

Approved - January 8, 2009

Durham Conservation Commission

Meeting Minutes of Thursday December 11, 2008

Durham Town Office - Council Chambers

7:00 pm

Regular Members Present: Stephen Roberts, Jerry Needell, Dwight Baldwin, Duane Hyde, Beryl Harper, George Thomas

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

Public Attendees: Christina Potter, David Potter, Derek Sowers, Joe Moore, Sandra Strauss

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

Acting Chair Duane Hyde called the meeting to order at 7:05 pm. Peter Smith will vote in place of the open commission member seat.

Susan Fuller will be unable to attend the meeting due to the severe weather. Duane noted that the Commission will discuss briefly the request from the Economic Development Committee and the item will be placed on the January agenda for further discussion.

2) Presentations:

- a) Presentation of a Proposed 4 unit Town House style development at 22 Rosemary Lane on land owned by Peter Murphy. Presentation by MJS Engineering. Robert Roy of MJS Engineering presented a preliminary development plan to the members. He explained that the property under discussion is surrounded by UNH property and that the rear of the property has Pettee Brook as the property line. Mr. Roy noted that MJS has obtained 4 variances from the ZBA, two are relative to the setbacks for the shoreland and the wetland. The other two variances are with regard to the use of the building. Mr. Roy noted that the company has met with the Planning Board and the ZBA and that they are looking for input from Town boards regarding the project. Dwight asked what is being proposed. Mr. Roy said a four unit, townhouse building is being proposed. It will be three stories above ground with a basement that would include part of the dwelling space, laundry space and the management office. Duane asked if by Town house he meant four separate entries? Mr. Roy responded yes, and that there would be 4 bedrooms per unit. He noted that while the proposal would intensify the use of the property, there are plans to improve the natural buffer by moving the proposed building closer to Rosemary Lane, with only two or three short-term parallel parking places. Beryl Harper asked where the other cars will park. Mr. Roy said that Peter Murphy will pay a one-time fee to the Town for parking impact and any tenants who wish to have a vehicle will need to lease a space from UNH. The members expressed concern that there would be 32 students living in 16 bedrooms in 4 units so close to Pettee Brook. Mr. Roy said that the entire lot is within the setback. Duane asked about the floodplain issue on the property. Mr. Roy said that the building will not be within the

floodplain. Duane asked how the property fared during the Mother's Day flood. Mr. Murphy responded that there was no water in the basement. Beryl asked if the level of the basement would stay the same as it currently is. Mr. Roy said there will be approximately a 6-8 inch difference, but that the flood plain is about 2 to 2.5 feet lower than the finished basement floor. George Thomas asked if there will be any grading behind the building. Mr. Roy, said there would be very little, but there are plans to restore the buffer. The members questioned if the landscaping would create deterioration issues downstream and upstream from the property and what plans are for roof drainage. Mr. Roy replied that the gravel would be removed and paver blocks would be installed with an under drain with a filter. Stephen Roberts asked if a green roof would be installed. Mr. Roy replied that had been a consideration, but it was decided not to use it. It is their feeling that the roof drainage can be collected in the gutters and combined foundation under drain and outlet. Jamie Houle noted that the increased footprint of the building on sensitive water creates a concern that the modifications would have on the stream channel. He asked what types of soils are on the property. Mr. Roy responded that they aren't great for infiltration and that the basement will be concrete. Duane noted it would be desirable to have landscaping that does not require fertilizers. Jamie asked about the sewer capacity since the property is down stream from Stoke Hall. Mr. Roy responded that they had met with David Cedarholm regarding this issue. Duane asked that the Conservation Commission be notified when MJS schedules a site walk with the planning board. Mr. Roy agreed. Beryl suggested that MJS address what impact the project would have regarding stormwater, landscaping and economically if the project were scaled back to a 2 or 3 unit building. Jamie commented that what concerns him regarding the stream is construction time – he would like to see to the maximum extent practicable, erosion control plans in the construction. He noted, that silt fences don't do the job they were designed to do. Mr. Roy replied that Silt Soxx would fit well with this project. Jamie again cautioned that there could be a huge impact to the stream during construction and that all precautions should be taken. Mr. Roy said that he is hopeful this project will be on the Planning Board's agenda for January 14th, 2009.

3) Acceptance of minutes of November 13, 2008 meeting.

Line 30 be changed to read, "...request approval for the project."

Page 2, line 10 be changed to correct the spelling of Dori Wiggin.

Page 2, line 42 be changed to read "...Duane asked for volunteers."

Page 3, line 7 be changed to read "...gives authority to make contributions towards the land conservation process by nonprofits which the Town will not have a legal interest"

Page 4, Line 17 be changed to correct the spelling of the name Konisky.

Page 4, line 24-25 wording regarding Misty Meadows be changed.

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

4) New and Old Business

a) Discuss a request from the Economic Development Committee as to whether the Conservation Commission has concerns/recommendations with regard to the zoning provisions in the rezoned area along the Oyster River and the Beech Hill Area.

Duane restated that Susan Fuller was unable to attend the meeting this evening. He said he believes the EDC is looking for input from the Conservation Commission as to what the Conservation Commission would like to see in zoning provisions from a conservation point of view in the two areas of Beech Hill and Oyster River if they were pursued for development. Duane noted that the Oyster River area has been rezoned, but the Beech Hill area has not. Stephen Roberts noted that in January of 2005 there was a hearing for a proposal to rezone that area. Residents representing Beech Hill appeared at that hearing – consequently the Planning Board which had voted to convert it to ORLI withdrew the proposal. Duane commented that this would be good information to pass on to the EDC. He also noted that it is unfortunate that, of the areas available in town for development, the two areas of interest to the EDC are priority conservation areas. Sandra Straus, who lives in Madbury owns property in Durham, noted that at the time of the public hearing regarding rezoning the Beech Hill area, the ORWA also made presentations opposed to the rezoning. She questioned if there is a fully developed plan for this area, or just a landowner interested in developing their piece of land. She made the point that the residents of this area, as well as many previous boards, have upheld the idea of not developing this area. Joe Moore noted that a lot of this area also includes Madbury and that any plans for changes in the area should also be discussed with Madbury as it will affect them.

b) Discuss proposed changes on draft Annual Report from the Conservation Commission. Robin Mower presented the proposed changes and there was a discussion among the members regarding these changes. Changes and edits were discussed and agreed upon among members. Robin Mower will finalize the Annual Report and send to the Town, an expanded version will also be made available on the website.

c) Oyster River State Rivers Management Program, Potential Outreach. Duane will request a summary of the benefits and disadvantages of the designation from Steve Couture of the NHDES Rivers Management Program.

5) Ongoing Business

a) Wetlands Applications. George Thomas noted that there are no new applications. Jamie Houle reviewed the correspondence with Dori Wiggin and David Cedarholm regarding the Wiswall Bridge replacement.

b) Land Protection Working Group. There was no report at this meeting.

c) Town Owned Land/Conservation Easements

i) Fogg Conservation Easement Monitoring Results. Duane Hyde reported that there had been a walk of the Fogg easement and no issues were discovered. Duane will write up a report of the results of the site walk and fill out the form that will provide the basis for a monitoring plan.

ii) Update on Potential NHEP TAP program to fund Stewardship planning. Beryl Harper reported that she had spoken with Derek Sowers about the Community Technical Assistance Program for the stewardship planning grant. He informed her that the 2008 cycle is closed and the 2009 will open soon. CTAP will most likely be reviewing grants in March and that our proposed usage would be a good match for the grant. The basis of our usage would be to apply for a person to conduct our stewardship planning. Jamie Houle noted that CTAP has a list of pre-approved

community technical contractors. It is possible to receive \$8500 from the program for work that any of these pre-approved contractors perform. Duane noted that the Commission was in need of a forester and a wildlife biologist. His suggestions included: Chris Kane, Mark West and Ellen Snyder. Beryl will check the pre-approved list to see if any of these suggested names are on the list.

d) Mill Pond -- Dwight Baldwin commented that saplings growing on the point had been cut down. George Thomas said he had spoken with Mike Lynch regarding the Mill Pond dam. He reported that the permit expires in October 2009 and cannot be renewed. Mike's preliminary comments regarding the condition of the dam were that the earth wing walls are not going to last much longer and to repair them would cost in the area of 1.5 million dollars.

Duane has spoken with some individuals regarding the removal of the dam and suggested having a question and answer session at the February meeting.

e) Jackson's Landing -- Dwight Baldwin reported that a loop trail on the other side of the road from the ice rink has been completed, the new parking lot across from the rink has been paved, and that there is a car boat trailer parking area as well. Paths have been put in to go out to the second point, loam has been put in and sodded, as well as a new boat launching ramp. He commented that there are some issues, including poor drainage and poor grading. The members discussed the area being regraded. Duane suggested that Dwight continue to work with Mike Lynch on resolving these issues.

6) Board and Committee Reports

a) Town Council - Jerry Needell reported that he had informed the Town Council that the Commission was in the process of writing a letter regarding concerns about the Wiswall Bridge. He noted that some Councilors were concerned about the Commission's concerns. Dwight noted that he mentioned to the Councilors at the December 1st meeting the success of the coordination of different groups in working on the Jackson Landing project. Duane commented that he had just received a memo from Todd Selig that afternoon with regard to his attending a future meeting of the Durham Conservation Commission. Dwight said he had spoken with Todd regarding his concerns regarding the lack of effective communication between various Town boards and volunteered to meet with the Commission. The Commission discussed the scheduling of this meeting.

b) Planning Board --- Stephen Roberts reported that the Park Court/Perry Bryant project had been approved with no public input. The project allows a reduction in parking if a "parking and transportation demand management plan" is written and approved. Stephen reported that Sandy Brook Corporation has taken over the development of Spruce Wood and have asked to have the latitude to build 2 single family houses instead of 1 duplex on the same buildable area. Stephen noted that the plan for the new septic system Town code is being brought before the Town Council based on the NHDES approval of such systems that provide a higher level of treatment on sites that cannot meet all the above standards if the ZBA approves. But such systems must be inspected once every two years by a certified septic inspector, with a certificate of inspection included with tax bill payment. He also noted that there will be many applications coming forward in January such as: tax incentive/relief program, Mark Henderson's

development at the corner of Main Street and Madbury Road and the project to remove the Houghton building and replace it with a multiuse commercial/residential building.

c) Zoning Board of Adjustments --- Robin Mower noted that there was nothing of concern this month.

d) Lamprey River Advisory Committee – no report at this meeting.

Meeting adjourned at 9:25 pm.

Next meeting will be January 8, 2009.

Respectfully submitted by,

Sue Lucius, Durham Conservation Commission Secretary