

Respectfully submitted

Sue Frick, Recording Secretary