

Approved – September 9, 2010

**Durham Conservation Commission
August 12, 2010
Durham Town Office – Council Chambers
7:00 PM**

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

Alternates Present: Peter Smith, Stephen Burns

Members Not Present: Malin Clyde

Alternates Not Present: Ann Welsh

Also Present: David Anderson, NH Coastal Partnership

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

Chair Houle called the meeting to order at 7:02 pm. Peter Smith will be a voting member this evening in place of the absent Malin Clyde.

Peter Smith MOVED to amend the agenda to add a discussion of the Jackson Landing boat ramp as 4 F (new and old business), “Jackson Landing Update”. This was SECONDED by Robin Mower and APPROVED unanimously.

2) Presentations

- a) Presentation on NH Coastal Protection Partnerships Rain barrel Program-- David Anderson, Project Coordinator NH Coastal Protection Partnership

David Anderson introduced himself to the Commission and explained that the NH Coastal Protection Partnership is a local environmental group based out of Portsmouth. He said that this year they received a grant from the Lamprey River Advisory Committee to do public education and an outreach campaign regarding stormwater management and nitrogen pollution issues. Mr. Anderson explained that they have been focusing on educating people how to build their own rain barrels and have documented slow release fertilizers that are available at various stores for purchase. He reported the group has done analysis to see which fertilizers are the best for the estuary in terms of preventing nitrogen from leaching from lawns into the water. Mr. Anderson said they are hoping to provide “make your own rain barrel demonstrations” at the Durham Farmer’s market. He explained that they would invite people to participate and provide them with the opportunity to build their own rain barrel using supplies provided by the NH Coastal Protection Partnership. He asked for assistance in contacting the organizers of the Farmer’s market. Robin Mower volunteered to assist Mr. Anderson with this contact. Mr. Anderson said the group is also hoping to begin a door hanger campaign in Durham focusing on steps people can take to conserve water. He said they will be purchasing a thousand door hangers and asked the members for assistance in targeting neighborhoods that might have particular nitrogen or erosion problems.

The members suggested that Mr. Anderson speak with Dave Cedarholm, the Town Engineer, who is interested in developing a water conservation plan for Durham.

The members discussed the need to address such conservation measures with the University population. Mr. Anderson said the group had hoped to have a table targeting water conservation at the University Picnic Day on September 14, but the cost of a table (\$200) is prohibitive. Robin Mower volunteered to contact the Town's UNH liaison to see if it is possible to get a complimentary table at the event for the NH Coastal Protection Partnership.

Peter Smith suggested that the group have a table at Durham Day on September 26. Mr. Anderson will contact Mike Mengers, Durham's Parks and Recreation Director about this.

Mr. Anderson asked the members if they are working on any big projects regarding water issues. Chair Houle responded that the members are working on updating Town regulations with respect to water. He explained there are working groups looking at the Town's development regulations, particularly around the aquifer protection district; stormwater regulations; site plan review regulations and source water protection. He said the town has a comprehensive shoreline protection overlay – more stringent than the State's.

Derek Sowers suggested that the Southeast Watershed Alliance group may be interested in similar projects in their membership communities and might be worth meeting with.

Dwight Baldwin asked if the group has plans to distribute information about fertilizers on a broader basis. Mr. Anderson responded that they are hoping to distribute information at the Farmer's market and other events in Durham and perhaps do more in the spring next year. Mr. Baldwin suggested sending information out with the Town water bills.

The members and Mr. Anderson discussed working with retailers who sell fertilizers.

Chair Houle thanked Mr. Anderson for taking the time to speak to the Commission.

3) Acceptance of minutes

- a) July 8, 2010

The members made editorial corrections on pages 3 and 5.

Jamie Houle MOVED to accept the minutes as amended. This was SECONDED by Robin Mower and APPROVED unanimously.

*Dwight Baldwin and Derek Sowers abstained as they were absent from the July meeting.

4) New and Old Business

- a) Oyster River-Nomination for Designation into the Rivers Mgt. & Protection Program

Chair Houle reported he received a letter from the Department of Environmental Services from the River Management Bureau noting they have accepted the two applications for designation on the Oyster River and an additional branch of the Lamprey River into the Rivers Management and Protection Program. He said there is a public hearing scheduled for August 17 at the Madbury Town Hall at 6:30 pm regarding the nomination of the Oyster River. The members discussed having a representative from the Commission at the public hearing to show support and possibly read the Commission's letter. They also discussed what view the Town Council and the Town Administrator had of this designation. It was decided that Stephen Burns would go as the Commission representative to show the support of the Durham Conservation Commission for this designation.

- b) Lamprey River-nomination for designation into the Rivers Mgt & Protection Program

Please see comments above regarding the nomination.

- c) DCC Rep. to Wiswall Historic Interpretation Committee

Chair Houle reported that he received a letter from Town Administrator, Todd Selig, asking the Conservation Commission to nominate a representative to the Wiswall Historic Interpretation Committee. He explained that the Committee has outlined a memorandum of agreement and has nine appointed members currently on the Committee. The members discussed the role the representative would serve on the committee, as well as what expertise will be required of the representative. The members suggested having Julian Smith serve as the Conservation Commission representative since he is currently an appointed member of the Committee. Other Conservation Commission members volunteered their expertise and services as needed to assist Mr. Smith in representing the Commission on this Committee.

*Jamie Houle MOVED to appoint Julian Smith as the Durham Conservation Commission representative to the Wiswall Historic Interpretation Committee. This was SECONDED by Robin Mower and APPROVED unanimously.**

*Julian Smith abstained from voting.

- d) Durham Day 2010 has been set for Sunday, September 26 from 12:30 – 4:00 PM at Wagon Hill Farm.

Chair Houle reviewed the Commission's role in past Durham Day events. He noted the Commission has a display board that has been used at past events; Ray Grizzle and/or Ray Konisky may be interested in presenting the Oyster project; Malin Clyde may be interested in hosting a walk. The members discussed the display board and what if anything needs to be done to update/improve it. It was decided that Robin Mower would check with Strafford Regional Planning to see if they can assist in updating the map. Robin will also coordinate with Derek Sowers on the locating of an existing map file, which shows the properties targeted as top priority for land conservation and shows the existing conservation lands in Durham. Robin Mower will also serve as the display board coordinator and all members can make suggestions for changes/additions to the display board to Robin. Chair Houle will contact Malin Clyde to see if she is interested in hosting a walk at Durham Day and to discuss the possibility of using illustrations from the reports written on conservation properties. Larry Harris will contact Ray Konisky regarding an oyster display at Durham Day.

Dwight Baldwin and Larry Harris volunteered to "man" the Conservation Commission table during Durham Day.

- e) Discussion of appointing a formal Durham representative to BORRP.

Chair Houle said he received a letter from the Town Administrator asking for the Conservation Commission's opinion on the Town Council nominating an official representative to BORRP.

The members discussed the unofficial role that Stephen Roberts has been playing by attending the BORRP meetings. It was noted that a formal nomination from the Town Council of Durham to represent them at the BORRP meetings would allow Mr. Roberts to have an official recognition by BORRP and give him a formal avenue to report to the town on BORRP activities. The members discussed if Mr. Roberts would be willing to be the official representative. Chair Houle reported that Mr. Roberts would be willing to be the Town of Durham representative to BORRP. Chair Houle said he would write a letter to the Town Administrator saying that the Conservation Commission feels strongly that the Town Council should formally appoint a representative.

Dwight Baldwin MOVED to recommend the Town of Durham officially appoint a person to represent the Town of Durham to BORPP. This was SECONDED by Larry Harris and APPROVED unanimously.

Robin Mower said she would ask the Town Council by Council communication to appoint a representative to BORPP.

f) Update on Jackson landing boat ramp

Peter Smith noted that Dori Wiggin (NH DES) held a meeting regarding possible changes to the boat ramp at Jackson Landing. It was noted that the river has changed and there may be a need to make changes to the boat ramp to accommodate those changes. Peter Smith said he felt the consensus was that the ramp could be improved minimally and Ms. Wiggin said a letter from the Conservation Commission regarding their opinion of the project would be helpful.

The members had an in-depth discussion regarding the impact of increasing the length of the ramp (by approximately 23 feet) versus the benefit of gaining an additional hour or two of boat launching time a day.

Julian Smith commented that he feels the ramp should be extended based on the dissatisfaction of a number of voters that have spoken with him on this issue. He said it is Town owned land and the ramp was built with tax dollars. He said he feels it is appropriate for the citizens to use and appreciate the river and the boat ramp makes this possible. Larry Harris agreed saying he feels it is reasonable to expect that the replacement ramp would equal the previous ramp. He noted the boat launch is part of the quality of life in Durham and if Ms. Wiggin is willing to support the project it should move forward. Dwight Baldwin said he feels the key factor is that the ramp extension will be bringing the length of the ramp back to where it was originally. Jamie Houle said his main concern is the role of the Conservation Commission in this project.

Derek Sowers MOVED to have the Conservation Commission write a letter to Dori Wiggin of NH DES, Wetlands Bureau, stating that the Conservation Commission has no objection to the limited extension of the Jackson Landing boat ramp as part of the amended permit discussed in the August 5, 2010 boat ramp meeting. This was SECONDED by Robin Mower and APPROVED unanimously.

5) Ongoing Business

a) Wetlands Applications - Derek Sowers

Chair Houle noted that the wetland application brought before the Commission at the July meeting regarding 190 Piscataqua Road was submitted to the DES as a "Permit by Notification" which does not require comment by the Conservation Commission. He said he requested the engineer of the project come to this meeting to discuss the project, but he was unable to attend. Chair Houle said he found the "Permit by Notification" application was not complete; did not contain a map identifying the proposed

construction, did not contain a construction plan or a construction sequence as required. He said that a “conditional use permit” is required and to the best of his knowledge has not been applied for. Chair Houle said he spoke with the Town Planner and notified him of the situation. The Town Planner is aware he has a role in this situation and that Tom Johnson would become involved should they begin construction. Chair Houle said Dori Wiggin of DES is on vacation, so the Commission will need to make contact with someone else at DES to discuss the incompleteness of the Permit by Notification application. Derek Sowers volunteered to call the Wetlands Bureau and find the individual filling Ms. Wiggin role while she is on vacation and forward a letter to them from the Commission regarding this application and project.

Jamie Houle MOVED to have the Durham Conservation Commission submit a written response to both the DES Wetlands Bureau as to the non completeness of the permit by notification of 190 Piscataqua Road, as well as submitting written correspondence to the Town Planner that the Commission is aware of the DES wetland permit at this address and that a conditional use permit by the Town is also needed (with a carbon copy to the Town Enforcement Officer). This was SECONDED by Dwight Baldwin and APPROVED unanimously.

b) Land Protection Activities – Jamie Houle

Chair Houle reported that the property owners of the Thompson property have expressed some dissatisfaction over the appraisal of the property, so have not moved forward with the conservation easement. The members discussed the priority of this property and the need to move forward in a timely fashion because of the funding sources. Chair Houle said he spoke with the Town Administrator and urged him to contact the property owners. He said that Malin Clyde also volunteered to contact the family and discuss the limited time for the funding sources, as did Phil Auger (UNH Cooperative extension).

c) Town Owned Land/Conservation Easements –

Chair Houle reminded the members that the Colasante property has been donated to the Manchester Diocese. The members discussed having the Town write a letter to the new owners saying that the Town of Durham is interested in this property as a conservation property, an appraisal has been done and to please contact them if they are thinking about selling the property.

6) Board and Committee Reports

a) Town Council - Robin Mower

Robin Mower reported that the Town Council approved an amendment to the zoning ordinance to allow single family and duplex homes in the ORLI and MUDOR zones by conditional use. She said it is the Town Council’s understanding that the Planning Board will be asked to extend Conservation Subdivision regulations to the ORLI zone.

b) Planning Board - Julian Smith

Julian Smith reported that the Planning Board would be continuing a discussion of extending the Conservation Subdivision regulations to the ORLI zone at the next Planning Board meeting. He said that the Town Administrator suggested that the Town Council ask the Planning Board to remove convenience store gasoline sales as a conditional use in ORLI zone (to make it not permitted in ORLI zone). Mr. Smith said the Planning Board held a public hearing, closed the public hearing and voted not to recommend the proposed change. Mr. Smith reminded the members that there was a change in the zoning a few years ago which means there is a much larger area where gasoline sales could be permitted. He suggested that the Conservation Commission might want to be aware of what is done regarding gasoline

sales in the ORLI zone. Robin Mower said that the Town Planner did point out that there are other regulations that would limit such a use.

c) Water Resource Protection Subcommittee - Houle/Baldwin

Chair Houle reported that the Stormwater Site Plan Review regulations passed and that the subcommittee will now be working to update the Aquifer Protection District.

d) Zoning Board of Adjustments – Ann Welsh

Robin Mower noted there are some issues coming before the ZBA that the Conservation Commission may be interested in following.

The members discussed how the Commission is informed of items before the ZBA and decisions by the ZBA. Robin Mower said both she and Chair Houle receive ZBA agendas and if any other members are interested in receiving them, they could be added to the notification list by the Planning Department.

e) Lamprey River Advisory Committee – Stephen Burns

Stephen Burns reported that there had been no mention of Thompson Property at the last meeting. He said the group made a major purchase of 500 acres in Epsom, which used up the majority of their funding.

7) Other Business

Chair Houle reported that last month the Town Planner asked the Conservation Commission to provide feedback on the way to calculate minimum useable area for subdivisions. He said the Commission communicated the results of their discussion on this topic; saying that research needed to be done on the development of new standards for this issue. Julian Smith said there is a proposal before the Town Council to address the minimum useable area issue, (recommended by the Planning Board). The members discussed what affect this type of change would have and if the Commission should make a comment. The members stated that the intention of the rule is not to stop development, but to protect sensitive areas. They suggested that if development on a slope is allowed then stormwater site plan review regulation compliance should be required.

8) Administrative

- a) Correspondence
- b) Next regular meeting September 09, 2010

9) Adjournment

The August 12th, 2010 meeting of the Durham Conservation Commission adjourned at 10:50 pm.

Respectfully submitted by,

Sue Lucius, Secretary to the Durham Conservation Commission