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DURHAM CONSERVATION COMMISSION
Meeting Minutes of Thursday December 10, 2009
Durham Town Office – Council Chambers
7:00 PM

Members Present: Jamie Houle, Larry Harris, George Thomas, Beryl Harper, Jerry Needell, Dwight Baldwin

Alternates Present: Peter Smith, Ann Welsh

Members Not Present: Stephen Roberts

Alternates Not Present: Stephen Burns

Guests Present: Lee Carboneau (Normandeau Associates, inc) and Alison McKlean, (PSNH Community Outreach), Ray Konisky (Nature Conservancy)

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

Chair Houle called the meeting to order at 7:00pm

2) Presentations:

1. Presentation on CUP required due to wetland impacts from a Standard Dredge and Fill Application for an upgrade to the PSNH power line that runs through Durham -- Kimberly Peace, Normandeau Associates

Lee Carboneau (senior wetlands scientist of Normandeau Associates) began the presentation. She noted the project includes a 13 mile corridor upgrade of the L175 line (from Deerfield to Madbury which catches the corner of Durham). She said there are three transmission lines in this corridor and L175 is on the northern edge of the corridor – it is comprised of 136 wooden pole structures. Ms. Carboneau said these poles will be replaced with new poles that are similar in material – all work will be done in the existing corridor. She said Normandeau Associates did the wetlands delineation and with PSNH prepared the NH dredge and fill permit application. Ms. Caroneau said a standard dredge and fill permit is required because there are New England cotton tail issues, so the expedited process was not available to them. She reported the plan shows an impact to wetlands for the Town of Durham. Ms. Carboneau noted there are 8 poles on the line in Durham and when the project is complete there will be 9 poles. She said there is one pole in the wetlands and it will be replaced with one outside of the wetlands. Ms. Carboneau reported that there will be combined effort to avoid wetlands and cottontail habitats and that there will be no permanent wetlands impact. She said there will be temporary impact to 1557 feet associated with wetlands crossings. Ms. Carboneau said PSNH will use timber mats over the wetlands so construction equipment will cross the wetlands without sinking in. She added that much of the work will be done in winter or late summer to lessen disturbance and most crossings that will be used are currently there. Chair Houle asked if any of the wetland are prime wetlands. Ms. Carboneau said there are no prime wetlands. She said there is an emergent marsh with shrub border around it located in agricultural fields. Ms. Carboneau said the poles in the wetlands area will be cut flush, chained and pulled out without

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1 having any equipment going in to the area. She reported meeting with the Planning Board and Zoning
2 and they determined that a conditional use permit would not be needed.
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4 Chair Houle asked if there was an erosion control plan. Ms. Carboneau replied that erosion sediment
5 control barriers (most likely hay bales) would be used. She noted that they will be observing the
6 construction to monitor erosion control. Peter Smith asked if someone from Normandeau Associates
7 would be on site at all times. Ms. Carboneau said that they will monitor periodically depending upon
8 what area they are working in – noting the main concern will be to oversee work in the sensitive areas.
9 Alison McKlean said PSNH will have a supervisor on site daily overseeing the job and a project manager
10 who will come out to the job site on a regular basis. Ms. Carboneau said PSNH has asked Normandeau
11 Associates to put up signage along the wetlands areas to alert the contractors. Beryl Harper said it sounds
12 like all the best practices are being followed. Chair Houle said the dredge and fill permit requirements of
13 protecting water quality, protecting wildlife, preserving natural beauty all seem to be fulfilled in this
14 project. George Thomas will notify DES that the Commission has no comment on the Dredge and Fill
15 application.
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17 2, Presentation on Oyster reefs restoration efforts, specifically in the Oyster River off Wagon Hill Farm. -
18 - Ray Konisky, the Nature Conservancy
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20 Ray Konisky presented on the Oyster Reefs restoration efforts. He reported in June the Nature
21 Conservancy put 20 tons of donated clam shell in the Oyster River. Mr. Konisky said they have been able
22 to see that the serf clam shell worked and they were able to collect natural oysters on the bed. He said
23 they created a home for well over 20,000 oysters with this project last year and the shell will be available
24 for several years. He said the Conservancy would like to build on this success. Mr. Konisky said the
25 conservancy would like to do more work on a little larger scale. He noted the benefits of filtration
26 provided by the oysters as well as controlling wave action and providing some erosion control help for the
27 shoreline near Wagon Hill Farm. He said the oysters seem to grow best in deeper water. Mr. Konisky
28 said the area being proposed is an acre in total – 10 ft wide on the edge of the channel. He noted there is
29 an old oyster farm in the area where oysters are raised but not in a reef. He said they would like to place
30 the serf shell, and then seed the area with native oyster larvae from a hatchery in Maine.
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32 The members and Mr. Konisky discussed the effects of boating and oyster parasites on these efforts.
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34 Chair Houle asked if a dredge and fill permit will be required. Mr. Konisky said a minimum impact
35 dredge and fill permit will be filed and a signature from this commission will be required. He noted they
36 are hoping to do the work in June or July of this summer. Beryl Harper noted that the Parks and
37 Recreation Committee is responsible for the Wagon Hill area and Mr. Konisky should contact them
38 regarding this project and the possible help with shoreline erosion.
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40 Mr. Konisky said the Conservancy is currently working on getting the funding needed for this project and
41 are looking at funding through the Coastal Program which would require 100% matching funds. He noted
42 he may come before the Commission again to request assistance with the matching funds.
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44 Larry Harris asked if there would be less sediment transport if instead of a narrow band a more
45 rectangular design was implemented. Mr. Konisky said this design is what has been recommended to
46 them as working best by other researchers in the field.
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3. Presentation from the land conservation subcommittee on the CTAP work done by Ellen Schneider

Beryl Harper reported that Ellen Schneider wrote stewardship reports on the four properties she was hired to research. She said all the reports are on DVDs and that Peter Ingram was subcontracted to do mapping which are also on DVD. Ms. Harper reported that the Stewardship Plans Subcommittee has disbanded and a new stewardship action committee is being formed. She noted the new subcommittee had its first meeting and has decided to focus on hiring a surveyor to get official legal boundaries for all the properties. Ms. Harper said the next priority will be to look at trails, then forestry. She noted that Doe Farm has a forestry management plan and a cutting is planned for 2015. Ms. Harper said there are other Town lands which may be possible locations for foresting, but would need foresters to review them. She noted Wagon Hill Farm has low quality timber, Wily Lot is wooded and may be a possibility for foresting. She reminded the Commission that foresting is long term and a long range project before revenue is realized.

Ms. Harper said the subcommittee at the moment is made up of George Thomas, Ann Welsh, Ken Anderson and herself. She noted that Parks and Recreation will be asked if they would like to have a member on the subcommittee. The Commission discussed the need to have the Town Council officially bestow authority over the properties to those groups that have historically controlled them.

Ms. Harper said the original reports will be kept in the Conservation Commission files, electronic copies can be made available on the Conservation Commission page of the Town website, as well as on the PREP website and in their files. Jerry Needell asked if a presentation would be made to the Town Council and if the Town Council could be sent the reports before the presentation. Beryl Harper said she would request to be on the Town Council agenda for a presentation and that she would ask Jenny Berry to distribute a PDF of the reports to the Council members. Robin Mower suggested having copies of the reports at the Library.

Ms. Harper said the group will be walking the Wily property on Monday December 14th at 9:30 am – they will meet at Town Hall and car pool to Dane Road to walk the property.

Dwight Baldwin asked what the procedure would be for paying for the surveying if the Town Council gave their go ahead. Ms. Harper replied that the Council would need to make a resolution to approve the hiring of a surveyor, vote on it and then she would bring this to PREP for them to expend the funds.

Chair Houle thanked Beryl Harper, George Thomas and Ann Welsh for their work on this subcommittee.

3) Acceptance of minutes of November 12th Meeting

Members made the following changes to the November 12th minutes:

Page 2, line 35 should read...."5000 sq ft."

Page 2, line 20 should read...."8 people".....

Page 5, line 21 should read...."do's and don'ts"...

Dwight Baldwin MOVED to accept the November 12, 2009 minutes of the Durham Conservation Commission meeting as amended. This was SECONDED by Larry Harris and APPROVED unanimously.

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*Note: Beryl Harper abstained as she was not in attendance at the November 12, 2009 meeting.

4) New and Old Business

a. Report/discussion of new DPB subcommittee work regarding ORLI zoning updates and advanced water resource protection needs

Dwight Baldwin reported his subgroup is attempting to revamp town ordinances.

Chair Houle reported his subgroup is working on site plan review regulations. He distributed copies of a proposed site plan review regulation that is being reviewed by Richard Kelly and Dave Cedarholm and will be brought before the full subcommittee for review this month. Chair Houle said after the subcommittee's review it will be presented to the Planning Board for their recommendations, then go to a public hearing and be voted on by the Planning board.

Chair Houle said the regulations would require enhanced storm water management plans (for commercial and subdivisions of three or more houses) provided by the developer as well as erosion sediment control plans. He said the Planning Board would review the plans, and noted that there are provisions which would allow the Planning Board to ask for a third party planning review, paid at the expense of the developer. Chair Houle said the regulations would address redevelopment as well. Robin Mower said a water resource subcommittee meeting will be scheduled to review this and then send it along to the Planning Board for review.

b. Spruce Hole Dedication update

Peter Smith reported the day of the dedication there was good weather and 28 people attended the dedication. He noted there is a copy of the dedication on DCAT. Mr. Smith said there was some concern raised by a former resident regarding who had owned the piece of property where the bog is located in previous years. He said, after some research it was determined that the specific piece of land where the bog is located was owned by Nata and Norman Morgan when it was designated in 1972 by the Department of the Interior. Nata Morgan later sold the property in two pieces. The piece with Spruce Hole Bogg was sold to Giggly and company and the property was later conveyed to the Town of Durham. Mr. Smith noted there are only four physical properties in the State of NH that are given this designation. He said signage will be put up to direct people to the site. Mr. Smith noted that a water proof box will be put up at the site which will hold brochures describing the history of the bog and the rock that was selected for the plague. He said Dr.Bothner and Matt Davis volunteered to prepare the brochure.

c. DCC Annual Report review and comment

Chair Houle thanked George Thomas for putting together the report. Peter Smith suggested adding more regarding the Town land use subcommittee. After some discussion the members agreed to add the statement; "The subcommittee hired Ellen Schneider of IBUS Wildlife Consulting who prepared detailed stewardship plans for Wagon Hill Farm, ..."

Chair Houle will forward the report to Jenny Berry at Town Hall.

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3) Ongoing Business

a. Wetlands Applications

Chair Houle noted the Commission had reviewed the PSNH application. George Thomas will email Dorrie Wiggins at DES. George Thomas reported there were no other applications.

b. Land Protection Activities:

Jerry Needell reported the Trust for Public Land (TPL) would like to present to the Conservation Commission on January 14th regarding the proposed conservation easement on the Sprucewoods property. He noted that Greg Caparossi of TPL has had many discussions with different groups in an attempt to pull together the project. Mr. Needell said a CELP grant proposal (Coastal and Estuary Land Protection) may be submitted by the Town (with TPL's assistance) to move this project forward. He said Mr. Caparossi will discuss with the Commission the details of the proposed project. Mr. Needell said Mr. Caparossi will also be presenting to the Town Council.

Chair Houle said the Town Administrator informed him there is a developer interested in building 650 student housing units on the McNeil property. He noted the Commission may want to consider water and sewer issues with such a project.

Chair Houle reported the Thompson property project is moving forward slowly and that there are still issues over where the house will be located on the property. Stephen Burns reported that the Lamprey River Advisory Committee is putting forward authorization for paying the other portion of the appraisal for the property.

Chair Houle reported the two test wells for Spruce Hole in Durham were drilled. He said the test wells showed an amount of sand and compact soil that would limit drill depth, therefore the well will be located in Lee (just over the border)

c. Town Owned Land/Conservation Easements:

Beryl Harper reported that 99 Madbury Road was sold on Tuesday at public auction (\$350,000) to one of the owners, who will now be sole owner. She noted this property had been offered to the land protection working group sometime ago for \$900,000 and that the property consists of a 12 acre lot and a 5 acre lot that are not contiguous.

Dwight Baldwin asked about the possibility of using the front piece for the public library and the back piece for a conservation easement. Ms. Harper replied that the front piece of property does not have the access needed for a public library and that Jim Campbell had also commented that it was not well suited for town buildings.

Beryl Harper reported that the Recreation Director, Mike Mengers is planning a Winter Carnival in February on Mill Pond to highlight Mill Pond as a recreational area.

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Beryl Harper also reported that the dedication/formal opening of Sweet Trail will be held on Saturday April 24th from 10-12 for local officials and the public. She said there will be speeches, activities and four walks planned.

4) Board and Committee Reports

a. Town Council

Jerry Needell reported that the dam testing is completed. He noted that there is no funding in the budget for the dam.

b. Planning Board

Stephen Roberts emailed a report that the Mill Plaza parking proposal was defeated. He noted there are two developments coming before the board latter that will need to come before the commission and more information will be provided as it comes forward.

c. Zoning Board of Adjustments

Ann Welsh reported one property within the setback to a wetland required a variance to install a septic tank. This request was approved on the basis that it was an all around improvement to the property.

d. Lamprey River Advisory Committee

No report from Stephen Burns at this time.

5) Other Business

The members discussed Cathy Leach's request for Craig Meadows to be considered a Conservation Commission project. It was noted that the Commission has a list of guidelines and a list of prioritized properties for conservation, which includes properties with a high resource threshold. It was decided that Beryl Harper would respond to Ms. Leach that the Conservation Commission is not interested in pursuing this project at this time.

Jerry Needell reported that George Rief was appointed as the Town representative to SEWA (South East Watershed Alliance).

6) Administrative

a. Correspondence

Chair Houle noted the Conservation Fund balance as of 11/30/09 is \$465,036.28 and the Conservation Commission budget balance is \$477.10.

b. Next regular meeting January 14, 2010

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4 **7) Adjournment**
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6 *Dwight Baldwin MOVED to adjourn the December 10, 2009 meeting of the Durham Conservation*
7 *Commission at 9:45 pm. This was SECONDED by Beryl Harper and APPROVED unanimously.*
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9 Respectfully submitted by,
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11 Susan Lucius, Secretary to the Durham Conservation Commission
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