

Approved January 10, 2008

DURHAM CONSERVATION COMMISSION
Meeting Minutes of Thursday December 13, 2007
Durham Town Hall – Council Chambers
7:00 PM

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

Alternate Members Present: Dwight Baldwin, Peter Smith

Regular Members Excused: Jim Hellen

Alternate Members Excused: Robin Vranicar

Public Attendees: Dea Brickner Woods

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

Cynthia Belowski called the meeting to order at 7:05 pm. It was noted that Peter Smith would vote this evening in place of regular member Jim Hellen.

Cynthia Belowski suggested amending the agenda to include under “Other Business, Item B” Discussion of the writing of a letter regarding the Wiswall Bridge and/or endorsing the letter submitted to the Commission from the Lamprey River Advisory. Dwight Baldwin also requested that a discussion of Community Garden plots be held under “5C Town Owned Land/Conservation Easements.”

Stephen Roberts moved to accept the agenda as amended. This was seconded by George Thomas and approved unanimously.

2. PUBLIC HEARING:

In accordance with State of New Hampshire RSA 36-A:5 II, the Durham Conservation Commission will conduct a public hearing relative to the expenditure of \$170,000 to participate with the Town of Madbury and the Strafford Rivers Conservancy in acquiring two conservation easements encumbering approximately 67.2 acres of property on the Roselawn Farm located in the Towns of Durham and Madbury, between Perkins Road and the Route 4 Bypass.

Julian Smith moved to open the public hearing. This was seconded by Duane Hyde and approved unanimously.

Dea Brickner Woods reported that at a special town meeting on Tuesday evening Madbury had presented the purchase of a conservation easement for the Hayes Farm and the Roselawn Farm.

She noted that the paper ballot vote was 125 yes and zero no – a unanimous decision in favor of the purchase of both easements. Peter Smith asked Dea if the selectmen of Madbury had made any recommendations regarding the easement. Dea replied that the selectmen had recommended approval, as had Madbury's Conservation Commission and their Planning Board.

There were no other members from the public present and no further public discussion.

Julian Smith moved to close the public hearing. This was seconded by Duane Hyde and approved unanimously.

Beryl Harper asked if the purchase of these easements were still on the anticipated time line. Dea noted that it was a tight fit, but that they are optimistic that all paperwork would be processed and the easements would be closed and registered before the end of the calendar year. The Commission discussed if there were any measures that could be taken to enhance this possibility. The suggestions included being in close and frequent contact with the local Durham Office of the NRCS and the regional office in Washington DC. Peter suggested if needed, to contact State Representative Carol Shea Porter. The Commission thanked Dea for her efforts on this project.

Peter Smith moved to approve the expenditure of \$170,000 to participate with the Town of Madbury and the Strafford Rivers Conservancy, in acquiring two conservation easements encompassing approximately 67.2 acres of property on the Roselawn Farm located in the Towns of Durham and Madbury, between Perkins Road and the Route 4 Bypass. This was Seconded by Beryl Harper and approved unanimously.

3. New Business/Presentations

a. Dawn Genes, Lamprey River Watershed Assn – Streamwalk Project. Dawn Genes was unable to attend this evening due to inclement weather. This item will be rescheduled for a later date.

4. Acceptance of minutes of November 8, 2007 and November 29, 2007

November 8, 2007 Minutes:

Cynthia noted on page 2, item 4, line 19 the name of the project owner was misspelled and should read "deCampi", also on the same page, line 23 a word was misspelled and should read "legislator". On page 4, line 5 the entity referenced should be "Wetlands Reserves Program" and page 5, line 31 should read: "The Town Planner still needs to review and determine the next course of action. Page 6, line 4, the name should be spelled "Caldarola".

Peter Smith moved to accept the November 8, 2007 minutes as amended. This was seconded by Beryl Harper and approved unanimously.

November 29, 2007 Minutes:

Beryl Harper noted: page 2, line 19 should have the reference to funds deleted and page 3, the last line should include the wording “from the Durham Conservation Commission”. Page 4, line 7 should be corrected to read “after the Roselawn Farm Project and with \$70,000 earmarked for the Jackson’s Landing project the balance of the Conservation Fund will be \$386,792.00”

Cynthia noted page 3, line 4 should read “Longmarsh Preserve is part of a larger conservation area that has several owners.” Also page 3, line 21 should read “This MAY require professional monitoring.”

Beryl Harper moved to accept the November 29, 2007 minutes as amended. This was seconded by Dwight Baldwin and approved unanimously.

Note: Dwight Baldwin voted on the acceptance of the November 29th minutes as he was present at the meeting. Peter Smith and Duane Hyde did not vote on these minutes, as they were not present at the November 29th meeting.

5. Ongoing Business

a. Wetlands Applications - George Thomas noted that there has been an addendum to a previous wetlands application by MJS engineering for a project on Canney Farms. He explained that the original application included access to the project through an adjoining piece of property that would no longer occur. The revised plans call for an access road to affect wetlands. The Commission members reviewed the plans for this project and discussed the original application as well as the requested changes. The consensus of the Commission was that the project changes should be formally presented to the Commission by the project engineer. George Thomas will contact both the DES to inform them of the Commission’s stance and to the engineering firm to request that they present at the Commission’s January meeting.

b. Land Protection Working Group – No further discussion this evening.

c. Town Owned Land/Conservaton Easements –

i. Crommet Creek Conditional Use Permit (Duane Hyde recused himself from this discussion because of professional conflicts). Cynthia reviewed with Commission members that work on trails in this area had been halted while a determination was made regarding the need for a Conditional Use Permit. Cynthia reported that the Town Administrator and the Town Attorney had reviewed both the wording of the ordinance and the complaint letter and felt it was prudent to take the most conservative and restrictive interpretation of the ordinance. With this in mind, a letter was sent from the Town to the land owners (including Great Bay Partners) requesting that this project be subject to a site review. The Commission members discussed the greater impact of such an interpretation; they felt that this could possibly cause a precedent to be set regarding maintenance of trails. Dea Brickner Woods, as a representative of the Great Bay Partnership noted that their board had met and were reviewing the possibility of writing a letter of appeal to this administrative decision. Peter Smith noted the need for more communication and discussion between the parties involved and encouraged that this occur before an appeal process is begun. Stephen Roberts suggested that a change in the wording of the ordinance may also solve these

types of issues. The Commission discussed the benefits of acting as conduit for further communication on this issue. The consensus of the Commission was for Cynthia to speak with the Town Administrator and suggest a meeting to discuss this further. Peter suggested that the meeting should include a representative from The Great Bay Partnership, legal counsel for the Great Bay Partnership, the Town Administrator, the Town Attorney, Stephen Roberts (as Planning Board representative), Tom Johnson and Peter Smith and Cynthia Belowski (Conservation Commission members). The Commission concurred and Cynthia will move forward with this.

Note: Duane Hyde requested that his email not be included on any distributions of legal opinions regarding this project.

ii. Community Garden Plots at Roselawn Farm and/or Wagon Hill. Dwight Baldwin reported that he had spoken with Diana Carroll about the idea of using some town owned land or land on which the town holds easements for community garden plots. There are different ways that this could be done, but suggested that one possible plan would be to have landowners till a portion of the soil in spring and fall to prepare for planting. Renters would then take care of their plot of land and farm it. Dwight said that Diana had spoken with a few Council members that were in favor of the idea. The Commission discussed who would be best to organize such an effort. It was noted that there is a state statute that allows for the formation of an Agriculture Commission. Duane suggested that a working group could be formed to start this project and that the Town of Lee would be a useful resource. Peter suggested that both John and Diana Carroll would be good resources as well. Dwight noted that he would report back to Diana that the Commission is in favor of the idea, but would not be able to be the organizer of this endeavor.

iii. Meeting with the Town Council. Cynthia reported that the Town Council had requested that the Commission meet with them on Monday January 28th. This date is not suitable for several of the Commission members and another date will be requested for later in February. The Commission discussed preparation for the meeting with the Town Council. The need to discuss the protection of Wagon Hill Farm (either through zoning or a conservation easement) was brought up. It was noted that an overview of what needs to be done for land conservation in town and a list of future land conservation purchases needs to be reviewed. Dwight suggested having a map which would visually show what has been done and what the Commission would like to do in the future. Cynthia summarized that a handout of priorities and a conversation around a map would be the best strategies. Peter noted that the Commission should also anticipate discussion regarding projects that do not come under the purview of this Commission, such as ball fields and recreation projects. He suggested that the Commission be prepared with a response if this issue is brought up. Cynthia noted that having the mandate for the Commission by State statute would be helpful in this area. Dwight brought up the subject of the Town Landing property. It was the Commission's opinion that a project on this property would be a joint endeavor of conservation and recreation.

d) Mill Pond - Dwight Baldwin reported that the Town Manager had phoned Carol Shea Porter's office to request assistance in scheduling the Army Reserve unit for the dredging of Mill Pond. Nothing to report at this point. The Commission discussed also requesting assistance from Judd Gregg's office. Dwight will speak to Todd Selig regarding this.

Julian Smith discussed the property bequeathed to the Town of Durham by Marjorie Milne. Julian read the exact wording, noting that the intent was to have this property be enjoyed for its natural beauty and maintained as such, and not developed. A trust fund was established for the purpose of endowing this gift to maintain the area. The size of the property and an appropriate memorial to be erected on the property were discussed.

e) Jackson's Landing - Dwight Baldwin reported that Mike Lynch is working on a proposal to get funding to do erosion control and park creation at Jackson's Landing to the Natural Resource Conservation Service (NRCS). The proposal will be submitted in 2007.

6. Board and Committee Reports

a. Town Council – Julian Smith reported that the Town Administrator had sent an email to Council members regarding the issues with the Crommet Creek Trail system and Tom Johnson's letter.

b. Planning Board – Stephen Roberts reported that RSA 483b – Comprehensive Shoreland Protection Act will require a change in the Town ordinance and that is currently being drafted. He noted that if the Commission would like any other changes to this ordinance, they should be suggested to the Planning Board at this point.

c. Mill Plaza Planning Committee –

- i. Comments for the College Brook Restoration Plan - Julian Smith reminded the Commission members that this report was distributed to members at the November 29th meeting and that it will soon be posted on the Town's website. He noted that this group had done a lot of work and were looking for any comments/feedback from the Commission members. Dwight Baldwin suggested that the Mill Pond should be mentioned on page one under object three. Commission members expressed their appreciation of this group for a job well done.

d. Lamprey River Advisory Committee – Cynthia Belowski reported that a copy of the book, Peter Little Bear is on sale at the Town Offices and recommended it highly.

7. Other Business

a. Discuss proposed SPO zoning changes – Cynthia Belowski reported that Jim Campbell's proposed changes will be incorporated into the Planning Boards rewrite of the entire ordinance.

8. Administrative

a. Correspondence –

- i. The Commission discussed the letter written by the Lamprey River Advisory Committee to CLD Consulting Engineers (the Engineering firm proposing the design for the Wiswall

bridge). Members felt that the letter stated the points that needed to be made. It was noted that the plans have not been finalized and wondered if they would have another opportunity to view the evolving plans. Cynthia asked members if they wanted to endorse the letter or wait until the Commission is asked for further comments. Duane suggested writing a letter encouraging the comments from the Advisory Committee to be taken into consideration and the hope to review any future plans that are presented. The consensus of the members was to proceed with such a letter.

- ii. NH Estuary Project Survey – Cynthia distributed a copy of the survey to each member. The members took a few minutes to respond to the surveys.

b. Next regular meeting -- The next regular meeting of the Durham Conservation Commission will be held on January 10, 2008 at 7:00 pm at the Town Council Chambers in Town Hall.

9. Adjournment -

Julian Smith moved to adjourn at 9:40 pm. This was seconded by Duane Hyde and approved unanimously.

The December 13, 2007 meeting of the Durham Conservation Commission was adjourned at 9:40 pm.

Respectfully submitted by,

Sue Lucius
Durham Conservation Commission Recording Secretary