

Approved - November 8, 2007

DURHAM CONSERVATION COMMISSION
Meeting Minutes of Thursday, October 11, 2007
Durham Town Hall- Council Chambers
7:00 PM

Regular Members present: Stephen Roberts, Julian Smith, Cynthia Belowski,
Jim Hellen, George Thomas, Beryl Harper

Alternate Members present: Robin Vranicar, Dwight Baldwin

Regular Member excused : Duane Hyde

Alternate Member excused: Peter Smith

Public Attendees: Robin Mower, Dea Brickner-Wood, Joanne Glode,
Sara Callaghan, Cathy Leach, Jack Farrell, Karl Van Asselt

Dwight Baldwin moved to amend the agenda to include the minutes of the Roselawn Farm Special Meeting of September 26, 2007 under item number 3. This was seconded by Beryl Harper and approved unanimously.

Stephen Roberts moved to approve the agenda as amended. This was seconded by Dwight Baldwin and approved unanimously.

1. Call to Order and acknowledge absentees and those with voting authority.

Cynthia Belowski called the meeting to order at 7:05 pm. Voting clarification in the absence of a regular member was made. For this evening Robin Vranicar will vote in place of Duane Hyde, except on the issue of approving the minutes of the Roselawn Farm Special Meeting. Since Robin was not at this meeting Dwight Baldwin will vote in place of Duane Hyde on this item.

2. New Business/Presentations

a. Request letter of recommendation for Roselawn Farm - Dea Brickner Woods – Dea briefly reviewed the memorandum sent to members of the Conservation Commission regarding Roselawn Farm and discussed with members the site walks of the property. It was noted that the primary reason for the project is to protect the soils of these lands, 70% of which are prime soils. Dea discussed the issue of public access to the property and reported that there will be access from Perkins Road, through a wooded area, along Beards Creek. There is also an “informal access” from Route Four to this property. The subject of structures on the land was brought up. Dea noted that this is a typical easement and that it states there will be no more than 2% of impervious

surfaces and that the only permitted structures are farm and forestry structures. Dwight Baldwin inquired if there had been any discussion about opening trails on the property. Dea responded that the way the easement is written, trails can be put in, but there is no obligation to do so. If the Town wants trails, it is something that can be discussed and agreed upon. Dea explained that since the site walk it, has been determined that a full appraisal is needed. The individual that performed the original summary appraisal is not available. Dea is in the process of getting bids from two other individuals for a full appraisal. She expects these bids to be in soon, but is requesting that the Commission allocate up to \$4500 for the cost of having an appraisal prepared. Dea explained to the Commission that Strafford Rivers Conservancy is the contracting agency (the financial agent) for this project. With this in mind, the Commission would be appropriating funds to the Strafford Rivers Conservancy, who in turn would pay for the appraisal. Once the full appraisal report is completed, Dea will request that this project be placed on the Town Council agenda (possibly November 5 or 19th) for their review. The Commission members discussed in more detail the memorandum with Dea and provided some editorial suggestions. The members discussed that as worded in the proposed easement, the Town of Durham (most likely the Conservation Commission, acting as their agent) is listed as an Executory Interest in the 20 acres of the property described in the Conservation Easement Area 2. The members discussed what responsibilities this would and would not entail. The consensus of the Commission was that they were comfortable with this role. Stephen Roberts asked if Jim Campbell was aware of this proposed project and if there was any conflict with the need for land for workforce housing? Dea responded that she had met with Jim Campbell last spring regarding this property. She will verify with him that there is no conflict. It was noted that Madbury needs to hold a special town meeting to discuss the project, it is still hoped that the funding for the project can be finalized by the end of the calendar year. Dwight Baldwin asked what would happen to the money allocated for the appraisal if Madbury were to not approve their portion of the funding for the project. Dea responded that the money for the appraisal would be forfeited. She noted that Madbury has already supplied the funds to write the grant proposal. At this point the Commission discussed where the funds for the project should be taken from. The consensus of the members was that they were all very comfortable with the funds coming from the Conservation Account if that is what the Town Council recommends.

Beryl Harper moved that the Durham Conservation Commission recommend that the Town of Durham provide funds in the amount of up to \$163,150 toward an approximately 67.2 acre conservation easement on the Roselawn Farm Property (Tax Map 10, Lot 1-2); work with the Town Council to accept an Executory Interest in approximately 20 acres of the Roselawn farm, as described in the Conservation Easement Area 2; provide funds in the amount of approximately \$9,000 for transaction costs for the Roselawn Farm. The Conservation Commission suggests that the Town Council decide where the funding comes from, whether it comes from bonding or the Conservation Account. The Commission fully supports the funds

coming from the Conservation Account if that is the Town Council's wish. This was seconded by Jim Hellen and approved unanimously.

Jim Hellen moved to appropriate up to \$4500 from the Conservation Account to be paid to Strafford Rivers Conservancy for a full yellow book appraisal report for the Roselawn Farm property, this amount will be subtracted from the \$9000 for transaction costs. This was seconded by Julian Smith and approved by a vote of 6-1 in favor (Stephen Roberts was the opposing vote).

b. Present AMC plans to work on Longmarsh to Lubberland Trail, including a proposed bog bridge – Dea Brickner-Wood explained that the Nature Conservancy paid for a formal trail assessment of this corridor. As part of the assessment, trail improvement needs were noted, and will now be addressed. The work includes clearing and standardizing trails and installing bog bridges. One of these bog bridges will be installed on Durham land, near other existing bog bridges. Dea noted that she and Rachel Stevens had met with Mike Lynch to go over the map, log, DES permit and proposed work. The Town Administrator has also been informed of the work to be done. Joanne Glode explained that the wood for the bog bridges has been purchased and delivered. On October 20th the AMC will be advising volunteers and demonstrating how to build the bog bridges. Volunteers are needed to help with the building of the bridge. Anyone interested should meet at 9 am on October 20th at Dame Road. Cynthia suggested that Parks and Recreation Committee be made aware of the project and the need for volunteers. Cathy Leach will relay this information to Parks and Recreation Committee at their next meeting. The Commission expressed their appreciation and enthusiasm for this project.

c. Emery Farms request to expand operations in to the Conservation Easement area – Sara Callaghan from the Society for the Protection of NH Forests came before the Commission to present the plans for expansion. Cynthia Belowski noted that the Town of Durham has an Executory Holding on the easement for Emery Farms. Sara explained that David Hills is the land owner of Emery Farms. Approximately, one year ago, a portion of the land was placed into an easement with the Forest Society being the primary interest and the Natural Resources Conservation Service (NRCS) holding a contingent interest. Mr. Hills is proposing moving the farm stand and replacing it with a larger farm stand. This would not be within the easement. He would like to enhance two farm roads to allow greater access to the new farm stand. This is within the easement. The Forest Society is in support of this proposed plan. They feel, although there is some impact to agricultural soil, the overall viability of the farm is increased and this outweighs the minimal disturbance to the soil. Cynthia asked if the entrance from Route Four would change. Sara replied that there would be partial paving, but that this is not within the easement area. Dwight asked why the two farm roads need to be enhanced. Sara responded that they would be widened and that gravel will be laid down for access to the back of the building for deliveries etc. Julian asked what would happen to the soil that is removed. Sara replied that it is under consideration to use the top soil that is removed with other agricultural soils on the property; the lower soils removed could be used elsewhere on site for improving

the roads. Stephen Roberts noted that this plan has been approved by the Planning Board and that the building size had been reduced from the original so that it would not be on easement land. Cynthia commented that she felt in today's market you need to be creative and she sees this in the proposal. Dwight Baldwin asked what the building would be used for. Sara replied that it would have a homemade ice cream stand, coffee/espresso bar, in addition to the sale of products from the farm as well as products from other local farms in the area. Sara noted that the building will be a passive solar building. Cynthia noted that the Commission needs to be concerned with easement impact and that the Forest Society is requesting a letter with our comments addressed to them and carbon copied to the NRCS. Dwight asked if the project is within the wetlands setback area. Sara replied that she believed it was grandfathered. Jack Farrell (Project Engineer for the Emery Farms expansion project) noted that it has received a variance from the wetlands setback. Jim Hellen inquired about the slope of the land and erosion issues. Stephen responded that the Planning Board has on file drainage plans for the project. Julian asked if there were any crops that would be lost by the project. Sara replied that there is a small corner that has blueberries planted on it. Jack Farrell noted, it is planned for as many of these as possible, to be transplanted elsewhere on the property. Sara reported that the Forest Society will draft a letter to David Hills regarding the project and that this letter will be reviewed by the NRCS. The NRCS however, would like a letter from the Commission before signing off on the letter from the Forest Society.

Jim Hellen moved for the Conservation Commission to write a letter to the Forest Society, with a carbon copy sent to NRCS, in support of the Emery Farm expansion project. This was seconded by Julian Smith and approved unanimously.

3. Acceptance of minutes:

a. September 13, 2007: Dwight Baldwin noted that page 6, line 41 should read "...permission to share a table with the Parks and Recreation Committee at Durham Day." He also noted that page 6, line 42 should read "...John Parry may have some...."

Jim Hellen moved to accept the minutes as amended. This was seconded by Robin Vranicar and approved unanimously.

b. September 26th, 2007 Roselawn Farm Special Meeting.

George Hellen moved to accept the minutes as written. This was seconded by Stephen Roberts and approved unanimously.

(Note: voting on the minutes of the September 26th meeting was done by regular members present who had attended the special meeting; Cynthia Belowski, Stephen Roberts, and George Hellen; as well as alternate Dwight Baldwin in place of Duane Hyde)

3. Ongoing Business

- a. Wetlands application – none were discussed at this meeting.
- b. Mill Pond ---- Dwight Baldwin reported that Town Administrator Selig had offered to make contact with the Army Reserve regarding dredging plans. Mike Lynch had previously reported that he was told February may be a possible time frame for them to proceed with the dredging. The Commission discussed the ramifications of dredging in February and noted that a firm commitment is needed from the Army Reserve before proceeding.

Note: Beryl Harper was excused at 9:05 pm. Dwight Baldwin will vote on any subsequent motions in her place.

- c. Land Protection Working Group ----- no report at this time.
- d. Town Land Use/Trails Subcommittee ----- George Thomas noted that on Wednesday October 10th Julian Smith, Jim Hellen, Ken Anderson and himself had spent time doing maintenance on the existing bog bridge that had been installed last year. Julian Smith said he had spoken with Mike Lynch regarding renting equipment for brush cutting the loop trail. Mike said that Public Works would collect and return the equipment, as well as pay for the equipment. Julian will look at what equipment is available for renting. Cynthia asked George if they are still working on a subcommittee with Parks and Recreation Department. George replied that they are still on the subcommittee.
- e. Town Owned Land/Conservation Easements ----- Cynthia Belowski reported that she had done some research into a NH Estuaries Project Grant Program which would provide technical assistance to communities. She noted that the third round is available in December and the Commission should discuss applying for this. If they were successful it could provide a wildlife and/or timber manager to provide professional assistance in managing lands. Cynthia noted that the Commission needs to have a separate meeting about town owned land, setting priorities and which ones need to be managed. The Commission will set a date for a special meeting under “other business”.
- f. Jackson’s Landing ----- Dwight Baldwin reported that Mike Lynch is preparing a wetlands permit to do the work at Jackson’s Landing. The work will include; reconstruction of the launching ramp and erosion control in the parking area. A final surveying of the area for the plans is in the process of being done and should be completed soon. Dwight noted that he hopes the Town will reapply to the DES grant program this year for funds to support the work at Jackson’s Landing. Dave Murphy from DES will meet with Mike Lynch to discuss the Town’s proposal from last year and why it was not well received. Cynthia Belowski said she

would contact Sue Hoey regarding possible funding from the Wetlands Reserve Program for improvements to wetlands.

5. Board and Committee Reports

a. Town Council ----- Julian Smith reported that the LUCT proposal/resolution is off the table for a period of time. Cynthia commented that it sounded like it may not be discussed again until the workshop in January.

b. Planning Board ----- Stephen Roberts reported that a Planning Board hearing on the project at 401 Bay Road has been postponed because of a lack of information. Information is being gathered and they will return with a complete proposal. Stephen noted that the Planning Board has recommended changes to its zoning and subdivision regulations to include copying the Conservation Commission directly on proposals with plans by developers that affect the Commission, also to have the Commission included as invitee on preliminary site inspections of proposals that fall within the Conservation Commission areas of concern. Also, the Planning Board is considering a change to the Zoning Ordinance that would not allow any new retail business with parking on the Route 108 corridor. This is being considered in order to maintain a scenic vista. This item will be discussed again at the next Planning Board meeting. Stephen also reported that the Caldarola Subdivision was discussed. He noted that David Cedarholm met with Mr. Caldarola to discuss changes to the development plans regarding drainage and water flow. Stephen said that the Planning Board has tasked the developer to return to them with a comprehensive proposal that will address the concerns regarding water runoff and drainage. They have also asked the UNH Storm Water Center to act as a second opinion to verify any plans brought forward by the developer.

c. Mill Plaza Planning Committee ----- Julian Smith reported that the Committee will meet on Wednesday October 17 and that one item on the agenda will be an economic analysis of the financial viability of a redevelopment of the plaza.

d. Lamprey River Advisory Committee ----- Cynthia Belowski reported that CLD Engineering has requested a letter from the Conservation Commission stating their comments on the Wiswall bridge project and its impacts to the surrounding area. She noted that the Lamprey River Advisory Committee has sent an extensive letter to CLD engineering. Cynthia will distribute this letter for members to review before deciding if there is a need to send a separate letter from the Commission. Cynthia relayed to the Commission members the Lamprey River Advisory Committee's discussion regarding this bridge. It was noted that there is a conservation easement on the land across the street from Wiswall Park. The current proposal is to construct a temporary work bridge which would be access through the easement land. The Advisory Committee noted that most of their concerns are related to minimizing impact to vegetative cover around the river and drainage off the bridge. The Committee agreed that they should be

encouraged to bring in a lot of good top soil and to place high quality vegetation on the sides to reduce erosion concerns. Dwight asked if there were any implications to the fish bypass. Cynthia replied that there should be little impact.

Cynthia also reported that in the next water bills mailed out by the Town of Durham, a leak detection kit with instructions on its use will be included. This venture was made possible by the collaboration of Bill Hall with the Lamprey River Advisory Committee, Jim Hewitt and the Town of Durham. Bill Hall will be doing the inserting of the test kit into the water bills and is looking for volunteers to assist.

The Commission members discussed progress on a water resource subcommittee. It was noted that there is some confusion regarding what if any subcommittee regarding water resources are currently in place in Town. Cynthia encouraged a Commission member to volunteer to do some research into this topic. She reminded the members that the Town Council has requested that the Commission become more involved in water resource issues in town.

6. Other Business

- a. Discussion regarding the Durham Conservation Commission meeting with the Town Council ----- Cynthia Belowski noted that the Commission met with the Town Council and have agreed to meet again at a workshop in January. She said that she felt the Commission needs to be educated about what the Town's resources are, so when projects and proposals are brought before the Commission, there is a basis to make decisions and recommendations. Dwight noted that the Commission also needs to consider the maintenance of land that is currently conserved. He felt that these are all things that as a group the Commission needs to address before a workshop. George stated discussions of this nature require a special meeting. Cynthia agreed and said that it is a time commitment that will take more than one meeting. She suggested that the Commission needs to ascertain what the Town already owns and are responsible for and also what the Commission feels the priorities are for going forward for land conservation, including how much more land needs to be conserved. Stephen suggested a book, "Growing Greener: Conservation by Design" by Randall Arendt. He noted that this four step process includes two steps that are relevant to Conservation Commissions. Dwight said he felt that for the special meeting the Commission needs to assess what land we currently have and how to maintain and improve these lands. He also noted that he had the impression that some councilors felt there are things the Commission is not doing that should be done. Dwight asked for input from Cathy Leach (in the audience) and/or Julian as Council members. Cathy said, speaking for herself, that she is concerned with public access and public usage of the conservation easements that the Town already has. She noted her understanding that the lands are conserved and need to be treated gently. Cathy expressed her wish to see Roselawn Farm become a community place – in the vein of Emery Farm. She explained that she felt satisfaction would be

increased if people could use the properties more. The Commission discussed the need for more public relations regarding the trails that currently exist and other uses available (such as hunting and fishing) and the need to be involved with the Parks and Recreation Committee and trails subcommittee on creating and maintaining trails on these properties. A workshop with Parks and Recreation was suggested as a way to move forward. The Commission also discussed the charge of the Commission by state RSA, which is; “to protect and conserve natural resources” and how that fits in with maintaining and developing trails. Robin Mower suggested that if the town’s people were encouraged to volunteer on trail projects they may feel more of an “ownership” of the lands and that this may increase satisfaction.

Julian Smith raised the concerns of a councilor that environmental constraints upon the rebuilding of the Wiswall bridge could possibly cause significant financial increases. Julian encouraged the Commission members to look at the possibilities, meet with the engineers, and work on compromising both economically and conservation wise.

Julian also noted that there is a huge amount of open land that is owned by the University of New Hampshire. He suggested that the Commission may want to think of possible ways to encourage the University, in its long range planning, to protect its open and forested lands. Cynthia agreed and said that as part of the Land Conservation Priorities discussion the Commission should look at what the University’s open lands are and then have a conversation with them to encourage them to conserve these lands. Jim noted that the large land holdings of the University can confuse citizens of Durham, making it seem that there is much more open land protected than there really is.

Note: Robin Vranicar was excused at 10:10 pm

- b. Next steps for understanding Land Conservation Priorities ---- Cynthia Belowski will distribute by email, possible dates for a special meeting.
- c. Update shore land tree cutting Old Piscataqua Road ---- Cynthia Belowski reported that Mr. Churchill does not feel that he has violated any regulations and refuses to allow Commission members on his property to inspect the tree cutting. He contends that the trees removed were unsafe and that the regulations allow for removal without prior consultation of the Conservation Commission. The Commission discussed the regulations and possible interpretations of the wording and how this affected the tree cutting done on Mr. Churchill’s property. It was the consensus of the Commission to request Jim Campbell to research the appropriate ordinance and to make a finding regarding this situation. After this is done, the Commission can make a recommendation.

d. Discuss establishing two potential meeting dates/month --- Cynthia Belowski discussed with the Commission the need to meet twice a month. She suggested the increased workload and scheduling of Planning Board meetings, indicates it may be prudent to begin to schedule two meetings a month. The second meeting being utilized as needed. It was decided that the Commission would meet the second and fourth Thursdays of the month at 7 pm in Town Council Chambers in Town Hall.

7. Administrative

- a. Correspondence. --- (1) NH Conservation Commission Conference is being held on November 3rd. (2) There is an evening workshop on strengthening ordinances on repairing buffers. George may be interested in attending this workshop. Cynthia will email him the information.
- b. Next regular meeting date -- The next meeting of the Durham Conservation Commission will be held on November 8th, 2007 at 7:00 pm at Town Council Chambers in Town Hall. Dwight Baldwin will be unable to attend that meeting.

7. Adjournment

Jim Hellen moved to adjourn at 10:46 pm, this was seconded by Julian Smith and approved unanimously.

The October 11th, 2007 meeting of the Durham Conservation Commission was adjourned at 10:46 pm.

Respectfully submitted by,

Sue Lucius
Durham Conservation Commission Recording Secretary