



TOWN OF
NEWMARKET
NEW HAMPSHIRE

Conservation Commission

September 14, 2023, at 7:00 PM

Town Hall Auditorium

AGENDA

1. Pledge of Allegiance
2. Roll Call
3. Public Comment
4. Guest Speaker: Aaron Anderson, The Xerces Society: Conserving Beneficial Insects
5. Approve Meeting Minutes: July 13, 2023, August 10, 2023
6. Sealing and Unsealing Non-Public Meeting Notes
7. Financial Summary
8. Committee/Board Reports
 - Town Council
 - Planning Board
 - Riverfront Advisory Committee/Schanda Park
 - Other Committee Reports
9. Initiatives
 - Community Oyster Garden: September 17 - OysterFest
 - Pathways for People and Nature
 - Stream and Wildlife Crossings
 - Pollinator Pathways
10. Conservation Easement Monitoring
 - SELT Contract
 - Annual Easement Monitoring
11. Other Projects
 - Boulder Drive Trail
 - Neal Mill Class A Trail and Old Lee Road/Trail
12. Adjourn



TOWN OF
NEWMARKET
NEW HAMPSHIRE

Conservation Commission

July 13, 2023 at 7:00 PM

Town Hall Auditorium

DRAFT MEETING MINUTES

Members Present: Ellen Snyder (Chair), Melissa Sharples (Vice-Chair), David Bell, Cris Blackstone, Jeffrey Goldknopf (Planning Board Rep.), Tom Jones (Alternate), and Brian Ward (Town Council Rep. *ex officio*)

Members Absent: Colin Lawson (Alternate), Sam Kenney, and Julianna Tyson

The Chair called the meeting to order at 7:01 PM.

[time on DCAT 3:29]

1. Pledge of Allegiance

2. Roll Call

Tom Jones (Alternate) was appointed to serve as a voting member this evening.

3. Public Comment

[time on DCAT 4:25]

Dale Pike, 30 Smith Garrison Road, is present this evening to speak in his capacity as a member of the Ad-hoc Riverfront Advisory Committee. He received a message last week from Suzanne Petersen, Administrator of the Lamprey River Advisory Committee, advocating for signage at Schanda Park regarding the possible contamination of the riverfront area. He recounted the research/testing done by UNH on Moonlight Brook the outfall area into the Lamprey River showing fecal contamination. There are currently signs up because of the Town sewer pipe leak located farther up the river. He has spent a great deal of time at Schanda and observed young children playing in the water and feeding the ducks at the Moonlight Brook outfall. He feels that, once the Town sewer line is repaired, the signs are taken down and given the UNH study on fecal contaminants, we should consider signage for citizens about the pollution of Moonlight Brook at the outfall. He encourages the ConCom to consider some new signage to discourage children from playing in the Brook, to explain that the Town is doing everything that it can to remedy the situation, and more information/reasons not to feed the ducks/wildlife.

4. Guest Speaker

Our guest speaker from Casella Waste Systems, Inc, solid waste and recycling company, was unable to attend the meeting this evening.

1 **5. Approve Meeting Minutes and Non-Public Notes** [time on DCAT 8:28]
 2 **June 8, 2023**

3 Several members caught the same typo in the Draft Minutes and Non-Public Notes
 4 which will be corrected.

5 **Action**

6 **Motion:** **Ellen Snyder** moved to approve the amended Draft Minutes
 7 for June 8, 2023.

8 **Second:** **Jeff Goldknopf**

9 **Discussion:** none

10 **Vote:** **Approved 5-0-1 (Cris Blackstone abstained).**

11
 12 **Action**

13 **Motion:** **Ellen Snyder** moved to approve the amended Non-Public Notes
 14 for June 8, 2023.

15 **Second:** **David Bell**

16 **Discussion:** none

17 **Vote:** **Approved 5-0-1 (Cris Blackstone abstained).**

18
 19 **6. Financial Summary** [time on DCAT 11:05]

20 The Chair reported that the Conservation Fund currently has \$133,569.58, the Richard
 21 Schanda Fund has \$4,620.19, bringing the total Fund Balance to \$138,189.77. The
 22 account received interest of \$216.49 for FY22-23. We were also credited with \$8,400 for
 23 the LUCT for 60 Grant Road. The General Fund has a balance of \$1,021.57 which will
 24 revert to the Town. The Chair announced that the FY24-25 budget request will be on
 25 the August agenda.

26
 27 **7. Committee/Board Reports** [time on DCAT 13:11]

28 *Town Council:* **Brian Ward** reported on the background for the exchange of letters
 29 between the LRAC, NHDES, and the Town. The LRAC sent a letter to NHDES
 30 regarding their concerns about the contamination of the Lamprey River, particularly at
 31 the Moonlight Brook outfall. He read the letter of response from the Town Manager into
 32 the record. The LRAC, NHDES, and the Town Manager letters in are **attached as**
 33 **Addendum pages 1-6.** **Ellen** mentioned that the Town did receive a letter back from
 34 the Commissioner of NHDES agreeing that the Town is doing everything that they can
 35 and working together to move forward. **Brian** also reported that they are still working on
 36 the sewer pipe crack. The estimate for the work is less than expected and will come it
 37 between \$108,000 and \$210,000 based on the equipment needed. The pipe is lower
 38 than expected...it is 14 ft. under the silt. The Town has received a \$37,300 from the
 39 Coastal Resilience Grant program to help with the preparation of the Downtown
 40 Riverfront Chapter of the Master Plan. The Chair wanted to address the issue that Dale
 41 Pike mentioned regarding whether or not additional signage is warranted in Schanda
 42 Park. We already have signage about feeding the ducks and other wildlife. **Jeff** is
 43 concerned since he knows that some classes go back behind the Elementary and High
 44 School to study the stream ecology of Moonlight Brook in the pond area and they
 45 frequently get into the water. **Cris** thought that we should seek advice on what legal

1 ramifications there might be if we put up signs. **Ellen, Brian**, and Sean Grieg, Director
 2 of Environmental Services, should have a conversation with the Town Manager about
 3 how to proceed as the study of the Brook continues and the School administrators need
 4 to know the current status of the water quality. This is really a community-wide issue.
 5 Dr. Jones' report may be seen on the March 9, 2023 DCAT meeting. The full LRAC
 6 report is available at: : [2022 bacterial tracking FINAL report.pdf \(lampreyriver.org\)](https://lampreyriver.org/2022_bacterial_tracking_FINAL_report.pdf)
 7 Planning Board: **Jeff Goldknopf** reported on the recent lengthy hearing on the
 8 proposed 55+ housing project to be located at 242 South Main Street. He has recused
 9 himself from consideration of this proposal, but he can state that there are currently no
 10 proposed impacts to the wetland buffers. Also on the agenda, Mr. Shawn McGowen
 11 requested an Amendment to Major Site Plan to include the relocation of the existing
 12 building on to a new foundation and a parking barn. He had received approval
 13 previously, but has now decided to move the Rockingham Junction building to be
 14 entirely within the Town of Newmarket and renovate the station to its original state and
 15 use it for his office only. He no longer plans to add large septic updates which that
 16 would make it a possible site for a future owner to have a café. It was unanimously
 17 approved by the PB. The Planning Board is also putting together volunteers for the Master
 18 Plan Subcommittee.

19 Riverfront Advisory Committee/Schanda Park: **Sam** is not here this evening, but the
 20 Chair wanted to mention the beginning of the Community Oyster Gardening Project this
 21 August. Kimberly Arlen is the Habitat Restoration Coordinator for the Nature
 22 Conservancy with the Marine Team working on oyster reef restoration and community
 23 engagement across the Great Bay area came to the CC meeting in November 2022.
 24 Kim has reached out to say she is ready for the installation this August. There are plans
 25 to have one public informational event/training session and another session before the
 26 cages are removed later in the fall.

27 New Hampshire Waste Management Council: **Cris Blackstone** reported on the recent
 28 meeting of the Council in Concord. They are working on a NH State initiative to properly
 29 dispose of the old firefighting foams, which contain PFAFs, from the State. Communities
 30 have been asked to report how much they currently have in storage. The State will
 31 collect all the old foam and ship it safely to a company in the upper mid-west. The
 32 company believes that they have the technology to neutralize the PFAFs with the use of
 33 anaerobic materials.

34

35 **8. Initiatives** [time on DCAT 35:50]

36 Pathways for People and Nature: The Chair reported that we now have some draft
 37 maps.

38 Stream and Wildlife Crossings: **Colin** is still working on the culvert summarization
 39 materials. The Chair mentioned that SELT has a new Forest & Wildlife Habitat Manager
 40 named Chad Fierros, He visited the Piscassic Greenway recently and followed the
 41 stream down to where it crosses under Neal Mill Road. The culvert is clogged – maybe
 42 beaver work or just 'muck'. The Chair spoke to the Town Engineer about considering
 43 the replacement of that culvert when the Town plans to work on repaving of Neal Mill
 44 Road (which is sorely needed). We would hope to get grant funding for the culvert.

45 Ash Swamp Road Cameras: **Jeff** reported that Lauren White, a student from UNH, has

1 removed the motion cameras placed along Ash Swamp Road (near **Jeff's** house) which
 2 were capturing turtle crossing activity. She is currently processing the data and will
 3 report to us when it is complete. **Jeff** will email her to ask about her progress.

4 Pollinator Pathways: Nothing to report this meeting.

6 **9. Conservation Easement Monitoring** [time on DCAT 40:48]

7 SELT Contract: The Chair sent everyone the current contract with SELT which was
 8 recorded in 2004 when the Hilton Easement was acquired by the Town. The document
 9 is quite complicated, so **Ellen** met with Deborah Goard, the Stewardship and Land
 10 Engagement Director, who is responsible for overseeing all of their easement
 11 monitoring and other monitoring contracted by other communities. SELT does do aerial
 12 monitoring sometimes, as you don't always have to be on the ground. Deborah
 13 recommended that we 1) terminate/extinguish the current contract and create a new
 14 one (to be signed) which would contract with SELT to do monitoring and write the report
 15 only, 2) set aside the funds necessary (~\$1,000) for the easements TBD, 3) add to the
 16 draft language for the contract to ask them to mail a copy of the report to a third party as
 17 needed as well as providing us a copy, and 4) notify the ConCom of the date/time when
 18 monitoring will take place. We would inform SELT of the easements to monitor for us
 19 each January. The members discussed the contract changes. A final contract must be
 20 recorded.

21 **Action**

22 **Motion:** **Ellen Snyder** moved to recommend to the Town Manager that we
 23 terminate/extinguish the existing contract with the Southeast Land
 24 Trust dated 2004 for easement monitoring of the Hilton Easement and
 25 enter into a new contract with SELT containing new draft language as
 26 discussed.

27 **Second:** **David Bell**

28 **Discussion:** None

29 **Vote:** **Approved Unanimously 6-0-0**

30
 31 The Chair mentioned that, at the August meeting, the members will discuss putting the
 32 funds needed into the FY24-25 budget request on line item for contracted services.

34 **10. Land Stewardship** [time on DCAT 51:38]

35 Sliding Rock Conservation & Recreation Area: LRAC Grant Update: The Chair sent out
 36 draft copies of the two new panels for the kiosk. LRAC has reviewed the signs as well
 37 as Amy Gigandet at the Rec. Dept. The Chair wants to finalize the panels with the
 38 graphic designer. All members had an opportunity to add changes to the draft copies
 39 and were in agreement to move forward.

40 **Action**

41 **Motion:** **Melissa Sharples** moved to expend up to \$2,000 from the LRAC
 42 Grant to pay the graphic designer and the printer for the new signage
 43 for the Sliding Rock Conservation & Recreation Area kiosk.

44 **Second:** **Tom Jones**

45 **Discussion:** None

1 **Vote:** **Approved Unanimously 6-0-0**

2
3 The Chair reviewed the work from the grant funding already completed and yet to be
4 done. Several hazzard trees were cut down earlier. The new kayak rack was installed
5 along with the older one in such a way as to prevent users from dragging them down
6 the slope causing damage and erosion. The users can either rent a spot on the rack or
7 rent a slip form the Rec. Dept. [Kayak Rentals in Newmarket are available](#)
8 [\(newmarketrec.org\)](#) **Cris** mentioned that there may possibly be some financial relief
9 available through the Town Hall or the Rec. Dept. We will be waiting to put up fencing
10 for the erosion, but will use signage for now to see if that is effective.

11 Piscassic River–Loiselle: Entrance Sign, Library Story Walk: **Melissa** reported that the
12 new sign is up and members remarked how beautiful it is! The DPW did a great job
13 with the installation! The final bill from Timberline Signs has been sent for \$1,462.50.
14 She will submit that for payment since the funds have already been appropriated.
15 The Newmarket Library will be doing another Story Walk called “It Starts with a Seed” in
16 the next week or two. The last Story Walk was a great success.

17 Wiggin Farm: Kiosk: The Chair stated that this is still in the works.

18 Dearborn: Driveway ROW Easement: The Dearborn Easement was officially recorded
19 on July 3, 2023.

20 Boulder Drive Trail: The Chair recently visited to assess the trail. It is very short (~20 ft.),
21 but is primarily clay and can become muddy at times. She has questions about any
22 work that may be required: 1) who pays for materials, 2) who performs the work, and 3)
23 and who carries the liability. Discussions will continue.

24 Nature Groupie UNH Stewardship Interns: The Chair wanted to give a big shout out to
25 the three Nature Groupie UNH Stewardship Interns who worked so hard for us:
26 Daniel Ehram, Maddy Smith, and Jason Reyes. They worked at Wiggin Farm, Heron
27 Point, and Mastin Drive. Special thanks to UNH, DPW, the Rec. Dept., and other Town
28 staff for all of your help!

29

30 **11. Other Updates**

31 None.

32

33 **12. Adjourn**

[time on DCAT 1:11:17]

34

Action

35 **Motion:** **Tom Jones** moved to adjourn the meeting at 8:09 PM.

36 **Second:** **Mellissa Sharples**

37 **Discussion:** None

38 **Vote:** **Approved Unanimously 6-0-0**

39

40 Respectfully submitted,
41 Sue Frick, Recording Secretary

42

43 **DCAT:**
44 https://videoplayer.telvue.com/player/XSekdEeRsk0JHQVHAvKJVka7_5VjxKP/videos

1 **ADDENDUM page 1 (LRAC to NHDES) June 11, 2023**
 2

Lamprey River Advisory Committee



c/o 88 Hedding Road
 Epping, NH 03042
www.lampreyriver.org

*Protecting the Lamprey, Little, North, North Branch, Pawtuckaway, and Piscassic rivers
 that connect our fourteen communities*
 Barrington, Brentwood, Candia, Deerfield, Durham, Epping, Exeter, Fremont,
 Lee, Newfields, Newmarket, Northwood, Nottingham, Raymond

June 22, 2023

Mr. Robert Scott
 New Hampshire Department of Environmental Services
 PO Box 95
 Concord, NH 03302-0095

Re: water quality issues in the Lamprey River

Dear Commissioner Scott:

As summer begins and people head outside to enjoy New Hampshire's natural resources, we are being asked to provide important information to people who wish to fish, swim, and kayak on the NH State and federally designated Lamprey River. With multiple sewage-related issues impacting the Lamprey River this year, people are justifiably concerned about getting the best and most up-to-date information about the risks involved in spending time near, on, and in the river. We are doing the best we can to provide accurate information, but the information we get is not our own and we are not the authorities who are in the best position to provide the best information.

The Epping Wastewater Treatment Facility has received abundant publicity and a process is being implemented to provide the public with the most up-to-date information: notifications to the Durham-UNH Water System so they can curtail water withdrawals if needed, town clerks to post announcements of impending releases of partially-treated sewage on town website and in town e-news, and physical posters at all popular public access sites. These are sensible steps that will inform decisions and help to keep the public safe.

Newmarket has received far less publicity, and two serious problems of raw sewage in Newmarket Harbor are largely unknown outside of Newmarket. As you are surely aware, a sewer main that runs under the Lamprey River in Newmarket Harbor sprang a leak in May. When the sewer pump is on, raw sewage can be seen bubbling up through the water. The town plans to fix this in July. Another issue is one that has been known to Newmarket and NHDES since at least 2021: the water emptying into the Lamprey River from Moonlight Brook at Schanda Park is contaminated by human fecal bacteria.

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1 **ADDENDUM page 2 (LRAC to NHDES) June 11, 2023**
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Newmarket has not shied away from sharing this information with residents, publishing the reports in the weekly e-news, but this popular kayak landing has no signage warning visitors that water quality is not as clean as anyone would hope, or expect from a site with no warnings.

Recreationists, town officials, and the people who are charged with helping to manage the Lamprey River need to be able to know the risks and make informed decisions about when, how, or whether to have contact with the river. Knowing that the river has water quality issues is unsettling; not knowing that the river has water quality issues could be life threatening.

We request your official intervention at the soonest opportunity. Please make sure that the science and updates are shared with the public. The Lamprey River's water quality issues are well known by NHDES and the people working there have the expertise to assess the risk to people. Please post signs at public access sites warning users that the water could pose hazards to their health and include a link to NHDES with the most current information. After the sewer line under the river is repaired, human fecal bacteria from Moonlight Brook will still be present. The professionals at NHDES are the most qualified to inform the public of the latest conditions and risks. Please ensure that the public gets this essential information.

Your prompt reply and attention will be appreciated.

Respectfully,



Joseph Foley, chair

Cc: Tracie Sales, NHDES
town managers of Newmarket, Durham, Lee, Epping
Michael.Cahill@leg.state.nh.us
Charlotte.DiLorenzo@leg.state.nh.us
Ellen Read, ellen4nh@gmail.com
Rebecca.PerkinsKwoka@leg.state.nh.us
Mark.Vallone@leg.state.nh.us
michael.vose@leg.state.nh.us

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1 **ADDENDUM page 3 (Town to NHDES) June 27, 2023**

STEPHEN R. FOURNIER
TOWN MANAGER



FOUNDED DECEMBER 15, 1727
CHARTERED JANUARY 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE
OFFICE of the TOWN MANAGER

June 27, 2023

Hon. Robert Scott
Commissioner of the Department of Environmental Services
State of New Hampshire
PO Box 95
Concord NH 03302

Dear Commissioner Scott:

This letter is regarding the communication dated June 22, 2023, from the Lamprey River Advisory Committee. We disagree with the claims made in the letter against the Town of Newmarket.

Our community cares deeply for our surrounding water bodies and the environment. In recent years, the Town has constructed a state-of-the-art wastewater treatment facility; installed stormwater treatment structures at our schools, public works site, and undertaken major infrastructure projects on Bay Road as well as New Road. These projects provide numerous environmental, water quality, and public safety benefits.

We are currently planning an infrastructure improvement project to construct a living shoreline in the vicinity of Schanda Park, Moonlight Brook's outfall. It is aimed at protecting water quality, while enhancing recreational activities in the heart of our downtown.

These projects are just the beginning. Unlike other communities, Newmarket has time and time again overwhelmingly approved funding for projects and will continue to do so knowing their importance on the watershed.

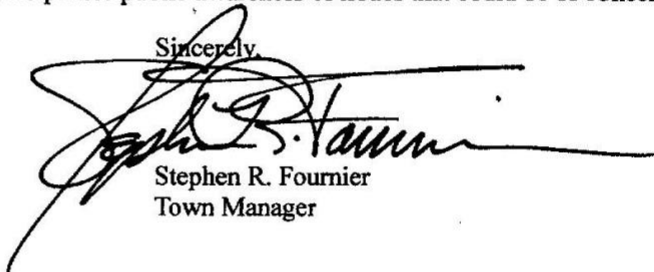
The Town is currently working in partnership with numerous agencies to monitor the health of local water bodies, investigate and eliminate potential sources of pollution – particularly within the Moonlight Brook watershed. It is implied in the letter that the human impact is from the publicly owned wastewater system. As far as we know, there is no discharge from our sanitary sewer system into Moonlight Brook. The Town is coordinating with Dr. Stephen Jones of the University of New Hampshire's Jackson Lab to select sites for the 2023 sampling season within the Moonlight Brook watershed. This active collaboration, in combination with on-going stormwater planning projects, will help focus efforts to identify and eliminate non-stormwater discharges from the stormwater system.

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www.newmarketnh.gov

The letter implies that Newmarket has been less than straightforward with the issues we have been facing in our community. We promptly notified our residents, the press, and neighboring potentially impacted towns on what is happening and how we are addressing it.

We are also dismayed that the Lamprey River Advisory Committee did not feel it was necessary to communicate with any officials of the Town of Newmarket with their findings prior to sending this letter. This was the first communication to us. We thought we had a better partner in the Advisory Committee.

The Town of Newmarket is committed to actively participate in continued water quality efforts that can improve water quality for the surrounding water bodies; and any subsequent education and outreach campaigns that may help raise public awareness of issues that could be of concern.

Sincerely,

Stephen R. Fournier
Town Manager

- cc: Newmarket Town Council
- S. Greg, Director - Newmarket Department of Environmental Services (via email)
- L. Butler, Newmarket Town Engineer (via email)
- Lamprey River Advisory Committee (via email)
- Town Administrator of Durham (via email)
- Town Administrator of Epping (via email)
- Town Administrator of Lee (via email)
- Sen. Rebecca Perkins Kwoka (via email)
- Rep. Michael Cahill (via email)
- Rep. Charlotte DiLorenzo (via email)
- Rep. Ellen Read (via email)
- Rep. Mark Vallone (via email)
- Rep. Michael Vose (via email)
- Tracie Sales, NHDES

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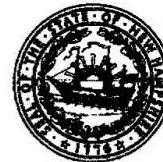
1 **ADDENDUM** page 5 (NHDES to LRAC) July 5, 2023

2



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



July 5, 2023

SENT VIA ELECTRONIC MAIL

Joseph Foley, Chairman
 Lamprey River Advisory Committee
 88 Hedding Road
 Epping, NH 03042

Re: Water Quality Issues in the Lamprey River

Dear Chairman Foley:

Thank you for your letter of June 22nd wherein you acknowledge that the New Hampshire Department of Environmental Services (NHDES) has been working with both Epping and Newmarket to ensure that they have public notification plans in place and that they are implementing them. The Town of Epping is currently not discharging partially treated sewage to the Lamprey River as its wastewater treatment plant (WWTP) is able to treat all incoming flows. NHDES is also assisting Epping through technical and financial support in its efforts to become fully compliant with its National Pollutant Discharge Elimination System (NPDES) permits.

The Town of Newmarket's force main break actively discharges when pumping sewage across the Lamprey River. As outlined in a letter dated June 30, 2023 from Newmarket's Environmental Services Director to NHDES (attached for reference), Newmarket is in the process of repairing this leak and has installed signage noting "Warning Possible Harmful Bacteria" at the following locations downstream of its force main break:

- Chinburg Docks
- Rivermoor Landing Docks
- Boat Ramp
- Town Docks

Newmarket has been sampling the Lamprey River downstream from the force main break since May 25th, and they will continue their sampling efforts on a weekly basis at the locations listed above until its force main leak is repaired (sampling results to date attached for reference).

I also received a letter from Newmarket's Town Manager, Stephen Fournier, dated June 27, 2023 where Mr. Fournier notes the many projects and activities that Newmarket has performed in recent years, as

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 (603) 271-3503 • TDD Access: Relay NH 1-800-735-2964

3

1 **ADDENDUM** page 5 (NHDES to LRAC) July 5, 2023

2

Joseph Foley, Chairman, LRAC
July 5, 2023
Page 2

well as upcoming projects to be undertaken to improve water quality in the Lamprey River watershed. Mr. Fournier expresses Newmarket's commitment to continue to collaborate with other organizations, such as yours, to investigate and identify future projects to continue to make improvements in the watershed.

NHDES will continue to support Newmarket and other communities in the Lamprey River watershed in its efforts and provide financial assistance through its Clean Water State Revolving Fund (CWSRF) program. Most recently, Newmarket submitted a CWSRF pre-application for funding for a Moonlight Brook Stormwater Investigation planning project. This project is to address concerns raised in the Lamprey River Advisory Committee's (LRAC) December 31, 2022 Tracking Bacterial Contamination in the Lamprey River Watershed. As part of the project Newmarket states it will conduct further investigations to determine and pinpoint the sources of bacterial pollution, as well as develop and execute a public outreach program and implement at least one green infrastructure project. Depending on what sources are identified, additional projects may need to be carried out to address those sources.

We are greatly appreciative of all the continued efforts of both the Town of Newmarket and LRAC to improve water quality in the Lamprey River watershed. NHDES will continue to support those efforts.

Sincerely,



Robert R. Scott
Commissioner

Attachments:

June 27, 2023 Letter from Newmarket Town Manager Stephen Fournier
June 30, 2023 Letter from Sean Greig, Newmarket Environmental Services Director
Sampling Results as of June 30, 2023

ec: Newmarket Town Council
Stephen Fournier, Newmarket Town Manager
Sean Greig, Newmarket Environmental Services Director
L. Butler, Newmarket Town Engineer
Todd Selig, Durham Town Administrator
Town Administrator of Epping
Andy Robertson, Lee Town Administrator
NH Senator Rebecca Perkins Kwoka
NH Representative Michael Cahill
NH Representative Charlotte DiLorenzo
NH Representative Ellen Read
NH Representative Mark Vallone
NH Representative Michael Vose

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4



TOWN OF NEWMARKET NEW HAMPSHIRE

Conservation Commission

August 10, 2023 at 7:00 PM

Town Hall Auditorium

DRAFT MEETING MINUTES

Members Present: Ellen Snyder (Chair), Melissa Sharples (Vice-Chair),
Cris Blackstone, Jeffrey Goldknopf (Planning Board Rep.), Tom Jones (Alternate),
Sam Kenney, Julianna Tyson, and Brian Ward (Town Council Rep. *ex officio*)

Members Absent: Colin Lawson (Alternate) and David Bell

The Chair called the meeting to order at 7:01 PM.

[time on DCAT 3:17]

1. Pledge of Allegiance

2. Roll Call

Tom Jones (Alternate) was appointed to serve as a voting member this evening.

3. Public Comment

There was no public comment this evening.

4. Approval of Minutes

Approval of the July 13, 2023 minutes is postponed until the next meeting in September.

5. Financial Summary

[time on DCAT 4:15]

The Chair reported that the current Conservation Commission Fund is \$133,568.66 and the Richard Schanda Fund is \$4,621.11. Total Fund Balance is: \$138,189.77. The General Fund Balance (as of 8/1/23) totals \$4,520.00.

6. FY25 Proposed General Fund Balance

[time on DCAT 5:42]

The Chair reviewed the FY25 proposed budget. She distributed a draft letter to Steve Fournier and Bart regarding a proposed budget showing increases/decreases as necessary from FY23 through FY25:

	FY23	FY24	FY25
Part-time Salaries	\$3,335	\$3,470	\$3,300
Contracted Services	\$300	\$400	\$1,000
Dues/Subscriptions	\$350	\$450	\$500

General Supplies	\$200	\$200	\$200
Postage	\$0	\$0	\$0
TOTAL	\$4,185	\$4,520	\$5,000

1
2 She spoke with Bart about the increase in funds required for contracted services for
3 conservation easement monitoring. She reviewed the proposed changes with the
4 members and they were in agreement.

5 Action

6 **Motion:** **Melissa Sharples** made a motion to approve the FY25 budget as
7 drafted. It should be sent to the Town Manager and the Town Planner
8 for continued consideration by the Budget Committee and Town
9 Council.

10 **Second:** **Sam Kenney**

11 **Discussion:** none

12 **Vote:** **Approved Unanimously 7-0-0**

13 14 7. Committee/Board Reports

[time on DCAT10:09]

15 Town Council: **Brian** updated the members that the sewer leak below the dam has been
16 fixed and it should last for several years while a more permanent solution can be
17 determined. **Tom** wanted to know if the sewer fix had been put in the Town
18 Newsletter...**Brian** was not sure. **Melissa** reported that the Newsletter did have a
19 general water quality press release from NHDES. **Brian** reported that two citizens have
20 been appointed to the Arts, Culture, & Tourism Commission: Joshua Skovlund
21 (Alternate) and Jamie Knauer (member). \$50,000 has been transferred to the merit pool
22 from the Fire Capital Reserve Fund which the Chief said was not used/necessary.

23 Planning Board: **Jeff** reported that Lyndsay and Bart presented the proposed changes
24 to Chapter 32 requirements regarding the MS4 program. The new changes will give the
25 Code Enforcement Officer the ability to enforce illicit dumping into the Town catch
26 system. Prior to these proposed changes, the Town had no clear path to enforce
27 violations. The PB approved the proposed changes and will send them directly on to the
28 Town Council for consideration and hearings. **Jeff** will send the changes around to the
29 members by email. Dale Pike did not come to the PB to discuss continuing the signage
30 around Moonlight Brook regarding the water quality, but he told the PB of Dale's concerns.
31 It was determined that signage is the responsibility of NHDES. The Chair asked if any
32 wetlands were impacted with the proposed senior housing on South Main Street...he
33 said that no wetlands are impacted at this time. The site approval application has been
34 continued to Sept 12.

35 Riverfront Advisory Committee/Schanda Park: **Sam** reported that the next meeting will
36 be August 21. He will check in with Dr. Jones at UNH about the Moonlight Brook
37 sampling and report back.

38
39 The Chair reported that the oyster cages are in! The first workshop will be Wednesday,
40 August 16, 2023 from 4-6 PM at Schanda Park. She has received an application from
41 Jerry Collins requesting his use of Schanda Park for the annual storage of 'Chick's Weir'
42 from October 2023 to June 2024.

43

Action

Motion: **Melissa Sharples** made a motion to approve the application from Jerry Collins to store 'Chick's Weir' from October 2023 to June 2024.

Second: **Cris Blackstone**

Discussion: **Sam Kenney** had a brief comment about the space Jerry currently uses. Should any shoreline improvements be done at Schanda Park, that area would no longer be available.

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

Energy and Environment Advisory Committee: **Julianna** reported that the next meeting will be on August 30th. The State PUC has approved the Newmarket aggregation plan. The next move for the plan is to submit it to the Town Council, Town Manager, and the Town Attorney (for legal assistance). After approval of all documents, the hope is that the plan will go into effect Spring 2024.

Lamprey River Advisory Committee: The Chair received a letter from Suzanne Petersen at LRAC. They are considering restarting a stream survey. She sent along a stream survey worksheet (included in the meeting packet). LRAC is requesting input from the ConCom on 'actionable items' which could be included on the form. It was determined that the ConCom needs more information and it was suggested we invite the Town Rep to LRAC, Patrick Reynolds, to attend a meeting. **Cris** will contact Patrick.

NHACC Photo Contest: **Cris** wanted to let everyone know about the photo contest being sponsored by NHACC. There is a \$10.00 entry fee for any number of photos. The theme – Water, Wetlands and Wildlife – gives a wide variety of potential material for the public's amateur photographers. NHACC wants to encourage the public to get outdoors, and there's an added incentive of cash prizes; \$250 for winners, and \$50 for honorable mentions. Check out the [photo submission page](#) for more info. The deadline is Sept. 8 and the photos should be taken this year. **Melissa** said that all the info is posted on our Facebook page.

8. Initiatives

[time on DCAT 31:16]

Pathways for People and Nature: The Chair mentioned that we have some maps from Pete Steckler. Bart is beginning work on the Master Plan and he has some maps. We also need to collect some trail data this fall including Follette's Brook. This is still in the planning stages and it will take us into 2024-25 to complete. **Tom** reported that he has reached out to Lori Sommer, Coastal Watershed Land Conservation Manager with SELT. **Tom** will contact her about being a speaker in October.

Stream and Wildlife Crossings: **Colin** couldn't be here this evening.

Pollinator Pathways: **Melissa** will be emailing a group of folks at the school system with regard to recruiting a group of students to help with the planting of the seeds gifted from Pollinator Pathways. There will be a couple of locations at each school.

Night Sky Event: The Chair was asked by **Cris** to mention the NH Astronomical Society [New Hampshire Astronomical Society \(nhastro.com\)](http://nhastro.com) event. We will be co-hosting the event with the Nature Conservancy on Monday, January 8, 2024 at 7:00 PM. The event will be at the Nature Conservancy on Bay Road...it is really dark on their deck. The High School has an Astronomy class which we could try to reach out to...**Cris** will check

1 on who to contact for the class and see if the Newmarket Library is interested. **Cris**
 2 suggested that we might do something with the students about the effects of night
 3 lighting on bird migration as well as insects.

4
 5 **9. Conservation Easement Monitoring** [time on DCAT 39:07]

6 SELT Contract: The Chair sent the SELT contract to Deborah Goard, Stewardship and
 7 Land Engagement Director (it was okay), then it went to Steve Fournier (it was okay),
 8 and then it will go back to the SELT director for signing. We will then be able to release
 9 the current contract. In September, the Commission could approve funding for SELT
 10 and contract for them to monitor both Hilton and Nostrum this year. Also, at the
 11 September meeting, we could divvy up the monitoring assignments for this year.

12
 13 **10. Land Stewardship** [time on DCAT 40:50]

14 Sliding Rock Conservation & Recreation Area: LRAC grant -approve expenditures: The
 15 Chair reported that the signs are here and look fantastic! We have three invoices to
 16 approve: Cathy Arakelian \$877.50 (graphic design), Greg DiSanto \$455.00 (trail map),
 17 and Portsmouth Sign Company \$1050.00 (printing). We did not do the fencing and we did
 18 not need a DES permit so we saved \$400.00. The grant was for awarded for \$6,325.00
 19 and we spent \$6,244.43.

20 **Action**

21 **Motion**: **Tom Jones** made a motion to approve the invoices for the three
 22 items: Cathy Arakelian \$877.50, Greg DiSanto \$455.00, and
 23 Portsmouth Sign Company \$1050.00.

24 **Second**: **Melissa Sharples**

25 **Discussion**: none

26 **Vote**: **Approved Unanimously 7-0-0**

27
 28 Piscassic River-Loiselle Conservation Area – approve final sign payment:

29 The Chair reported that the sign is in and looks very nice! We were \$150.00 short when
 30 we approved that funding.

31 **Action**

32 **Motion**: **Melissa Sharples** made a motion to approve the expenditure of an
 33 additional \$150.00 for the sign at Piscassic River-Loiselle.

34 **Second**: **Cris Blackstone**

35 **Discussion**: none

36 **Vote**: **Approved Unanimously 7-0-0**

37
 38 The Chair would like to look toward to Wiggin Farm next and hire Cathy and Greg again
 39 for the planned kiosk. She would like to submit another application to LRAC for the new
 40 kiosk. **Cris** would like to ask Prof. Matt Tarr to come back for another guided tour again
 41 and maybe add it to a ribbon cutting for a new kiosk?

42
 43 **11. Other Updates**

44 Boulder Drive Trail: **Colin** is still working on this trail.

45 Camera Traps on Ash Swamp Road – Turtle Movement: **Jeff** reported that Lindsay
 46 White contacted him to say that the camera traps were removed on July 21st and she

1 will reach out to us again once her data analysis is complete. **Jeff** only saw one bad
2 turtle accident on Ash Swamp this year. He has, however, seen many, many dark red
3 crayfish this year. They make mud huts under his trees and stick their claws up in the
4 air!

5
6 **12. Adjourn** [time on DCAT 51:43]

7
8 **Action**
9 **Motion:** **Melissa Sharples** made a motion to adjourn at 7:49 PM.

10 **Second:** **Cris Blackstone**

11 **Discussion:** none

12 **Vote:** **Approved Unanimously 7-0-0**

13
14
15 Respectfully submitted,
16
17 Sue Frick, Recording Secretary
18
19
20
21

22 **DCAT:**
23

https://videoplayer.telvue.com/player/XSekkdEeRsk0JHQVHAvKJVka7_5VjxKP/videos

24
25

Town of Newmarket, New Hampshire					
Conservation Commission -- Conservation Fund FY24 28Aug23					
Items (date of motion)	Date of CC Approval -- Discussion	Date of Debit, Revenue, or Balance	Conservation Commission Fund	Richard Schanda Fund	TOTAL
		8/1/23	\$133,527.18	\$4,621.11	\$138,148.29
		8/28/23	\$132,271.97	\$4,621.11	\$136,893.08
CREDITS					
Interest		7/31/23	\$201.29		
Land Use Change Tax (LUCT)					
Other Contributions					
DEBITS THIS FISCAL YEAR					
Piscassic River-Loiselle entrance sign (added \$300 12/8/22; \$150 7/10/23)	11/10/22	7/18/23	\$1,462.50		
APPROVED TO BE SPENT					
LRAC Sliding Rock Community Grant Total: \$6,325*					
Sliding Rock kiosk panels graphic design - Cathy Arakelian	7/10/23		\$877.50		
Sliding Rock kiosk panels printing - Portsmouth Sign	7/11/23		\$1,050.00		
Sliding Rock property map - Greg DiSantos	7/12/23		\$455.00		
Wiggin Farm kiosk - materials	5/11/23		\$500.00		
NEW REQUESTS					

Newmarket Conservation Commission Funds						
FY24		General Fund: 014611				
General Fund Budget		\$4,520.00				
	Date of motion or debit	Part-Time Salary	Contracted	Dues/ Subscriptions	General Supplies	Postage
BUDGETED		\$3,470.00	\$400.00	\$450.00	\$200.00	\$0.00
EXPENDED		\$155.92	\$0.00	\$0.00	\$0.00	\$0.00
BALANCE		\$3,314.08	\$400.00	\$450.00	\$200.00	\$0.00
General Fund total balance (28Aug23)		\$4,364.08				
Part-time salaries - minute taking	7/13/23	\$142.56				
Part-time salaries - minute taking	7/27/23	\$26.73				
Part-time salaries - minute taking - correction	7/13/23	-\$13.37				
NEW REQUESTS						
Contract with SELT for easement monitoring	9/14/23		\$1,000.00			

**Contract for Services
between the
Southeast Land Trust of New Hampshire and
the Town of Newmarket**

1. Contract for Services

THIS CONTRACT FOR SERVICES (“Contract”) made this 30 day of August 2023, between **SOUTHEAST LAND TRUST OF NEW HAMPSHIRE** (the “Trust”), a New Hampshire non-profit corporation with offices at 247 North River Road, in Epping, New Hampshire; and the **TOWN OF NEWMARKET** (the “Town”), a municipal corporation duly organized in the State of New Hampshire with a mailing address of 186 Main Street, Newmarket, New Hampshire, 03857 collectively referred to as the “Parties” outlines specific responsibilities and tasks to be completed by the Trust on behalf of the Town, as follows.

2. Scope of Work

The Trust will provide services to the Town that includes the following general scope of tasks. Upon the execution of this Contract, the Parties agree that a specific list of assignments will be agreed upon that is consistent with this Scope of Work and the Budget for Services below:

- A. **Conducting annual monitoring of conservation easements:** The Trust will complete the annual monitoring for conservation easements held by the Town and Town land, as specifically assigned by the Town. Each monitoring visit will include a walk of the property and its boundaries, and trails, contact with the landowner, and a written report summarizing all observations and any concerns regarding or violations of the easement. In addition, the monitoring report will recommend any actions for the Town.
- B. **Remote monitoring:** On behalf of the Town, the Trust will manage the acquisition of current year digital remote imagery of the conservation easements held by the Town. The Trust will perform an analysis of the digital images and complete a written report for each of the conservation easements selected by the Town.
- C. The Trust will submit the written report to any entities that require a copy of the monitoring report, such as State of New Hampshire or LCHIP, where applicable.
- D. The Trust will notify the Town, via the Conservation Commission Chair, prior to conducting the annual monitoring visit so that Commission members may participate in the site walk.

3. Materials, Equipment and Personnel

For easement monitoring related services, the Trust’s Stewardship and Land Engagement Director will be the primary contact for the Town for this Contract.

The Town will provide the Trust with access, at no cost to the Trust, to any Town records necessary to undertake the Scope of Services outlined by this Contract, including but not limited to the conservation easement deed, surveys, tax cards, tax maps (paper and electronic, if available), and conservation easement files. The Trust agrees to use any information or materials received from

the Town of Newmarket for the sole purposes of performing this Contract, and to return same to the Town of Newmarket at the conclusion of the Contract.

4. Term

The term of this Contract shall be from January 1, 2023 through December 31, 2023. This Contract may be extended by mutual written agreement.

5. Content of Contract

This Contract contains the entire understanding between the Parties. The Parties can modify this Contract only in writing.

6. Budget for Services

The Town agrees to pay the Trust at an hourly rate of \$45.00 for work performed under this Contract. Normal travel time to and from Town's offices or other destinations deemed necessary will constitute billable hours.

Ordinary expenses, including but not limited to printing and mileage, incurred by the Trust in the performance of its work scope will be billable to Town at cost.

The total fee for services, including expenses of the Trust, performed under this Contract shall not exceed **\$1,000.00**, without prior written approval of the Town.

7. Insurance

The Trust carries \$1.0 million in general liability insurance. By signing this contract, the Town is representing that the Town of Newmarket carries general liability insurance in the amount of \$1.0 million or more.

8. Assignment

Neither party can assign this Contract without prior written permission from the other party.

Executed in duplicate by the Parties by their duly authorized representatives, this 30 day of August, 2023.

TOWN OF NEWMARKET

**SOUTHEAST LAND TRUST OF
NEW HAMPSHIRE**

By: 
Steve Fournier
Town Manager
Hereunto Duly Authorized

By: 
Brian Hart
Executive Director
Hereunto Duly Authorized