

Approved September 11, 2008

Durham Conservation Commission
Meeting Minutes of Thursday August 14, 2008
Durham Town Office – Council Chambers
7:00 PM

Regular Members Present: Cynthia Belowski, Duane Hyde, George Thomas, Beryl Harper, Dwight Baldwin

Alternate Members Present: Robin Mower, Peter Smith

Regular Members Excused: Cathy Leach, Stephen Roberts

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. She informed the members that alternate member Robin Vranicar has resigned from the Commission.

3) Acceptance of minutes of July 10, 2008

a). Corrections were offered by members: page 4, line 10 replace “the software program GRANIT” with “to use GIS software”; page 4, line 31 replace “Conservation Commission’s” with “zoning”. Other minor spelling errors were corrected.

Duane Hyde moved to accept the July 10, 2008 minutes as amended. This was seconded by Beryl Harper and approved unanimously.

4) Ongoing Business

- a) Wetlands Applications – George Thomas reported that he had received 2 new applications. The first application discussed was from Thomas W. Haas at 569 Bay Road. The contractor for the proposed project is Pickering Marine. The application is for an 80 ft long dock structure which will include a pier, ramp and float. Note: Duane recused himself from this discussion due to professional conflict. The members discussed the need for a site walk and tentatively set a date of Monday August 18th at 8 am. George will confirm this date and time with the contractor and email members. The second application discussed was from Doug MacLennan at Sullivan House. The contractor for the proposed project is Riverside Marine Construction Company of Eliot, Maine. The application is for a 10 ft x 15 ft pier with a ramp to a small float in the water. The members discussed the fact that the owners will need to be notified that they will also need to present to the Historic District Commission since the property is located in the Historic District. The members tentatively scheduled a site walk for Monday August 18th at 9:30 am. George will confirm this date and time with the contractor and email members. George also updated members on the Nadeau dock project. He reported that Pickering Marine had responded to the four comments made by the commission to the DES. The first comment was to ask if it would be possible to reduce the number of posts

from four to two. Pickering responded that they felt structurally the four posts would be needed because of possible damage due to ice buildup in the winter. The second comment was regarding aesthetics of the Oyster River being affected by the dock. Pickering responded that they did not feel the structure would diminish the character and aesthetics of the Oyster River. The third comment from the Commission was regarding storage and transport during the off season impacting the salt marsh. Pickering responded that they would take precautions to ensure that the salt marsh is not impacted while transporting and storing the dock during the off season. The fourth comment from the Commission was to suggest that an easement be discussed for shared use of an existing dock. Pickering responded that there was concern by the owner of the possibility of animosity and disagreement occurring in the future that would have a negative impact in sharing a dock. Pickering also noted that the current pier is a one boat pier and that this would need to be modified if the pier were to be shared. Members felt that all their concerns and comments were addressed by the owners and Pickering Marine.

- (i) Discussion regarding letter from Sally Ford regarding the Adams application: George reported that Sally Ford wrote a letter on June 19th addressed to the DES and a second letter on July 24th addressed to the Durham Conservation Commission. He said that Dorie Wiggin from DES wrote to Pickering Marine and asked them to reply to Sally Ford's comments. George summarized the concerns raised in the June 19th letter and noted the response of Pickering Marine. The Commission discussed the length of the ramp (30 ft) and the reason for the length. Cynthia reminded members that the 30 feet was needed to get over the salt marsh and that this was an improvement over the owners current practice of hauling canoes over the salt marsh to launch in the river. George noted that the July 24th letter from Sally Ford included an additional comment regarding the dock also being visible from the Macintosh Island across the river. The members discussed if this island is considered an abutter.
- b) Land Protection Working Group – Duane Hyde reported that the NRCS/WRP is also funding a conservation easement on Judith Spang's property. Cynthia reported that the appraisal of the Misty Meadows property (Clyde and Wendy Fogg) will be done within the next week or so. She reminded the members that if the Town would like to apply for DES water supply funding for a conservation easement on the Durham portion of this property a pre-application document will need to be signed by the Town this month. Cynthia noted that a second meeting this month may be needed to proceed with this.
- c) Town Owned Land/Conservation Easements – Cynthia Belowski reported that while discussing a draft RFP to hire a consultant for the management plans, Duane suggested that it may be more effective to draft a "Request for Qualifications" with the basic parameters of the type of project that the Town is requesting. He explained that a RFQ would allow contractors to submit a document stating why they feel they are the most qualified to work on this with the town and suggest ideas for the project. The town would then bring contractors in for an interview, one would be chosen and a contract would be developed. The members felt this was an appropriate action. Cynthia noted that she needs to check with Mike Lynch to ensure that it is within the town's purchasing

guidelines to proceed in this manner. She also noted that she would like the subcommittee to have a meeting. Cynthia will email members to schedule a date.

- d) Mill Pond and Milne Property -- Dwight Baldwin reported that he spoke with Mike Lynch, who noted that the engineer is working on the dam evaluation, a report should be available shortly. Julian Smith reported on the Milne property gift. He noted that one of Margery Milne's specifications for this land was to have it be a wildlife sanctuary. Julian reported that it was decided to place several bird houses on the property to encourage wild birds and also to place a raised bat house. Julian also noted that he was working on Margery's specification for a tall stone monument being placed on the land. He reported that there will be a big piece of granite standing on the site, mounted on a concrete base with the inscription that Margery requested. Margery also requested that the monument be surrounded by a wild flower garden. The members discussed the best way to proceed with such a garden. Cynthia asked if Parks and Recreation Committee had become involved in the project as previously discussed and suggested that they be encouraged to do so.
- e) Jackson's Landing – Dwight Baldwin reported that the phragmites in the area have been cut, however, a clear channel is still not visible. The members discussed the difficulties and delays this project has encountered dealing with several government entities. Dwight noted that the project has received the okay to proceed with the parking area across the street and to begin paving the parking area in front of the ice rink. He said that because of delays and other problems it is feared that the costs will be increased and that additional funding may be needed. The members discussed a time frame for the project being completed. Cynthia suggested that the Town may request additional funding from the Conservation funds and members should think about this possibility.

5) Board and Committee Reports

- a) Town Council – Status of Proposed zoning changes: Cynthia reported that the zoning change from RB to ORLI passed at first read by the Town Council and has been scheduled for a public hearing on September 8th. She said that Cathy Leach emailed her that at the public hearing the Conservation Commission's letter and the concerns discussed in the letter will be brought forward. Cathy also noted in her email that the Town Administrator will attempt to garner information on this subject and if the concerns have not been addressed, the public hearing can be continued to a later date. She noted that she feels the first reading allows for more discussion and investigation into the matter. Cynthia explained that Derek Sowers, who works for NH Estuaries Project and lives in Durham, has raised similar concerns as the Conservation Commission's concerns. Derek Sowers provided Cynthia and Robin Mowers with a report regarding the effects of impervious surface cover and degradation in water quality. Cynthia forwarded this to the Town Administrator with the expectation that it will be shared with Town Councilors. She explained that the Town has secured the services of a consultant, Brian Goetz of Weston and Sampson Engineering, Inc. located in Portsmouth NH. Peter Smith said that Brian Goetz has communicated with Professor Schloss (who presented to the Conservation Commission on this issue), as well as Tom Ballestero of UNH. Peter noted that it is not clear how much money the Town Council is prepared to appropriate

to study this question. Cynthia suggested that the Conservation Commission be represented at the Public Hearing to summarize the Commission's concerns for the public, and express their hope that the study will be comprehensive and concerns will be addressed. Peter said he felt that a member needs to reiterate the need for more examination and study on this issue and to point out that the stakes are very important and the budget for examination should match the needs. Cynthia noted that the aquifer pump testing needs to be done and that the affects of ORLI on the banks of the Oyster River need to be taken into account as well. Duane suggested that the commission member at the Public Hearing should make the point that the Commission hopes the consultant that has been hired is not only looking at the aquifer but also the Oyster River – with regards to run off, nutrient loading and potential problems from development, including ecological impacts. Robin suggested also mentioning uses allowed under ORLI and how it may have negative impacts on water resources. The members discussed the timing of the Spruce Hole bog pump test. Cynthia said it was her understanding that the application for the permit will be submitted in August with the expectation that the test will be budgeted for the spring. Beryl suggested that the pump tests be required as part of the report from the consultant. The members discussed who would be available to represent the Commission at the Public Hearing. Both Cynthia and Duane are unavailable. It was decided that Beryl would speak at the Public Hearing and that Dwight will attend as well. Peter suggested the following points be made; suggest that the Town Council agree that the public hearing be kept open pending all of the scientific study results (beyond this fall); that the study be a careful, fact driven study of the twin issues (aquifer and river); make clear that not all information will be in by the date of the public hearing and suggest that the hearing be kept open for further information while the study is done and the pump tests are done. He also suggested making a connection between looking at the aquifer as a possible water source and the potential uses that can be allowed in the new zoning and how that will affect the town's wishes to get water from the aquifer or the river. Beryl asked Duane to write a draft paragraph and she will recap the letter as well as list the uses ORLI would permit.

- b) Planning Board – Cynthia noted that the Perry Bryant project was presented to the Planning Board again last evening. She said she spoke with Bill Doucet and gave the members an update on the changes to the project. The Commission discussed that this project is within the wetlands buffer zone and therefore needs to be presented to the Conservation Commission.

Julian (as a Planning Board representative) noted that the Sophie Lane project is progressing. He said that the Planning Board did not begin deliberations last night because Mike Lynch wanted to make comments on the road resurfacing.

- c) Zoning Board of Adjustments – Robin Mower reported that there is an application to replace a septic system in an area that does have an impact on the shoreland – 68 Piscataqua Road. It is proposed to be replaced with a clean solution system, which will require a smaller leach field. Duane noted that even properly functioning septic systems do not process nitrogen, but that there is a treatment that can be added within the system. Robin suggested bringing this to the attention of the Planning Board and consider requiring it in new septic systems within the shoreland protection area.

- d) Lamprey River Advisory Committee – no report this month

6) Other Business

- a) Letter of support for the designation of the Oyster River into the state Rivers Management Program. Cynthia explained that she had been approached by a member of the Oyster River Watershed Association who asked that the Commission write a letter of support for the designation of the Oyster River into the state Rivers Management Program. A draft letter was distributed to members as well as a two page document entitled, “What it means to have a river in your community designated in the New Hampshire Rivers Management and Protection Program”. The Commission discussed the pros and cons of this program and the input they were given from the Town Administrator. Cynthia said that she has since determined that the application has already been submitted and has enough letters of support – so will go forward in the process with or without a letter from this Commission. It was suggested that the Commission hold an educational workshop on what this designation means and invite the Town Council to attend.
- b) Display board for Town Office Lobby – Cynthia reported that the Commission will be able to purchase a 6 ft x 3 ft panel for approximately \$100 and asked the Commission if they would be willing to appropriate funds from the Conservation Commission budget for the purchase of the board and materials needed to make the presentation.

Duane Hyde moved to authorize the expenditure of up to \$300 for a display board and the educational materials needed for the display. This was seconded by Beryl Harper and approved unanimously.

- c) Durham Day – September 14, 2008 12:30 to 4:30. The Commission discussed what activities to focus on for the day and who would provide coverage of the booth and boat rides for the day. The following was decided: Cynthia and Robin would provide the finished display board; Duane would provide a map for the board; a nature walk at the point will be scheduled for 2 pm (Duane will ask Theresa Walker to lead the walk and discuss the Shoreland Protection Act and why it is important), Duane will check with Ray regarding the Oyster tank display. Cynthia, Dwight, Duane and Beryl all volunteered to man the booth at different times during the 4 hour stretch; Beryl will also assist Peter in the boat during this time period; postcards will be made up and available at the table listing the dates and times of site walks sponsored by the Conservation Commission.
- d) Finalize dates for site walks and events. The Merrick Site Walk will be held on October 5, 2008. Dwight will confirm this with the family. Cider and donuts will be served. Cynthia noted that she will do personal invitations to the Town Council members for this walk. Roselawn Farm site walk is being co-hosted with the Strafford River Conservancy on November 1, 2008. Langley Farm site walk is tentatively scheduled for February 8, 2008. A tracking walk was suggested for this site walk.

7) Administrative

a) Correspondence – none at this time

b) Next regular meeting of the Durham Conservation Commission will be held on September 11, 2008 at 7 PM

8) Adjournment --

Duane moved to adjourn at 10:13 pm. This was seconded by Beryl Harper and approved unanimously.