

# Approved: November 10, 2011

Town of Durham  
Durham Conservation Commission  
Thursday October 13, 2011  
4:00 pm

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

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

- 1) Call the meeting to order

Chair Parry called the meeting to order at 7:02 pm.

*Jamie Houle MOVED to accept the agenda as written, this was SECONDED by Ann Welsh and APPROVED unanimously.*

- 2) Presentations

- a) GIS analysis on prioritizing conservation land parcels in Durham

Derek Sowers distributed a handout to the members which presented a summary of the project. He noted a more extensive report on the project is available. Mr. Sowers said the Commission expressed a wish to provide the committee updating the Master Plan with a prioritized list of lands that are important to conserve. Mr. Sowers explained this had been done in the past by Duane Hyde who provided a map of prioritized parcels. Mr. Sowers said he became interested in completing a GIS analysis which built on existing data sets and created scenarios with different priorities. He explained his scenarios included: 1) parcels that intersected the best aquifers and the highest quality wildlife habitat, is greater than five acres and not protected, 2) parcels with exceptional wildlife habitat, greater than five acres not protected, within 100 ft of conservation land (to boost connectivity) and 3) the two criteria together.

Mr. Sowers said this approach showed areas along the Lamprey as being important, as well as Sprucewoods and confirmed what the Commission had previously thought.

Jamie Houle asked if this could be overlaid with existing zoning and Mr. Sowers responded that it could. Mr. Houle said it appears that much of the priority lands are in existing ORLI zones.

Malin Clyde said it is striking to her how much conservation has occurred over the past 12 years. She noted that it would be useful for UNH to permanently conserve more of their property. Ms. Clyde said most towns aim to conserve 25% and Durham has conserved 27%.

Robin Mower suggested that Durham is fortunate to have more high conservation land value than most towns do.

Mr. Sowers noted the data can be looked at in different ways and with different criteria.

Peter Smith said the more data and more up to date the information is kept the better.

Mr. Sowers said it would be worthwhile to overlay this information with zoning and identify areas that the Commission needs to be aware of.

Ms. Mower said the Planning Board is considering whether to rezone the Beech Hill area which is a high priority area.

Julian Smith said this area used to be zoned office/research but was recently rezoned to rural with ORLI surrounding it.

Ms. Mower said there has been a dispute among property owners in the Beech Hill area of how it should be zoned and one has come to the Planning Board and Town Council requesting that it be zoned as ORLI.

Mr. Houle suggested that the Land Stewardship Committee work on this issue. He said this discussion has some significance to the discussion regarding LUCT funding.

Mr. Sowers asked if any of the members had ideas how to translate this information into a recommendation to present to the Planning Board.

Mr. Houle said it would be good to develop a strategy and present it to the Town Council.

Ms. Mower said it should also be presented to the Planning Board since they are in control of the Master Plan process and are in a position to make zoning recommendations and changes.

Ms. Clyde suggested the next step could be to extract or add parcels to the existing priorities list and discuss at the next meeting.

Peter Smith suggested it would be timely to look at the land acquisitions guidelines document that the Town Council passed a few years ago to see how it can be amended.

Ms. Clyde said she would provide copies for the next meeting.

Mr. Sowers said the outcome could be informal (a list of priorities) or could be more extensive (an open space plan which the Town adopts as part of the Master Plan).

Ms. Mower said it is important politically for the community and for the Commission to communicate priorities.

Ms. Clyde suggested this item be placed on the agenda for next month.

### **3) Acceptance of September 8, 2011 minutes**

Minor corrections were suggested.

*John Parry MOVED to approve the September 8, 2011 minutes as amended. This was SECONDED by Jamie Houle and APPROVED unanimously.\**

\*Robin Mower abstained as she was not present at the September 8 2011 meeting.

### **4) Old Business**

#### **a) Follow-up on LUCT Allocation Public Hearing**

Chair Parry thanked all the members who were present at the public hearing and all those who worked on this issue in other ways. He said the turnout was impressive and asked the members if there were any items they wished to discuss regarding this item.

Jamie Houle said the following week at the Town Council meeting he presented the 2011 annual report of the Conservation Commission. He noted that Councilor Gooze commented that a key part of his decision to keep LUCT funds with the Commission was due to the Commission's focus on water resources. Mr. Houle said Councilor Gooze also commented that he was disappointed about the Beaudette Farm project and cautioned that he hoped the Conservation Commission would focus on those properties with a water resource value. Mr. Houle said he told Councilor Gooze that focusing on water resource values is in the priorities but that the Commission cannot always select which properties come before us for conserving. He said Councilor Gooze commented that he hoped the Commission would exercise caution and save some of the funds for those properties with water resource priorities. Mr. Houle said he felt confident that the Commission has been considering this in their decision process.

Peter Smith said he felt the presentation at the Public Hearing was impressive and it was clear that those presentations and discussions convinced two members of the council to take the position that 100% of the LUCT funds should remain with the Conservation Fund.

Robin Mower said Councilor Marple stated that she anticipated at a Public Hearing that she would have heard positions on both sides and acknowledged that there was not much representation from the opposite side – which was a surprise.

The members discussed the communication mechanism for when the Capstone project value will be added to the conservation fund.

Mr. Houle said the Chair will receive a monthly statement and the addition of the value of the Capstone project will show up on that statement. He suggested speaking with Barbara Ross about getting an update electronically.

Ms. Mower said she intends to be in touch with the town assessor to get a heads up before he sends out the bill to the Capstone project. She said the question is how the assessor will make the assessment and at what time.

Mr. Sowers suggested that the Conservation Commission Chair be kept apprised of the process regarding the valuation of the Capstone project.

Chair Parry said he would send a letter saying that the Commission would like to be kept in the loop and informed of the process regarding the Capstone Project valuation to the Town Assessor with a copy to the Town Administrator.

Ms. Mower said she found that some people are not convinced of the economic benefit of protecting land. She suggested the Commission find ways to help non believers connect with the value of conserving land. Ms. Mower said one way would be to revive nature walks on Town owned conserved land.

Malin Clyde said she believes the town's people care about conservation and see it as part of their identity.

Chair Parry said he was impressed with the information on the website regarding the value in conserving land and the benefit of easements. He suggested this be kept updated and include information on how the Commission selects properties to conserve. He volunteered to work with Ms. Clyde on this issue.

#### b) Update on the status of the Oyster River dam repairs

Julian Smith reported that the Oyster River Dam is not scheduled for repair or removal in the near future, other than repair on the gates.

Jamie Houle said the dam has been temporarily stabilized and the Town Engineer is refraining from making a judgment regarding the dam. He feels the dam has 10-20 years before a decision needs to be made.

Derek Sowers said he asked the Town Engineer if the dam is out of compliance and he was told that there had been a letter of deficiency, but the Town addressed the issue and it is no longer out of compliance and is not an imminent public safety hazard.

Robin Mower said there may be a discussion of putting money into the CIP plan for future repairs of the dam.

Jamie Houle said two students are doing their senior projects evaluating two scenarios; 1) a hydro project and repair and 2) removal of the dam.

The members discussed if they needed to comment on dam improvements if it were to be put in the CIP budget. It was decided that once the budget is formally presented, Robin Mower would inform the Commission if there is an item that should be brought to their attention.

Peter Smith noted that the CIP has already been presented to the Planning Board.

Julian Smith will speak to the Commission about the CIP which has been presented to the Planning Board at the November meeting.

b) Petition on Mill Pond by HDC/Heritage Commission

Jamie Houle noted that the HDC/Heritage Commission suggested to the Town Administrator that the Conservation Commission comment on the petition.

Derek Sowers said he feels the Commission needs to respond, but he does not agree with the petition because it is not based on any fact and does not state what problem it is addressing. He said he believes the members need to hear from the commission that presented the petition.

Robin Mower said she believes the role of this Commission should be to evaluate the situation and come to a decision on whether it should take a role on suggesting an action rather than supporting a petition.

Chair Parry noted that the petition is suggesting a draw down during the winter to control invasive species.

Larry Harris said he believes this is a bad idea and does not believe a drawing down will control the invasive species and may decimate the fauna.

Robin Mower said she requested a comment from the Town Engineer and he noted that he has not had a chance to review it, but his first thought is that a draw down could accelerate the dam deterioration by exposing it to freezing temperatures.

The members discussed that the dredging of the pond has been an item of discussion for 10 years or more. Peter Smith noted that the Conservation Commission of years past frequently discussed the Corps of Engineers dredging the pond.

Jamie Houle said there has been a lot of questions regarding the Commission's role in the dam. He said he does not see a role for the Conservation Commission regarding the dam unless it was in a role of repairing or restoring the habitat of the area around the dam.

Derek Sowers said he feels the members need to know the specifics of what is being suggested before the Commission can make a comment.

Ann Welsh agreed saying a formal response should wait until the next meeting when the HDC/Heritage Commission has had an opportunity to discuss the petition with the Conservation Commission.

c) Update on Capstone Easement Discussion with Todd Selig

Robin Mower said the Strafford Rivers Conservancy is thinking about taking on the monitoring of the easement. She said the Town would own the easement and Capstone would pay for the monitoring endowment. Ms. Mower said Strafford Rivers is drawing up a contract that would lay out the anticipated costs of an initial base plan, monitoring and stewardship of the easement. She said this will be brought to the Town Administrator for review and presented to Capstone for their approval.

Peter Smith asked if Capstone has been approached about funding the monitoring endowment.

Ms. Mower said their attorney has worked with numerous organizations on conservation easements and is aware money is involved.

Derek Sowers asked if Strafford Rivers has agreed to do the monitoring and stewardship report.

Ms. Mower said Strafford Rivers has agreed if they are paid to do it. She said she is hopeful that there will be a contract and easement terms for the Commission to review soon.

Mr. Houle said the water quality report on the Capstone project construction was issued and he felt there were a couple of issues to report. He said the turbidity value was reported at zero, which is unusual. Mr. Houle said the reports are sent to the Town Planner and should come to the Conservation Commission as we required.

Chair Parry will send a note to the Town Planner requesting the reports.

Mr. Houle said the UNH Storm Water Center will initiate a general concern of the data and request quality assurance. He said the Commission should request the report, discuss it and make recommendations.

Chair Parry said he will make the request, send it out and put the item on the agenda for November.

d) DCC position vacancy –

Malin Clyde said she phoned Steve Burns and asked him about his interests in the Commission. Ms. Clyde said Mr. Burns stated his intention to resign from the Commission. She said he has since sent a resignation to the Town, leaving a vacant position on the Commission.

Peter Smith suggested asking a former member if they are interested in rejoining the Commission.

Robin Mower suggested asking Dwight Baldwin to speak with the former member to see if she is interested in rejoining.

Derek Sowers said that Duane Hyde has expressed an interest in rejoining the Commission at some point in the future.

5) New Business

a) DCC updating of the Environment Chapter of the Master Plan

Chair Parry said he attempted to contact Jim Campbell to get a feel for what suggestions he has for the Commissions involvement in working with a Master Plan chapter, and has not heard back from him yet.

Robin Mower volunteered to contact him about this.

b) DCC Annual Report for 2011

Chair Parry thanked Jamie Houle for his presentation of the Annual Report to the Town Council.

c) DCC Budget for 2012

Chair Parry said he submitted the budget and sent copies to the members. He noted that Jamie Houle provided him with the budgets from the last several years.

*Robin Mower MOVED to approve the budget as requested by Chair John Parry. This was SECONDED by Peter Smith and APPROVED unanimously.*

d) Suggested maintenance for Jacksons Landing (see letter from Dwight Baldwin)

Chair Parry said Dwight Baldwin sent a letter suggesting specific maintenance items for Jacksons Landing. He noted most would only require labor and involved downed trees, erosion problems, and invasive species.

Robin Mower suggested notifying the DPW director by forwarding him the letter from Dwight Baldwin and asking for his feedback.

Chair Parry will forward the letter to Mike Lynch and carbon copy the Town Administrator.

- 6) Ongoing Business
- a) Wetlands applications

Derek Sowers reported that Dori Wiggin requested information on the 313 Durham Point Road project. He said she is requesting 1) a statement from New Hampshire Division of Ports and Harbor of navigation and 2) a statement of why it is unavoidable to remove the 15" oak tree.

Chair Parry said the property owner is having a consulting arborist look at the tree and make a determination.

- b) Land Stewardship Working Group –

Malin Clyde reported that she and Ann Welsh visited Doe Farm and noted that there has been a lot of growth of buckthorn which needs to be pulled. She said most of the growth has occurred where trees were timber harvested or where there were downed trees.

Ann Welsh said she feel invasive work needs to be done before a timber cut to attempt to minimize growth of buckthorn and other invasive species.

Ms. Clyde said a team of volunteers is needed to pull the buckthorn within the next couple of weeks and asked for suggestions.

Jamie Houle suggested contacting Mike Lynch and asking him about the Department of Corrections group he has used in the past.

Derek Sowers said the lesson is if the Town is going to harvest town lands they need to factor this into the cost of harvesting.

Chair Parry thanked Ms. Clyde and Ms. Welsh for their work.

- 7) Board and Committee Reports
- a) Town Council



Robin Mower reported that the Town Council voted to approve a workforce housing ordinance which may have conservation subdivision ramifications.

Julian Smith said the ordinance applies to the rural zone, ORLI but does not apply to MUDOR. He said he will ask the Council to consider extending the applicability to MUDOR.

b) Planning Board

Julian Smith said there is nothing new to report.

c) Water Resource Protection Subcommittee

Jamie Houle reported that the subcommittee will schedule a meeting to review comments on amendments to the aquifer protection overlay.

Robin Mower said the subcommittee needs another member from the Conservation Commission.

Derek Sowers volunteered.

d) Zoning Board of Adjustments

Ann Welsh reported that there was one property of interest on Bay Road. She said the new owner requested redoing the roof and adding a roof over an existing porch. Ms. Welsh said the ZBA approved the application since the new owners changed part of the driveway to a permeable surface and added two rain gardens, thereby decreasing the overall amount of runoff on the property.

e) Lamprey River Advisory Committee

No report, the Commission will discuss this appointment at the next meeting.

f) Filling vacant positions on Committees

This item was discussed earlier.

8) Other Business

Robin Mower noted that the Commission has the third Thursday of each month reserved for an additional meeting if needed.

9) Administrative

a) Correspondence –

Chair Parry said he distributed the Planner's Report and a publication from the Audubon Society regarding habitat management; as well as a letter from Dwight Baldwin and a document from Jim Campbell saying that a subdivision is being exempt from the Conservation subdivisions.

Chair Parry said he met with the Town Administrator and Duane Hyde to get more information regarding the Commission.

b) Next regular meeting, November 10, 2011

10) Adjournment

*Jamie Houle MOVED to adjourn the October 13, 2011 meeting of the Durham Conservation Commission at 10:11 PM, this was SECONDED by Malin Clyde and APPROVED unanimously.*

Respectfully submitted by,

Sue Lucius, Secretary to the Durham Conservation Commission