



TOWN OF
NEWMARKET
NEW HAMPSHIRE

Conservation Commission

January 11, 2024 at 7:00 PM

Town Hall Auditorium

APPROVED MEETING MINUTES

Members Present: Ellen Snyder (Chair), David Bell, Cris Blackstone, Tom Jones (Alternate), Colin Lawson (Alternate), Julianna Tyson, and Brian Ward (Town Council Rep. ex officio)

Members Absent: Jessica Cann (Alternate), Jeffrey Goldknopf (Planning Board Rep.), Sam Kenney, and Melissa Sharples (Vice-Chair),

Town Staff Present: Bart McDonough, Director, Planning and Community Development

Guests: Autumn Scott and Jackson Rand from SRPC

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

[time on DCAT 3:17]

1. Pledge of Allegiance

2. Roll Call

The Chair appointed Alternates **Colin Lawson** and **Tom Jones** as voting members this evening. The six voting members include **Ellen Snyder, David Bell, Cris Blackstone, Tom Jones, Colin Lawson, and Julianna Tyson.**

3. Public Comment

There was no one present for public comment.

4. Approve Meeting Minutes

No minutes available for this meeting.

5. Non-Public Meeting Minutes – Guidelines and Motion

[time on DCAT 6:02]

The Chair included in the meeting packet materials regarding non-public meeting minutes. Last fall, she and **Jeff** were tasked by the ConCom to review all available non-public meetings from the ConCom and determine if they could be unsealed now. A new State law had been signed by the Governor related to the unsealing/posting of non-public meeting minutes: "The official title of RSA 91-A is Access to Governmental Records and Meetings, but the law is usually called the Right to Know Law. The preamble to RSA 91-A says "Openness in the conduct of public business is essential to a democratic society."

The Town Council has adopted a procedure and the ConCom should as well. The Chair prepared a draft for a checklist the ConCom might use to guide entering non-public

sessions. The most common RSA related to the ConCom is: RSA 91-A:3, II(d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community. The ConCom is required to keep very clear records during the process regarding holding a non-public session: 1) record the motion and time going into the non-public session, 2) record the motion and time leaving the non-public session, and 3) record the motion and time when sealing the minutes (or notes). The members must also check the reason why the record should be sealed. The usual one for the ConCom might be "Affect adversely the reputation of any person other than a member of this board". Non-Public sessions must be reviewed every 10 years. She and Jeff reviewed notes going back to 2004. The Non-Public Minutes/Notes will be held in the Town Administrator's Office.

Action

Motion: Cris Blackstone made a motion to adopt the process outlines in the 'Non-Public Session Process and Minutes, Newmarket Conservation Commission',

Second: Colin Lawson

Discussion: none

Vote: Approved 6-0-0

Please see the Addendum Pages 1-2.

Please refer to Addendum pages 3-4. The letter is from Chair Snyder regarding a motion to make public a suite of non-public meeting minutes and to keep sealed another suite of non-public meeting minutes. Based on the recommendation of the Chair and Jeff dated January 3, 2024, the following motion was put forward.

Action

Motion: Cris Blackstone made a motion that the Newmarket Conservation Commission hereby **keeps sealed** the following minutes for the reasons stated:

August 28, 2014 No Release – Reputation
 November 12, 2014 No Release – Reputation
 December 10, 2015 No Release – Reputation
 February 14, 2019 No Release – Reputation
 June 13, 2019 No Release – Reputation
 September 12, 2019 No Release – Reputation
 January 14, 2021 No Release – Reputation
 June 8, 2023 No Release -- Reputation

Second: Tom Jones

Discussion: none

Vote: Approved 6-0-0

Action

Motion: Cris Blackstone made a motion that the Newmarket Conservation Commission hereby **unseals** the following minutes for the reasons

stated:

January 22, 2004 Release – Project Completed
 February 26, 2004 Release – Project Completed
 February 24, 2005 Release – Project Completed
 March 24, 2005 Release – Project Completed
 February 8, 2007 Release – Project Completed
 July 12, 2007 Release – Project Completed
 April 9, 2008 No reason to stay as non-public
 June 12, 2008 No reason to stay as non-public
 June 11, 2009 Release – Project Completed
 September 8, 2016 Release – Project Completed
 October 13, 2016 Release – Project Completed
 April 12, 2017 Release – Project Completed
 November 9, 2017 Release – Project Completed
 January 11, 2018 Release – Project Completed
 February 8, 2018 Release – Project Completed
 March 15, 2018 Release – Project Completed
 March 14, 2019 Release – Project Completed
 July 8, 2021 Release – Project Completed

Second:

David Bell

Discussion:

none

Vote:

Approved 6-0-0

6. Financial Summary

[time on DCAT 15:13]

The Chair reported that the Conservation Fund has a balance of \$134,710.21. The Richard Schanda Fund has \$4,621.11. Together the fund totals: \$139,331.32. There was some interest recorded. The General Fund has a balance of \$3,136.59. The contract with SELT has been received, but not expended just yet.

7. Master Plan Update

Natural Resources, Water Resources, Open Space Chapter

[time on DCAT 16:17]

Present this evening to make a presentation are **Bart McDonough**, Town Planner, Autumn Scott, Regional Planner with SRPC, and Jackson Rand, Senior GIS Planner with SRPC. Autumn addressed the members. She has planned an activity for this evening designed to help set goals for the Chapter. She presented an update on the progress made to date: 1) on Tuesday evening, the PB voted on the chapters to be included in the Master Plan and she will send everyone a copy of the list. Although not set in stone, the Open Space and Water Resources will be included in the Natural Resources Chapter. The staff (both SRPC & Town) will meet next week to set the teams working on each chapter. Further updates will be forthcoming.

Bart rose to speak about the Recreation Chapter. This was discussed at the SubCom meeting. Since every chapter could have some recreation component, the question arose as to whether or not Recreation should be a stand along chapter or not? He took a poll of members. After thoughtful discussion, the members agreed that Recreation should be a separate chapter. The Chair and **Bart** will report back to the SubCom that a separate

chapter has support from the ConCom. Aimee Gigandet should be invited to come to the ConCom meetings.

Continuing with the progress report: 2) the logo is still in development, 3) a survey has been created to send to staff and board/commission members to ask for the first five words that come to mind when one thinks of Newmarket- she will gather the information to guide the logo development, 4) the joint workshop (on Visioning, Housing, and Natural Resources) has been set for Saturday, March 16, 5) Jackson Rand has been working on the website for the Master Plan – content is being created and there is a calendar feature to let everyone know when events, activities, and important meetings are planned, and 6) they are considering a photo contest before the workshop – they hope to increase awareness of the MP Update and to use these for the website.

Today, Autumn, Jackson, and **Bart** met with Lynn Vaccaro and Rachel Stevens from the Great Bay National Estuarine Research Reserve because there is interest in getting some connect to protect technical assistance for implementing the coastal watershed infrastructure plan. Lynn and Emma Tutein (UNH) will attend the meeting in February to demonstrate checklists and scoring for conservation land prioritization. Today, Autumn met with Lindsay Butler, Town Engineer, to discuss the qualifications necessary for the environmental science consultant position to help with the Downtown Waterfront Chapter. They agreed on needing a firm with diverse skills which can provide help to create a phasing timeline and scope for the infrastructure guidelines for the downtown as well as the living shoreline work with an eye toward resiliency and best practices. Autumn said a firm with a multiple-focused-team might be akin to FB Consultants ([FB Environmental](#)).

If you have not taken the survey yet, please do so! The deadline is January 22, 2024 and they have received ~200 responses – more would be great!

[time on DCAT 36:20]

Mapping Discussion with Jackson Rand: Each member was given a complete set of maps as a guide for the conversation. These maps were created from the maps used before and additions will be likely. He is just focusing on the Open Space maps right now. The Water Resource and Natural Resource maps are coming. Earlier, **Ellen** let Jackson know about several conservation lands missing from the maps. She provided map and lot numbers to him and he will get those included later. Map #1 Locus Map – roads, rivers, lakes. **Ellen** thought we could call it a Base Map – aka where we are now. **Tom** and **Julianna** would like a coastal NE map of NH showing the Great Bay Drainage Area and our neighbors waterways like the Oyster River. Map #2 Surface Water and Infrastructure – all things wet. **Tom** suggest that the Prime Wetlands be given a new color and Jackson agreed. **Ellen** would like the Salt Marsh color be changed. Jackson does not have accurate culvert data and **Colin** told him how to get that information from the aquatic database with the State. **Ellen** would like all the rivers and streams marked as this is surface water. Both **Ellen** and **Tom** would like statistical information – like % of wetlands on a conservation land etc. Map # 3 Land Use – the data on the map comes from 2015. DOT does an aerial flyer over every 5 years. The flyover was due in 2020, but it was not done until 2022 and they are just now updating the land use layer. The new map will be complete in 3 to 4 months. **Ellen** has further suggestions about better colors. Jackson

discussed the use of the APA color symbology and how he will use different colors to make them pop better. Map # 4 – Zoning Overlay District – **Bart** came up to check the map. There is an elderly affordable housing district which needs to be added. **Ellen** mentioned that wetlands are on every map and that is not necessary, particularly on this map. He agreed to take them off this map and any others which don't make sense to delineate wetlands. Map #5 – Trails and Trailheads – he and **Ellen** have been working on this map for over a year. **Ellen** would like the trailhead symbol eliminated on the map when there is a parking area indicated as they overlap. **Ellen** agreed to send him trail data for properties on the map without trails marked. She would also like the two Class A Trails indicated and will send that info to him. She would also like the Rockingham Trailhead marked because it does begin in Newmarket. Map #6 – Watersheds – there was a discussion of street labels – Follette's Brook and Lubberland Creek need to be added. He extended the mapping beyond the Town border to give a wider view of the watershed area as it spreads out into out into neighboring towns. Map #7 – Ground Water and Drinking Water – this map will be changed a lot, most likely, into 2 or 3 maps. Sean will have the information needed to locate wells etc. **Ellen** mentioned that the Moody Pt. well should be removed now that they have Town water. The members agreed that water and sewer service areas be indicated on the map. Map #8 – Conservation Lands – five categories - a) Town Conservation Lands, b) Town Held Conservation Easements, c) Other Private or Public Conservation Lands, d) Other Publicly or Privately Held Conservation Easements, and e) Subdivision Open Space. They will all be indicated in five different colors. The members agreed. The SRPC use the layers that come from GRANITE View [Data and Mapping Help | NH GRANIT \(unh.edu\)](https://www.unh.edu/data-and-mapping-help). SRPC urges that the Town update conservation properties with the GRANIT system regularly. Map #9 – Conservation Focus Areas – this map has just been updated with the 2020 data from the Coastal Conservation Plan. **Ellen** would like to call this map 'Coastal Plan/Conservation Focus Areas'. Local conservation priorities will be identified later. Map # 10 – Highest Ranked Habitat – data from NH F&G for 2020. He will add the relevant supporting habitats to this map. Mapping out the Natural Resources and Water Resources maps are his next priority. **Ellen** suggests adding a soils map to indicate poorly and very poorly drained soils. Also include agricultural soils – prime farmland & statewide farmland soils. She also thought of a topographic map indicating the five hills in Town with their names. She will get that information to him for inclusion. Let him know if anyone thinks of additional layers to include (jrand@strafford.org). Thank you Jackson!

[time on DCAT 1:18:37-2:02:57]

Next, Autumn led the ConCom in a brainstorming activity designed to set goals/topics for the chapter. She mentioned contacting Lisa Wise from Sea Grant. Lisa is a member of the Eliot ME ConCom and Eliot is currently undergoing an update to their Open Space plan. Their consultant provided them a copy of examples from various communities of their frameworks and priorities which could be helpful as we move forward. She proceeded to go through the three sections for this chapter – Natural Resources, Open Space, and Water Resources. Goals were identified in this exercise. She also spoke of the themes which they expect to carry throughout each chapter.

The members had a productive and wide-ranging exchange of ideas for inclusion and highlighting in the chapter. If members think of additional ideas, Autumn encouraged them

to send them to her at ascott@strafford.org. Once concluded, Autumn agreed to summarize the comments and distribute them to the members. For further details on the brainstorming, please listen to the meeting on DCAT beginning at 1:18:37.

8. Committee/Board Reports

[time on DCAT 2:02:58]

Town Council: **Brian** reported on the recent meeting of January 3, 2024. Community Power Coalition of NH will launch this spring. Moody Pt. stormwater Management Project received a loan with principal forgiveness for \$100,000. The Ash Swamp Road Bridge Rehab Project has gone out to bid.

Planning Board: **Bart** reported for **Jeff** about the recent meeting. The PB has given direction and set the foundations for the MP chapters. They are continuing to review proposed site plan regulations. In particular, the PB plans to consider codifying the Technical Review Committee. They are considering a requirement that every plan go to the TRC before the site plan goes before the PB. They are also hoping to require 'as-builts' for the application to help locate underground utilities.

Riverfront Advisory Committee/Schanda Park: **Bart** reported for **Sam**. **Bart** created a map for the RFAC including town-owned land along the riverfront in preparation for the charrette and the riverfront chapters of the MP. This map can help the members imagine what the riverfront may become. Signs for Schanda Park are being updated. He and **Ellen** have created two signs for review – one to caution against swimming and one to caution against feeding the wildlife for the kiosk (with an educational bent).

Energy and Environment Advisory Committee: **Julianna** passed out the information flyer that everyone will receive in the mail shortly from Community Power Coalition of NH. Everyone eligible is being switched in March 2024 (net metered homes cannot join yet). There will be a Community Power Coalition Public Information Session on January 31st at 7:00 PM in the Town Hall Auditorium. She will check to see if the info session is available on zoom. The NH bill HB314 was adopted recently – this bill allowed CPC of NH to get information from Eversource.

9. Chair's Report – Annual Report

[time on DCAT 2:11:15]

The Chair has completed the 2023 report from the Conservation Commission for the Town Annual Report and provided for member review in the meeting packet. Without objection, she will submit the report.

10. Conservation Easement Monitoring

[time on DCAT 2:11:27]

Tom reported that all of the 2023 easement monitoring reports have been completed by the deadlines. In addition, all of the reports due to other agencies have been submitted. SELT has completed the two reports for us per their contract. There were a few issues with properties, so he and **Ellen** will meet to discuss these. Printing of all the materials for Town records is underway. Thank you **Tom**!

The Chair received the invoice for \$867.64 from SELT for the monitoring of the Nostrom and Hilton properties.

Action

Motion: **Julianna Tyson** made a motion to approve the expenditure of \$867.64 from the General Fund to be paid to the Southeast Land Trust (SELT) for monitoring of the Nostrom and Hilton Easements.

Second: **Cris Blackstone**

Discussion: none

Vote: **Approved 6-0-0**

11. Other Items

[time on DCAT 2:14:47]

The Chair reported that the ConCom now has an official email account with the Town. The Town has also provided space on the OneDrive as a digital repository for our documents. Thank you **Bart!**

12. Landstewardship

Ellen and **Tom** met at Sliding Rock with Tom Ballestero, Associate Professor in Civil Engineering from UNH. He owns Streamworks PLLC ([What We Do \(streamworkspllc.com\)](http://streamworkspllc.com)) which is a consulting business which provides clients with water resource solutions. He has agreed to prepare a quote for assessing the boat ramp, the beach, and various stormwater issues at Sliding Rock. Once we receive his quote, the Chair will apply to LRAC for a grant. Tom can also assess culverts, so we might consider getting estimates for the culvert on Neal Mill Road or other issues of concern to the ConCom.

13. Adjourn

[time on DCAT 2:17:06]

Action

Motion: **Cris Blackstone** made a motion to adjourn at 9:15 PM.

Second: **David Bell**

Discussion: none

Vote: **Approved 6-0-0**

Respectfully submitted,

Sue Frick, Recording Secretary

DCAT:

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

ADDENDUM page 1

**Non-Public Session Process and Minutes
Newmarket Conservation Commission**

Date:

Members Present:

Motion to enter Nonpublic Session made by _____, seconded by _____

Specific Statutory Reason cited as foundation for the nonpublic session:

_____ RSA 91-A:3, II (a) *The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.*

_____ RSA 91-A:3, II(b) *The hiring of any person as a public employee.*

_____ RSA 91-A:3, II(c) *Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.*

_____ RSA 91-A:3, II(d) *Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.*

_____ RSA 91-A:3, II(e) *Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against this board or any subdivision thereof, or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled*

_____ RSA 91-A:3, II(i) *Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.*

_____ RSA 91-A:3, II (l) *Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.*

Roll Call vote to enter nonpublic session:

Entered nonpublic session at PM

Nonpublic Session Process and Minutes: Page 1 of 2

ADDENDUM page 2

Motion made to invite the following people into this meeting was made by _____, seconded by _____

VOTE: Yes: No: Abstain:

Other persons present during non-public session:

Description of matters discussed, and final decisions made:

***Note:** Under RSA 91-A:3, III. Minutes of proceedings in nonpublic sessions shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, **taken in public**, it is determined that divulgence of the information likely would affect adversely the reputation of any person **other than a member of this board**, or render the proposed action of the board ineffective, or pertain to terrorism. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply. The Commission should review sealed minutes once a year to determine if such minutes should remain sealed.*

Motion to leave non-public session and return to public session was made by _____, seconded by _____

VOTE: Yes: No: Abstain: —

Public session reconvened at PM

Motion made to seal these minutes? If so, was motion made by _____ to seal minutes indefinitely, seconded by _____ because it is determined that divulgence of this information likely would.....

- _____ Affect adversely the reputation of any person other than a member of this board
- _____ Render a proposed action ineffective
- _____ Pertains to preparation or carrying out of actions regarding terrorism

Roll Call Vote to seal minutes:

Motion: PASSED or FAILED

These minutes recorded by:

Sealed Non-Public Meeting Minutes are to be stored as hard copies and digital files in the Town Manager's Office. The Conservation Commission Chair shall maintain a spreadsheet of non-public meeting minutes – the dates and the RSA reasons for entering non-public and for sealing the minutes.

Nonpublic Session Process and Minutes: Page 2 of 2

ADDENDUM page 3

TOWN OF
NEWMARKET
 NEW HAMPSHIRE

Conservation Commission

Date: January 3, 2024

To: Newmarket Conservation Commission

From: Ellen Snyder, Chair

Re: Motion to make public a suite of non-public meeting minutes and to keep sealed another suite of non-public meeting minutes

WHEREAS: Governor Sununu signed into law House Bill 321 which require public bodies and agencies to review sealed minutes no later than 10 years after they were last sealed. This law took effect October 3, 2023.; and

WHEREAS: The Conservation Commission delegated review of the non-public minutes to Ellen Snyder, Commission Chair and Commission Member Jeff Goldknopf to make a recommendation on which minutes shall remain sealed; and

WHEREAS: This review has been completed, the following motion is put forward to the Conservation Commission for approval:

MOTION: The Newmarket Conservation Commission hereby reseals the following minutes for the reasons stated:

August 28, 2014	No Release – Reputation
November 12, 2015	No Release – Reputation
December 10, 2015	No Release – Reputation
February 14, 2019	No Release – Reputation
June 13, 2019	No Release – Reputation
September 12, 2019	No Release – Reputation
January 14, 2021	No Release – Reputation
June 8, 2023	No Release -- Reputation

Town Hall, 186 Main Street, Newmarket, NH 1/4/2024

ADDENDUM page 4

MOTION: The Newmarket Conservation Commission hereby unseals the following minutes for the reasons stated:

January 22, 2004	Release – Project Completed
February 26, 2004	Release – Project Completed
February 24, 2005	Release – Project Completed
March 24, 2005	Release – Project Completed
February 8, 2007	Release – Project Completed
July 12, 2007	Release – Project Completed
April 9, 2008	No reason to stay as non-public
June 12, 2008	No reason to stay as non-public
June 11, 2009	Release – Project Completed
September 8, 2016	Release – Project Completed
October 13, 2016	Release – Project Completed
April 12, 2017	Release – Project Completed
November 9, 2017	Release – Project Completed
January 11, 2018	Release – Project Completed
February 8, 2018	Release – Project Completed
March 15, 2018	Release – Project Completed
March 14, 2019	Release – Project Completed
July 8, 2021	Release – Project Completed

Town Hall, 186 Main Street, Newmarket, NH

1/4/2024