

Approved April 9, 2009

Durham Conservation Commission
Meeting Minutes of Thursday March 12, 2009
Durham Town Office - Council Chambers
7:00 pm

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

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

Public Attendees: Dennis Meadows, Suzanne MacDonald, Nell Neal, John Greene, Mike Hoffman, Ellen Karelitz

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

Acting Chair Duane Hyde called the meeting to order at 7:02.

2) Presentations:

a) Durham Community Garden Proposal for Wagon Hill – Dennis Meadows

Dennis Meadows explained to the Conservation Commission members that a group of citizens have been discussing reestablishing a community garden in Durham. He noted that they would like to begin simple, with one plot of land for Durham, Lee and Madbury residents to use this summer. Mr. Meadows said that they have collected 55-60 email addresses of people with interest in the idea. He said at the moment the group is looking at three pieces of land as possibilities. Mr. Meadows explained that the three pieces of property are very different: one being the UNH Organic Garden Club parcel, another being on private property and third option being property on Wagon Hill Farm. He distributed to members a copy of a sample contract for the community gardening program. The contract consists of two parts: 1) an operating agreement and 2) a liability agreement. Mr. Meadows introduced Suzanne MacDonald to the members. Ms. MacDonald said that she has met with Mike Lynch and they reviewed together the 1995 Master Plan for Wagon Hill Farm. Ms. MacDonald noted that in the Master Plan five acres were set aside for agriculture and that Mike Lynch was positive about the idea of a community garden at Wagon Hill Farm. The members discussed with Mr. Meadows and Ms. MacDonald the location of the garden at Wagon Hill Farm, a possible water source for the garden, the need for appropriate buffers (at least 100 feet) between the tilled soils and the estuary, the need for a shed for storing tools, and the need for soil testing.

Beryl Harper moved to endorse the concept of a community garden and the possible location of such a garden at Wagon Hill Farm, as identified in the 1995 Master Plan of Wagon Hill Farm, with at least a 100 foot buffer to the estuary. This was seconded by Dwight Baldwin and APPROVED unanimously.

b) “Natural Steps” Planning Program – Nell Neal

Nell Neal explained that she is a member of the Integrated Waste Management Committee and that their primary focus in terms of sustainability is recycling. She noted that a year ago she became aware of the Natural Steps program and is in the process of taking the eight week study course which focuses on sustainability. Ms. Neal explained this is a different way of thinking about development and planning in towns and cities; and felt it would be a good program to introduce to the various planning committees/commissions and boards in Durham. Ms. Neal introduced Ellen Karelitz. Ms. Karelitz said that she has been a Durham resident for 15 years and took the eight week study course of the Natural Steps Planning Program. She explained to the members a little of the history of the program and that there are four sustainability objectives of the program: 1) Reduce wasteful dependence upon fossil fuels, scarce metals and minerals, 2) reduce wasteful dependence upon chemicals and synthetic substances, 3) reduce encroachment upon nature and 4) meet human needs fairly and efficiently. Ms. Karelitz said she felt it would be beneficial to the Durham community to implement these principals as part of the decision making process. She noted that Portsmouth has adopted these principles by resolution and asked for the Conservation Commission’s support of this idea. The members discussed with Ms. Neal and Ms. Karelitz that it would be helpful to have the guidelines that Portsmouth adopted for zoning, with this program in mind, when speaking with the Energy Committee and the Planning Board. Ms. Neal said their goal is to visit all committees and have one person from each group volunteer to take the course. The Commission thanked Ms. Neal and Ms. Karelitz for the presentation.

3) Acceptance of minutes of February 12th, 2009 meeting

Duane suggested adding “Executive Director of Southeast Land Trust” to page three, line 9 for clarification.

Stephen Roberts MOVED to approve the minutes as amended. This was SECONDED by George Thomas and APPROVED unanimously.

4) New and Old Business

a) Discuss issue raised by Mike Hoffman for view buffers for the Durham Public Works facility from Route 4 and the Town Solid Waste Facility on Durham Point Road. Mike Hoffman said he has noticed over the last couple of years some facilities on Town properties have grown to the point where they are not in proportion to the area they are located. Mr. Hoffman noted in particular the sewage treatment plant and Public Works Facility. He said he felt, with volunteer efforts, it would not be difficult or expensive to

plant buffers on the boundary of these properties. Mr. Hoffman said he had spoken with Mike Lynch on this issue and Mr. Lynch noted that such a project is not in the budget. Beryl Harper expressed her concern that the Public Works sheds are very large and would require large trees for a complete screening. Mr. Hoffman replied that he was thinking more in terms of softening the view on both properties, rather than completely screening the views. He noted that he felt if small trees were purchased and planted they would grow over years and create better screening each year. Peter Smith expressed his concern that the view from the river of the property where the sewage treatment plant is located is important and has been ignored for a long time. The members discussed the best approach in dealing with this issue and it was concluded that Dwight Baldwin would have a meeting with Mike Hoffman and Mike Lynch to discuss small tree buffer screenings for these properties. This meeting will try to encourage the use of small trees and volunteers to significantly decrease any costs associated with this project and to see if it would be feasible under the Town budget.

b) Discuss whether the Conservation Commission wishes to raise any items at the Planning Board's Quarterly Planning Meeting scheduled for April 15th.

The Commission discussed possible items that they would like brought before the planning board at their Planning Meeting. Robin Mower noted that she would like to see three items on the agenda: 1) reviewing the aquifer protection overlay, 2) a look at the ORLI zoning along the Oyster River and 3) an overall source water protection overlay. Duane Hyde said he would like to suggest that the ORLI zoning along the Oyster River and whether the Planning Board will initiate changes to the zoning consistent with the suggestions that the Conservation Commission has made be on the agenda. He noted that the other two items have not been fully discussed by the Commission and may at a later date, after more discussion, be suggested for a later planning meeting. The members agreed to this and suggested that Duane Hyde write to the Planning Board Chair regarding the ORLI zoning issue.

c) Discuss Mill Pond Dam public forum and next steps, if any, DCC wishes to take.

The Commission discussed the "pre-informational meeting" held on the Mill Pond Dam. The members noted that at the meeting there was a great deal of momentum for repairing the dam. Duane Hyde commented that it would be shortsighted not to continue to look at all options, because of the costs involved. He noted that there are funds available from DES to pay for a feasibility study which would provide information and help the Town to understand the costs of the various options. The members discussed the importance of understanding the pond and its health. Jerry Needell said that the Town Council has been informed there will be an item on the agenda for Monday's meeting entitled: "Administrator recommends going ahead with repairing the dam". Jerry noted that the backup information on this agenda item states that for DES to pay for the feasibility study the Town would need to show a keen interest in dam removal. Commission members discussed if this was a valid statement or a misinterpretation. It was the consensus of the members to have Duane Hyde check with DES regarding the funding of a feasibility study and what are the requirements for such funding and also to write a letter to the

Town Council urging them to conduct a feasibility study which would look at the engineering costs of all options, as well as the ecology of the pond. The letter will be given to Jerry Needell to read at the meeting and Duane Hyde will try to attend the meeting, to speak during Public Comments.

d) Discuss Lamprey River Instream Flow Rule and role of DCC- Jamie Houle

The members discussed the Town/UNH response to the Instream Flow study, noting that both the study and the response were lengthy and extensive. There was a discussion as to the role of the DCC in responding to this issue and what the Commission can do to be helpful regarding this issue. It was felt that the Commission may be able to act in an educational effort only. It was decided that Jamie Houle would review the study and the response and meet with David Cedarholm. Jamie will report his assessment of the situation to the Commission at the April meeting.

e) Discuss DCC Chairmanship with Duane Hyde's departure after April's meeting.

The members discussed the need for recruiting new members to the Commission, as there will be several openings (Cynthia Belowski, Robin Mower and Duane Hyde's positions), as well as the need to choose a new Chair as of May 1st. Peter Smith said he felt the Chair should have professional expertise, lending credibility to the Commission. He highly suggested and encouraged Jamie Houle to consider accepting the position of Chair. The members discussed the responsibilities of the Chair and how they can be assisted by other members. Jerry Needell noted that Jamie Houle would need to apply to be a regular member (he is currently an alternate to the Conservation Commission).

5) Ongoing Business

a) Wetlands Applications – George Thomas reported that there are no new applications. He noted that the McClelland dock site was approved by the State with the condition that the installation of the ramp and float be coordinated with the Fish and Game on a yearly basis.

b) Land Protection Activities – Duane Hyde reported that the Moriarity track of land has not closed yet, the project is currently in the process of the deed being signed. He said there has been some discussion with the Trust for Public Land regarding a project along the Oyster River. This project may be brought to the Conservation Commission at the April meeting.

c) Town Owned Land/Conservation Easements

i) Update on potential NHEP TAP program to fund Stewardship planning – Beryl Harper reported that she had presented the request for letters of support to the Parks and Recreation Committee, Trustees of the Trust Fund, the Planning Board and the Town Council. She said that all boards have voted to support the submission of the grant proposal. Beryl told the members that she will be meeting with Jennifer Hunter

(administrator for the grant applications) next week to go over the specifics of the grant application. Beryl asked the members, if Jennifer felt all was okay with the application, if it would be appropriate for Beryl to submit the application. The members gave Beryl the authority to submit the application.

d) Mill Pond – (see item 4c) Nothing further at this meeting.

e) Jackson's Landing - Dwight Baldwin said there was nothing to report at this meeting.

6) Board and Committee Reports

a) Town Council – Jerry Needell reported that the Town Council will make Committee appointment on Monday and will also be appointing Richard Kelly as a representative to the Water Management Committee.

b) Planning Board – Stephen Roberts reported that the Planning Board approved the Moriarity proposal.

c) Zoning Board of Adjustments – Robin Mower said there was nothing to report at this meeting.

d) Lamprey River Advisory Committee – The Commission still has no new representative for this Committee.

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7) Other Business –

8) Administrative

a) Correspondence – none at this time.

b) Next regular meeting will be April 9, 2009 at 7:00 pm

9) Adjournment – The March 12, 2009 meeting of the Conservation Commission was adjourned at 10:00 pm

Respectfully submitted by,

Sue Lucius, Durham Conservation Commission Secretary