

Approved - September 13, 2007

DURHAM CONSERVATION COMMISSION

Minutes to Meeting of August 9, 2007

Members present: Peter Smith, Richard Ozenich, Julian Smith, Duane Hyde,
Cynthia Belowski, Jim Hellen, George Thomas, Robin Vranicar

Excused Absence: Dwight Baldwin, Beryl Harper

Public Attendees: Robin Mower

Cynthia Belowski called the meeting to order at 7:03 pm

1. New Business/Presentations

- a. Welcome new minute taker, Sue Lucius – Thanks!
- b. Code Enforcement Officer request for DCC to remark on garden shed within setback abutting Davis Ave Common Area - - - - The Conservation Commission was asked for their comments (as abutters) on a garden shed that was built within 2 feet of the lot line of the Davis Avenue Common Area. The other abutters did not have any issues with the shed. It was at first believed that this “common area” was under the jurisdiction of the Conservation Commission and this was why they were being contacted as abutters. After further review of the deed it is believed that the Conservation Commission does not have any jurisdiction over this area. The Commission discussed the issue of ownership of this piece of property and felt it would be prudent to encourage the Town to clarify this matter. Cynthia will write a letter to the Town Administrator recommending that the Town resolve this issue. The Conservation Commission will also write a letter to the Town Code Enforcement Officer stating that they have no jurisdiction over the Davis Avenue Common Area.

2. Acceptance of minutes of July 12, 2007 -----A minor change to the minutes was noted. Julian Smith moved to accept the minutes as amended. This was seconded by Duane Hyde and approved unanimously.

3. Ongoing Business

- a. Wetlands application ----- George Thomas reported that he had emailed Dori Wiggins that the Commission could not comment on this application because it wasn't complete. Subsequently, Pickering Engineering faxed site plans with the dock in the location that the Commission had expressed a preference for. (The site plan was circulated). The dock will project out 30 feet only (not 100 as

originally planned). George Thomas will email Dori that the commission has reviewed the revised application and have no additional comments.

- b. Mill Pond (Dwight Baldwin was not present at this meeting) -----Peter Smith reported that there had been a substantial development regarding the Mill Pond project. Mike Lynch received a phone call from the Somersworth facilities saying that some of their men and equipment were being shipped to Germany this fall and would not be able to perform the work as scheduled in October. The Commission discussed the lengthy history of this project and the many delays and setbacks and the best approach to dealing with this delay. The consensus of the Commission was that a meeting “in person” with the individuals from the Somersworth facility would be very useful. This meeting should be used to determine if it is possible (and probable) to have the work done later in the year and what are the feelings about this project moving forward. If it is determined that it is likely to have the work done later in the year, permission will be sought from the DES.
 - c. Land Protection Working Group ----- Duane Hyde reported that Dea is working on a project with an abutting town that looked like a low cost project. This has been progressing and changing. She would like to present this to the Conservation Commission to get our feelings before proceeding further. Unfortunately, she was not able to make this meeting and requested to be able to present at a subsequent meeting.
- The technical issues of calling a non-public session were discussed, including the restrictions of such meetings and the need to be sure that it is justifiable to go in to a non-public session.
- d. Town Land-use/Trails Subcommittee ----- George Thomas reported that all grant monies will be spent, the Commission will be turning back only a few hundred dollars. He noted that in October/November volunteers will begin clearing the trails at Longmarsh. At this time the trail markers will also be installed.
 - e. Town-owned land/conservation easements ----- Cynthia Belowski reported that no activity has taken place on this.
 - f. Mill Plaza Planning Committee -----Julian Smith reported that AIA representatives had participated in a site walk two weeks ago. He noted that a significant amount of time was spent looking at the brook and the area surrounding the brook. He noted that the redevelopment of plaza will need to take in to account that abuse to College Brook cannot be continued. The Commission asked if a Library and Town Hall are being discussed in the redevelopment of the Plaza. Julian replied that they are and noted that there is interest in developing an additional 1.8 acres east of the plaza. The Mill Plaza Planning Committee hopes to have final recommendations to the Town Council by December.

4. Board and Committee Reports

- a. Town Council ----- Julian Smith read a letter from Town Manager, Todd Selig, to Conservation Commission Chair, Cynthia Belowski, dated August 7, 2007. The letter stated the Town Council had voted 5-4 to request a resolution be drafted to decrease the percentage of revenue allocated to land conservation from the Land Use Change Tax (LUCT) from 100% to 0%. The resolution would also state that 100% of LUCT revenue will be placed in the general fund. The letter invites the Conservation Commission to the October 1st Town Council meeting to discuss this proposal. The Commission discussed this change in policy regarding the distribution of LUCT revenue, the ramifications and possible ways to educate the public and the Town Council on this issue. Commission members were encouraged to discuss this issue with citizens, as well as Council members and also to attend Council meetings to speak during public session if they felt so inclined. The idea of posting the letter written to the Town Council on this issue on the Conservation Commission's website was suggested.

- c. Planning Board ----- Richard Ozenich reported that Commission members Beryl Harper, Dwight Baldwin, Duane Hyde, Julian Smith and Peter Smith had been present at the joint meeting of the Planning Board and Conservation Commission. Peter Smith and Duane Hyde noted that there had been a discussion as to the correct procedure when dealing with a project that involves both the Planning Board and the Conservation Commission. The Commission discussed the need to review and possibly rewrite some regulations. Rich Ozenich reported that the conservation subdivision application by Mr. Caldarola will be revisited. The Commission discussed the need to review the list, ranking priorities for this project. It was decided that a letter would be drafted to the Planning Board by Duane Hyde discussing the Commission's suggestions for this list. Richard Ozenich also reported on the Rivers Edge Apartment project. He noted that this project, for an apartment building consisting of 48, 2 bedroom units, will be approximately 250 feet from the river. Cynthia reported that the ORWA (Oyster River Watershed Association) is concerned about storm water runoff into the river. Richard said that an independent engineer will look over the project. The Commission noted that as long as the project deals with storm water properly it is within regulation.

- d. Lamprey River Advisory Committee ----- Cynthia Belowski
No report was made at this time.

5. Other Business

- a. Baseline photographs of Durham Shoreline ----- Cynthia Belowski reported that Tom Johnson, the Town Code Enforcement Officer, has asked the Commission for its input regarding a compilation of baseline photographs of property on the Durham Shoreline. After a discussion of this issue, the consensus of the

Commission was that this would be a very useful item. They cautioned however, that the project would need to be researched and planned out to ensure that the data is accurate, accessible and able to be stored securely. The idea of contacting towns which have done such a project for input was suggested.

- b. Date for land conservation priorities workshop. A tentative date was discussed for a workshop to discuss Town natural resources and conservation priorities. This workshop is to include the Land Protection Working Group and other groups from town interested in conservation issues. Cynthia will attempt to schedule a workshop for the week of September 17th. She will notify the Commission when a date has been set.
- c. DCC budget submission. The Commission discussed the current budget for the Conservation Commission (\$1000) and if any change in a request for next year's budget is necessary. It was the consensus of the Commission that the current budget is adequate.

6. Administrative

- a. Correspondence. Cynthia noted that there is a workshop of interest being offered from the Municipal Law Lecture Series. The brochure was circulated. She also noted that the annual meeting of the NH Associations of Conservation Commissions will be held November 3, 2007.
- b. Someone to submit agenda for September – Cynthia will be out of town until September 12th, so Duane Hyde will submit the agenda. Duane cannot be at the September 13th meeting, but will submit the agenda.
- c. Next Meeting ----- The next meeting of the Durham Conservation Commission will be held on September 13th, 2007 at 7:00 pm.

7. Adjournment

Jim Hellen moved to adjourn at 9:16 pm, this was seconded by Julian Smith and approved unanimously.

The August 9, 2007 meeting of the Durham Conservation Commission was adjourned at 9:16 pm.

Respectfully submitted by,

Sue Lucius
Durham Conservation Commission Recording Secretary