

Approved May 7, 2009

**Durham Conservation Commission
Meeting Minutes of Thursday April 9, 2009
Durham Town Office – Council Chambers
7:00 PM**

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

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

Public Attendees: Gregg Caparossi, Stephen Pesci, Larry Harris, Steve Burns, Bill Hall, Tony Ciolfi

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

Chair Duane Hyde called the meeting to order at 7:00 pm.

The following additions to the agenda were proposed:

- i) “Presentations”, add McGuire Group regarding a wetlands permit application filed
- ii) “Other Business”, add a discussion regarding a request from the Parks and Recreation Committee regarding Jackson’s Landing.

Chair Hyde noted that Dwight Baldwin was reappointed for a two year period, Jamie Houle was appointed as a regular member for three years, Larry Harris was appointed as a regular member for one year, Steve Burns was appointed as an alternate member for three years and Anne Welsh was appointed as an alternate member for one year.

2) Presentations:

- a) Potential Conservation Project by the Trust for Public Land for several properties along the Oyster River upstream from the Reservoir – Gregg Caparossi, Trust for Public Land.

Greg Caparossi introduced himself to the members and circulated information regarding the Trust for Public Land. He explained that he is a Project Manager for TPL. Mr. Caparossi explained that late summer/early fall he was asked to see if the TPL would be willing to speak with Jack Farrell and Dave Garvey regarding the Spruce Woods parcel and the possibility of exploring alternative proposals. He noted that a letter of intent with the land owners has been signed indicating that both parties are willing to continue to have conversations in hopes of putting together a viable conservation project. Mr. Caparossi said the letter is in effect until March 2010. He explained that if a viable plan is agreed upon, TPL would need partners to work with to submit a grant proposal, if the proposal is successful the land owners will extend the time frame to July 2011 to raise matching funds (1:1 match) and close on the project. Mr. Caparossi explained that this funding source allows land value as a portion of the matching funds.

Beryl Harper asked if the partner would be the Town of Durham or the Conservation Commission. Mr. Caparossi explained that ideally, it would be the Town of Durham. He explained that in addition to preserving the land as a conservation tract, it would be helpful to work with abutting landowners that have property not under a conservation easement that they can donate and that property be used in the match.

Mr. Caparossi discussed with members the unique qualities of these parcels that make conserving them such a high priority. He also discussed the need to link the conservation effort with some economic development potential in an attempt to reach different goals of the community. Mr. Caparossi said he felt there are good opportunities to do this.

Duane Hyde suggested forming a team of both Conservation Commission members and Town Council members to work as partners with TPL. He also suggested that having site walks of the area for the community may be helpful and that Mr. Caparossi should seek the guidance of the Town Administrator in how to proceed with the Town Council.

The members were unanimous in their support of the TPL's efforts in this project.

Mr. Caparossi said he would be getting an appraisal of the property, discuss this with the land owner and then come back to the Commission to discuss how things are progressing and potential ways to fund the project. He suggested that the Commission members could help by reaching out to the Town Council, friends and neighbors about the importance of this project.

The members thanked Mr. Caparossi for his presentation.

b) Wetlands permit application filed Main Street West project by the McGuire Group

Steve Pesci, Project Director with Campus Planning at UNH discussed this project with the Commission members. He said that there was a public hearing held on January 24, 2009 and that this is a transportation enhancement project which is being managed by the Town of Durham and the University of New Hampshire on behalf of DOT. Mr. Pesci said that the project is currently funded as an \$850,000 enhancement project (80% federal/20% local with Town and University splitting the 20%). He explained that the DOT has been offered the opportunity to pursue stimulus funding which would be for 100% funding. Mr. Pesci explained that the project is to add continuous bike lanes starting where they leave off up to Mast Road. He said that DOT will be resurfacing Old Concord Road west of Mast Road to Route 155 and will continue the bike lanes to Technology Drive, as well as add continuous pedestrian/multi use trail (made of permeable asphalt). Mr. Pesci said the wetlands permit for this project was submitted on March 31st.

Tony Ciolfi, project engineer for the McGuire Group described the wetlands impact of the project caused by the constructing of the trail. He noted that the size of the impact is 19,100 square foot. Mr. Ciolfi said they feel the location of the trail provides the least impact for the best trail and that the use of porous pavement, which will require the use of less salt in inclement weather, is an added bonus. He added that having the path on the north side of the road would

impact similar amount of wetlands. Dwight Baldwin asked about plantings and was told that there is a landscape design plan. Beryl Harper asked who would be responsible for the maintenance of the trail. She was informed that the University of New Hampshire Grounds and Roads department would be responsible and will plow and maintain the path throughout the year, including maintenance sweeping.

The members did not feel a need for a site walk of the project and commended the University for adopting the porous pavement in this project. George Thomas will email DES to say the Commission has no comments on this project.

3) Acceptance of minutes of March 12th Meeting

The following corrections were suggested by members:

Robin Mower noted that page one, line 44 should read "...tilled soils and estuary" and that page two, line 19 should read "...scarce metals and minerals", page two, line 44 should read "...Ms. Perelitz", and "...facilities on Town properties" and page four, line 12 should read "...helpful regarding this issue".

Duane Hyde noted that page two, line 24 should read "...principles".

George Thomas MOVED to approve the March 12, 2009 Durham Conservation Commission minutes as amended. This was SECONDED by Beryl Harper and APPROVED unanimously.

4) New and Old Business

a) Update on potential tree planting to create view buffers for the Durham Public Works facility from Route 4 and the Town Solid Waste Facility on Durham Point Road .

Duane Hyde reminded members that at the March meeting Mike Hoffman had spoken to the Commission regarding this issue. Dwight Baldwin said he had spoken with Mike Lynch who informed him that the Town had attempted planting small seedlings at the sewage treatment plant and only a small number had survived. He explained that with budget cut backs there was no Town money to be spent on this issue, if the Conservation Commission wanted to fund such a project, he would be fine with it.

The members discussed several different approaches to this issue, it was finally agreed that the members feel this should be brought up as a public works project in the future. Robin Mower will speak with Mike Hoffman regarding the discussion.

b) Discuss DCC request and potential attendance at Planning Board Quarterly Planning Meeting April 15th – Duane Hyde

Duane Hyde reported that he had spoken with Jim Campbell, who said that the issue of passing zoning changes in a delicate conservation area without following the Conservation Commission recommendations will be on the agenda. He asked who from the Commission wants to represent

the members at this meeting. Robin Mower noted that there is a full agenda and one person to present would be best. She explained that she will prepare a package stating reasons why the Commission thinks there should be changes made to the ORLI rezoning. Jamie Houle will represent the Commission at the meeting.

c) Discuss Mill Pond Dam public hearing scheduled for May 4th and next steps, if any, DCC wishes to take. Included with this discussion is a potential future request to use Conservation Funds for the dredging of the pond.

Duane Hyde noted that he had written a memo from the Commission to the Town Council stating their opinion that more scientific information was needed before making a decision on the Dam issue. He explained that the Council decided to hold a Public Hearing on May 4th. Jamie Houle noted that it was clear at the Council meeting that if there had not been comments from the public asking for more input a vote would have been taken at the meeting. Jerry Needell said he felt the purpose of the Public Hearing is not to present information but for people to speak up and say if they want to support an immediate decision or to begin the process of gathering scientific information. Jerry Needell said that the Town Administrator did not want to commit time of the Town staff to gathering information if the Town public is overwhelmingly in favor of repairing the dam. He noted that there is no funding in the budget for repair to the dam or for dredging of the pond – if the dredging is to occur the funding would need to come from the Conservation Funds. Jerry Needell noted that regardless of what is decided about the future of the dam, a study of the pond and its environmental needs and impact will be required. The members discussed someone from the Commission attending the Public Hearing and making the points that a study should be done and suggesting some areas to be looked into regarding the dam. Peter Smith added that it should be noted (if necessary) that the Conservation Commission feels the pond requires further study before the members agree to spend Conservation Funds on dredging.

d) Update on Lamprey River Instream Flow Rule and Town Letter – Jamie Houle

Jamie reported that he had spoken with David Cedarholm regarding the Instream Flow Rule in an attempt to get a sense of how committed the Town is to working with DES on this issue. He noted that while the Town has a legal argument concerning what constitutes an “instream use”, they seem to be anticipating that the rules will be instituted. He said they expressed an interest in working with DES and even agreed that there is some potential benefit to the Town. Jamie said that there appeared to be a consensus from the Town and the University that the recharging of Spruce Hole will be a key component of the Town’s future drinking water supply

5) Ongoing Business

a) Wetlands Applications, George Thomas

There is nothing further to report.

b) Land Protection Activities, Duane Hyde

- i) Discuss conservation opportunity for the Callasante Property (see T. Selig letter)

Duane Hyde explained that the Town had received a letter from the property owner (this property abuts Spruce Hole) who approached the Town Administrator regarding the Town purchasing this property. The price asked for the two pieces of property was \$420,000 or \$320,000 for the 13.2 piece north of Spruce Hole. The Town Administrator is looking to the Conservation Commission for guidance as to the effectiveness of purchasing a small corner of the 13.2 piece or if more of the land is needed. The members decided that a site walk was necessary and one was scheduled for April 15th at 8 am. Members will meet at the Packers Fall Road and Mill Road junction.

- ii) Moriarity Property at the corner of Bennett Road and Route 108

Duane Hyde reported that this property did close and is now conservation land owned by the New Hampshire Fish and Game.

c) Town Owned Land/Conservation Easements, Beryl Harper

- i) Select TAP Technical Service Provider for Stewardship Planning (Harper)

Beryl Harper reported that TAP project has been approved and noted that the Commission must select a consultant as a service provide. She explained that three have been recommended:

- 1) Kane and Ingram conservation consultant
- 2) Ibis Wildlife Consulting - Ellen Schneider
- 3) NH Soil Consultants

Beryl Harper asked if the members had any comments regarding the three consultants.

Duane Hyde noted that he has worked with all three of those recommended at various times and the one thing missing from all three of them is the forestry component. Beryl Harper said under the TAP guidelines the consultant may subcontract a forester. Duane Hyde expressed his experience with all three entities, noting that NH Soil Consultants has not done this type of work, but focuses more on wetlands delineations and mitigation; Kane and Ingram have a very good mapping and GIS component and exceptional field skills in both wildlife and plant but they lack a lot of experience in management plans, but have done a lot of stewardship inventory. He said Ibis has done a lot of both inventory work and management plans, but is a one person shop. Duane noted she is an exceptional wildlife biologist and has teamed up with Charlie Moreno (forester) in the past. He said his recommendation would be to go with Ibis. Dwight Baldwin said he agreed and would also recommend hiring Ibis. The other members agreed and it was decided that Ibis would be hired as the consultant on the TAP project.

d) Mill Pond (see Item 4c), Dwight Baldwin

No further discussion.

e) Jackson's Landing, Dwight Baldwin

Dwight Baldwin reported that aspects of the Jackson's Landing upgrade that weren't completed in the fall are in the process of being worked on now. Peter Smith and Dwight discussed the extension of the boat ramp. Dwight will speak to Public Works regarding this issue. He said that John Perry had written to him regarding informational signage discussing the importance of wetlands, wildlife and the river on trails in the Jackson Landing area. Dwight said Mr. Perry was asking for assistance with signs speaking to wetlands, river aquatics and mammals. Duane Hyde suggested the Great Bay Discovery Center may be interested in designing such signs and using them as part of their "Passport to Great Bay" program. The members agreed that this was a good idea and Dwight will move forward with this suggestion.

6) Board and Committee Reports

a) Town Council, Jerry Needell

Jerry Needell reported that there will be a Public Hearing on May 4th at the Oyster River High School multi purpose room at 7 pm regarding the Mill Pond Dam issue.

b) Planning Board, Stephen Roberts

Stephen Roberts reported that there are four Planning Board development proposals currently being reviewed and that site walks have been scheduled for most of them. He explained that most of the projects do not require Conservation Commission input. However, the project at 10 Pettee Brook Lane, is a large development with some storm water implications. This project is proposed to house up to 80 students. Mr. Roberts said the project at 277 Mast Road Extension, is the proposed expansion of a small industrial building. He noted there are some wetlands and that the Planning Board would be holding a site walk at 10 am on Saturday April 18th. Mr. Roberts will ask the Planning Board to invite Commission members.

c) Zoning Board of Adjustments, Robin Mower

Nothing to report at this meeting.

d) Lamprey River Advisory Committee

No representative at this time.

7) Other Business

a) Site Walks, Duane Hyde

Duane Hyde reported that Malin Clyde, a Land Protection Working Group member, has expressed an interest in scheduling a years worth of site visits around Durham Conservation Lands. He noted she would be willing to take the lead on this project if the Conservation Commission is interested.

The members overwhelming expressed approval of Malin Clyde proceeding with this project.

b) Election of new Chair – April is the last meeting that Duane Hyde will chair.

Stephen Roberts MOVED to elect Jamie Houle as Chair, this was SECONDED by George Thomas and APPROVED unanimously.

The Commission thanked Duane Hyde for his years of serving the Commission and for acting as Chair.

The Commission thanked Robin Mower for her service to the Commission.

8) Administrative

a) Correspondence - none at this time.

b) Next regular meeting May 14, 2009 at 7:00 pm in Town Council Chambers.

9) Adjournment

The April 9, 2009 meeting of the Durham Conservation Commission was adjourned at 9:55 pm.