

Approved – September 8, 2011

Durham Conservation Commission

August 11, 2011

Durham Town Office – Council Chambers

7:00 pm

Members Present: Ann Welsh, Robin Mower, Larry Harris, Malin Clyde, Julian Smith

Members Not Present: John Parry, Derek Sowers, Jamie Houle

Alternates Present: Peter Smith

Alternates Not Present: Stephen Burns

Others Present: Ted McNitt

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

Vice-Chair Ann Welsh called the meeting to order at 7:00 pm and noted that all members present this evening would be voting members.

Robin Mower MOVED to approve the agenda; this was SECONDED by Peter Smith and APPROVED unanimously.

2) Presentations

- a) Mike Lynch, Director of Public Works – Timber cut at Horsehide Creek and Langmaid Farm and Maintenance of Wetlands permit for Jackson's Landing Boat Launch

Mike Lynch presented the tax map which showed the location of the two areas being discussed for timber cutting. He said a list was made of town properties which would be looked at for the possibility of select cutting or timber cutting.

Julian Smith asked if there would be cutting on the southside of Longmarsh Road.

Mr. Lynch said they have not had a definitive discussion with the forester, but are thinking of cutting in that area as well.

Malin Clyde asked if the forester has asked the Town what the objective is on these properties. The members and Mr. Lynch had a lengthy discussion regarding the Town's purpose in having cutting done on any its properties.

Peter Smith said he would like to see some of the dissatisfaction from three years ago avoided when the cutting discussion began. He said the timing of the discussion three years ago was that it was presented to this Commission after most of the decisions had been made. Mr. Smith said he feels this Commission should hold a role in the discussion of how these lands are altered. He said he feels the Commission should have the opportunity to speak with the forester and possibly visit the lands prior to cutting to observe what is being planned and comment on it.

Ms. Clyde asked if the Town's objective in timber cutting is for care of the land, habitat improvement or for money making purposes.

Mr. Lynch said the purpose is all of the above.

Ms. Clyde said normally timber cutting is under the prevue of a forestry committee or the conservation commission. She said it appears that in years past the Conservation Commission did not take an active role in this. Ms. Clyde said there is a Stewardship Committee that is available to assist in answering questions of what the town wants to do with the property. She encouraged the members and Mr. Lynch to think in terms of caring for the property. Ms. Clyde said there is a management plan for Langmaid Farm written by Ellen Schneider which is very comprehensive and has stewardship recommendations. She encouraged the management plan to be taken into consideration by the forester.

Mr. Lynch said the forester has the management plan and has reviewed it. He said this is the initial discussion and there is no plan set out, he noted he is here to begin the discussion.

Vice-Chair Welsh suggested letting Mr. Lynch continue with his presentation and then schedule another meeting to consider options for these properties and make decisions regarding them.

Mr. Lynch said the next step may be having a site walk with the members and the forester and then proceed in developing the plans.

Ms. Clyde asked if the Durham Transfer Station property has any restrictions on it.

Mr. Lynch said there are no restrictions. He noted one area that is restricted, but there are no trees in that area.

Peter Smith said he believes the first step in this process should be to consider the purpose of timber cutting on these properties. He said there should be a document which sets forth basic criteria for the property and after that a forester can provide advice as to what should take place on the property.

Ms. Clyde suggested getting a land stewardship guideline template from another town. She said Horsehide Creek and Langmaid Farm are conservation properties. Ms. Clyde volunteered to speak with others towns regarding stewardship guidelines.

Robin Mower said the town has an obligation to protect its citizens and its resources from fire. She said some of the property may have a risk of forest fires. Robin Mower asked if this is included in the management plan.

Ms. Clyde said it did not come up as an issue in any of the management plans.

Ms. Mower asked if Ellen Schneider believed it was an issue if she would have raised it.

Ms. Clyde said she would have. She said the management plan takes into account all possible uses and protection of the properties. Ms. Clyde said that question could be discussed with the forester, but she does not believe it is a concern.

Ms. Mower said the potential of fire may be one reason Mr. Lynch is here.

Mr. Lynch said he is here only to initiate a conversation regarding timber cutting on these properties and to see if the Commission would like to be a part of the process.

Ms. Clyde asked again why timber cutting is being considered for these properties. She asked if the feeling is that the town lands have been neglected and this is part of an effort to focus more attention on public lands.

Julian Smith said he walked these properties recently and found areas where a fire occurred last year. He said he feels it would be useful for the members to walk the area in dry weather. Mr. Smith said there are a good number of dead trees in the area.

Vice-Chair said the purpose for this evening is to hear the presentation and have the discussion at a later time. She asked if anyone not on the Stewardship Committee would like to be involved in this process.

Ms. Clyde said she will schedule a meeting of the Stewardship Committee prior to the next meeting of the Conservation Commission.

Mr. Smith asked what other parcels are being considered for timber cutting.

Mr. Lynch said the "North 40" is the next parcel which has a stewardship plan.

He said in the next few months the town will be bringing a wetlands permit before the commission for their review. He said it is a maintenance plan for the boat ramp at Jackson Landing. Mr. Lynch said the wetlands bureau wants the town to have a written plan that speaks to signage and seasonal maintenance and what can and cannot be done in terms of maintaining the boat ramp area.

[William Hull????](#) said that Doe Farm had a plan for cutting. He said Doe Farm is under the control of the Trustees and not the Conservation Commission or the Town. He said he would like to discuss the dump area as well.

Vice Chair Welsh thanked Mr. Hull for his comments, but said that the dump area is not an area being discussed this evening.

- b) Mike Sievert, P.E. MJS Engineering, PC – To discuss a wetlands permit for a property on Durham Point Road for anew dock.

Mike Sievert distributed copies of plans for the Durham Point Road property. He said the project is for a new dock at 313 Durham Point Road – The Rawlins property. He said this property is 63 acres and there is 1600 ft of frontage on this parcel and close to 1000 ft on their second parcel. He said the dock is proposed for the corner near the cove.

Peter Smith asked how far it is from Adams Point and Mr. Sievert replied that it is close to Adams Point. Mr. Smith said there is a piece of sensitive marsh land in the area of Adams point.

Mr. Sievert said he believes that would not affect this project.

Mr. Smith asked what the water is like at high tide and Mr. Sievert replied that at high tide there is approximately 6.5 ft of water and at low tide it drains a way out. Mr. Smith said there is a question of how much usefulness there is to build a dock in that area.

Mr. Sievert said the New Hampshire Heritage Bureau said there is no endangered or sensitive species in that area. He said because it is a shale area it should not be impacted. Mr. Sievert said the Fish and Game were concerned about cutting of a large tree and limbing of others. He said they are requiring them to replant other high eastern white pines because of the bald eagle. Mr. Sievert said one other thought was to turn the dock around the point and come out on the other side of the point – he said that area is very rough and would require more anchoring which would cause more disturbances to the area.

Ms. Clyde asked what the role of the Commission is on this.

Mr. Smith said the Commission is to review the permit and present our recommendation and possibly hold a site walk. Mr. Smith said this project should have a site walk at low tide.

Ms. Clyde suggested having a site walk early in the morning or after work.

Ms. Mower reviewed the tide chart and said the end of the month in the morning would be low tide.

The members decided to schedule a site walk by email. Mr. Sievert said August 19th is not good for him, but otherwise the rest of the month is fine. Vice-Chair Welsh said she will notify Mr. Sievert of the date of the site walk.

3) Acceptance of June 9, July 5 and July 14th minutes

The members decided to delay the approval of minutes until the September meeting.

New and Old Business

a) Update on Spruce Forest Conservation Project

Vice-Chair Welsh asked if there were any comments from members regarding this project. She said the Commission had asked Mr. Capriole for an idea of when it will be decided if the project will be funded. Ms. Welsh said Mr. Capriole asked the Commission to wait until the ranking of the project is released.

Mr. Smith said he does not feel the project will receive federal funding this year.

Vice-Chair Welsh agreed and suggested having Mr. Capriole attend the next meeting.

The members agreed that a discussion needs to occur regarding the Commission's financial commitment to this project.

Mr. Smith said the maximum amount allotted for this project needs to be clarified as well and to have that put in writing.

Ms. Mower agreed and suggested doing this at the September meeting.

b) Discussion of Issues raised by problems with Capstone conservation easement

Robin Mower reported that the Conservation Commission had written to the Planning Board that the land should be conserved to protect the Oyster River, but that we did not feel we had the appropriate resources to accept the easement and monitor it. She said at that point Capstone turned to the Southeast Land Trust and the Strafford Rivers Conservancy to see if they were interested in becoming easement holders. Ms. Mower said the Southeast Land Trust said they were not interested and the Strafford Rivers indicated it was not interested, but then asked for a site walk. She said after the site walk they met with their land committee and declined the offer. Ms. Mower said she spoke with Strafford Rivers and asked if they would be interested in being paid to be the monitoring party if the Town were to hold the easement and the legal liabilities associated with the easement. She said their Land Committee agreed if the fee were appropriate. Ms. Mower said at this point the attorney for the Capstone project has forwarded to the Town Administrator a draft easement for review by the Conservation Commission. She said she forwarded the draft to the Strafford Rivers Conservancy and asked them to provide an estimate for the fee for monitoring which could be passed on to Capstone. Ms. Mower said she also asked Strafford Rivers Conservancy to indicate some reasons why it is seen as a complicated stewardship parcel to share with the Town Council and other interested parties. She said she suggested September 8th as a date to meet with the Capstone attorney, the Town Administrator and Strafford Rivers Conservancy to discuss this.

Ms. Clyde asked if the idea is to have Strafford Rivers Conservancy monitor and the Capstone Project pay the cost of monitoring the property forever.

Ms. Mower said she assumed that was the case.

Ms. Clyde said that should be clarified because it has not been the case in other properties. She said it can be set up as an endowment for it to be paid forever and this should be discussed.

Ms. Mower said the approximate cost figure could be as high as \$40,000 for an endowment for this property to be monitored.

Mr. Smith suggested telling the Capstone attorney that it is a difficult piece of land to monitor and that a group has agreed to monitor it for a fee.

Vice-Chair Welsh said the Commission should have a process for working with property owners regarding easements.

Ms. Mower suggested the Commission communicate with the Planning Board that if an applicant suggests an easement they should immediately communicate with the Conservation Commission about this so we can communicate with the owner about the appropriate process for creating an easement. Ms. Mower said there will be some members of the Council and the community who will question why the Conservation Commission could not monitor the easement ourselves and we need to have an answer for that. She suggested inviting Brian Art and Duane Hyde and someone from the Strafford Rivers Conservancy to make a presentation and hold a discussion to discuss what is involved with conservation easements and the monitoring process.

- 4) Ongoing Business
 - a) Wetlands Applications
 - b) Land Protection Activities
 - c) Land Stewardship Committee
 - d) Town's Master Plan Advisory Committee Survey

- 5) Board and Committee Reports
 - a) Town Council
 - b) Planning Board
 - c) Water Resource Protection Subcommittee
 - d) Zoning Board of Adjustments
 - e) Lamprey River Advisory Committee

- 6) OTHER BUSINESS

- 7) ADMINISTRATIVE
 - a) Correspondence
 - b) Next Regular Meeting September 8, 2011

- 8) Adjournment