

Approved November 13, 2008

**Durham Conservation Commission  
Meeting Minutes of Thursday, October 9, 2008  
Durham Town Office – Council Chambers  
7:00 PM**

Regular Members Present: Cynthia Belowski, Stephen Roberts, Jerry Needell, Dwight Baldwin, Duane Hyde, Beryl Harper

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

Regular Members Excused: George Thomas

Public Attendees: Dan Tatem, Joe Persechino, Bill Doucet, Robbi Woodburn, Adele Fiorillo, Perry Bryant, Mike Sievert

**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 Town Council representative, Jerry Needell to the Commission.

Peter Smith will vote in place of George Thomas for this meeting.

Cynthia asked to add as the first presentation item, Mr. Dan Tatem who requested to speak to the board about hunting issues in the Longmarsh area.

*Peter Smith moved to amend the agenda as suggested. This was seconded by Robin Mower and approved unanimously.*

**2) Presentations:**

a) Dan Tatem, comments regarding hunting in Longmarsh area. Dan Tatem thanked the board for accommodating his request to speak to them this evening. He explained that he is a former Durham resident who was accustomed to Longmarsh Road being fully accessible. Mr. Tatem commented that the road is now gated and posted with signs noting it is Town property and that no hunting is allowed. He said that part of the property was not Town land, but is Fish and Game property, which does allow hunting and also questioned if the no hunting was due to the Town ordinance stating no firearm may be discharged on Town property. Mr. Tatem wondered if bow hunting would then be permissible. He also asked the Commission members to consider that hunting on this piece of Town property might be an appropriate activity. The Commission discussed the fact that the posting of signs does lend one to believe that all of the property is Town property and that there is another sign that needs to be posted which would help to clarify this issue. The members told Mr. Tatem that the Commission is in the process of getting help in

managing the town lands and that as part of that process the best uses for each piece of land would be considered. They thanked Mr. Tatem for bringing the issue to their attention.

b) Bill Doucet, Doucet Survey, to present plans for the Perry Bryant project on Mast Rd. Bill Doucet began by introducing associates working on the project: Joe Persechino, Robbi Woodburn and Adele Fiorillo. Adele Fiorillo of NHSC Environmental Consultants began her presentation by noting that she had met with the Commission on the property site to review the wetlands and buffer area. She noted that they are seeking to obtain a conditional use permit and are hoping that the Commission will provide supporting comments regarding the proposed project. Ms. Fiorillo outlined that they are proposing to preserve the wetland and allow it to return to its natural species, plant buffer landscaping, construct green roofs, adopt a tree preservation plan, and re-vegetate the area where the house is currently located (after it is removed). She said she feels the project meets the criteria for a conditional use permit by maximizing usage of the building area and minimizing encroachment on the overlay district; minimizing soil disturbance by matching original grades, reducing road width, having only 18 surface parking spaces and 18 parking spaces under buildings, grading buildings only to the limits required, thereby leaving the most amount of area undisturbed; enhancing buffers on all aspects where not developing; preserving trees in every location possible; using pervious surfaces; and utilizing green roof technology. The members discussed with the project team green roof technology, inquiring about the way it works, what types of plants will be used, how drainage and runoff compares to a conventional roof. The discussion continued to encompass the return of the wetland to its natural vegetation. Maintenance schedule of the wetlands was discussed and it was the consensus of the members that the wetland should be allowed to grow freely without any maintenance for the first several years. The members then discussed with the presenters the idea of the reduced number of parking spaces being proposed. Stephen Roberts stated his concern that the Planning Board would take issue with any plan which had such a great reduction in parking spaces and reduced road width. Bill Doucet said that the reduction of parking spaces and road width greatly reduces impact on the surface area. The members then discussed what safeguards would be taken to protect the area during construction. Mr. Persechino said that there would be very careful oversight regarding the movement of machinery and that silt soxx would be used to protect areas. The members then discussed if they wanted to make a formal recommendation to the planning board. It was the consensus of the members that the Chair would write a letter outlining the following points: 1) the Commission supports the use of pervious surfaces and the minimizing of impervious surfaces, 2) the Commission reiterates their concern about the proximity of machinery to wetlands during construction and the need to have controls to minimize the impact to wetlands, 3) the Commission encourages the project to allow the wetlands to vegetate with monitoring for a few years, 4) the Commission suggests that the quantity of housing could be reduced to protect other aspects of the project, 5) the Commission is impressed with the thought and effort put into this project, 6) the Commission refers to green roof technology being a new concept for Durham and that the Commission supports this idea, 7) the Commission notes that the latest version of the proposal has shown improvement and the team has responded to the Commission's concerns.

The members thanked the project team for the presentation.

c) MJS Engineering – Mike Sievert to present plans for a replacement septic system in the tidal buffer zone. Mike Sievert presented a plan to replace a septic system at 68 Piscataqua Road, which is located within the tidal buffer zone. Mr. Sievert said that the wetlands permit is in the Commission's mailbox. He noted that the current system has failed and needs to be replaced and that an expedited minimum impact permit is needed. Mr. Sievert said that the leach field and pump station is outside of the buffer, but that the two tanks are within the buffer. He said the new system will be a Clean Solutions system which requires a smaller leach field. Cynthia said she had spoken with Tom Johnson who confirmed the requested site for the system is the only location where it can be placed and that he feels it is much improved over the current situation. The members discussed the maintenance schedule for this type of system. It was noted that an expedited minimum impact permit request should go directly to the Chair, who then has the power to sign off on it. Cynthia said she would pull the application and sign it. The members thanked Mr. Sievert for the presentation.

d) David Cedarholm

- i) Review and discuss wetlands permit for Wiswall Bridge. David Cedarholm was unable to attend the meeting. Cynthia Belowski suggested that the Commission attend a site walk. A tentative date of Wednesday September 15<sup>th</sup> at 8 am was set. Cynthia will email David Cedarholm, as well as Commission members about the site walk.
- ii) Update on Lamprey 401 certificate - this discussion was postponed.

3) **Discussion regarding CC Chair.** Cynthia Belowski said that she is resigning and would like to set an effective date for the end of October. Duane Hyde said that he would serve as interim Chair until a new Chair is named. Jerry Needell noted that the resignation will cause a vacancy on the board, so a letter needs to be drafted to the Council asking for the position to be posted. The members discussed possible individuals to fill either the open position or to act as chair. Duane urged Robin Mower to think about serving as Chair.

4) **Acceptance of minutes of September 11<sup>th</sup>**

*Robin Mower moved to accept the September 11, 2008 minutes as written. This was seconded by Dwight Baldwin and approved unanimously.*

Note: Duane Hyde and Stephen Roberts abstained from this vote – they were not in attendance at the September 11, 2008 meeting. Jerry Needell also abstained – as he was not the Town Council representative last month.

5) **Ongoing Business**

- a) Wetlands Applications – no further wetlands applications to discuss.
- b) Land Protection Working Group – Cynthia reported that the Land Protection Working Group will take on the Misty Meadows project. She said the pre-application is due by November 3<sup>rd</sup> and that this will require a town representative signing a “statement of

interest,” so this item should be brought to the Town Council for their information. Cynthia will request that this item be put on the Town Council agenda for their next meeting.

Duane reported that there were a couple of conservation closings in Durham: 1) the remainder of the property at Stone House Farm (56 additional acres) on Durham Point Road and 2) a 37 acre property on Dame Road which will be transferred to Fish and Game.

- c) Town Owned Land/Conservation Easements-- Cynthia reported that she distributed to the subcommittee members a list of town properties with proposals for action. She explained that if it is determined that surveys are needed the subcommittee will come to the Commission with a request for funding. Duane reported that he is working on the RFQ for the management plan.
- d) Mill Pond – Dwight Baldwin reported that the inspection of the dam showed some major deterioration of the concrete. The engineering report is expected in December, at which point it will be brought before the Town council.
- e) Jackson’s Landing – Dwight Baldwin reported that the parking lot is being worked on, the trail is in, but is showing some signs of erosion. Cynthia told the members that there will be a work day on the trails at Jackson’s Landing on October 19<sup>th</sup>. Dwight will send information regarding the work day to the members.

## **6) Board and Committee Reports**

- a) Town Council – no report at this time.
- b) Planning Board – Stephen Roberts reported that he will forward any information that he receives regarding new regulations on septic systems and landscaping, as well as storm water. It was the consensus of the members of the Commission to have David Cedarholm speak to the Commission when the storm water ordinance writing has progressed further.
- c) Zoning Board of Adjustments - Robin Mower noted that the Board looked at a replacement septic system within the wetlands area. She suggested that the Commission have input into the rewrite of the septic ordinance.
- d) Lamprey River Advisory Committee – no report at this date.

## **7) Other Business**

- a) Discussion re latest proposal for rezoning to ORLI in Spruce Woods area – The members discussed the proposed conservation easement in the Spruce Woods area. There was concern expressed that the wording of the easement was not specific and needed

clarification. The Chair noted that there are members on the Commission who have significant expertise in this area and would have been happy to assist with the writing of the easement document. Questions arose as to whether or not the easement is transferred from developer to developer. Jerry Needell responded that any development under the ORLI rules must invoke this easement. Duane inquired if the ORLI rules are changed if the easement would still be effective. Jerry responded that the easement would no longer be effective in that instance. Jerry noted that the Council will be reopening the public hearing on October 20<sup>th</sup> on the rezoning issue. He thought at that point the Council would vote on this matter. The members discussed how they wanted to approach this topic at the Public Hearing. It was decided that Duane would write a brief letter to the Town Council, which will be read into the minutes by Jerry Needell at the October 20<sup>th</sup> meeting. The letter will state that the Commission has significant concerns regarding the conservation easement and would like to offer their assistance in this area.

- b) Status proposed SPO District changes – Duane Hyde reported that he had reviewed the proposed SPO District changes and felt they were consistent with the suggestions from the Commission.

#### **8) Administrative –**

Cynthia reported that there will be a Roselawn Farm Walk on November 1<sup>st</sup> 9-11 am, and the Merrick Farm walk was a great success.

- a) Correspondence - Peter Smith said there will be a “right to know” educational meeting on October 28, 2008. He urged members to attend.
- b) Workshop – October 23, 2008, 7PM in the Council Chambers  
Steve Couture, NH DES, to present implications of designating the Oyster River into the state Rivers Management and Protection Program, and discuss draft 401 Certificate.
- c) Next regular meeting November 13, 2008 at 7 PM in Council Chambers

#### **9) Adjournment**

*Duane Hyde moved to adjourn the October 9, 2008 meeting of the Durham Conservation Commission. This was seconded by Dwight Baldwin and approved unanimously.*

Respectfully submitted by,

Sue Lucius  
Durham Conservation Commission Recording Secretary