

Approved August 14, 2008

Durham Conservation Commission
Meeting Minutes of Thursday July 10, 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

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

Chair Cynthia Belowski called the meeting to order at 7:10 pm. Peter Smith will vote in place of regular member Dwight Baldwin.

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 \$25,212.72 from the Conservation Account to make up the shortfall in expected grant funding from the NH Department of Environmental Services Water Supply Land Grants Program for the purchase of a conservation easement on the Fogg property located on the corner of Mill and Packers Falls Road.

Duane Hyde moved to open the Public Hearing, this was seconded by Stephen Roberts and approved unanimously.

Cynthia Belowski asked for public comments. There were none.

Duane Hyde moved to close the Public Hearing, this was seconded by Stephen Roberts and approved unanimously.

Duane Hyde moved to approve the expenditure of \$25,212.72 from the Conservation Account to make up the shortfall in expected funding from the NH Department of Environmental Services Water Supply Land Grants Program. This was seconded by Peter Smith and approved unanimously.

3) Acceptance of minutes of June 12 and June 26

The Commission discussed correcting non-substantive errors in the minutes prior to meeting in order to expedite the approval of minutes at meetings. The consensus of the

members was to forward non-substantive errors to the chair whom will then collect and forward these to the secretary.

a) June 12th minutes: Corrections were offered by members which included the addition of the term “maintaining private septic systems” on page one after the phrase “....green spaces, applying natural fertilizers” under 2) New Business/Presentation a). Also a correction on page two of the location of Mill Road project to be written as, “....from the Tecce property, across the river and abutting Route 155A.” Also on page 2 the addition of “....Jack introduced Chris Kane, his consultant, a Conservation Biologist.” Also on page three under 4) Other Business a) “....appraisal was needed in order to meet the timing requirement of the grant....” Also on page five under 6) Board and Committee Reports c) ZBA change wording to read “....Duane noted that the Commission needs to decide if providing technical comment on zoning variances is within the Commission’s pervue, and if the Commission want to provide such comments.” Other minor spelling errors were corrected.

Beryl Harper moved to accept the June 12th 2008 minutes as amended. This was seconded by Duane Hyde and approved unanimously.

b) June 26th minutes: Page 3 line one should read, “....understanding the hydrology of the aquifer.” Also on page 3, last line of first paragraph should read “...demonstrates a different course of action should be taken.” On page 4, the first paragraph should read “Stephen mentioned that the current aquifer overlay zoning ordinance provided great protection to the aquifer. This protection does not apply to areas just outside the aquifer zone and this needs to be addressed.” Other minor spelling errors were corrected.

Beryl Harper moved to accept the June 26, 2008 minutes as amended. This was seconded by Stephen Roberts and approved unanimously.

Note: Cathy Leach, Duane Hyde and George Thomas abstained as they were not present at this meeting.

4) Ongoing Business

- a) Wetlands Applications – George Thomas reported that he had sent comments to the DES from the Commission’s site walk regarding the Nadeau dock. He noted there was a new application from James Adams at 401 Bay Road for a dock filed. He said the application includes a dock, a 20 ft pier and 36 ft ramp and that Pickering is the engineering firm for this project. Beryl suggested a site walk. A tentative date of July 22nd at 9 am was set. George will confirm and email members.
- b) Land Protection Working Group – Duane Hyde reported that there was a closing of a conservation easement by the USDA and NRCS through the Wetlands Reserve Program on the Kelsey property (114 acres in Durham – additional acreage in Lee).

- c) Town Owned Land/Conservation Easements – Cynthia Belowski reported that a meeting of the subcommittee was held to discuss which town groups will be the lead on different town properties. It was the consensus of the group that there are 7 properties that need new or updated management plans. Cynthia, along with Duane is working on an RFP to hire a consultant to do the management plans. Cynthia noted that Dwight Baldwin had reported to her that the plaque for the Merrick property would be ready by fall and was interested in having a celebration of this land. The Commission suggested a site walk and celebration at the property in the fall after the plaque is installed a date of October 5th 3-4:30 was set. Duane also suggested doing a winter hike on the Langley property. The members also noted that there will be a Roselawn farm site walk on November 1st 9-11 am. Cathy Lynch suggested that postcards with these dates and times be printed up to hand out at Durham Day on September 14th 12:30-4:30.
- d) Mill Pond – Cynthia reported she had spoken with Mike Lynch, who informed her a structural engineer will be looking at the dam and submitting a report in September. She noted that Mike Lynch felt this should give the Town more information on the current condition of the dam and the life expectancy of the dam. The Commission discussed the pros and cons of dredging and dam removal.
- e) Jackson's Landing – Cynthia Belowski reported that Mike Lynch has received all needed approvals and will present the plan to Dorrie Wiggins of the DES.

5) Board and Committee Reports

- a) Town Council – Cathy Leach reported on the status of the zoning change request from RB to ORLI. She noted that the issue was on the agenda at the last Town Council meeting and that there was not much public comment regarding it. The item will be placed on the July 21st meeting agenda. The Commission discussed the legislative procedure of moving forward from the 1st reading to a public hearing, to closing the public hearing and then proceeding with discussion among council members. Cathy also reported that the Town Administrator is in the process of assigning town groups to town goals to assist in moving these goals forward. She said that he requested input on assigning the Conservation Commission to the goal of expanding recreational opportunities. It was the consensus of the group that the Commission's input on this goal should be limited to walking trails and that other recreational opportunities would fall under the Parks and Recreation Committee's duties. Cathy suggested adding the Conservation Commission to the goal of creating a vision for the Town. The Commission discussed this and how it would pertain to conservation. It was the consensus of the Commission that their input on this would be pertinent in providing suggestions for which areas of town would be appropriate for conservation and which areas would be appropriate for development.

- b) Planning Board – Stephen Roberts reported there was a request for a waiver of section 903 site plan regulation of storm water at 12 Jenkins Court. This request was denied by the Planning Board. He noted the Planning Board also deliberated on the conservation subdivision submitted by Joseph Caldarola. Stephen said there have been significant changes to the proposal, especially with regard to storm water drainage. He said the Planning Board is still in the process of gathering more information and he will share this with the Conservation Commission when it is known. Cynthia suggested having Stephen watch this project for the Commission and keep them updated. Stephen also reported that Jim Campbell is having Karen Edwards learn to use GIS software. Cynthia Belowski distributed maps derived from this program for the members to review. The Commission discussed the status of these maps, as well as other town maps depicting developable land and land that should be protected.
- c) Zoning Board of Adjustments – The Commission reviewed their goal of being more familiar with what items are being brought before the ZBA and their actions. The members discussed Robin Mower reviewing the ZBA packets and reporting to the Commission. Duane suggested, monitoring the actions of the ZBA, if a pattern arises that raises concern about variances being allowed that impact resources, the Commission could then work with the ZBA through training and/or workshops to help them become more informed about conservation issues and impacts on natural resources. The members discussed the pros and cons of this approach. It was the consensus of the members to have Robin continue reviewing the ZBA packets and proceed from there.
- d) Lamprey River Advisory Committee – no report this month

6) Other Business

- a) Sophie Lane open space stewardship plan – Cynthia Belowski reported that the stewardship plan for Sophie Lane references the Zoning regulations which states what can and can't be done. The Homeowner's Association will need to file a report to the Town annually and an ecologist will need to be on site every other year to file a report. She noted the plan also references that the Town will be overseeing the Association to ensure that all requirements are met. It was noted that the Code Enforcement officer would be responsible for taking action, if requirements are not fulfilled by the Association.
- b) Display board for Town Office Lobby – Cynthia suggested a display board in the lobby would be a useful tool to highlight Commission projects. She reported that the Land Protection Working Group has some money that they are considering allocating to the Commission to use to buy a display board. The members discussed the difficulty in finding an appropriate location for the board in the Town Hall lobby. The members also discussed what to include on the board. Some suggestions were photos from site visits, the Scenic Durham newsletter, information regarding the new Shoreland Protection ordinance.

- c) Durham Day – September 14, 2008 12:30 to 4:30 – Cynthia suggested the Commission host a nature walk to discuss the Shoreland Protection Act. Duane said he would check with the Land Protection Working Group to see if there was a volunteer to lead the nature walk. Robin suggested displaying the Oyster poster at Durham Day and perhaps some oyster shells. Duane suggested a display he had seen of a tank filled with water from the bay alongside a tank filled with water from the bay with oysters in it. This display showed the great filtering features of the oysters. Duane will check into this. Cynthia suggested asking the drivers of the scenic boat tours if they would like to have a speaker on their boats to speak to issues regarding the bay.
- d) Scenic Durham Newsletter on the CC website – Cynthia reported that Malin Clyde from the Land Protection Working Group asked if the newsletters could be posted on the Conservation Commission website. Robin suggested that Cynthia write to the Town Administrator and the manager of the Town website regarding this.

7) Administrative

- a) Correspondence – the NH Fish and Game will be doing Purple Loosestrife removal with herbicides on the Gowdy and Farrell track at the corner of Longmarsh and Route 108.

Oyster River Culvert Analysis Project Meeting – Cynthia reported that the NH Estuaries Project will have a “kick-off” meeting. She noted this project is to see if culverts can handle extreme storm events, and make an inventory of what can and can’t handle these events. Cynthia said that the Oyster River was chosen for this pilot project, showing where culverts are located, do an analysis based on size, slope, water peak flow, how well they can handle the water peak flow, and then prioritize culverts in terms of which should be addressed first. The meeting will be on Thursday July 17, 6:30-8:00 at the Durham Police building. You may RSVP to Derek.sowers@unh.edu if you wish to attend.

- b) Next regular meeting of the Durham Conservation Commission will be held on August 14, 2008 at 7 PM

8) Adjournment --

Duane moved to adjourn at 9:40 pm. This was seconded by Beryl Harper and approved unanimously.