

Approved June 12, 2008

DURHAM CONSERVATION COMMISSION  
Meeting Minutes of Thursday May 8, 2008  
Durham Town Office – Council Chambers  
7:00 PM

Regular Members Present: Cynthia Belowski, Duane Hyde, Cathy Leach, George Thomas, Beryl Harper, Stephen Roberts

Alternate Members Present: Robin Mower, Peter Smith

Regular Members Excused: Dwight Baldwin

Alternate Members Unexcused: Robin Vranicar

Public Attendees: Chris Glazer, Sandra Straus, Joseph B. Moriarity, Ray Konisky, Doug Clark, Bob Stevendale, Joe Thome, Dick Weyrick, Chuck Cox, Karl Van Asselt, Jim Campbell, Chris Mueller, Doug Clark

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

Chair Cynthia Belowski called the meeting to order at 7:07 pm. Peter Smith will vote in place of Dwight Baldwin this evening.

Cynthia suggested amending the agenda to add the acceptance of the minutes of the April 3, 2008 meeting.

*Beryl Harper moved to accept the agenda as amended. This was seconded by Robin Mower and approved unanimously.*

Cynthia welcomed Robin Mower to the Conservation Commission as an alternate member. The Commission discussed the suggestion of having a member of the Commission review the informational packets distributed by the ZBA. Peter Smith cautioned that the ZBA is a “quasi judicial” board and that the packet information should not be discussed with any member of the board other than in the context of a meeting. Robin volunteered to be the member to pick up the informational packet and share any pertinent information with the Commission members.

**2) New Business/Presentation**

a) Ray Konisky, The Nature Conservancy --- Dredge and fill permit needed to implement a plan to improve the oyster population in the Oyster River. (Note: Duane Hyde recused himself from this discussion due to professional associations.) Ray Konisky explained to the Commission the plan for attempting to encourage the growth of oyster beds in the Oyster

River. He reported that oyster populations are down by 90% or more in the river. Ray said that it is important to recover some of the hard bottoms in the river systems so that there is a place for the oysters to land and grow. He noted that they are proposing to create a small bed by bringing in donated surf clam shells from a Rhode Island shellfish distributor by small boats. Ray said that the shells will be placed on the bottom of the river to provide a place to settle for the oysters. The size of the area being restored will be approximately 90' by 90' and the depth of the shells will be approximately 3". Ray explained that this type of shell has been used in the river previously. He noted that oysters can help to improve water quality by filtering out nitrogen and burying it. The Commission discussed the costs associated with this project to the Conservancy, factors that would have an adverse affect on the project and length of time before the project would be evaluated. Ray noted that they are attempting to evaluate if oysters can survive and thrive in this area with current conditions. He asked the Commission for their support of the dredge and fill permit when their comments are requested by DES. The Commission thanked Mr. Konisky for his presentation and asked that he give the Commission an update on the project.

b) Bill Doucet, Doucet Survey – Discuss project on Mast Road that will require a conditional used permit for impacts to the wetland buffer. Cynthia explained that a site walk was held on Monday May 5<sup>th</sup> on Mast Road. She noted that the members present at the site walk were encouraged to learn that the owners were interested in restoring the area to a true, functioning wetlands. Cynthia reported that Mr. Doucet was interested in having the Commission members input before beginning the process of proposing a plan to restore the wetlands. After the site walk it was determined that it would not be necessary for Mr. Doucet to present at the meeting. Cynthia said that details will be presented to the Commission as the project progresses.

c) Durham Economic Development Committee – meet to discuss priority areas for development and conservation. Jim Campbell, Chris Mueller and Doug Clark joined the Commission members at the table for a discussion of priority areas. Jim Campbell began the discussion by reviewing transfer development rights, sending and receiving zones and proposed zoning changes initiated by the Town Council. He noted that there are two specific areas where development and conservation issues do not match, in that these areas have been proposed for development (and rezoning to ORLI) and that the Conservation Commission has targeted these areas as high priority for conserving. These areas are: Spruce Hole and Beech Hill. Beryl Harper asked to discuss the Spruce Hole area first. She noted that this area has been targeted by the Conservation Commission as an important area to preserve. Beryl added that this area is even more important because it is a water source. Cathy Leach noted that the proposal brought forward for this area was presented as protecting Spruce Hole. She added that the Council is not interested in ruining Spruce Hole. Robin Mower said that the developer interested in this area is bringing forward a proposal that includes a large area of conservation and that perhaps the thought behind the rezoning to ORLI would be to allow more freedom in the plan. Duane Hyde commented that while the proposed plan for this property appears to be concerned with conservation aspects by including buffers, there is still the concern of the watershed. He noted that most areas are trying to protect areas near water supplies, while Durham appears to be encouraging development near the water supply. Duane said that he has concerns about the possibility of office and research

space being built in this area without the need to meet the conservation subdivision requirements. Jim Campbell commented that if the area was developed as mixed use it may still need to meet the requirements of a conservation subdivision. Beryl commented that this area is on the Lee line and any development by that town would also have an effect on the watershed. Duane said that he likes the idea of providing further protection to Spruce Hole, if there is a way to do that he would support it. He explained that Spruce Hole is a nationally designated landmark, and as such is owed a high duty of care to protect it. He noted that this area also has prime agricultural soils and there is a need to protect important agricultural soils in our area. Robin Mower commented that it may take further studies to see what will impact the bog. Cynthia said it is clear that there is a lot of pressure to develop in that area. She noted that the area does provide a drinking water supply and as such is a huge concern. Duane said that perhaps there is a way with zoning to make clear what the standards are and to maintain a level of protection. Robin suggested that the Conservation Commission may want to comment to the Planning Board and Town Council regarding the rezoning. Karl Van Asselt explained that the Economic Development Committee was formed to work on economic development and to broaden the tax base. He commented that in the interest of their charge and the Conservation Commission interests he would be interested in suggesting development in the central business district consisting of mixed use (commercial, housing, office) on five floors. He said this would allow more open space, be smart growth by having a 5 story building in town and protect Spruce Hole. Duane began the discussion on Beech Hill area by saying that the NH Fish and Game wildlife action plan (a state plan identifying important areas of habitats in the state) and also the Land Conservation Plan for NH Watersheds have both identified this area as a state and regionally significant area for conservation. He noted that in this area there has been identified 1 threatened plant, 2 endangered animals, and 8 species of habitats of concern. Duane commented that the map in the Coastal Conservation Plan is identified as a larger area than the Conservation Commission has identified as an area of conservation concern. He explained that a conservation focus area does not mean that no development can occur, only that it is an area that we need to be sensitive about. Jim Campbell noted that from a rezoning perspective the area borders have changed from 1984 to 1995 and again in 2000. Stephen Roberts noted that the rewrite committee took testimony from abutters that forced the committee to change back to the 1995 borders. Karl Van Asselt brought up the possibility of a current land owner (the church) on a portion of this land selling its property to another owner that would develop it. He noted that this would not only put the property back on the town tax rolls but would also provide an area for development. Karl said that there would be some people who would be opposed to this and suggested that that the EDC and the Conservation Commission need to come together to answer these critics. Cynthia noted that the Conservation Commission feels that development needs to be done wisely. Karl said that the EDC is interested in knowing what is important to the Conservation Commission so they can understand what they are dealing with. He suggested that the EDC can have their discussion and come back to the Conservation Commission and discuss the next step. Duane said the Commission would welcome that. Cathy Leach suggested that the Conservation Commission send a list to the EDC of what areas are important, and why they are important, in addition to the map that Duane sent. Jim Campbell emphasized that communication is important.

### **3) Acceptance of April 3, 2008 and April 10, 2008 Minutes –**

a) April 3, 2008 –

*Cathy Leach moved to accept the minutes as written. This was seconded by Duane Hyde and approved unanimously.*

b) April 10, 2008 – Duane suggested changing page 1, line 45 to read: “....to build housing on a portion of the Sprucewoods section...”. Cynthia noted the correction of the name Fogg Farm on page 3, line 19.

*Beryl moved to accept the minutes as amended. This was seconded by Cathy Leach and approved unanimously. (Note: Cynthia Belowski abstained from this vote as she was not present at the April 10, 2008 meeting).*

#### **4) Ongoing Business**

a) Wetlands Applications – George Thomas reported that there were no new applications. He said that he notified the DES of the Commission’s comments on Charlie Hart’s property and cc’d the commission members.

b) Land Protection Working Group – Duane Hyde reported that the Roselawn Farm project closed on April 16<sup>th</sup>.

i) Misty Meadows – Cynthia Belowski reported that she was approached by a group from Lee in the process of preserving the Lee portion of this property. She explained that this property is in both Lee and Durham (60 some acres in Lee and 74 acres in Durham). Cynthia reported that this group has already attained funds from Fish and Game, DES and the Wetlands Preserve Program. She explained that the group is at a point where a second appraisal is needed of the entire property (including the Durham portion) and they were requesting that Durham share the cost of the appraisal 50/50. The group has a quote for the appraisal of \$5000. Cynthia said that in the future she would like to work with the Commission to move forward toward having the Durham portion of this property become a conservation easement. Cathy Leach asked if the owner of the property has expressed an interest in this. Cynthia replied that the owner has expressed an interest and that the property is important because it has a small water source that drains into the Oyster River and therefore the water quality needs to be protected. The Commission discussed that there is a house on the Durham side of this property that may need to be excluded from any future conservation easement. Beryl noted that she strongly supports this request.

*Duane Hyde moved to support a 50% contribution, not to exceed \$3000 for the appraisal of Misty Meadows Farm. This was seconded by Peter Smith and approved unanimously.*

ii) Newsletter Update – Cynthia reported that she has been working with Molly Kline on the newsletter and that it should be completed this weekend by Nancy Lambert and in the mail by May 19<sup>th</sup>. An update on the Roselawn Farm project will be included. Cynthia noted that there will be a site walk on Emery Farm on June 1<sup>st</sup> for the public. This will be a “how

the farm works” tour offered from 3:30-5:00pm. She encouraged members to attend. Cathy suggested mentioning that there is a public wooded area at the back of the property.

c) Town Owned Land/Conservation Easements – Beryl Harper noted on Monday May 12 (6-8 pm) at Newmarket Town Hall a conservation easement monitoring program is being offered. She encouraged members to attend. Cathy Leach said the Parks and Recreation Committee will be holding a Mother’s Day walk at Wagon Hill. Cynthia reported that the Parks and Recreation Committee will be assigning a member to work on the subcommittee being formed to review the list of Durham owned lands with the goal of assigning a lead group to each piece of land. Cynthia also reported that attempts to attain an individual to write a management plan for all of Durham lands has been unsuccessful. Cynthia proposed that an RFP be written for this position. She said that Mike Lynch is looking for assistance in writing the RFP. Duane and Cynthia volunteered to assist Mike.

d) Mill Pond – no report at this time.

e) Jackson’s Landing – Cynthia Belowski reported that the Army Corps of Engineers have reviewed the plan and made comments and suggestions. Mike Lynch will meet with a representative to discuss their comments and explain the planning process for this project. Mike feels that most of the comments made have been addressed.

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

a) Town Council – Cathy Leach reported that the next agenda setting meeting may include a discussion on the guidelines for future land acquisition policy – this may be on the May 19<sup>th</sup> agenda. She also reported that the goal setting meeting held on Tuesday was partially centered on economic development. Cathy noted that the Council agreed that attention needs to be on conservation issues as well as economic development. Cynthia reported that there will need to be proposed changes to zoning in order to have work done on recreational trails without going through the Planning Board process.

b) Planning Board – Stephen Roberts reported that there are three projects in the process of planning development; the Caldarola project, the Perry Bryant property, and the Tecee property.

c) Lamprey River Advisory Committee – no report at this time.

d) ZBA – no report at this time.

## **6) Other Business**

a) Update on Milne property – Cynthia said that she attended a meeting with Diana Carroll, who is a trustee of the estate, Julian Smith, Mike Lynch and Todd Selig to discuss what will be done with the property. She explained that because of Mrs. Milne’s wishes, the Town is looking for the Conservation Commission to take the lead role with regard to the property. Cynthia said the group came to a consensus that there should be minimal cutting, keep the

present open area, a stone will be placed on the property to hold a plaque, there will be a sign erected to note..."You are entering the Valley Nature Area, donated by The Milne's". It was noted by Commission members that there is also a good place to launch a boat on the property.

b) Durham Day – September 14, 2008 from 12:30-4:30. Cynthia suggested that the Commission be more visible at the event this year. She suggested having a table at Durham Day and perhaps sponsoring a nature walk or having a discussion in front of Jackson Landing regarding the work done there. Cathy said that she believes the Parks and Recreation Committee is planning on doing a trail walk. Cynthia suggested that the Commission work with Parks and Recreation on a walk.

Beryl Harper noted that the Great Bay Discovery Center is publishing a pamphlet, "Your passport to Great Bay" which includes several trails in Durham. This will be published for the public in June.

## **7) Administrative**

a) Correspondence -- none at this time.

b) Next regular meeting is scheduled for Thursday June 12, 2008 at 7 pm. Cynthia Belowski will be unable to attend.

## **8) Adjournment –**

*Robin Mower moved to adjourn at 9:50 pm. This was seconded by Beryl Harper and approved unanimously.*

The May 8<sup>th</sup>, 2008 meeting of the Durham Conservation Commission adjourned at 9:50 pm.

Respectfully submitted by,

Sue Lucius  
Durham Conservation Commission Recording Secretary