

DURHAM CONSERVATION COMMISSION
Minutes to Meeting

February 28, 2008

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

Excused absence: Beryl Harper, Jim Hellen

Also attending: Jim Campbell, Durham Town Planner and Daniel Keefe, Durham resident

- 1) Meeting called to order at 7:07 pm. It was determined that in the event of a vote, alternates Dwight Baldwin and Peter Smith would vote in the place of the two regular members who were absent.
- 2) Cynthia Belowski informed the Commission that Jim Hellen has submitted his resignation effective April 1, 2008. Cynthia asked that if anyone knew a good replacement to encourage them to apply for the position.
- 3) The DCC met with Jim Campbell to discuss and make recommendations relative to the proposed changes to Durham's Shoreland Overlay District ordinance. Jim took notes regarding our recommendations. Highlights of the discussion are as follows:
 - a) Changes to the ordinance are necessary to be compatible with the new state regulations and rules that will be effective April 1, 2008.
 - b) The state regulations apply to 4th order streams, great ponds (water bodies greater than 10 acres), and tidal waters
 - i) It was determined that we need clarification on whether or not the Oyster River is included – there were contradictory documents from NH DES
 - ii) It was recommended that the ordinance include an improved map that is clearly color coded to distinguish those water bodies that would require a state permit from those that would only be subject to Town regulations
 - c) Effective April 1, 2008 a state permit is required for any construction, excavation, or filling activities proposed within the protected shoreland (250' from the reference line).
 - d) All new lots within the 250' zone, including those over 5 acres, are also subject to NH DES approval.
 - e) Projects that are permitted by RSA: 42-A Dredge and Fill do not require a Shoreland permit
 - f) Durham regulation also include lower order streams and the reservoir
 - g) Suggested that statements inserted to alert reader to the state statute (175-70 bolded in second paragraph and 175-74.B last paragraph) should be handled as footnotes and not be part of the body of the ordinance.
 - h) 175-74. A. Discussion of Durham's buffer widths – Duane attended a seminar recently during which it was confirmed that there is significant science-based information that recommends a minimum of a 150' buffer for water supply. The DCC asked Jim to increase that Oyster River buffer above the reservoir to 150'.

- i) 175-74. D. Inconsistent with state regulation. Need to change to the second lot shall have an additional 150 feet of frontage.
- j) 175-75.1.A. Need a category to handle Pettee and College Brook which have a 25 foot buffer.
- k) 175-75.1.A2.d.(iv) Jim will rework this paragraph – it needs to be stronger and clear who the applicant must get approval from. We also cannot say what the state can or cannot do.
- l) 175-75.1.B.1. Make sure it is clear in the last sentence that a well distributed stand must be maintained over the entire woodland buffer.
- m) 175-75.1.I.2. and 175-75.1.I.3. Duane recommended removing these two sections and let the state deal with it.

Meeting adjourned at 9:00 p.m.
Submitted by Cynthia Belowski