

**TOWN OF NEWMARKET, NEW HAMPSHIRE  
TOWN COUNCIL REGULAR MEETING**

**APRIL 17, 2019 7:00 PM**

**TOWN COUNCIL CHAMBERS**

**Approved May 1, 2019**

PRESENT: Council Chairman Toni Weinstein, Council Vice Chairman Amy Burns (by speakerphone), Councilor Zachary Dumont, Councilor Gretchen Kast, Councilor Jon Kiper, Councilor Casey Finch, Councilor Helen Sanders

ALSO PRESENT: Police Chief Kyle True, Town Planner Diane Hardy, Nature Conservancy Director of Land Protection Jan McClure, Moody Point Homeowners Association Member Trish Simon

**AGENDA**

Chairman Toni Weinstein welcomed everyone to the April 17, 2019 Newmarket Town Council Meeting and called the meeting to order at 7:01 pm, followed by the Pledge of Allegiance.

Councilor Sanders made a motion to seal the minutes of the Non-Public Session Pursuant to RSA 91-A:3.II(a) – Personnel of April 17, 2019, which was seconded by Councilor Dumont. Police Chief Kyle True polled the Council and the motion to seal the minutes of the Non-Public Session was approved by a vote of 7-0.

**PUBLIC FORUM**

Chairman Weinstein opened the Public Forum at 7:02 pm.

As no one from the public came forward, Chairman Weinstein closed the Public Forum at 7:02 pm.

**PUBLIC HEARING** – None

**TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**

**Acceptance of the Minutes of the Town Council Regular Meeting of April 3, 2019**

Vice-Chair Burns made a motion to approve the minutes of the Town Council Regular Meeting of April 3, 2019, which was seconded by Councilor Dumont.

Corrections/Changes: Councilor Sanders made a correction on page 3, line 90 to change “Slater” to *Sanders*.

Police Chief True polled the Council and the minutes of the Town Council Regular Meeting of April 3, 2019 were approved as amended by a vote of 7-0.

#### **REPORT OF THE TOWN ADMINISTRATOR – None**

#### **COMMITTEE REPORTS**

Councilor Finch reminded everyone that Saturday, April 20<sup>th</sup> from 9:00 am to Noon, the *Conservation Commission* would be holding the volunteer cleanup at Heron Point. He said the newly installed gate should be fully operational at that time. Councilor Kast asked how the gate operated, and Councilor Finch said it would be on an automatic timer from dawn to dusk, with a remote control for emergency vehicles.

Councilor Kast stated that the *Planning Board* held two site walks on Saturday, with one at 10 Norton Lane which was a major site review application for a golf driving range. She said the second was in regard to the Monopole located by the Fire Station.

Chairman Weinstein said the *Energy & Environment Committee* had not met but that the composting program had begun at the Transfer Station. She provided a video made by a member of the committee, Don Sanders, which was being shared with Channel 13 and on social media. The program was designed to reduce the amount of organic material being put in landfill to reduce the amount of methane gas created, and the Town would receive compost for landscaping projects or to be distributed to residents. Everyone was encouraged to participate in the Town’s Food Waste Composting Program.

#### **OLD BUSINESS**

#### **ORDINANCES AND RESOLUTIONS IN THE 2<sup>ND</sup> READING**

##### **Resolution #2018/2019-36 Electronic Message Boards**

Vice-Chair Burns made a motion to approve Resolution #2018/2019-36 Electronic Message Boards, which was seconded by Councilor Dumont.

Discussion: Councilor Dumont asked when the Message Boards would be installed, and Chairman Weinstein said she imagined fairly soon. Councilor Kast asked if they knew the type of messages and who would prepare them. Councilor Kiper said he thought one was for the Town Clerk’s information, and Councilor Dumont added they would also be for upcoming events. Councilor Sanders asked if all the message boards would have the same message at the same time. She said there would be one outside the Town Clerk’s office, one outside Council Chambers, and one outside the north entrance to Town Hall.

Chairman Weinstein suggested they hold the resolution over for a third reading so that Town Administrator Fournier could answer the questions of the councilors.

**Resolution #2018/2019-37 Rescinding of the Town's Current Development Restrictions on Lot 13 at Moody Point and Replacing with New Restrictive Covenants as set forth by the Nature Conservancy**

Vice-Chair Burns made a motion to approve Resolution #2018/2019-37 *Rescinding of the Town's Current Development Restrictions on Lot 13 at Moody Point and Replacing with New Restrictive Covenants as set forth by the Nature Conservancy*, which was seconded by Councilor Dumont.

Town Planner Diane Hardy introduced Jan McClure, the Director of Land Protection at the Nature Conservancy, and Trish Simon, a member of the Moody Point Community Association. She said they were there to ask the Town Council to approve the resolution to authorize the Town Administrator to remove the existing conservation restrictions the Town placed on Lot 13, which is the Lubberland Creek at Moody Point, and replace it with new Restrictive Covenants to be placed on the land by the Nature Conservancy, allowing them to move forward with acquisition of the land from current owner Walter Cheney.

Town Planner Hardy said discussions had been ongoing for years between the Moody Point Community Association, the Town, and Mr. Cheney with regard to long-term stewardship of Lot 13. She said at this point they felt it was in the best interest of all concerned to protect this significant environmental resource, and that long-term stewardship be vested in the Nature Conservancy. She said this proposal was reviewed by the Planning Board on March 19, 2019 and unanimously approved with the original intent to preserve the Lubberland Creek in perpetuity from future development.

Nature Conservancy Director of Land Protection, Jan McClure, provided a presentation entitled "Protecting the Lubberland Creek Marsh". She showed a map of the area and said the marsh was the Cheney parcel along with some upland forest on the other side of the marsh abutting the Moody Point Community.

Ms. McClure stated that Mr. Cheney approached the Nature Conservancy in 2011-2012 to see if they could help protect Lot 13. She said they also worked with the Natural Resource Conservation Service (NRCS), a division of USDA and purchased a Wetlands Reserve Program (WRP) easement over most of the property, and negotiated an option to purchase in 2017 with the easement on it. She said in 2015, Newmarket recorded a Notice of Development Restrictions on the property on top of the easement.

Ms. McClure said they discovered that with those particular restrictions on the property, it would have been very difficult for the Nature Conservancy to monitor and enforce, and they found they were unable to extend the easement protection to cover the entire property as it was a Federal agency. Alternative solutions were discussed with the Town, and it was decided that they would remove the current Notice of Development Restrictions and put in place a Declaration of Restrictive Covenants that would happen in concert with the purchase by the Nature Conservancy. She said in the end the entire parcel would be protected by restrictions and owned by the Nature Conservancy to preserve the property.

Discussion: Councilor Kiper asked if there would be any increased public access to the property, and Ms. McClure said no new trails but there was public access to all their lands. Chairman Weinstein said she appreciated everyone's work and said she was glad to see any property in conservation.

Trish Simon of the Moody Point Community Association said she was there to support the ownership and easement changes proposed for Lot 13. She said they had been involved in protecting Lot 13 for many years and had worked with the Town Attorney in litigation to protect the property, and were also working with the Nature Conservancy as they approached ownership. She thanked Diane Hardy and Town Administrator Steve Fournier for their perseverance and tenacity, as well as other Newmarket officials, in initiating the successful litigation to retain the original conservation protections by the Newmarket Planning Board in 1985 and save the property. She said with Nature Conservancy ownership the entire property would be under a Conservation Easement.

Police Chief True polled the Council and Resolution #2018/2019-37 Rescinding of the Town's Current Development Restrictions on Lot 13 at Moody Point and Replacing with New Restrictive Covenants as set forth by the Nature Conservancy was approved by a vote of 7-0.

**ORDINANCES AND RESOLUTIONS IN THE 3<sup>RD</sup> READING – None**

**ITEMS LAID ON THE TABLE – None**

**NEW BUSINESS /CORRESPONDENCE**

**TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS**

***Energy & Environment Advisory Committee***

Candidate: *Peter Nelson – Term Expires March 2020*

Vice-Chair Burns made a motion to approve the appointment of *Peter Nelson – Term Expires March 2020* as a member of the *Energy & Environment Advisory Committee*, which was seconded by Councilor Dumont. Police Chief True polled the Council and the appointment of *Peter Nelson* as a member of the *Energy & Environment Advisory Committee* was approved by a vote of 7-0.

***Newmarket Community Development Corporation (NCDC)***

Candidate: *John Greene – Term Expires March 2021*

Vice-Chair Burns made a motion to approve the appointment of *John Greene – Term Expires March 2021* as a member of the *Newmarket Community Development Corporation*, which was seconded by Councilor Dumont. Police Chief True polled the Council and the appointment of *John Greene* as a member of the *Newmarket Community Development Corporation* was approved by a vote of 7-0.

**ORDINANCES AND RESOLUTIONS IN THE 1<sup>ST</sup> READING**

**CORRESPONDENCE – None**

**CLOSING COMMENTS**

Councilor Sanders said she met with the Newmarket Business Association and was invited to attend their Board meetings once a month. She said they were interested in Parking and Way Signs, and asked what the status was at this time. Chairman Weinstein said those were questions for the Town Administrator. Councilor Dumont said the Stone Church wanted a Landmark Sign, and Chairman Weinstein said historical markers were something different. Councilor Kipper asked who was responsible for way signs, and Police Chief True stated that type of signage would be Mike Hoffman in Code Enforcement. Councilor Finch added that the Stone Church was now on the Registry of Historic Places.

Councilor Kiper said the community was collecting donations for victims of the fire at Great Hill Terrace, which could be taken to the Fire Station, the Community Church and the Stone Church. Councilor Sanders said 3 of the 4 families had found new housing.

Police Chief True said that next Saturday, April 27, 2019, the Police Department would be participating again in the DEA's Drug Take-Back Day. He said any unused medications or prescriptions, not including needles or liquids, could be dropped off at the Police Station between 10:00 am and 2:00 pm. Councilor Dumont asked about disposing of liquid medications, and Police Chief True said he would get back to the Council on that.

Chairman Weinstein said Newmarket Cares was having its 2<sup>nd</sup> annual event in conjunction with Roadside Cleanup and would be held on two dates. She said the first date would be Saturday, May 4, 2019 from 7:30 am to 4:00 pm, and the second date would be Friday, May 10, 2019 from 11:00 am to 4:30 pm. She said there would be projects throughout the Town including Schanda Park, Recreation Center projects, roadside cleanup, cleanup at the Pocket Park, as well as residents' requests for assistance. Councilor Sanders asked if Roadside Cleanup would occur on both days, and Chairman Weinstein said it would.

**NEXT MEETING:** The next Regular Town Council Meeting is scheduled for May 1, 2019 at 7:00 pm in the Town Council Chambers.

## **ADJOURNMENT**

Chairman Weinstein adjourned the meeting at 7:46 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary