

DURHAM CONSERVATION COMMISSION
Minutes to Meeting (Draft)

July 12, 2007

Cynthia Belowski called the Meeting to order at 7:05 pm.

Members present: Dwight Baldwin, Cynthia Belowski, Beryl Harper, Duane Hyde, Julian Smith,
Peter Smith, George Thomas, Robin Vranicar

Excused absence: Jim Hellen, Rich Ozenich

Others: Jerry Needell, Ed Valena, Robin Mower

1. New Business/Presentations

a. Discussion on Land Use Change Tax (LUCT) and recommendations to Town Council

- LUCT is not a steady or reliable or sustainable source of funds
- Peter Smith gave a brief history of the NH state legislation enabling reduced taxes in exchange for conservation of land. (Note there are provisions for parcels greater than 10 acres and also less than 10 acres.) The purpose of the law was land conservation, so it follows that the LUCT should be used only for land conservation to keep policy consistent.
- Duane Hyde pointed out that the last 6 Durham conservation projects were paid with funds 33% from the town, and 66 % from outside the town. One of the strongest ways to use town LUCT funds is to leverage outside money. Without the LUCT funds in hand, the town could not do these and similar projects.
- The history of LUCT in Durham has shown consistent support by the Town Council since 1991.
- The use of LUCT funds differs depending on whether short term or long term actions are addressed.
- The issue of balancing the LUCT funds for stabilizing the tax rate compared to land conservation is addressed in item #5 in Cynthia Belowski's memo dated 7-10-07.
- Julian, Peter, Dwight, George and Beryl agreed to assist Cynthia in writing a letter to the Town Council, based on this discussion and the 7-10-07 memo.
- Motion made, seconded, and passed unanimously: The Conservation Commission opposes any action that would redirect any LUCT funds to other than land conservation.

b. Land Protection Working Group presentation by Duane Hyde and Ed Valena:

Recommendations regarding proposed changes in the Policy for Acquiring Legal Interest in Conservation/Open Space Land

The changes discussed were in the Draft Revision 5/1/07.

- In 2. C. last sentence, change to: "The Council may request a site walk of the parcel at any time during this process." Discussion and consensus.
- Motion made, seconded, and passed unanimously to remove item v. from part 7. Discussion focused on the agreement that this item does not belong in this list of criteria.

- More discussion as to whether the idea expressed in 7. v. belongs in the document at all. Motion made, seconded, and passed unanimously to remove 7. v. from the document. The primary reason for this recommendation is that the job of the Town Council is always to balance tax and municipal priorities upon the community as a whole.
 - In 2. C., change first and second sentence to: After receipt of the Conservation Commission's recommendation, as well as a recommendation of the Town Administrator, the Town Council shall schedule the proposal for discussion at a regular meeting and shall hold a duly noticed public hearing on the proposed project. Discussion and consensus.
- c. **Sophie Lane Conservation Subdivision Update**
 Julian Smith and Gerry Needell presented updated information from the Planning Board meeting the previous night, including a new site plan dated July 6, 2007, a Site Analysis Narrative dated July 11, 2007 and an informal ecological assessment dated June 22, 2007. Discussion on recent changes to plan, drainage, lot size of 2 lots on Canney Road, interpretation of subdivision regulations, and how and when the Conservation Commission (CC) should respond. Consensus on a request for a joint meeting with the Planning Board about conservation subdivisions in general, and Sophie Lane in particular, on Wednesday, August 1 at 7:00.

2. Acceptance of Minutes of June 14,, 2007 - Accepted with minor changes which Cynthia will transmit to Jim Hellen.

3. Ongoing Business

- a. Wetlands applications – George Thomas.
 A new application for the DeCampi property with a changed location for a dock included photos but no site plan. George will call DES about the incomplete application.
- b. Mill Pond – Dwight Baldwin reported that several people recently conducted the annual trimming of plant growth at the pond's edge.
- c. Land Protection Working Group – See 1. b. presentation.
- d. Town Land Use/Trails Subcommittee - George reported the remaining grant money has been spent.
- e. Oversight of Town-owned lands – no report.
- f. Mill Plaza Study Committee – Julian Smith gave a brief update. There will be a public workshop on Wednesday, July 18 at 7 in the MUB. A meeting will be held on Monday, July 16 at 2 with the agenda of discussing the impact of redevelopment on the Brook.

4. Board and Committee Reports

- a. Town Council - The CC members restated that more documents and improved communication are needed for the CC to do its job adequately. Julian reported that he has reminded both the Council and the Planning Board about these needs.
- b. Planning Board – No further report beyond 1. c. above on Sophie Lane.
- c. Lamprey River Advisory Committee – Cynthia reported that the LRAC would like to form a subcommittee on water conservation management and has asked Jim Hewitt to be the chair. She encouraged a CC member to join, and Dwight Baldwin volunteered to join.

5. Other Business

- a. Status of projects before the Planning Board - Cynthia reported briefly on the Kimball project. The criteria of the conditional use has been decided. There are currently 47 parking spaces proposed (no reduction).
- b. Status of changes to WCO and SPO re forestry – Cynthia noted the changes are coming before the Town Council at the upcoming Monday meeting. Discussion of forestry practices on shoreline property in Durham. Consensus that the CC will not comment formally at the Council meeting.
- c. Report on Meeting with Todd Selig – Todd is interviewing candidates for the position of taking Minutes for the CC!

6. Administrative

- a. Correspondence – none of note
- b. Next meeting – August 9, 2007

Motion made, seconded, and passed unanimously to adjourn.

Note – Cynthia had to leave the meeting part way through, so Vice Chair Duane Hyde chaired the remainder of the meeting.

Submitted by Beryl Harper