



Approved: March 12, 2015

**Town of Durham
CONSERVATION COMMISSION MEETING
Thursday, Dec. 11, 2014, 7:00 PM
8 Newmarket Road, Durham, NH 03824
Town Council Chambers**

Members Present: Chair Ann Welsh, Otho Wells, Coleen Fuerst, Kathy Bubar, John Parry and Diana Carroll

Others Present: Ellen Snyder

- 1) Call Meeting to Order. Recognize members present.

John Parry was elevated to a voting member for the evening.

- 2) Agenda Approval

Otho Wells MOVED to approve the agenda as written; this was SECONDED by Kathy Bubar and APPROVED unanimously.

- 3) Public Comments

There were no public comments at this meeting.

3) Presentations

Draft Management Plan - Sprucehole Bog

Ellen Snyder discussed the management plan for Spruce Hole Bog with the members. She noted that the plan should be completed tomorrow. Ms. Snyder said that the maps were emailed to the members and displayed some of those maps showing the 42 acre property. She reminded the members that the Town acquired the northern acres in 1974 and in 1989 the Town acquired the southern 27 acres by eminent domain. Ms. Snyder noted that the property is accessed through the Oyster River Forest and that the bog is the only non-forested spot on the acreage. She said the property is mostly flat; other than the bog which has steep slopes. Ms. Snyder commented that all of the property is within the Oyster River watershed and flows into Chelsey Brook. She said there are six soil types with the three major types being well drained. Ms. Snyder reported that the Strafford Regional Planning Commission map shows the aquifer, well head, and well head protection areas and that the Existing Conditions map provides orientation to the property (public access is from the parking lot where a kiosk is located). She stated that a forest harvest was done in 2010 and that the property is conducive to forest management. Ms. Snyder recommended having the forester review the property again to see what opportunities exist. She also recommended removing the barbed wire fence that is located on the property. Ms. Snyder told the members that the main purpose for the property is to protect the aquifer, well, waterline and Sprucehole Bog.

The members and Ms. Snyder discussed new trails and the existing trail that head to the Woods Road.

Key Recommendations from Ms. Snyder included: installing a fence at the slope area, including information such as maps, trails and funding information in the kiosk, having signs along the trail (especially to the Bog), having an ADA trail, consulting with the foresters, designating the bog as an ecological area, removing the barbed wire, having a plan to keep invasive plants out of the area, discuss hunting on the property and appropriate signage for hunting (Ms. Snyder recommended allowing hunting on the Spruce Hole Bog area if it is allowed at the Oyster River Forest), keeping an open area for emergency vehicles to have access, having space at the Public Library for reference materials regarding conservation.

5) Minutes: Review/Approve Nov. 2014 minutes

*John Parry MOVED to approve the minutes as amended; this was SECONDED by Kathy Bubar and APPROVED unanimously.**

Ms. Fuerst abstained as she was not present at the December meeting.

6) Old Business

a) Stolworthy Wildlife Sanctuary

Chair Welsh said that the Land Stewardship meeting last month held a discussion with some of the Green Team members from Oyster River School District. She said that the Middle and High School students use the Sanctuary property and have expressed an interest in preparing a management plan and helping with specific tasks. Chair Welsh said they have assistance from outside the school district to help them with the management plan and would like a sense from the Commission members if they feel this is appropriate.

Diana Carroll suggested they present the management plan as they are working on it to the Commission and after it is completed.

Chair Welsh asked if all the members agreed that this plan of action should move forward. She noted that it would be done to coincide with the general outline that is being done with the conservation notebooks.

John Parry suggested that the area remain in its natural and wooded state and that the management plan should focus on maintaining the property.

Chair Welsh agreed saying they would need to work within the framework of the deed; which is fairly specific.

b) Oyster River Forest – Invasives and Bridge Crossing

Chair Welsh distributed Ms. Snyder's letter regarding invasive work to the members. There was discussion regarding the bridge/crossing on the property; noting that the current funding will not pay for a recreational trail but will pay for management and are planning abutments to shore up the approaches. She said the question is if there are abutments, can a bridge be put across.

Ms. Snyder said they are concerned about the water height causing flooding at the bridge and are interested in the crossing being further up the tributary. She recommended having only one crossing.

c) Landscaping requirements – Site Plans

Chair Welsh discussed recent issues with construction projects along Pettee Brook. She displayed photographs of the site, noting disruption within the buffer which included equipment, and not enough protection to areas around a tree (even with a silt fence erected the equipment is in too close proximity to the tree).

Coleen Fuerst noted that she was informed of an issue with discharge waste going directly into Pettee Brook.

Chair Welsh reported that a UNH professor noticed a lot of water with sediment rushing into the stream and reported this. It was found that there was an area with no filter that was discharging water collecting at the construction site; the Town Administrator notified the department head and the practice was halted. She said that subsequent heavy rains caused more water to collect on site, so the water is now being discharged through a pipe into the brook and fresh stone and hay was added to aid in keeping the silt from running into the stream.

John Parry reported that there has been two feet of permanent fill added as part of the construction project into the setback area. He said he does not know if that can be corrected.

Chair Welsh said the Site Plan should be reviewed to see if it was included.

Mr. Parry said that the setbacks for the project have not been respected.

Chair Welsh said the site plan needs to be reviewed and noted that this is an example of the Town needing to ask specific questions regarding construction plans and not just the outcome. She said that changes to the site plan regulations should include more specific questions in order to show a sequence of the construction. Chair Welsh noted that even with those plans, if some items are not followed it is frequently difficult to know who did not follow them. She said it is important to get a breakdown of the notices of decisions; so the different boards know what items they should be keeping an eye on and who in Town to report to. Chair Welsh said a checklist should be developed.

Mr. Parry noted that the Town is stretched thin and that there is not enough time to oversee the construction projects. He said it is better to assume that a project is not being watched; and it would be best for the Conservation Commission to assign individuals to different projects to review.

Chair Welsh said that a checklist would be important to the Commission in that instance and that photographs of the site before and after are important.

Kathy Bubar noted that the changes to the Site Plan Regulations will require before and after photographs.

The members discussed other cases where there have been issues.

Chair Welsh asked the members if they want her to issue a statement of support from the Commission to the changes in the site plane regulations for landscaping.

Mr. Parry said that there needs to be more wording regarding tree protection during construction and said he would provide some wording to present.

Diana Carroll MOVED that Chair Welsh bring the comments discussed by the Conservation Commission regarding Site Plan Regulations to the Planning Board during the Public Hearing and share their support for changes; this was SECONDED by Coleen Fuerst and APPROVED unanimously.

7) New Business

a) DCC Correspondence Received:

Chair Welsh reported that the Oyster River Management Plan is being introduced to the Public next Thursday at 6 pm by the Strafford Regional Planning Commission.

b) Dot appeal by mathematical error of Lamprey River FIS, DFIRM GIS, & Community Panel Map

Coleen Fuerst explained that the DOT is appealing the FEMA insurance maps for the area because they feel that the data for elevation being used at different points is not logical.

8) Ongoing Business/Tasks/Working Groups

(20)

a) Land Protection

Chair Welsh noted that the \$300,000 for the Emery Farm restoration project through LCHIP has been approved and that the Thompson Project received Moose Grant Funds for costs associated with purchase.

b) Land Stewardship Committee – Wagon Hill,

Chair Welsh said the Committee discussed formalizing the composition of the Committee. She stated that they suggested having the Committee consist of two members from the Conservation Commission, two members from the Parks and Recreation Committee, two members from the Agricultural Committee, two members from the general public and a member from the Trustees of the Trust Fund. She said if the Trustees of the Trust Fund do not wish to have a member on the Committee there should then be three members of the general public on the Committee.

Diana Carroll will bring this topic up at the next Town Council meeting.

Chair Welsh said that the Agricultural Committee has written a vision statement for what should happen at Wagon Hill (this was distributed to the members). She said she feels that it is more detailed than a vision statement but does provide a strong sense of what the Agricultural Committee wants to see happen at Wagon Hill Farm. Chair Welsh asked each member to write three sentences regarding their vision for Wagon Hill Farm and bring those to the next meeting. She said this would be discussed and a vision statement from the Conservation Commission would be written and presented to the Stewardship Committee so they would see what the Conservation Commission's vision for Wagon Hill Farm is.

Chair Welsh noted that there are management plans on line for the property (one in 1995, one that the Commission wrote regarding the management of wildlife, etc. and that the two together give a good idea of the possibilities for the property).

c) Permits - ORHS track

Chair Welsh noted that the Commission held a site walk and then the School District submitted their wetlands permit. She said the DES responded to the permit asking for clarification of some items and that the School District responded. (DES suggested moving the track to outside the wetland; but the softball field is located there. DES also asked about the slope of the area).

Chair Welsh said that during the site walk the Commission felt that issues were being mitigated as much as possible and that flow would still get to the wetlands as before.

The members asked the Chair to write DES saying that the Conservation Commission has no concerns regarding the plan.

9) Board and Council Reports

a) Town Council

Diana Carroll reported that the major focus of the Town Council has been the budget.

b) Planning Board –

Kathy Bubar reported that the Planning Board met last night and that there is a plan that will be coming to the Board on January 14th for a three lot subdivision of the Old Mill Pond performing arts property. She said there are some concerns because two of the lots being subdivided are steep, back onto conservation land and are very wet. She suggested that the Conservation Commission may want to review these plans.

Ms. Bubar said they are also working on the new Site Plan Review regulations and that they should be in the Public Hearing process for the next couple of months. She said the Conservation Commission (and Mr. Parry's input) would be appreciated.

Diana Carroll raised the issue of the concern about the lack of landscaping at the Lodges Development. She noted that a group has been formed to work on this issue and to work with the Peak Development Company to develop a plan. Ms. Carroll said there has been a lot of work done to correct the situation and asked if the Conservation Commission would like to submit a short letter stating their support for the importance of this work. She suggested that the letter be addressed to the Town Administrator, the Town Planner and the group formed to deal with the issue.

Ms. Carroll said that this item will be on the Planning Board agenda at the January 20th meeting. She said such a letter would support the importance of a good landscaping plan.

John Parry said this issue gets back to there being problems in the process which need to be fixed so it does not reoccur and it shows the importance of the site plan regulation changes.

Kathy Bubar also reported that the Planning Board held a good seminar on reading site plans where the members were taught how to read the site plans.

d) ZBA

The members discussed the need to have a path to get information from the ZBA on applications that would be relevant to the Conservation Commission.

Ms. Bubar suggested having a couple of members from the Conservation Commission meet with the ZBA to discuss the concerns and to bring it to their attention.

John Parry said that the biggest challenge is when variance requests go to the ZBA they are not previously viewed by the Conservation Commission. He said it would be helpful for the ZBA to inform the Conservation when there is a variance request that impacts the Commission.

John Parry reported that the ZBA currently has a request for the rebuilding of a garage within the wetlands on Durham Point Road that they approved.

10) Administrative - financial reports

Chair Welsh noted that an additional \$10,000 has been added to the Conservation Fund from a property on Mill Road. She also noted that none of the funds committed for the Management Plans have been used. The Commission will ask Mike Lynch and Stephanie Frazee to attend the January meeting to discuss the Management Plans.

Chair Welsh also reported that the proposal for trail expenses was held due to a request for a topographic map of the area before considering the expense.

11) Other Business/Announcements/Reminders?

a) The next regular meeting of the Durham Conservation Commission will be held on January 8, 2015.

12) Adjournment

Diana Carroll MOVED to adjourn the December 2014 Durham Conservation Commission meeting at 10:00 pm; this was SECONDED by Coleen Fuerst and APPROVED unanimously.

Respectfully submitted by,

Sue Lucius, Secretary to the Durham Conservation Commission