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DURHAM CONSERVATION COMMISSION

February 10, 2011

Durham Town Office – Council Chambers

7:00 PM

Members Present: Jamie Houle, Robin Mower, Dwight Baldwin, Derek Sowers, Julian Smith, Larry Harris

Alternates Present: Stephen Burns, Ann Welsh

Alternates Not Present: Peter Smith

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

Chair Houle called the meeting to order at 7:01 pm.

Chair Houle said Dave Cedarholm, who was to present the standard dredge and fill permit application for the fish ladder (Standard NHDES Wetlands Dredge and Fill Permit Application for Wiswall Dan and Denil Fishway project, Durham, NH. – Dave Cedarholm, Durham Town Engineer) is not able to be present. He noted the Commission has the application and will discuss the permit during the wetlands permit section. He said presentation “A” will also not be presented this evening – (Presentation and consultation on the parking of a 100 square foot commercial kitchen trailer -- considered a "carry out" restaurant -- in the Central Business District of Durham. The existing pavement at Pettee Brook Lane is within the wetland setback. – Christopher Parece, DCoastal LLC).

Chair Houle suggested amending the agenda to remove the current items 1a and 1b and replace them with 1a as a discussion with Gail Jablonski regarding the allocation of funds for the Jackson Landing project.

Robin Mower MOVED to approve the amended agenda. This was SECONDED by Dwight Baldwin and APPROVED unanimously.

2) Presentations

- a) **Gail Jablonski – discussion of the allocation of conservation funds for the work on the Jackson landing project in the amount of \$127,000 from luct funds to close out the Jackson Landing project.**

Chair Houle explained that it had come to the Town’s attention that there had been no official vote to use \$127,000 from the Conservation Fund to fund the project at Jackson Landing and this vote is officially needed. Chair Houle said Ms. Jablonski is here to answer any questions that might arise regarding this issue. He noted Dwight Baldwin is the only current member of the Commission that was also a member of Commission at the time this decision was made.

Malin Clyde noted that there was a discussion a few months ago regarding a needed additional expenditure for the Jackson Landing. She asked if the item being raised today is different. Dwight Baldwin said it is a different matter, one that occurred many years ago.

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1 Gail Jablonski said discussion of the Jackson Landing project began in 2005 and there was extensive
2 discussion regarding how the work would be funded. She said the project was driven by the Conservation
3 Commission so it was made clear that the Town would not raise the revenue for the project. She said in
4 the minutes there was discussion regarding the use of LUCT funds but no notice of an official vote, so an
5 official vote is needed in order to close out the project.

6
7 Robin Mower said she spoke with Duane Hyde who was a member of Commission at the time. She said
8 he would review his papers from that time to see if he had any additional notes regarding this. Ms.
9 Mower suggested that the Committee may want to continue discussing this topic and not take action until
10 hearing from Duane Hyde.

11
12 Ms. Jablonski said the project was driven with the object in mind that tax payers' funds would not be
13 used. Derek Sowers asked if the past Conservation Commission intended to spend \$127,000 from the
14 LUCT funds. He wondered how open ended the commitment from those Commission members was.
15 Mr. Sowers said he was also concerned about the process regarding authorizing the use of LUCT funds.
16 Chair Houle said the Commission would initiate a process for when the Commission authorizes the use of
17 Conservation Fund funds to ensure the Town is aware of this authorization. He said what concerns him is
18 that the monthly statements the Commission received regarding the balance of the Conservation Fund
19 were used when considering approval of allocating funds. He said this commitment for the Jackson
20 Landing project was never indicated on those reports. Chair Houle said the Commission is on record as
21 committing up to \$400,000 from the Conservation Fund for the Trust to Public Lands. He said the
22 Conservation Fund would not have enough of a balance to cover this commitment if the request for the
23 Jackson Landing project is fulfilled. Chair Houle said this needs to be addressed as the commitment to
24 TPL is a legally binding commitment. He said in reviewing past minutes, it appears to him that the
25 Commission was discussing providing \$70,000 from the Conservation Fund and the total amount now is
26 in the area of \$170,000 (including the additional allocation this Conservation Commission agreed to in
27 October).

28
29 Robin Mower said Duane Hyde recalled the Commission being willing to fund the conservation aspect of
30 the project, but not the recreational part of the project. She said it sounded to him that the \$70,000 figure
31 was a more likely number, but cautioned that this was only his first recollection.

32
33 Chair Houle asked Ms. Jablonski if the \$170,000 is all the expenditures for the project that were not grant
34 funded expenditures. Ms. Jablonski said the Town Council approved the expenditure from the
35 Conservation Fund of \$71,000 in 2007 and \$56,000 in 2008.

36
37 Dwight Baldwin said the project was originally raised by the Conservation Commission and John Perry
38 (Co-chair of the Parks and Recreation Committee). He said they met with Mike Lynch to discuss the
39 sediment issues that needed to be addressed. Mr. Lynch did not have the funds in his budget for the
40 project. He said Judith Spang suggested they apply for a State grant; so a proposal was written and
41 presented to the Town Administrator. The Town Administrator felt it was premature and advised waiting
42 a year to garner more Town support. Mr. Baldwin said they agreed to this and more support was there in
43 a year, but they did not receive the State grant. He said he believes Mr. Lynch assumed it would have to
44 come from the Conservation Fund. Mr. Baldwin noted that eventually a different grant (from NRCS) was
45 received which came to \$154,000.

46
47 Malin Clyde said when the request for additional funds came before this commission in October, one of
48 the points made was that the NRCS funds were not as much as they were originally believed to be. Ms.

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1 Jablonski said the NRCS authorizes so much that may be funded, once the project is completed they
2 review the work done and determine how much of the work is to be funded by NRCS.

3
4 Robin Mower said the original amount budgeted to be paid by NRCS was \$258,000. Ms. Jablonski said
5 the total available to come from NRCS – based upon the project – was \$258,000, that was not the amount
6 to be received. Derek Sowers asked how much NRCS ended up paying. Ms. Jablonski said NRCS paid
7 \$154,000 toward the project.

8
9 Robin Mower said the minutes' show that the Town Council on January 28, 2008 discussed with the
10 Planning Board the planning and funding of this project. She said there was a motion to approve the
11 acceptance and expenditure of \$257,000 from NRCS for the use in making improvements to the Jackson
12 Landing and the total cost of the project would be \$317,000; with the difference of funding (\$60,000) to
13 be made up by the Conservation Fund.

14
15 Derek Sowers said it appears that a decision was made regarding funding and then NRCS paid for less
16 than anticipated and the difference is expected to be paid by the Conservation fund. He said there are
17 conservation aspects to the project, but the entire project is not a conservation project.

18
19 Malin Clyde said the NRCS most likely paid for the environmental and sediment control portion of the
20 project, which would be the portion of the project that the Commission would normally fund.

21
22 Dwight Baldwin said he does not believe that was the case. He said there was a strong argument that the
23 parking needed to be moved elsewhere because of environmental concerns and therefore needed to build
24 another parking lot on Old Piscataqua. He said to make it an environmentally friendly place the parking
25 needed to be put somewhere else. Malin Clyde said it is a difficult issue, she finds it hard to reconcile
26 spending limited conservation funds on those types of issues.

27
28 Robin Mower asked if the bills for the work performed have been paid. Ms. Jablonski said they have
29 been paid from the fund balance with the expectation that they would be reimbursed.

30
31 Chair Houle said he reviewed the minutes and noted that at a Town Council meeting on September 25,
32 2006 the Town Administrator commented that some tax dollars could be put toward the project and noted
33 that some of the project could be bonded since it would be a long term improvement. The Town
34 Administrator also said that another option is to work with the Conservation Commission, but he did not
35 think it would be appropriate to use Conservation Funds for the Parks and Recreation portions of the
36 project. Ms. Jablonski said this may have been the thought of the Town Administrator at the time, but his
37 opinion changed after that.

38
39 The members noted that if this commitment is funded by the Conservation Fund there will not be enough
40 of a balance in the fund to fund the TPL project if that goes through in the near future. Malin Clyde noted
41 that there is authorization for a conservation bond that could be used to make up the difference if needed
42 and asked if the Town Council would support this. Derek Sowers said when the TPL project could move
43 forward the Conservation Commission needs to have the funds that have been committed to the project.
44 He said this is a very complex issue, the Jackson Landing project is a good project that the residents like
45 and that the Town was able to leverage Federal funds. He suggested making a good faith contribution to
46 the Jackson Landing project– not the entire amount, but enough to allow a high enough balance to pay the
47 amount agreed for the TPL project.

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1 Stephen Burns said, he believes if the Commission committed to the expenditure, we need to honor it.
2 Chair Houle said we are in a position where if we do not authorize these funds there will be ramifications.
3 He said this Commission has worked very hard to establish ourselves as a credible, well-meaning body
4 that wants to do the right thing. He said the Commission clearly has philosophical reservations with
5 funding the entire Jackson Landing project and it is clear that the TPL project is part of our direction as a
6 commission. Chair Houle noted that a part of the problem is having turn over within the Commission.
7

8 Robin Mower said she feels the fundamental commitment by the Commission was to make up the
9 difference between the costs and the grant monies received. Dwight Baldwin said \$70,000 and \$56,000
10 had been allocated over two years from the conservation fund and that was our commitment. He said he
11 is surprised that that money was not drawn down previously and asked why it had not been. Gail
12 Jablonski said the Town normally does not take the money until the project is complete and this project
13 was completed in fiscal year 2010.
14

15 Malin Clyde said the problem was that we did not know that this amount of money was to be deducted
16 from our fund – if we had known we would have thought differently about other votes to use the funds.
17 Chair Houle asked to have future reports include “committed funds” as well as “expended funds”.
18

19 Chair Houle said it became an assumption that the Conservation Fund would pay for all of the project, no
20 matter what the cost. Ann Welsh said the project was championed by the Conservation Commission. She
21 said she feels it was a commitment by the Commission.
22

23 Malin Clyde asked what would happen if the Conservation Fund does not have enough money in it when
24 the TPL project is ready to move forward. Ms. Jablonski noted that the bond money would be available.
25

26 Robin Mower said the Town Council voted to allow the Town to apply for the grant with the
27 understanding that the Conservation Commission had committed to allocate up to \$400,000. She said the
28 term “up to \$400,000” means different things to different people. She said some believe it means up to
29 \$400,000, while others believe it means it could be less than \$400,000. Dwight Baldwin noted that the
30 amount the Conservation Fund would be missing to pay the TPL project would be \$60,000.
31

32 Chair Houle said he is prepared to move to fund the Jackson Landing project. Derek Sowers said there is
33 the second option of retaining enough of a balance to meet the commitment to TPL and the Spruce Woods
34 acquisition and fund a portion of the Jackson Landing project. Ms. Jablonski said if that happens they
35 would still need to go to the Town Council and get a budget authorization to spend from the Town
36 balance.
37

38 Ann Welsh said it would not be good for the Town to renege on the Spruce Wood project. She said the
39 Commission needs to uphold their commitments, but also need to understand that with changing of
40 commission members the money committed needs to show on our reports in the future so this does not
41 occur again. She said she feels the Commission needs to pay this and move on.
42

43 Chair Houle said the Commission might feel this is philosophically wrong, but needs to do this and move
44 on to build respect and improve relationships. Larry Harris agreed. Dwight Baldwin said the
45 Commission should make the case to the Town Council that we are trying to cover previous commitments
46 but if the KELP grant comes through, we will not have enough funds to meet our commitments.
47

48 Chair Houle said that may or may not be the case since the commitment is for “up to \$400,000” and we
49 are not aware how much our commitment will be. He said if the commitment is for more than is in the

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fund at the time, the Commission could then go to the Town Council and make the argument for using the conservation bond.

Chair Houle thanked Ms. Jablonski for discussing this with the Commission. He then moved to close the public presentation session.

Chair Houle MOVED to close public presentation session. This was SECONDED by Malin Clyde and APPROVED unanimously.

Commission Deliberation:

Chair Houle MOVED in accordance with RSA 36-A:5, that the Durham Conservation Commission hereby authorizes the expenditure of \$127,000 from the Conservation Fund for improvements authorized in 2007 to Jackson's Landing including erosion control, drainage installation, runoff redirection, and other improvements partially supported through a NRCS wetlands reserve program grant. This was SECONDED by Dwight Baldwin and APPROVED unanimously.

3) Acceptance of minutes

a) January 13, 2011

Corrections and changes were suggested by members of the committee.

Derek Sowers MOVED to accept minutes as amended. This was SECONDED by Dwight Baldwin and APPROVED unanimously.*

*Malin Clyde and Larry Harris abstained as they were not present at the January meeting.

4) New and Old Business

a) Master Plan update: Discussion of the Master Plan work-session held Friday January 28.

Derek Sowers distributed maps regarding land conservation. He explained the Land Stewardship Subcommittee met with the public works director in an attempt to understand the master plan process and how a discussion of town lands fits into the process. He said they thought it would be a good time to inform people of long-term plans for land priorities. Mr. Sowers said the land conservation plan for New Hampshire watersheds is a document put together in 2006 by many planning and land conservation organizations in the region that rates lands based on wildlife habitat factors. He said they went through a thorough process to determine priorities for conserving lands. He suggested that if development is proposed within these areas they should need to meet a higher level of protection. He said the Town does not have anything in terms of the Master Plan or zoning ordinance that reflects this analysis and brings this into practice. He said many land conservation groups use this document to target lands to be protected. Mr. Sowers asked if people are interested in commenting to the master plan update committee and the Town Planner that these are important areas to try to protect the integrity of wildlife habitat.

Ann Welsh said it would be nice to have a list of properties in the Master Plan that would be good to be protected. She said being in the Master Plan makes that property more important and justifies protecting it more. She said this does not mean you are going after the property – just that they are properties of interest.

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Derek Sowers asked if the Commission has an open space plan in Durham and how land was chosen to be protected. Dwight Baldwin said the Conservation Commission went through an exercise a few years ago to determine what lands are important in Durham. He said Duane Hyde was the person who started this process and he met with the Town Administrator and authored a priority list of lands to be protected.

Malin Clyde suggested compiling the information from the Town list, the map and the properties listed in the current Master Plan and submitting it to Jim Campbell to have it forwarded to the consultant writing the Master Plan update. Derek Sowers volunteered to work on this.

The members discussed the input they would have regarding the rewriting of the Conservation section of the Master Plan update. Chair Houle said a communication was sent from the Commission expressing our interest in participating when the update is being written. Derek Sowers said he would compile the existing information and send a draft to the members for them to review and discuss at the next meeting. Dwight Baldwin suggested speaking with Duane Hyde.

b) Discussion of the allocation of conservation funds for the work on the Jackson Landing project.

This topic was discussed earlier as a presentation item.

5) Ongoing Business

a) Wetlands Applications

Standard NHDES Wetlands Dredge and Fill Permit Application for Wiswall Dam and Denil Fishway project, Durham, NH.

Derek Sowers said the Fish passage project is an enhancement to the river, but a dredge and fill permit is required to do the work.

Chair Houle said one item missing from the permit is an erosion sediment control plan. He recommended that one be included and that the Commission have a chance to review it.

Derek Sowers reviewed the process for commenting on Dredge and Fill permits. He said the Commission has permission to inspect the site, the Commission also has the authority to intervene if they wish more time to review the permit and if there are no concerns, no action is necessary, if there are concerns those may be emailed to the wetland authority. Chair Houle said he recommends emailing a comment that an erosion sediment control plan be conditional to approval of this permit and that the Commission be given the chance to review the plan.

Chair Houle said that DES responded with respect to two wetland permits from last month (McNeil and Capstone). He said DES referenced on both permits that the comments by the Conservation Commission should be addressed. Derek Sowers will circulate comments submitted to DES to the Commission members.

b) Land Protection Activities

Chair Houle said the TPL project is the one outstanding land protection activity.

c) Town Owned Land/Conservation Easements

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Chair Houle said he received an email from Holly Green of DES regarding the Fogg property noting that the monitoring report is due (the Commission manages the conservation easement on this property). He said the property needs to be walked, photos taken and a report submitted. Chair Houle and Derek Sowers volunteered to do this.

Malin Clyde said the land stewardship committee met once in December and is attempting to understand what work has been done by previous members. She noted that Ann Welsh, Derek Sowers and herself met with Mike Lynch and Sandy Devins (Parks and Recreation staff person). She said Derek Sowers noticed that there is a forestry project going on at Doe Farm this winter and asked if they had read the stewardship plan before proceeding with the forestry project. Derek Sowers said he was interested in knowing if the forestry operations would be done consistent with the stewardship plan. He said he is confident that it will be. Robin Mower asked if they discussed updating the plans after the forestry project is completed. Derek Sowers said the plans are general enough that it will not need to be updated. Robin Mower suggested it would be good for the records to have it written down. Derek Sowers said they did talk about noting this somewhere, but that it would not be appropriate to go into a stewardship plan.

Malin Clyde said there was much discussion of the role that the subcommittee could play. She said they wrote up a list of tasks:

- Get **broad representation** and new people involved in Land Stewardship Committee, including members of the Trustees of the Trust Fund, Parks & Recreation Committee members, and other groups that have a role in town land stewardship
- **Complete an inventory** for all town properties and lands where the town holds an interest
- **Classify town lands into categories** according to features, oversight, or other characteristics
- **Improve outreach** about existing town lands & **promote their identity**
- **Implement stewardship recommendations** of existing four (4) Stewardship Plans, working with Trustees of Trust Fund (Doe Farm) and Parks and Recreation Committee (Wagon Hill)
- Work to exercise public interests in recent conservation easements, including new trails and parking areas.
- Assist Conservation Commission in **assessing future land conservation priorities**

d) Town's Master Plan Advisory Committee Survey

This item was discussed earlier in the agenda.

6) Board and Committee Reports

a) Town Council

Robin Mower reported that the nomination of the Oyster River to NH management protection program is being considered in Concord. She said the Town sent the town engineer to comment at the public hearing. Ms. Mowers said he read testimony and answered questions and emphasized Durham's concerns regarding the 401 certificate and instream flow rules. She noted Durham has been consistent in stating conditional support for this nomination – but wants the Town to retain all rights to withdraw for our drinking water supply. Ms. Mowers said it is her understanding that the committee is considering testimony from various communities and considering Durham's request to identify it as their drinking water supply as a protected use and possibly to consider a cap withdrawal. She said Lee, Barrington and Madbury are concerned about the position that Durham is taking since they have gone to great lengths to

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1 protect what they see as our water supply and feel we are less willing to support their position. Robin
2 Mower asked if the Town Council should invite someone to speak about the program and identify ways in
3 which we are already protected. She asked if the Commission would like to propose this. Derek noted
4 that the hearing has been held – so unless the Town is pursuing some action that will jeopardize this there
5 is not a point in explaining the process further. Robin Mower noted that the Town sent a request to
6 modify RSA 483:9-c, I in the following manner: Public water supply was not specifically cited in
7 RSA 483:9-c, I. The amendment adds language to RSA 483:9-c, I, to identify *public water*
8 *supply* and other outstanding characteristics that should be considered in the Instream Flow
9 process. She said it is clear the majority of the Town Council supports the Town's formal position to
10 qualify support of the nomination and to stress the interest of the Town in protecting its water supply.
11 Chair Houle said the comments are fine and consistent with instream flow rules. He said this process has
12 been dragging on and the Town does not see it as a beneficial development. Chair Houle said the Town
13 Council has been privy to only partial information when it comes to instream flow regulations. He
14 suggested it would seem to be a good idea to get more rounded information regarding the instream flow
15 regulations.

16
17 Robin Mower reported that the Town Council voted on the zoning change regarding the conservation
18 subdivision regulations applying to ORLI and MUDOR districts. She said the Council agreed
19 unanimously with the original statement: "conservation subdivision regulations apply to two districts as
20 well". Ms. Mower said she urged a timely initiation of this change and Neil Nimon urged that it occur
21 during the sitting of the current council. She said it has not come to the Planning Board yet.

22
23 Robin Mower reported that the upcoming Town Council would have three new Councilors: Julian Smith,
24 Kitty Marple and Jim Lawson.

25
26 Chair Houle asked what the implications are to planned developments regarding the conservation
27 subdivision regulations being applied to ORLI and MUDOR. Robin Mower said there would be no
28 implications to the Capstone project because it is not a subdivision – it is one parcel.

29
30 Robin Mower explained that any residential development that is a subdivision of more than 3 lots that
31 occur in ORLI or MUDOR will be subject to the conservation subdivision regulations. She noted there
32 are dimensional requirements that have not been addressed by the planning board that need to be.

33
34 Dwight Baldwin asked if there is any news regarding the Spruce Hole aquifer test. Chair Hole said they
35 are collecting data. Robin Mower said the tests have shown much higher volumes than anticipated.

36 37 b) Planning Board

38
39 Julian Smith said the Kimball project asked for a reconsideration of their application to have 10 parking
40 spaces. He said they made a formal application for the Planning Board to reconsider. Mr. Smith said the
41 Planning Board declined to reconsider the application.

42
43 Julian Smith reported that the Capstone public hearing was continued to the meeting on the 23rd. He said
44 the Planning Board voted at its last meeting to declare the Capstone project one of regional impact which
45 triggers a meeting of the Strafford Regional Planning Commission. Mr. Smith said the commissioners
46 were astounded, shocked and dismayed at the level of the development, but had no reason to oppose it.

47
48 Julian Smith said that the Capstone project received a variance on several issues and they have also
49 appealed the designation of part of the property as being over an aquifer. He said the Planning Board

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1 voted unanimously to recommend to the Town Council that the aquifer protection overlay district be
2 adjusted. The town engineer reviewed the appeal and in a memo dated January 24th wrote that the
3 materials submitted by the applicant satisfies the intent and purposes of APOD to protect, preserve and
4 maintain existing and potential ground water supply. Derek Sowers asked if this is saying that the
5 boundary is not in dispute. Julian Smith said the engineering reports based on the two dozen test wells
6 states there is not an aquifer there. Chair Houle said there is a specific process for determining an aquifer
7 and the Town Engineer is saying that the Capstone project has met the conditions for demonstrating that
8 there is not an aquifer present. Julian Smith said Jim Campbell's memo said, "...based on evidence
9 provided by the applicant and reviewed by the Town Engineer, that the Planning Board recommend to the
10 Town Council that the boundary area designated on the subject's property as being part of the APOD be
11 adjusted to remove the designation so that the subject's property is not included in the APOD." Mr.
12 Smith said the Planning Board voted to send this recommendation to the Town Council. He said the final
13 step is the Council acting on this. He noted the Conservation Commission can appeal the decision
14 regarding this designation.

15
16 Robin Mower reported that at the public hearing she read a letter from Chair Houle regarding storm water
17 management facilities and a letter from Derek Sowers regarding the importance of the wildlife habitats on
18 the property. She suggested it would be helpful to have a short document which can be presented that
19 explains why the average person should care about the wildlife habitat. Robin Mower said very few
20 members of the public have weighed in on this project. She encouraged anyone who wishes to comment
21 on the project that they will have an opportunity next Wednesday.

22
23 Malin Clyde said she has some publications regarding habitat and species that has language that may be
24 useful in explaining why one should care and why this is important. She said she would bring those in
25 next month.

26
27 The members discussed the need for more accurate maps of aquifers in the town of Durham. Chair Houle
28 said the Water Resource subcommittee is working on this. He said the Town currently has broad
29 protection; which may not be adequate protection for highly productive aquifers and may protect some
30 that aren't necessary to protect.

31
32 Derek Sowers said he feels the approach taken by the Capstone project regarding the aquifer was
33 appropriate. He said the maps are vague, but the onerous is on the developer to prove there is not an
34 aquifer on their property. Mr. Sowers said it would not be a good idea to edit the maps until more
35 information is available.

36
37 Chair Houle communicated to Jim Campbell that the commission would like to have the opportunity to
38 review the accepted proposal from Capstone. He said the Commission commented on a conceptual
39 proposal, but the plan has changed. He explained that the way the Commission approached the
40 assessment was not the same as if it were an accepted proposal. Chair Houle said he believes the
41 Commission should formally ask for another opportunity to review the proposal. The members agreed
42 that he should ask in writing for the opportunity to review the accepted proposal and comment.

43
44 c) Water Resource Protection Subcommittee

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46 No update at this time.

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48 d) Zoning Board of Adjustments

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1 Anne Welsh said the ZBA passed the variance requested by the Capstone project to fill a wetland by a
2 vote of 5-1. She said the vote against the variance was because the opposing member felt it was possible
3 to move construction out of the wetland and therefore should do so. Ms. Welsh said the ZBA generally
4 felt that it is a good project and the developers have made a good effort to improve the proposal.

5
6 The members discussed the need to have a formal role with the ZBA.

7
8 e) Lamprey River Advisory Committee
9

10 Stephen Burns reported LRAC will meet next Tuesday. He said the members are disturbed about House
11 Bill 514 which prohibits entry on private property for data entry without written consent from the
12 property owner. Mr. Burns said they feel this would put a stop to their stream watch program. He
13 suggested that groups that put restrictions on the use of land need to justify the restrictions and explain
14 why they are important and be responsive to the real and perceived needs of the people.

15 16 Other Business --

17
18 Chair Houle said when Dwight Baldwin steps down from the Committee in April a new Vice Chair will
19 be needed. He said it is his intention to step down from being Chair after June. He said he has enjoyed
20 his two years as Chair, but for personal reasons can no longer commit the time.

21
22 Ann Welsh volunteered to be Vice Chair after April when Dwight Baldwin's term on the Committee is
23 finished.

24 25 7) Administrative

- 26 a) Correspondence
27 b) Next regular meeting March 10, 2011
28

29 8) Adjournment

30
31 *Malin Clyde MOVED to adjourn the February 3, 2011 meeting of the Durham Conservation Commission*
32 *at 9:51 pm. This was SECONDED by Jamie Houle and APPROVED unanimously.*
33

34 Respectfully submitted by,

35
36 Susan Lucius, secretary to the Durham Conservation Commission