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*Approved - July 9, 2009*

**Durham Conservation Commission  
Meeting Minutes of June 11, 2009  
Durham Town Office – Council Chambers  
7:00 PM**

**Regular Members Present:** Jamie Houle, George Thomas, Jerry Needell, Larry Harris, Stephen Roberts, Beryl Harper

**Alternates Present:** Stephen Burns, Peter Smith, Ann Welsh

**Members not present:** Dwight Baldwin

**Public Attendees:** David Funk, Robin Mower, Dick Weyrick, Anne W. Bialobrzkeski, Mike Sievert

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

Chairman Houle called the meeting to order at 7:00 pm. Chairman Houle designated Peter Smith as a voting member for the evening to replace absent member, Dwight Baldwin.

Chairman Houle requested to amend the agenda by adding a presentation from the Oyster River Watershed Association – Dick Weyrick

*Peter Smith moved to amend the agenda as requested, this was seconded by Jerry Needell and APPROVED unanimously.*

**2) Presentations:**

- a) Stockton Services on behalf of John Nelson, 28 Colony Cove Rd. Presentation on emergency failed septic permit and associated wetlands application.

Anne Bialobrzkeski presented to the Commission regarding the failed septic system at 28 Colony Cover Road (owner: John Nelson). She noted she had consulted with Dave Price of the wetlands bureau, who originally thought the bureau had no jurisdiction, but then realized, because the tank and the piping are being replaced within the tidal buffer, an application would need to be submitted. Ms. Bialobrzkeski reported that they were given an emergency authorization to replace the system, which has been done. She said that Mr. Nelson signed the applications, 3/4 of the sod is in place and the rest will be finished this weekend. Ms. Bialobrzkeski said that Dorie Wiggins (of DES) informed her that a minimum impact expedited review can't be done, and that a standard application needs to be filed and to also include the materials for a minimum impact review. Anne distributed copies of the application to the members. The members discussed with Ms. Bialobrzkeski if the new system qualified as an "innovative system" and if there were

1 conditions in place to have it maintained and inspected every two years, as the Town ordinance  
2 requires. Ms. Bialobrzkeski assured the members that the system is considered an innovative  
3 system and that they have signed an agreement that stipulates the system will be inspected by a  
4 certified septic system inspector every two years.

5  
6 The members encouraged Ms. Bialobrzkeski to file the recommended applications.  
7

8 b) Roger H. Roy, P.E. of MJS Engineering, Presentation of proposed site plan for  
9 redevelopment of the Unitarian Universalist Fellowship building at 20 Madbury Rd (Jerry  
10 Needell and Stephen Roberts recused themselves, Ann Welsh and Stephen Burns will vote on  
11 this issue if a vote is needed)  
12

13 Mike Sievert presented to the Commission on this item. He reported that the Unitarian  
14 Universalist Church at the corner of Madbury Road is proposing to expand. He showed the  
15 proposed plans to the members and discussed these with clarify to the members what is being  
16 requested. He noted that four variances have been granted from the zoning board of adjustments,  
17 but a conditional use permit will be required form the Planning Board since the proposal includes  
18 construction within the 75 ft setback. Mr. Sievert noted that there are planned improvements in  
19 dealing with the runoff from the roof - a swale will be installed to pick up runoff, direct it down  
20 to a drain pipe and into a rain garden. The members and Mr. Sievert discussed the soils in the  
21 area, the grading of the rain garden, maintenance plan for the rain garden and the removal of  
22 some larger trees to relocate a shed. Mr. Sievert noted that this proposal will be on the agenda for  
23 the Planning Board's June 24<sup>th</sup> meeting. Commission members discussed if there was a need for  
24 a site walk. It was the consensus of the members that a site walk was not necessary and that the  
25 Commission supports the proposed project. Chairman Houle will write a letter to the Planning  
26 Board stating the Commission's support.  
27

28 c) Presentation from the Oyster River Watershed Association – Dick Weyrick  
29

30 Mr. Weyrick distributed pamphlets regarding the project and a power point presentation  
31 regarding the nomination process for the Oyster River to be part of the Designated Rivers  
32 Program to the members. Mr. Weyrick will forward the electronic version of the power point  
33 presentation to Chairman Houle, who will in turn, forward it to all the members for their review.  
34 He informed the members that the project has been initiated and that the Strafford Regional  
35 Planning Commission has a DES grant to assist the association through the nomination process.  
36 Mr. Weyrick said that the aim is to work toward a nomination in June 2010 and will be asking  
37 for letters of support from various town entities. He said the association is planning on having a  
38 river drive on Saturday June 27<sup>th</sup> (spend a morning driving the river – visiting various portions of  
39 the river and major tributaries) and invited anyone interested to attend. The members discussed  
40 what the advantages and disadvantages would be for the Town of Durham, if this designation  
41 was accepted. Mr. Weyrick noted that the designation does not increase the level of regulation  
42 on the river, local ordinances still prevail, however, it does encourage people from across  
43 boundaries to communicate with each other with regard to how the river is managed and it gives  
44 special status, as far as gaining technological support from the State.  
45

1 Chairman Houle, noted that the designation would also prioritize the river for instream flow  
2 rules, set up another local advisory committee charged with developing a watershed master plan  
3 and any developments within the corridor would go through the local advisory committee.

4  
5 Chairman Houle thanked Mr. Weyrick for his presentation.  
6

### 7 **3) Acceptance of minutes of May 14th Meeting**

8

9 The following changes to the May 14<sup>th</sup>, 2009 Durham Conservation Commission minutes were  
10 made:

11  
12 Correct the spelling of Deb DiQuinzio's and Greg Caporossi's name.  
13

14 Page 4, line 14 change to read "...to help in making decisions with various town owned  
15 properties"

16 Page 4, line 25, change to read "...needed to make a decision"

17 Page 4, line 30, change to read "...could offer financial assistance for prefeasibility study  
18

19 *Jerry Needell moved to approve the May 14, 2009 minutes as amended. This was seconded by*  
20 *Peter Smith and APPROVED unanimously.*  
21

### 22 **4) New and Old Business**

23

- 24 a) Follow-up report/discussion of DCC presentation to DPB regarding ORLI zoning – Houle  
25

26 Chairman Houle reported that the subcommittee commissioned by the Planning Board will be  
27 having their first meeting on Friday. He noted that Dwight Baldwin and he are members.  
28

- 29 b) Site selection at Spruce Hole Bog for placement of NPS sign – Peter Smith  
30

31 Peter Smith reported that a site walk was held, accompanied by the Town Administrator and the  
32 Public Works Director. He noted that Mike Lynch suggested a location for mounting the plaque  
33 (just below the kettle bog – a rock will be moved to the location) on a trail. Mr. Smith explained  
34 the rock and plaque are proposed to be 20 yards from the top rim of the kettle bog. He said  
35 Chairman Houle sent a letter to the Department of Interior (Deb DiQuinzio) stating the location  
36 and the Town is now waiting to get their approval. Mr. Smith suggested the commission make a  
37 motion agreeing to the location, once approval from the Department of Interior is received the  
38 Commission will send this issue to the Town Council to be placed on the agenda for their  
39 approval and once the Town Council approves, arrangements will be made for the plaque to be  
40 produced and mounted on the correct rock, and have a public ceremony to dedicate the plaque.  
41

42 *Peter Smith moved that the Commission approve the proposed site for the plaque, subject to the*  
43 *approval of the Department of Interior, after which the recommendation will be sent to the Town*  
44 *Council. This was seconded by George Thomas and APPROVED unanimously.*  
45

1 Chairman Houle will follow up with Deb DiQuinzio, Peter Smith will draft communication to the  
2 Town Council once approval is received.

3  
4 c) Revision to the Conservation landing page for the Town website item – Jamie Houle

5  
6 Chairman Houle noted that the current Conservation page on the Town website is outdated. He  
7 asked for any comments regarding the proposed page which was circulated for review. Jerry  
8 Needell said he felt the section entitled: “Who pays for conservation land” could be construed as  
9 abrasive by some people and suggested changing the title to “How is the Conservation Fund  
10 used”. Beryl Harper suggested that the page should draw people in – not have a lot of words or  
11 raise any controversial issues. She suggested a photograph and the first paragraph (regarding the  
12 state legislated mandate for the conservation commission). Chairman Houle suggested adding a  
13 link entitled “More about the Conservation Commission”, which could include the information  
14 “how is the conservation fund used”. Stephen Roberts suggested having a hyperlink to the  
15 agenda. Chairman Houle asked each member what personal information they wanted displayed  
16 on the website. He asked members to send him any further suggestions they may think of.

17  
18 d) Discussion of potential UNH Jackson Laboratory site work and the need for approval of a  
19 wetland permit. – Jamie Houle

20  
21 Jamie Houle reported that there is a proposal from the Jackson Laboratory to correct flooding  
22 issues in the basement. He noted that the entire building is within the setback. Chairman Houle  
23 said the Laboratory is proposing to put an impervious membrane around the basement area and  
24 install drains discharging to the bay. He noted a site walk was considered to be the next step so  
25 the members could make comments on the proposal, and suggested dates. A site walk was  
26 scheduled for June 19<sup>th</sup> at 8 am at the Jackson Laboratory on Adams Point.

27  
28 **5) Ongoing Business**

29  
30 a) Wetlands Applications - George Thomas

31  
32 George Thomas reported an application was filed for a dock on Little Bay on property owned by  
33 Dale Eichorn (196 Piscataqua Road). He noted the proposal is for a dock pier of 50 ft, ramp of  
34 30 ft, and a float of 10 ft. The members discussed the need for a site walk. Tentative dates of  
35 Monday June 15<sup>th</sup> at noon or Tuesday June 16<sup>th</sup> at noon were agreed. George Thomas will check  
36 with Zachary Taylor to confirm a date and time and ask Jenny Berry to post. He will inform  
37 members of confirmed date/time and location.

38  
39 b) Land Protection Activities

- 40 i) Discuss conservation opportunity for the Colasante Property - - Jamie Houle reported  
41 that he has had no new information regarding the Colasante Property. He reviewed  
42 that the Commission had stated this project was of great interest and supported  
43 moving forward with the appraisal. Chairman Houle said he hasn't heard anything  
44 further regarding this project and will follow up with Todd Selig.

1           ii) Trust for Public Land – Jamie Houle reported that Greg Caporossi wrote to him  
2           regarding the Trust for Public Land property. He said a working group (Oyster River  
3           working group) is being formed that would help move this project forward and that  
4           they are looking for representatives for the working group. He said he would forward  
5           the letter to members and let everyone respond as they wish. Robin Mower suggested  
6           forwarding the letter to the members of the Land Protection Working Group as well.  
7           Beryl volunteered to do this, as well as forward it to Dick Weyrick.

8  
9           c) Town Owned Land/Conservation Easements. Discuss use of conservation funds to  
10          supplement additional work by Technical Assistance Provider – Beryl Harper

11  
12       Beryl Harper reported that things are moving ahead with TAP (technical assistance provider),  
13       Ellen Schneider. Beryl reported there is a gap of \$620 between the cost of the work being  
14       requested and the funds available from the grant. She asked if the Commission would support  
15       using funds from either the Conservation Fund or the Commission's annual budget to complete  
16       funding for this project. The members discussed this proposal.

17  
18       *Beryl Harper moved to have the Conservation Commission approve the spending of \$620 to*  
19       *complete the budget as outlined by Ellen Schneider to write Stewardship Plans for the four*  
20       *properties designated. This was seconded by Larry Harris and APPROVED unanimously.*

21  
22       *Peter Smith moved to amend the motion to state the monies be used from the Conservation Fund.*  
23       *This was seconded by Jamie Houle and APPROVED unanimously.*

24  
25       Beryl Harper noted that a walk is scheduled for Wednesday am (June 17<sup>th</sup>) for Sweet Trail  
26       (nature conservancy trail l from Longmarsh in Durham to Great Bay in Newmarket). She said  
27       the walk will last for several hours and that the group will meet at Durham Town Hall at 8:30  
28       am. Ms. Harper said everyone is invited to attend and to please RSVP to her.

29  
30           d) Mill Pond – Jamie Houle

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32       Jamie Houle reported that the Town Council did make a motion to solicit RFPs to investigate  
33       issues with the dam. He noted that the motion passed and the RFP has been produced. Larry  
34       Harris noted that he had recently attended a workshop discussing regional research initiatives  
35       going forward in the Gulf of Maine. He said one of the major points taken out of this workshop  
36       was that every single stream, river and system is unique and needs to be investigated and treated  
37       as such.

38  
39       The members discussed their thoughts regarding the dam and the pond. Chairman Houle noted  
40       that the action has been taken by the Council, the RFP has been produced, and there is no further  
41       role for the Commission to take at this time.

42  
43           e) Jackson's Landing – Dwight Baldwin was not present at this meeting, no report was  
44          submitted.

1 The members discussed the problems with the boat launch ramp at Jackson's Landing, the  
2 timeline behind the construction of the ramp, what if any changes can or should be made and if  
3 this is a Conservation Commission issue. It was noted that if there is the potential for erosion  
4 due to lack of access this would constitute a Conservation Commission issue.

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

- 8 a) Town Council -- Jerry Needell noted there was nothing further to report
- 10 b) Planning Board -- Stephen Roberts reported the Planning Board met on May 27<sup>th</sup> and  
11 June 10<sup>th</sup> and approved the replacement of the old hardware house with a proviso that the gutter  
12 system have a maintenance plan.
- 14 c) Zoning Board of Adjustments -- Ann Welsh reported no additional issues arose from the  
15 ZBA other than the church zoning requests. She noted that there will be no ZBA meeting this  
16 month.
- 18 d) Lamprey River Advisory Committee -- Stephen Burns volunteered to be the Commission  
19 representative. There is a meeting on Saturday that he will attend.

## 21 **7) Other Business**

- 23 a) Appointment of a vice chair to the Conservation Commission -- Chair Houle raised this  
24 topic in the event he is not available for a meeting. Stephen Roberts suggested Beryl Harper.  
25 Beryl Harper accepted.

## 27 **8) Administrative**

- 29 a) Correspondence -- Chairman Houle noted that the Strafford Rivers Conservancy is  
30 holding their 20<sup>th</sup> anniversary benefit concert.
- 32 b) Next regular meeting July 9, 2009

## 34 **9) Adjournment -- 9:55 pm**

36 *Peter Smith moved to adjourn the June 11, 2009 meeting of the Durham Conservation*  
37 *Commission at 9:55 pm. This was seconded by Jerry Needell and APRROVED unanimously.*