

# Approved - May 13, 2010

Durham Conservation Commission  
April 8, 2010  
Durham Town Office – Council Chambers  
7:00 pm

**Present:** Beryl Harper, Dwight Baldwin, Robin Mower, Larry Harris, George Thomas,

**Alternates Present:** Stephen Burns

**Members Not Present:** James Houle, Stephen Burns

**Alternates Not Present:** Peter Smith and Ann Welsh

**Also Present:** Peter Anderson, Ethan, David Eckman, Kyle Mullaney, Ray Grizzle, Christopher Levesque, Mike Lynch, and Michael Mengers

## **1) Call the meeting to order.**

The meeting was called to order at 7:04 pm by acting co-chairs Beryl Harper and Dwight Baldwin. Stephen Burns was appointed to vote in place of absent member Jamie Houle.

The agenda was amended to move item 2c to item 2a.

## **2a) The construction of an observation platform at Jackson's Landing as an Eagle Scout project – Kyle Mullaney**

Kyle Mullaney from Troop 154 of Durham presented his Eagle Scout project to the members. He said the proposed project is to construct an 8 x 10 foot observation deck at Jackson's Landing on the waterfront.

Dwight Baldwin said he met with Kyle Mullaney to discuss the project and noted this is one of the final steps in the Jackson Landing upgrade and the Town is fortunate to have Kyle take this on as his project.

Kyle said the deck will be located past the parking lot at the end of the walkway. He explained the structure will be 8 x 10 foot with three railings on each side, with a bench on one side and there will be an interpretive sign on the location looking out over the larger side of the salt grass marsh.

Dwight Baldwin explained the wording for the sign was reviewed by Malin Clyde and John Parry and himself.

Kyle explained that construction disturbance will be minimized by using v-shaped holders for the 4 x 4 posts; the posts themselves will not be dug into the ground. Mike Lynch, Durham Public Works Director, reported that he met with Kyle Mullaney twice to discuss the construction methods. He said he is very comfortable with the construction methods and the attempt to minimize the impact to the wetlands.

Kyle explained that he is hoping to have the project completed by mid-summer and that he is responsible for raising the costs of the project; approximately \$600. He noted that Mike Lynch said his department would be able to cover any costs that he is unable to raise.

The members expressed their support for the project and said they looked forward to seeing the observation deck at Jackson's Landing.

**2b) Expedited DES wetlands permit for a development at 14 Cedar Point Road (Tax/Lot/Map 12-1-26) -- David Eckman**

David Eckman presented for the project. He explained that Charles Hart purchased the property 2.5 years ago with plans to put a new house on the existing property. He said the existing house on the property is in poor shape and the proposed septic system is approved pending recommendation from the Conservation Commission.

Mr. Eckman said the project is in the upland tidal buffer area (0-100 foot wetlands permit required) and beyond the 100 feet shore land protection area so permits for both the wetlands and shore land protection have been filed. He explained there is no wetland disturbance other than in the buffer areas.

The members noted they have received notice from the DES Shoreland program and from the wetlands program.

Beryl Harper asked if this project includes both lot 26 and 27. Mr. Eckman replied that it was agreed there would be only one owner for both lots as a condition for approval of the septic system. He noted this effectively makes the proposal for one lot.

Mr. Eckman explained that he has reviewed the project with Dori Wiggin from NHDES and requested a variance from the ZBA. He reported that the existing paved area is being replaced with porous concrete and porous pavers and the construction of the house is almost entirely within the existing footprint. He noted the proposed septic system is a clean solution septic system which pre-treats and aerates and will be constructed further away from the bay with a maintenance schedule for both the septic system and the porous pavement.

The members discussed the specifics of the project with Mr. Eckman and the possibility of using rain gutters to collect and divert roof runoff; the placement of the two sheds; being

placement of the new well; the use of a bed of stone and a filtration system around both the house and the garage.

*George Thomas MOVED to recommend approval of the expedited DES wetland permit for the 14 Cedar Point Road lots 126/127 from tax map 12. This was SECONDED by Larry Harris and APPROVED unanimously.*

\*\*Jamie Houle will sign the application on Friday am

### **2c) An oyster farming project on the Oyster River - - Ray Grizzle**

Ray Grizzle presented for the proposed oyster farming project. He distributed a map detailing the project and noted he is requesting an expedited DES wetlands permit. Mr. Grizzle reported the project will begin in approximately 3 months.

Mr. Grizzle explained he is a partner in the Granite State Shellfish, LLC. He said the project sets aside ½ acre of the farm not to be used in the project and that the project is 1 acre of constructed/restored oyster reef. Mr. Grizzle said the funding will be from Natural Resource Conservation Service; which is a federal source of funding (which goes directly to the farm). Ray Grizzle explained the project consists of importing 30 cu yards of mollusk shell, spreading the shells, placing baby oysters on the bed to provide a substrate for the natural oysters and to jump start the bred oysters. He said the oysters will not be harvested.

The members discussed with Mr. Grizzle if this project would have any impact on Ray Konisky's oyster project and the longevity expected of the oysters from this project. He explained that the project would not adversely affect Mr. Konisky's project and the longevity expected for the oysters is 2-4 years.

*Stephen Roberts moved to recommend approval of the expedited DES wetland permit for the oyster farming project, this was SECONDED by Dwight Baldwin and APPROVED unanimously.*

### **2d) Forestry management on town-owned lands, including timber harvest on "Spruce Hole" parcels (13-13-1 and 13-13-5); Mike Lynch (Director of Durham Public Works).**

Mike Lynch reported that three years ago the Town Administrator directed him to look at the parcels in town that are forested. He said that directive graduated into looking at all parcels and creating an inventory that encompasses every property. Mr. Lynch said part of this project is to create a library of binders, one for each property and each binder consisting of a table of contents, tax map, identification of the parcel, warranty deed, survey plan, inventory list (location, valuation, acreage, description of property), forest inventory and management plan, wildlife inventory, property design, usage and restrictions, worksheets (documenting work done on the property), a page on historical information, and an index page with miscellaneous information included.

Mr. Lynch explained the foresting portion of this project began by contacting Charlie Moreno and discussing foresting plans. He said Mr. Moreno brought several management plans to the Town and came up with a plan to start the project with survey work, deed work and then move into a timber management plan and move forward with the management plan and let the other pieces fall into place later. Mr. Lynch said the Town and Mr. Moreno lost contact on the project for a couple of years and now the project has been resurrected. He said the point the Town is at now is the timber harvest at Spruce Hole. Mr. Lynch said the timber project is beginning with Spruce Hole because there is some data on the property, it is flat and easily accessible and other than the bog it is a simple parcel to deal with. He said the Town would like to move forward with the timber harvest on the site and would like to field any questions and request the approval of the Commission to move forward with the project. Mr. Lynch said Stephen Burns was present at the site walk of the area with Mr. Moreno. He said Mr. Moreno would like to do a select cut on the property.

Stephen Burns said he was very impressed with Mr. Moreno and noted that he treats each tree as a treasure.

Larry Harris noted that when Mr. Moreno came before the Commission a couple of months ago it was the first that the members had heard of the plan. He said it would have been helpful to have had this information before Mr. Moreno came before the board.

Mike Lynch said the thought for moving forward is to come to the Commission and request their input regarding which two properties to do each year.

Beryl Harper said she agrees that there should be a dialogue between the Town, the Commission and Mr. Moreno regarding this project. She said she is very excited about this project.

Mr. Lynch said he hopes this will be a fluid plan to involve discussions regarding natural resources, frontage, what do we want things to look like, and giving Mr. Moreno direction on every parcel.

Robin Mower said she hopes that this process will end in a management plan that will look into the future and be something that documents what will be done, what has been done and create a record of what is being done and provide guidance for what is appropriate at what time on each parcel.

Mike Lynch said Mr. Moreno plans to also include a follow up plan regarding the property and will produce a property management plan for the property that will be filed with the Town.

Dwight Baldwin asked if there are plans to deal with the sensitivity of the site. Mr. Lynch responded that the contract with the logger will have very specific information for this site and will require each piece of equipment to have a hazardous spill kit and every

piece of equipment in the woods will have a bib (canvas unit hooked under the equipment to catch any spill).

Dwight Baldwin asked what time of year this cutting should be done. Mike Lynch responded that Mr. Moreno would have liked to have done it earlier in the year because of possible disturbance to wildlife in the forest after April and the project may need to be moved to the fall/early winter (December).

*Stephen Burns MOVED to approve Charles Moreno's plan for the management of forest land at Spruce Hole per his letter dated February 2, 2010, this was SECONDED by George Thomas and APPROVED unanimously.*

## **2e) Parking expansion at Wagon Hill Farm – Mike Lynch**

Mike Lynch said there is a Wagon Hill Management Plan that was written in 1995. He said the plan speaks to people visiting Wagon Hill and the need for a parking area and dealing with it responsibly. He said one year ago a local group of gardeners were looking at community gardening and received permission to use a small portion of property at Wagon Hill. Mr. Lynch explained that the Public Works Department took the idea and came up with a plan to combine the parking and the garden at the same time.

Mike Lynch presented the plan of the property which shows the area envisioned in 1995 as the parking area. He said the plan is to create gravel parking lot, a garden area adjacent to the lot marked into individual plots; he said the new plan mirrors the approved master management plan from 1995.

Beryl Harper said there are some elements of the original plan but the new plan's parking is substantial compared to what was proposed in the master plan. She noted that she spoke with the gardeners and they did not feel from their experiences last year that the location was a good location; they felt it was low and very wet. They felt the garden needs to either be moved or be changed and the parking needs to either be addressed in terms of size and/or impact on the gardeners.

Mike Lynch said the parking has been planned for drainage, with a treatment drainage swale which will exit into the field area at the lowest point. He also reported that raised beds will be built by Timberland employees for the gardeners.

Dwight Baldwin asked how many parking spots are being proposed. Mike Lynch responded that there are 85 proposed spots. The members had a discussion about the necessity for that many spaces. Mike Lynch said on a normal day the current 25 spots are enough – however if there is an event being held; such as a wedding, or a sunny day after a snow storm there is not enough parking. He noted that it is a lot of parking, but said it takes into consideration the needs for the next 10-25 years.

Robin Mower said the design for maximum usage a couple of times a year doesn't seem appropriate.

Mike Lynch said the plan originated at the Parks and Recreation committee. He said it is their conceptual idea and has been approved by them. Beryl Harper noted that the Parks and Recreation Committee is in charge of Wagon Hill Farm; however that does not mean the Conservation Commission should not have input; but the Parks and Recreation Committee is in charge.

Mike Lynch noted that the parking area has not been budgeted for in the coming year's budget.

Beryl Harper asked if the raised beds that are being built for the gardeners will have an impact on how the parking is handled. Mike Lynch responded that it will have no impact.

George Thomas asked the dimension of the proposed garden area. Mr. Lynch responded that the proposed dimensions are 200 x 200; with 252 10 x 10 plots when the entire piece is built out.

Dwight Baldwin asked if a portion of the parking can be constructed. Mike Lynch said it would significantly increase the costs.

**2f) Trail clearing on Town-owned lands, including the adopt-a-trail program --- Mike Lynch (town tree warden) and Mike Mengers, Parks and Recreation director.**

Dwight Baldwin noted that the Adopt A Trail program is swamped and could use more volunteers.

Mike Mengers said they are concentrating on two trails; Doe Farm and Longmarsh. He said the Doe Farm trail has two volunteers (Chris Wilson and John Luchsinger) who have done a site walk and found 30 trees crossing the trails that need to be removed. Mr. Mengers said these volunteers will be doing the work this weekend and the Boy Scouts, who are frequent users of these trails, are organizing a clean-up day for a Saturday at the end of April.

There was a brief discussion regarding the possibility of the Town having Charlie Moreno go into the forests and draw up a plan for cutting and disposal of downed trees.

Ms. Harper suggested adding this item to next month's agenda and discussing it with the trustees of the Trust Fund.

Mike Mengers noted that Karen Fisher, along with other residents of the Sandy Brook neighborhood have volunteered to work on the Longmarsh Trail. He said the Parks and Recreation Department will be assisting.

Dwight Baldwin suggested scheduling a clean-up day for Jackson Landing. Mike Mengers said he would work on it.

Ms. Harper commended Mr. Mengers.

### **3) Acceptance of March 11, 2010 minutes**

Dwight Baldwin suggested editorial change on page 2 and 3.

*Dwight Baldwin MOVED to accept the minutes as amended. This was SECONDED by George Thomas and APPROVED unanimously.*

The following members abstained: Robin Mower, Beryl Harper and Stephen Roberts.

### **4) NEW AND OLD BUSINESS**

#### **4a) Incoming and outgoing Durham Conservation Commission members**

Ms Harper reported that George Thomas and Beryl Harper will be leaving the commission at the end of April.

Ms. Harper said the documents she has from Ellen Snyder will be on the 3<sup>rd</sup> floor as well as the other files regarding town owned properties. She said she will make an inventory list and email it to the members (including Jennie Berry and Mike Lynch). She also noted that she will not be heading up the stewardship subcommittee.

Robin Mower noted that Peter Smith has applied to renew his alternate status. She said two people have applied for the vacant commission positions; Derek Sowers and Malin Clyde. Ms. Mower said the council will appoint members on the 19<sup>th</sup> of April with the new members beginning their terms on May 1<sup>st</sup>.

Ms. Harper told the Commission members that she has enjoyed her time on the Commission.

#### **4b) Thompson property**

An appraisal has been obtained and the Commission paid their portion (\$1500).

#### **4c) Colosante Property**

An appraisal has been obtained, however the appraisal was far less than what the property owners expected and they have decided not to sell.

### **5) ONGOING BUSINESS**

#### **5a) Wetlands Applications – George Thomas**

George Thomas said no applications have been received. He noted comments were sent to the DES from a site walk on the 17<sup>th</sup> at the Valentine property.

5b) Land Protection Activities – no report at this time.

5c) Town owned land/conservation easements

i) PREP CTAP applications for 2010

Robin Mower reported that the cycle for CTAP this year has been delayed until June or July.

## **6) Board and Committee Reports**

### **6a) Town Council – Robin Mower**

No report at this time.

### **6b) Planning Board – Stephen Roberts**

Stephen Roberts said he has been an unofficial member of the Bellamy and Oyster River Watershed Protection committee and feels that the Planning Board or Conservation Commission should appoint a member to this committee. Beryl Harper suggested adding the possibility of appointing a member to serve on the BORWP or ORWSA to next month's agenda.

Mr. Roberts reported that the site plan regulation was presented for public hearing comments. He said Dave Cedarholm said he felt he could handle all the comments and will present a rewrite Friday morning to the subcommittee.

Mr. Roberts said that on the Woodward property, a mixed use development of 500-900 beds is being proposed by Capstone, but no application has been submitted.

He also reported that a Conditional use permit for the Seacoast Repertory Group at Mill Pond Center was requested.

### **6c) Water Resource Protection Subcommittee – Dwight Baldwin/Stephen Roberts**

Dwight Baldwin reported that the subcommittee is working hard and will be meeting Friday at 7:30 am. He noted that Brian Gallagher will proceed to the final draft and will distribute it to the full subcommittee when he returns from vacation.

Mr. Baldwin also noted that a draft of a revised aquifer protection overlay district will be ready for distribution later in the month. He noted it will be presented to this Commission at a later date.

### **6d) Zoning Board of Adjustment –**



No report at this meeting other than presentation of 14 Cedar Point Road.

**6e) Lamprey River Advisory Committee – Stephen Burns**

No further report at this meeting.

**7) Other Business**

Ms. Harper suggested adding to next month's agenda the review of guidelines for membership participation.

**8) Administrative**

**8a) Correspondence**

Beryl Harper reported the Sweet Trail Celebration will be on April 24<sup>th</sup>, 10-noon on Dame Road. She noted it is a small parking lot and there will also be parking on Route 108 by the coffee kiosk with shuttle vans bringing people to the site. Ms. Harper said there will be speeches and an official gathering at 11 am; after that the gathering will break into four groups (1 geocaching, 1 on history, 2 on wildlife).

**8b) Schedule the next regular meeting.**

The next regular meeting of the Durham Conservation Commission will be held on May 13, 2010 at 7 pm in Town Council Chambers.

*Dwight Baldwin MOVED to adjourn at 10 pm. This was SECONDED by Robin Mower and APPROVED unanimously.*

Respectfully submitted by,

Sue Lucius, Secretary to the Durham Conservation Commission