

Approved – September 8, 2011

Tuesday July 5 2011

7:00 pm

Durham Conservation Commission

Members Present: Julian Smith, Robin Mower, Larry Harris, Derek Sowers, Malin Clyde, Jamie Houle

Members Not Present: John Parry, Jamie Houle

Alternates Present: Peter Smith, Ann Welsh

Alternates Not Present: Stephen Burns

Also Present: Duane Hyde

I. Call the meeting or order

Acting Chair Ann Welsh called to meeting to order at 7:04 pm

II. Approval of Agenda

The members discussed the possibility of not holding a regularly scheduled meeting this month if there is no time sensitive business to handle.

Robin Mower MOVED that the agenda be amended to include a report by James Houle regarding a meeting with Appledore Engineering and the Adams point repaving project and to include status and committee reports. This was SECONDED by Larry Harris and APPROVED unanimously.

III. Jim Campbell joined the members for a brief discussion at 7:10 pm

The members discussed with Mr. Campbell the deadline for getting information into the “Friday Updates”. He noted that the Durham Town Office prefers to have information to them by Thursday or Friday morning at the latest.

The members asked Mr. Campbell if he saw any business from the Planning Department or Planning Board that the Conservation Commission would need to deal with in a timely manner this month. He reviewed the projects before the Planning Board and noted nothing new would be coming to the Conservation Commission for review this month.

Jamie Houle discussed with Mr. Campbell and the other members the State statute regarding repaving and the definitions of resurfacing and repaving. Mr. Houle noted that resurfacing (which is exempt from site plan review regulations) is the milling down a certain percentage, and

repaving is the milling down to an erodible sub-base (which is not exempt). He noted the State's intent in the case of repaving is it would trigger the redevelopment requirement that they treat 30% of the property through some time of storm management practice. Mr. Houle noted that when milling is done to the extent of an erodible sub-base it is very easy to adjust the slope and grade in order to take advantage of storm water management practices. He suggested that the Planning Board discuss this issue. Jim Campbell suggested having the Planning Board representative to the Conservation Commission bring the issue up at the next Planning Board meeting.

Robin Mower MOVED to open the Public Hearing on the Beaudette Property. This was SECONDED by Julian Smith and APPROVED unanimously.

Public Hearing:

Acting Chair Welsh asked Duane Hyde to make a brief presentation regarding the property.

Duane Hyde, Director of Land Protection for the Nature Conservancy said he is before the Conservation Commission to ask for funding assistance of the Commission to conserve a 63.3-acre portion of the Beaudette Farm located on Bennett Road and Route 108. He said The Nature Conservancy is working on behalf of the Great Bay Partnership who has the property under contract at the appraised value of \$490,000 (appraised by the Stanhope Group). Mr. Hyde noted that funding for the project has been reduced since the funding through the Congressional appropriation has been reduced. He said the Nature Conservancy no longer has the funds available to fulfill all projects scheduled and as such are reaching out to many of the communities in which the Conservancy is working to help finish out a number of projects and the Beaudette Farm is one of those projects. Mr. Hyde said the Conservancy is requesting \$45,000 from the Town of Durham through its Conservation Fund to assist in closing out this project, which is scheduled to close in mid August of this year.

Ann Welsh noted that the Conservancy has already requested and been approved \$5000 from the Conservation Fund.

Robin Mower MOVED to close the Public Hearing. This was SECONDED by Julian Smith and APPROVED unanimously.

The Public Hearing was closed.

Members discussion:

Jamie Houle MOVED to appropriate \$45,000 to cover the expenses needed for the acquisition of 63.3 acres of the Beaudette Farm, this was SECONDED by Derek Sowers.

Discussion regarding the motion:

Peter Smith asked if the Conservation Fund has no other previous commitments to any other entity that would prevent the funding of this amount for this project at this time. He asked specifically if the amount the Conservation Fund would provide to the TPL project would be reduced to an amount that would allow the \$45,000 to be expended for the Beaudette project.

Acting Chair Welsh said the reduction of the amount for the TPL project was discussed with the leader of the project and agreed upon. Mr. Smith encouraged the Commission to put this discussion in writing. Acting Chair Welsh agreed.

The members expressed their support for the project, saying it is a great bargain for the Town of Durham and a good public benefit for flood mitigation, as well as having scenic and conservation value.

Julian Smith said he would like to see some provision for continuing agricultural pursuits upon a good portion of the land where it is appropriate.

Jamie Houle emphasized the public safety and flood mitigation perspective of the project. He noted this property is the connection between the Oyster and Lamprey Rivers and could mean extreme changes to the flow patterns to both the Lamprey and the Oyster River if developed. Mr. Houle said if it was developed or further paved it could potentially change the hydrology of the area.

Julian Smith asked if there is any chance Fish and Game would be able to present a management plan that would make it clear that a good portion of the land that is suitable for agriculture will be maintained in such a way that would not preclude agriculture in the future without great expense.

Duane Hyde said the planning process does not happen until after the property is received. He said that they are interested in keeping the field habitat, plain grass habitat and/or cottontail/shrub land habitat and not forests.

Mr. Smith asked if it would be possible to receive a statement from Fish and Game to this effect on the public record.

Duane Hyde said he would check into it.

Robin Mower said she concurs with Mr. Smith and said she is concerned that it not become so wooded that it would preclude future agriculture.

Derek Sowers said there is a public process that Fish and Game uses to determine the appropriate use of the property and how it is managed. He said he does not feel it is ethical or just for the Commission to tie financial backing of an open space conservation project to certain outcomes when the Commission has little in depth knowledge about the site. Mr. Sowers said there would be a public process to determine how it is managed and that will be the appropriate time to express concerns.

Robin Mower said she disagreed. She said since public funds from Durham will be used she feels it is appropriate for members of the Conservation Commission to question its use.

Malin Clyde said she disagreed, saying the Commission does not do this with any of the private land owners. She said no easements that the Commission have helped fund had restrictions on how they were managed and the Commission did not request any guarantees about their uses.

Jamie Houle noted there is a motion on the table that the members have not voted on yet. He said the opinions of Mr. Smith and Ms. Mower will give some insight as to how to present the recommendation to the Town Council.

Acting Chair Welsh called for a vote of the motion.

The Motion was APPROVED unanimously.

Acting Chair Welsh will write a short letter to the Town Council stating the recommendation of the Commission and asking that the issue be scheduled for their next meeting at which they may schedule a Public Hearing regarding the expenditure of the funds.

Derek Sowers noted that the key points of the project are made in the summary written by Duane Hyde.

Malin Clyde asked Robin Mower to inform the Conservation Commission members when a public hearing is scheduled for this issue.

The members thanked Duane Hyde. Mr. Hyde noted another benefit of the project is the likelihood cross-country skiing will be permitted on the property.

IV. Updates from Jamie Houle

a) UNH Storm Water Center Bioretention System

Jamie Houle from the UNH Storm Water Center thanked Robin Mower and Diana Carroll for showing their support for this project and being present at the meeting with Mike Lynch, Dave Cedarholm and representatives from EPA, region one. He noted the system is located in the Tedeschi parking lot and that there were some concerns by Dave Cedarholm about the placement and engineering safety. Mr. Houle said the Council was very responsive to the issue and provided support for it.

Robin Mower said the system is part of a bigger picture focus by the EPA and will benefit the town in the future.

b) Appledore Engineering repaving project at Adams Point.

Mr. Houle said Joe Pereschino of Appledore Engineering contacted him about a repaving project at Adams Point. He noted the entire road from Durham Point to the pier at Jackson Estuarine Laboratory would be repaved. Mr. Houle said he met with Mr. Pereschino to discuss this project and was pleased to find they are implementing controls to improve an existing condition that has no storm water management at all. He said he made a couple of comments that Mr. Pereschino will take into consideration regarding the design. Mr. Houle said he spoke with Mr. Pereschino today and was informed (by DES) that the project will not need a permit and will only require a maintenance notification, so will not come before the Conservation Commission. He encouraged any members who had recommendations to speak with Mr. Pereschino.

c) Storm Water Pollution Plan for Wiswall Dam and Fish Ladder Replacement.

Mr. Houle said Dave Cedarholm contacted him regarding the storm water pollution plan for the Wiswall Dam and the Fish Ladder Replacement. He said he reviewed the plan and made suggestions to Mr. Cedarholm.

V. Updates from Ann Welsh

- a) Acting Chair Welsh said the Spruce Forest Conservation Project did not receive the federal funding it was hoping for in 2011. She said the group will reapply for the 2012 cycle and may have a better idea of its standing in September.

VI. Wetlands applications - Derek Sowers reported the following:

- a) Notification of trail development and maintenance –culvert on trails in College Woods are being upgraded, work will be ongoing over the next week or two. Mr. Sowers said this is a straightforward maintenance project.
- b) Copied as Conservation Commission from DES Subsurface Systems Bureau that a property owner at 342 Dame Road put in an application for a septic disposal system permit. Mr. Sowers said this was deemed not complete because there was no municipal approval stamp
- c) Copied as Conservation Commission (and the Planning Board and Town Council) notification from Tom Burak, Commissioner of DES inviting interested peoples to volunteer or be nominated to be on the Oyster River local advisory committee, now that the Oyster River is a designated river. Mr. Sowers has the forms to nominate individuals and the Planning Board and Town Council will also have the forms.
- d) Letter from DES regarding the Paul College of Business and Economics, a UNH construction project, which has an alteration of terrain permit. Mr. Sowers said the Commission was notified that UNH has an AOT permit and they cannot violate surface water quality standards.

Jamie Houle said he did a site visit and there is no erosion and sediment control other than a chain link fence.

Derek Sowers asked if the Commission should look at the AOT permit conditions.

Mr. Houle said it is clear that anyone reviewing the site would say the project is in violation. He said there are no perimeter controls whatsoever, and no sediment controls.

Robin Mower said DES would not know about this unless someone advises them to come and view the property. She said she feels it is appropriate for the Conservation Commission to send a note to DES and ask them to review the project.

Mr. Houle said he could revisit the site to be sure nothing has changed.

Robin Mower volunteered to photograph the site to confirm and support the claim from the Commission.

Robin Mower MOVED that the Conservation Commission write a letter to the Director of Alterations Terrain permits at DES requesting that the construction site for the Paul College of Business and Economics at UNH be inspected relative to compliance of AOT, upon verification of observation of the absence of perimeter control with the exception of chain link fences. This was SECONDED by Malin Clyde and APPROVED unanimously.

VII. Stewardship SubCommittee

- a) Malin Clyde said the Stewardship subcommittee is moving forward with plans to digitize land records and incorporate the information into a spreadsheet. She said all of the land records have been digitized and Nancy Lambert built a spreadsheet to link the documents. Ms. Clyde said they are moving forward to incorporate the documents and spreadsheet with the web page.
- b) Doe Farm Work Day – Ms. Clyde said she would be planning a workday in the fall for Doe Farm.

Robin Mower asked when a presentation to the Council on the Stewardship SubCommittee's progress could be expected. The members suggested providing an update in the fall after the website is updated and the workday has occurred.

VIII. Durham Day

Robin Mower noted that Durham Day will be occurring on September 17th and the Commission should begin thinking about plans for the day.

Malin Clyde suggested holding a nature walk, but not having a booth.

Acting Chair Welsh suggested having trail maps available and coordinating with the Parks and Recreation Committee.

IX. Master Plan Survey

Robin Mower said the Master Plan Survey results are in but have not been analyzed at this time. She said the first step will be a press release which will be drafted and in the hands of the Town Administrator later this week.

X. Adjourn

Jamie Houle MOVED to adjourn the July 5, 2011 meeting of the Durham Conservation Commission. This was SECONDED by Peter Smith and APPROVED unanimously.