

Approved October 9, 2008

Durham Conservation Commission
Meeting Minutes of Thursday September 11, 2008
Durham Town Office – Council Chambers
7:00 PM

Regular Members Present: Cynthia Belowski, George Thomas, Cathy Leach, Stephen Roberts, Dwight Baldwin, Beryl Harper

Alternate Members Present: Robin Mower, Peter Smith, Jamie Houle

Regular Members Excused: Duane Hyde

Public Attendees: Erica Washburn, Derek Sowers, Vasiliki Partinoudi

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

Chair Cynthia Belowski called the meeting to order at 7:05 pm. She welcomed new alternate member Jamie Houle to the Commission. Cynthia noted that Jamie has worked with the Storm Water Center for the past five years as a program manager.

Cynthia asked to add as item 2a the introduction of Erika Washburn, a PhD candidate in Natural Resources at UNH.

Dwight asked to add a discussion of the Merrick property walk as item “E” under “Other Business”.

Dwight Baldwin moved to amend the agenda as suggested. This was seconded by Stephen Roberts and approved unanimously.

2) Discussion regarding CC staffing -- Cynthia reported she will be spending the winter in Florida and will be resigning as Chair and a member of the Commission. She noted she would be happy to stay on in her position until the Commission can decide on a replacement – if that is the wishes of the members. The members had a brief discussion regarding this situation and decided to list it as an agenda item for the October meeting to allow for fuller discussion and asked Cynthia to remain as the Chair for the next couple of months.

a) Erika Washburn introduced herself as a PhD candidate in Natural Resources at the University of New Hampshire. She noted that her research involves land use decision making in the fourteen towns that make up the Lamprey River Watershed. As part of this research she will be requesting interviews with either the chair or someone designated by the chair to discuss how land use decisions are made by the Commission. Erika will be conducting interviews with the Conservation Commission, Historic District Commission, Planning Board, ZBA and Open Space Commission of the towns within the Lamprey River Watershed. Erika

will send correspondence to Cynthia who will respond with an appropriate individual for Erika to contact. The members wished Erika well on her research.

3) Acceptance of Minutes of August 14, 2008

a) Corrections were offered by members: page 1, Dwight did not move to accept the July minutes, Duane Hyde moved to accept the July minutes. Page 2, line 23 correct the spelling of Dorrie to Dorie. Other minor spelling errors were corrected.

Dwight Baldwin moved to accept the August 14, 2008 minutes as amended. This was seconded by George Thomas and approved unanimously.

Note: Stephen Roberts and Cathy Leach did not vote on the August 14, 2008 minutes as they were not present at the meeting.

4) Ongoing Business

a) Wetlands Applications – George Thomas reported that DES had sent him notification of approval of two dock applications on Bay Road (Tom Haas and James Adams) that the Commission had reviewed and submitted comments for. George will scan the letter from DES and email it to the members for them to review the comments made by the State regarding dock and dock applications. He also noted that he will add this information to the file of Wetlands Applications/Information that is located on the third floor of Town Hall.

George also reported the Commission received for review an application for a septic system replacement on Cedar Point Road that is within the wetlands buffer. He noted the application states new technology is being proposed and there is effectively no other spot on the property to locate the septic system. The Commission had an in depth discussion as to what the Shoreline Overlay regulations state regarding septic systems and how this should be dealt with by the Commission. The members discussed if a professional evaluation of the system was warranted and if the Commission had the authority to request a professional evaluation. The consensus of the members was to write a response to DES stating the Conservation Commission does not feel it is in a position to assess the appropriateness of the system and the adequacy of the proposed plan. The response will also note that the Town's wetlands regulations require the most up to date technology be used in this type of situation. A copy of the correspondence will be sent to Tom Johnson, the Code Enforcement Officer for the Town of Durham.

b) Land Protection Working Group – Cynthia Belowski reported the group is waiting for an appraisal on the Misty Meadows property.

c) Town Owned Land/Conservation Easements – Cynthia Belowski reported the subcommittee members met and discussed the posting of town owned properties with boundary signs to identify them. The subcommittee members also discussed the need to ascertain which properties have surveys and which need surveys to be done. After the information is gathered the subcommittee will bring a request to the Commission for funds to pay for the surveys.

Stephen Roberts suggested doing an RFP for the surveys to confirm the cost of the surveys before requesting funds from the Conservation Commission.

d) Mill Pond -- Dwight Baldwin reported there was a public informational meeting on August 26th dealing with the Oyster River and the Mill Pond. He noted that on September 19th the gates of the dam will be opened slowly to drain Mill Pond over a three day period. Volunteers are needed to monitor and aid wildlife, fish etc to ensure their safety. Anyone wishing to volunteer can contact David Cedarholm. Dwight said the dam will be inspected on September 22nd and 23rd, the gates will then be closed, and the pond will begin to fill. The members discussed options that the Town will need to consider if the inspection of the dam finds costly repairs are needed. Dwight reminded the members that the town has an estimate of \$253,600 to dredge Mill Pond if it is found this is the best solution and the possible sources of funding for such a project.

e) Jackson's Landing – Dwight Baldwin reported that construction of the walking path has begun on the east parcel and the parking lot opposite of the ice rink.

5) Board and Committee Reports

a) Town Council – Cathy Leach reported that items of interest tentatively scheduled for the September 22nd meeting are: a presentation item relative to water and waste water management regarding impact fees, a public hearing on table of uses for stables, a continued discussion of the ORLI zoning to identify issues, find answers for issues and concerns and to try to find the best approach.

b) Planning Board -- Stephen Roberts reported that the Planning Board discussed the ORLI zoning changes and the anticipated presentation of a different table of uses for the area that would aim to accomplish what the developer is trying to develop and deal with the concerns raised by the Commission. Stephen and the members briefly discussed the Perry Bryant project on Mast Road as this will be on the Conservation Commission agenda in October.

c) Zoning Board of Adjustment – No report for this month

d) Lamprey River Advisory Committee – Cynthia Belowski reported that the fish ladder and dam assessment had been included on the “Friday Updates”.

6) Other Business

a) Review Report from Brian Goetz of Weston and Sampson Engineering Inc. -- Cathy Leach noted that the Public Hearing has been closed regarding the rezoning to ORLI, but that based on information gathered, the hearing can either remain closed or be reopened. Peter explained that if new information is received that requires comments -- this is a basis for reopening the public hearing. The Commission members discussed the letter from Jack Farrell regarding rezoning. Cynthia noted that she felt the comment in his letter; “Adequate regulations are in place at the federal, state and local levels to insure that such development will not negatively impact water quality” was erroneous. She explained that the State has convened

a panel of professionals to look at state regulations with regard to water sources because there is a feeling that there are issues with the regulations that need to be addressed. Jamie Houle noted that the Office of the Governor has identified this as a priority area and that the drinking water protection regulations are outdated. The members also discussed the testimony given by experts at the Public Hearing and that most of the testimony stressed no decision should be made on rezoning until all information has been gathered and analyzed by professionals. The Commission members expressed their concern that some councilors did not understand the Commission's stance that they look forward to sitting down with the Council and looking at the data and coming up with a plan to allow development to occur while safeguarding the Town's resources. Cathy Leach said that the Council had not made a decision at the Public Hearing, but had tabled the issue to allow further study. She explained that the Town Administrator, Neal Niman and Mike Sievert will work on sorting through the issues/comments and requests for studies and come up with a plan for getting answers and resolving issues. Cathy also noted that none of the Councilors have an interest in doing anything that would be harmful to the aquifer. Cynthia noted that the Commission is concerned with the river and surface water, as well as the aquifer.

Cynthia Belowski introduced Vasiliki Partinoudi from The New England Water Treatment Technical Assistance Center (NE WTTAC) at the University of New Hampshire. Vasiliki explained that the center provides assistance to communities needing to comply with new regulations associated with drinking water. She said that she had attended the Public Hearing and read the report by Weston and Sampson Engineering, Inc. Vasiliki explained that the philosophy is not to treat water, but to protect the water source. She said this has been found to save time, money and resources. She noted that studies have found that water sources around the world are becoming contaminated by chemicals that are byproducts of our everyday life. Vasiliki said developers may mean well and be proactive, but it doesn't take much for the damage to be done to water sources, cost of cleanup is enormous and for small towns can be financially devastating.

The Commission discussed their hope that the Town Council reaches out to the many resources in town to help with gathering information on this issue. They noted that their hope for using a broad range of experts is to end up with a design that works for development as well as protecting the natural resources. The members discussed with Cathy Leach the need for more studies. She responded that the panel of three (Town Administrator, Neal Niman and Mike Sievert) will look at what is being requested to be studied and determine what needs to be studied and who will be consulted for the information.

The members discussed who they felt would be best to seek advice from with regard to the issue. It was highly suggested that the Council seek out Derek Sower of the NH Estuaries Project and Dr. Thomas Ballesterio of the Civil Engineering Department at UNH. Cynthia will have a discussion with the Town Administrator expressing the Commission's hope that they be kept in the loop and up to date regarding this issue and who is being consulted for professional opinions.

b) Discussion regarding proposed SPO (Shoreland Protection Overlay) District changes – Cynthia reminded members that the new State regulations became effective on July 1, 2008 and

these prompted the rewriting of the Town's SPO. The members discussed the comments sent to Jim Campbell regarding the rewriting of these regulations. It was the consensus of the members that they would ask Duane Hyde to review the rewritten regulations and report to the Commission.

c) Final Plans for Durham Day -- Durham Day is to be held on September 14, 2008 from 12:30-4:30 pm. Cynthia reported that a canopy is needed, as well as volunteers to join Malin Clyde on nature walks at 1:30 and 2:30 to speak to the fringe marshes and volunteers to join Peter on the boat rides. Stephen volunteered a canopy, Beryl and Cynthia will walk with Malin Clyde. Volunteers and canopy are to arrive at noon.

d) Discussion Regarding Issues of Septic in Shoreland --Robin Mower noted that Jay Gooze (Chair of the ZBA) made the point that the ZBA is sometimes caught in a difficult place because of changes in the real world that are not reflected in Town ordinances. He said the board is looking for information. Robin suggested a town led discussion regarding new technology for septic systems. Stephen Roberts will email information from the Planning Board regarding the proposed revision to the septic system article.

e) Merrick Property Walk -- Dwight reported that the Conservation Commission is sponsoring a walk on the Merrick Property on Canney Road on October 5th from 3:00-4:30 pm. He asked Cynthia to say a few words of thanks to the Merrick Family for their generous contribution at the celebration. He also asked for volunteers to walk the trails with him prior to the public walk to make sure there are no downed trees. Dwight, Stephen and George will ensure that the trails are passable. Beryl will speak with Mary Merrick regarding plans for refreshments and report back to Cynthia. Cynthia will invite the Town Councilors to the walk/celebration.

7)Administrative

a) Correspondence -- none to report at this meeting

b) Next Regular Meeting of the Durham Conservation Commission will be held on October 9, 2008 at 7 PM.

8) Adjournment—

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

Respectfully submitted by,

Sue Lucius
Durham Conservation Commission Recording Secretary