

Approved December 13, 2007

DURHAM CONSERVATION COMMISSION  
Meeting Minutes of Thursday November 8, 2007  
Durham Town Hall – Council Chambers  
7:00 PM

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

Alternate Members Present: Peter Smith

Regular Members Excused: None

Alternate Members Excused: Dwight Baldwin, Robin Vranicar

Public Attendees: Robin Mower, Cathy Leach

*Cynthia moved to amend the agenda to include Robin Mower to speak under “New Business/Presentations” regarding the Mill Road Plaza. This was seconded by Beryl Harper and approved unanimously.*

**1. Call the meeting to order and acknowledge absentees and those with voting authority.**

Cynthia Belowski called the meeting to order at 7:02 pm. It was noted that all regular members present would be voting, thereby creating a quorum. No alternate members will need to vote this evening.

**2. New Business/Presentations**

a. College Brook Restoration Advisory Committee - Robin Mower – Robin distributed to the members of the Commission meeting notes and a map of College Brook from the Advisory Committee. Robin noted that her purpose in presenting was to inform the Commission that the Committee has been formed and what their charge and timeline will be. She also requested that after the Commission members have had time to review the notes, they make suggestions and or comments to the Committee. The Commission and Robin discussed the historical aspects of the Brook as well as the ultimate goal for the Brook and what the impact to the Brook there would be if the Mill Plaza is not redeveloped.

**3. Acceptance of minutes of October 11, 2007**

Cynthia Belowski corrected the spelling of Joanne Glode, Sara Callaghan and Sue Hoey’s names in the minutes. She also noted that Karl Van Asselt should be added to public attendees. Cynthia also corrected the spelling of Dame Road on Page 3, line 18 and suggested that Jack Farrell should be noted as the Project Engineer for the Emery Farm expansion project. The name on page 5, line 11, under the section “Town Land Use/Trails Subcommittee” should be corrected

to read George Thomas. Julian Smith noted on page 5, line 14 the sentence should read, “.....renting equipment for brush cutting.....”. Cynthia noted a change on page 6, line 33 under the section “Lamprey River Advisory Committee”. The sentence beginning, “It was noted that there is a conservation easement...” should read as follows; “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 accessed through the easement land.” Page 9, line 4 under “Next regular meeting date”...the first sentence should be deleted as there was no October 25<sup>th</sup> regular meeting schedule.

*Julian Smith moved to accept the October 11, 2007 minutes as amended. This was seconded by Jim Hellen and approved unanimously.*

(Note: Duane Hyde abstained from voting on the minutes, as he was not at the October 11, 2007 meeting)

#### **4. Ongoing Business**

a. Wetlands Applications – George Thomas reported that the deCampi Project on Adams Point Road has been amended and approved. The pier is now 4 x 4 feet (the original request was 105 feet).

Duane Hyde noted that he had received a phone call from a legislator requesting his input regarding streamlining the DES application process. The specific question was what would be the impact to local Conservation Commissions of changing the time frame to 10 days for recommendations by the Commissions. Duane said that he had responded that this would be practically impossible for most Commissions, as they normally meet once a month. The Commission discussed other possible ways to streamline the process and where they felt the holdup in the process may be.

Duane also reported that he had attended a wetlands buffer workshop in Greenland at the Great Bay Discovery Center. He noted that the attendees went through a checklist to evaluate their Town’s current zoning ordinances. After completing this exercise, it was clear that Durham’s ordinances ranked as one of the best among the towns at this workshop. He noted that one thing in Durham’s ordinance that is weak, is the need for increased buffers for water supplies (Oyster River).

Cynthia noted that she had attended the NH Conservation Commissions meeting. At this meeting it was noted that the new shoreland ordinance will take affect on April 1<sup>st</sup>. Cynthia also attended a session on water resource management. At this meeting she learned that the DES has put together a data base comparison of town by town. This would be a good source of information to see what neighboring towns have for ordinances and to work with them to get some consistency.

b. Mill Pond – Cynthia reported for Dwight Baldwin in his absence. Dwight spoke with Todd Selig about appealing to state representatives for help in dealing with the Army Reserve about

dredging the Mill Pond. She reported that Todd had spoken with Carol Shea Porter, it was suggested that Judd Greg also be contacted for assistance.

c. Land Protection Working Group – Duane Hyde reported that there was one project brought forward. The plans for this project need to be expanded before it can be brought to the Conservation Commission. He also reported that Dea Brickner-Woods did provide an update/overview to the Town Council on the Roselawn Farm Project. Duane reported that the Town Council will have a public hearing on November 19<sup>th</sup> for the Roselawn Farm Project.

d. Town Land Use/Trails Subcommittee -- George Thomas reported that the trail on Langmaid Farm has been cleared. Public Works rented a machine, making it possible for Julian and himself to spend half a day clearing the trails to approximately a 5-6 foot width. He noted others will be marking the trail.

e. Town Owned Land/Conservation Easements --- Julian Smith distributed handouts regarding Landmaid Farm. He began by giving a brief historical perspective of the property. He noted that when the Conservation Commission in the early 1970s recommended to the Town to purchase this land it was recommended that one of the fields be maintained as a field or pasture. Julian said that since this has not been done in a long time, he would like to explore the possibility of hiring an individual or asking public works to clear a few acres with a small tractor and bush hogger. He suggested that some small pine trees could be left as refuge for birds and animals to retreat to. Julian offered that if the first few acres worked well, perhaps another few acres could be cleared as well. Beryl asked if the cleared land would need to be maintained on a yearly basis? Julian replied that he thought every couple of years would be sufficient. The Commission discussed the possibility of someone haying the field at no cost if they were allowed to keep the hay. It was decided that the hay would be too low quality and the size would not be enough to interest an individual. Cynthia asked what would be the purpose of clearing the land. Julian replied that Conservation Commissions in the past saw the meadow as worth saving, both esthetically and historically. He also noted that it would add diversity in that area of Durham Point and provide a diversity of habitat. Duane thanked Julian for the report. He said that for upland bird species, field size is very important, any field smaller than 15 acres would not be conducive to creating a habitat for upland birds. He also said that there is an additional problem of the likelihood of invasives (such as glossy buckthorn) taking over the land once it is cleared. Cynthia noted that the clearing may create unintended consequences and suggested that this would tie in to the Commission's goal to create a broader plan to manage all of the properties. She noted that there is a grant opportunity in December that would fund up to \$8000 for an individual to assist the Commission with management plans. Julian noted that he felt this could be a model for the kind of maintenance of properties that the town has purchased. He felt that with the current climate regarding the LUCT revenues that this type of management would be an appropriate expenditure of the funds. Cynthia said that if a professional was brought in to assist with creating a plan, the work suggested in the plan could be funded by the LUCT revenues. She suggested discussing this when the Commission meets to discuss the total management of lands.

f. Jackson's Landing --- Cynthia reported for Dwight Baldwin that they had received formal notification that the Oyster River Universal Access Greenway Trail project has been approved and \$20,000 from Federal Funding will be received (with matching in kind service needed).

Mike Lynch will reapply for a coastal programs grant for erosion control issues at Jackson's Landing in December/January.

Mike Lynch and Dwight met with Sue Hoey. Sue felt there was a good match for the Wetlands Reserves Program. More about funding will be known later in November.

The Commission discussed that the boat ramp structure at Jackson's landing is in very poor shape and in need of repair. It was thought this should be discussed with Dwight.

Duane noted that he had seen evidence of dumping at Old Town Landing and suggested that a "No Dumping" sign be requested from Public Works.

## **5) Board and Committee Reports**

a. Town Council – Julian Smith reported that the Town Council has not preceded any further on the Land Use Change Tax issue. He believes that the Council will eventually meet with the Commission to discuss the issue. He noted that another issue has been brought up before the Council regarding the Spruce Hole aquifer. The Council voted 7-2 to fund a study along with the University to look at the practicality of taking water out of the Spruce Hole aquifer. The Commission discussed this possibility and its implications. Jim Hellen asked if the study was imminent. Julian replied that it would take place within the next 12 months. Peter Smith asked how the cost of the study would be shared with UNH. Julian replied that the Town would pay 1/3 and the University 2/3.

b. Planning Board – Stephen Roberts reported that the Planning Board at the moment is dealing with uses related to commercial development in the downtown area rather than areas related to conservation.

Peter Smith asked if there had been any recent developments on the Grant Circle Project. Stephen replied that nothing has come before the Planning Board. Julian noted that the Council has not seen anything on Grant Circle Project for several months.

Stephen did advise the Commission that there is a proposal for a project of duplexes on Old Route 4 near Mast Road intersection. This property abuts Oyster River, but the pre-proposal shows that the development is clear of the wetland buffers.

Cynthia asked Stephen if the Adam's project had come back to the Planning Board. He replied that it has not.

c. Mill Plaza Planning Committee – Julian Smith said there was nothing further to report other than what Robin Mower had discussed earlier in the evening.

d. Lamprey River Advisory Committee – Cynthia Belowski had no report this evening.

## 6) Other Business

a. Alleged Zoning Violation on Crommet Creek Trail – Duane Hyde recused himself from this discussion as he works for the Nature Conservancy, which is one of the parties involved in the trail building. Cynthia Belowski reported that she had been present at a meeting along with Peter Smith, Todd Selig and Tom Johnson regarding the trail work on Crommet Creek. Peter Smith explained that Tom Christy had contacted the code enforcement officer, asking if the parties involved in the trail work had gone to the planning board and received permission to perform this work. It was Mr. Christy's view that this work constituted a change of use on the property and would therefore need to go through the conditional permit use process. Peter explained that the meeting was called to discuss whether the work being done does involve a change of use on the property. He suggested that it would be best to ask the Town Attorney to make a finding if the change of use requirement is implicated when what is involved is the widening, adding to, and changing direction of trails. Peter noted that the issue is confused even more by the fact that the land involved is owned by several different parties (Town of Durham, Nature Conservancy, State of NH). The Commission discussed the fact that this could have larger implications regarding other work being done or planned to be done to widen and/or improve trails. It was the consensus of the Commission that they did not feel this was a change of use, but that it is in the best interest of the Town to have this reviewed and a finding made.

b. Sign at Longmarsh confusing hunters -- Cynthia Belowski reported that she had received a phone call from a hunter wanting to know where he could and could not hunt in this area. She noted there is a sign that needs to be put up that reads, "Hunters: unless otherwise posted, the prohibition on hunting applies only to Longmarsh Road and Town of Durham owned lands." Cynthia explained that this sign is needed because as you enter Longmarsh Road there is a sign stating no discharge of firearms is permitted. However, on the other side of the road is Nature Conservancy land and hunting can be done on this land. The sign will be laminated and hung as soon as possible. The Commission suggested that a permanent sign would be a good idea. Beryl Harper suggested that it could be hung in the kiosk.

c. Update shoreland tree cutting on Old Piscataqua Road -- Cynthia Belowski reported that the Town Planner still needs to review and determine the next course of action to be taken. The Planning Board Chair still needs to review and issue a ruling regarding the regulation.

## 7. Administrative

a. Correspondence – none at this time

b. Workshop November 29, 2007 at 7:00 pm in Town Hall – Council Chambers.

Duane Hyde said that he has a work meeting he must attend that evening and will try to get to the workshop afterwards, if possible. Cynthia noted that the focus of the workshop is to discuss with the Town Council the management of land and conservation planning. Cynthia reported that she and Peter Smith had attended the law lecture series (Uncommon Ground). She noted that this lecture series helped them pull together information about land use planning. Cynthia sees an

opportunity for the Commission to be proactive and spear head some planning that might help inform the master plan.

Peter Smith asked what the status of the Caldarola project was. Stephen Roberts responded that the Planning Board has required that there be adjustments to the plan with regards to the drainage issue. He stated that the Planning Board will be having another site inspection and that the Conservation Commission will be invited to attend.

c. Next regular meeting -- The next regular meeting of the Durham Conservation Commission will be held on December 13, 2007 at 7:00 pm at Town Council Chambers in Town Hall.

## **7. Adjournment**

*Beryl Harper moved to adjourn at 9:20 pm. This was seconded by Jim Hellen and approved unanimously.*

The November 8, 2007 meeting of the Durham Conservation Commission was adjourned at 9:20 pm.

Respectfully submitted by,

Sue Lucius  
Durham Conservation Commission Recording Secretary