

Approved: June, 2016

Town of Durham Conservation Commission Meeting
Thursday May 12, 2016 @ 7:00 PM

Members Present: Chair Robert Sullivan, Otho Wells, Barbara Dill (Planning Board Representative), Diana Carroll (Town Council Representative), Dick Wollmar, Ann Welsh, Michael Morneault, Sally Tobias, John Nachelly, Coleen Fuerst

Others Present: Zach Taylor, Joel Destacio and Colin Lawson

- 1) Call Meeting to order, recognize members present.

Chair Sullivan called the May 12, 2016 meeting of the Durham Conservation Commission to order at 7:02 pm.

- 2) Agenda Approval

Chair Sullivan said he will be adding a presentation, Riverside Pickering – permit for a dock.

- 3) Public Comments – there were no Public Comments made at this meeting.

- 4) Presentation –

- a. Dock at 21 Deer Meadow – presented by Zach Taylor of Riverside Pickering.

Zach Taylor said that the property at 21 Deer Meadow has an existing docking structure which is damaged from years of use and the new owner would like to file a permit by notification to replace the dock in kind. He said it is a straight forward project and they are seeking a positive recommendation to the State. Mr. Taylor said the existing structure is 75 feet by 6 feet wide with a 24 foot access ramp from the top of the slope to the start of the dock. He said the work will be performed from their crane barge next to the existing dock. Mr. Taylor said they will begin by removing the old dock, installing new pilings, setting up staging and then build up the structure and install the gangway and float.

Mr. Taylor said the piling work will be done at low tide and once the staging is up the work will be performed throughout all the tides. He said any work below high tide will be done at low tide to prevent sedimentation and the piles will be driven.

Chair Sullivan said the recommendation from the Natural Heritage is missing from the application.

Mr. Taylor said they received a response this evening and they state that based on the project and size there is no concern with natural communities from their data base in the area.

Dick Wollar MOVED to recommend the application as presented; this was SECONDED by Coleen Fuerst and APPROVED unanimously.

- b. Trout Unlimited (Oyster River Forest Permit)

Permit for Oyster River Forest

Joel Destacio and Colin Lawson presented the permit for the Oyster River Forest Permit.

Joel Destacio said that he and Colen Lawson work for Trout Unlimited in New Hampshire and they would like to discuss a project they are applying for to DES. He said it is a wetland restoration project on the Oyster River Forest easement. Mr. Destacio said the project is a habitat restoration project to go into small tributaries that are lacking large wood (logs greater than a foot). He explained that the lack of wood changes the behavior of the stream and the water velocity increases; which is not ideal for native fish species (they prefer slower water movement). Mr. Destacio said their goal is to implement large wood installations into streams where they will be most beneficial and change the hydrology of the stream channels, slowing velocity, creating pools, creating shade and supporting breeding. He said there is also an impact to the nutrient cycling which is being studied by a UNH graduate student. Mr. Destacio explained that the graduate student is studying nutrient cycling and nutrient loading impacting the Great Bay and she will also study the wood installation at select sites to see how wood can impact the nitrogen cycle of the waterways.

Coleen Fuerst asked if they had considered relocating a family of beaver into the area and have them provide wood in the stream naturally.

Mr. Destacio said it was an interesting idea but not one they had considered. He noted that beavers could be relocated but there is no guarantee that they would have the impact to the stream that they are seeking. He said the beavers could create massive ponds and they are looking for small and minimal impacts.

John Nachelly asked where the work will be performed.

Mr. Destacio said there is a small tributary that runs through the field and the new stream crossing is their downstream. He said 1100 feet upstream of that road crossing is the approximate area where work will be performed.

Mr. Wells noted that there are no large trees along the stream and asked where they will get the logs and how they will be transported to the areas where they are needed.

Mr. Destacio said there is approximately 100 to 150 feet of clearing in each direction, so the trees would be sourced from the perimeter tree line and carried by hand to the stream. He said they use straps with handles and man power to transport the logs. He said they most likely will cut the wood to the desired length prior to the moving them to the stream.

Ms. Dill asked if the shade in the stream is to reduce the temperature of the stream.

Mr. Destacio said that creating a canopy cover will keep the waters cool. He said that with fish small differences make a huge impact and the fish in these streams are cold water species. Mr. Destacio said that at some places they will lay logs across the stream (bank to bank) to create a canopy where areas are exposed to the sun.

Mr. Nachelly noted that the stream does not have a lot of pitch to it and asked if that makes a difference.

Mr. Destacio said that when there is a big pitch they try to slow water velocity but here there is not a big part of the project because the velocity is not that high here with the minimal slope.

Mr. Nachelly noted that the stream dries up quite a bit in the summer.

Mr. Destacio said it does dry up and said they have been taking water perimeter measurements since the summer of 2014; and noted that last summer 2015 it was very, very, dry. He said the installations can create a more permanent type of habitat for the species.

Ms. Fuerst asked if any species will be adversely affected.

Mr. Destacio said they do not see any that the project would be detrimental to. He said the project would benefit fish, macro invertebrate population and species that feed on those invertebrates – cascade of beneficial effects.

Ms. Fuerst asked what the dissolved oxygen content of the stream is in the summer.

Mr. Destacio said that they have 2014/2015 data which he can send to Ms. Fuerst.

Mr. Wells asked when the work will begin and how long will it take to complete.

Mr. Destacio said when the work will begin depends on when they are able to get a permit from DES and the work will take one day in the field. He said they will cut the trees prior to the tree cutting moratorium for tree bats (June 1st to July 31st) and then perform the installation at a later date once the permit is received.

Ms. Fuerst asked how long the wood lasts before it rots.

Mr. Destacio said that trees like birch breakdown quickly (10 yrs. or so); oak/maple takes significantly longer. We will place some wood for future use anticipating the degradation of the wood and how it will affect the streams.

Ms. Fuerst said there is a side concern about adding biomass into the stream that will breakdown.

Mr. Destacio said that in a perfect world we could quantify that; but we do not expect the nutrient input from the wood in the streams to have a noticeable impact on the nutrient content. He said the slowing of the water and the reengaging to the flood plains helps with the nutrient content that gets flushed into Great Bay. He said they will be monitoring the nutrient cycling in the area.

Mr. Destacio said they are awaiting the Fish and Game biology review for this area. He said that Kim Tuttle of Fish and Game responded and noted there are brook lamprey upstream; Fish and Game biologists are reviewing the project. Mr. Destacio said when they get the go ahead from Fish and Game they will be included in the minimum impact packet to DES. He said they are asking for a signature from the Conservation Commission for the minimum impact application when they receive the assessment from Fish and Game. He said the permit is for the wetland work which is why the trees can be cut before the permit is approved. Mr. Destacio said they would coordinate with Brooke Smart (NRCS) on the tree cutting and other work in the area.

The members agreed to approve the minimum impact application for the Trout Unlimited project at Oyster River Forest when it is available.

5) Minutes: Review/Approve – Draft March/April

Ms. Carroll noted the correction of her first name in the minutes.

Otho Wells MOVED to approve the minutes as amended; this was SECONDED by John Nachelly and APPROVED unanimously.

6) Old Business

a. Oyster River Forest – status update

Sally Tobias reported that the Land Stewardship Committee met that afternoon and discussed the Oyster River Forest. She said that Malin Clyde provided an overview. Ms. Tobias displayed a map with the proposed ADA trail, parking area, and bridge noted on it. She said the first portion of the project will be ready to move ahead once the final contract is signed. Ms. Tobias noted that they will begin the work with the bridge.

Mr. Nachilly asked Ms. Tobias to ask the Committee to review the location of the parking area to see if it is safe and in the appropriate location. He suggested having the parking closer to Mill Road by the dirt turn out.

Ms. Tobias said that the gate needs to be ADA accessible. She said the group is continuing their fund raising efforts; funds are needed for the parking area and the gate. Ms. Tobias said the Trust Fund has been approved, so the funds will go through that account.

Mr. Wells said he is concerned about the location of the ADA trail. He said there will be traffic in that area by log trucks etc. Mr. Wells said it appears that the trail is outside of the pipeline area.

Ms. Tobias said it is along the pipeline right of way.

Mr. Wells said that area will be open to some vehicle traffic. He noted that currently there are three test holes dug there, due to a leak. Mr. Wells said that type of activity would upset the ADA trail. He said the trail should be outside of the pipeline right of way or on the edge of it.

It was suggested by several members that the trail be moved to the edge of the right of way.

Mr. Nachelly said the focus is on Spruce Hole, the ADA trail and completing the ring trail around Spruce Hole using the existing woods road and building up the trail on other side of the bridge (east side) connecting with UNH property. He said the last 100 yards of woods road is very wet and unpassable, that needs to be addressed.

Mr. Wollmar said those points will be discussed with the Committee.

Mr. Nachelly said that UNH plans to repair their trail to connect with Durham's trail. He said they will have access to funds as part of a matching grant. He said it is important to improve the UNH paths and having someone from UNH involved in the discussions might be helpful.

b. Mill Plaza project – status update, June 8

Chair Sullivan noted that the meeting regarding the Mill Plaza has been postponed until June 8th.

Barbara Dill noted that the Planning Board will be receiving plans for the project by May 25th for review before the Planning Board meeting on June 8th. She said there will also be a TRG meeting regarding the project before the June 8th Planning Board meeting. Ms. Dill said the project has hired a Planning Group from Boston, (Cecil Group) that has provided an impressive plan for Dover to reconfigure their traffic patterns. She said the same architectural firm is being used but the new company will also assist with many of the public comments regarding traffic concerns.

c. Doe Farm work on invasive plants

Ms. Tobias reported that the Town is cutting back on invasive plants at Doe Farm now and will go back in the fall and apply "Round Up" in spots.

Ms. Carroll said that invasive species have been a problem at Doe Farm for a long time. She suggested having a maintenance program schedule for conservation properties in Durham (to include invasive control) on a rotating basis for work being done at different properties.

Chair Sullivan agreed saying the plan needs to be systematic. He said it would be good to put something in place this year.

Mr. Wells noted that different organizations coordinate and maintain different properties (such as the trustees, Parks and Recreation, Agricultural Commission, etc.)

Ms. Tobias said that a clear list of who is in charge of which land would be helpful.

Mr. Wollmar that a plan be written and then decide who takes responsibility for what.

Mr. Nachelly noted that the Town of Madbury had a similar plan for mitigating their fields and they would do a different property every year; this would keep invasive species from encroaching too much.

Thompson property:

Mr. Nachelly said that he walked the Thompson property and said it is an interesting property but that it also has a lot of invasive species. He said they reviewed photos from 1970 (field was 20 acres), and in 1950s the area was completely clear cut and was a dairy farm. He said that as the forest has grown up invasives have encroached on the field. Mr. Nachelly said there are significant challenges getting to the field from Wednesday Hill Road. He said the property could be part of a conservation trail networking and that there are areas along the river for recreation. He said the challenge would be maintaining the field and suggested instituting a cut or pull program to stop the invasives and define the field boundary. Mr. Nachelly said they could work on a plan to have a network of trails to go down to the river (non-sensitive areas – stay away from water intake area).

Chair Sullivan suggested creating a vision for the property and then seeking out volunteers to implement the plan.

d) Land Stewardship 2016 efforts –

Chair Sullivan suggested that the invasive/property plan be the Commission's big effort to take on for 2016.

Ms. Tobias said the plan should be organized and concise and should be discussed with the land stewardship committee.

Chair Sullivan summarized that the members agree that the Thompson Forest will be a good project to take on this year to determine how to lay trails and attempt to remove as much invasive and field definition as possible in 2016.

Chair Sullivan said Ellen Snyder will be doing a plan for the Thompson Forest and will have that available in a few weeks.

7) New Business

a. Conservation garden/bioretenention area maintenance

Chair Sullivan reminded the members that the Conservation Garden/Bioretenention Area is located next to Sammy's Market in the parking lot behind Youngs Restaurant. He said the area requires some maintenance.

Ms. Carroll said the area is similar to a rain garden with the added benefit of being able to monitor nitrogen levels. She said the monitoring has shown that it has lowered nitrogen levels in the area.

b. Strategic Plan - roles on Conservation Commission–

Chair Sullivan said that former Chairs have suggested it is helpful for the members to define roles on the Commission. He said he would write a list of the Commission's ongoing efforts and people can volunteer for specific roles.

c. NHACC – annual meeting – Robert will forward email regarding the annual meeting.

d. A Project for the Fall- Thompson Preserve (name not finalized yet) –

Chair Sullivan said he will work with Oyster River Middle School and High School students at Beard's Creek on invasive control. He noted that there are fish in Beard's Creek (good news)

Otho Wells MOVED to recommend naming the Thompson property the Thompson Preserve; this was SECONDED by Barbara Dill and APPROVED unanimously.

8) Ongoing Business/Tasks/Working Groups

a. Land Protection – Powder Major project –

Robert: fundraising – he distributed brochures with a list of ongoing fundraising activities. Yesterday received draft easement language – will forward the email to the members. Lays out rules; couple groups, couples sources of funding – language needs to be reconciled to all the groups. Once that is finalized will go to the town for final agreement and acceptance.

Diana: Martha twombly forest society – 35 people on tour of property last Saturday – great turn out.

Robert: forest society communications director would like to interview the commission regarding this property and the project. Anyone that would like to assist and provide comments is welcome. I will forward that email and invite.

John: I would be willing to provide feedback – key property to tie in with other properties to create a regional greenway path across towns.

Diana: cooperative effort between three towns, goss family and nh forest society.

b. Land Stewardship – 2016 efforts – this was discussed earlier in the meeting.

c. Permits –

i. 21 Deer Meadow (dock) – this was discussed earlier in the meeting under presentations.

ii. Eversource tour – Robert has a copy of the wetland permit (box full of huge three ring binders) for review by interested members.

Robert: invitation from eversource to attend our meeting and explain/discuss the permit. We should read it and then have them come before us.

Sally: is there electronic copy?

Coleen: ask them for an electronic copy with maps/pdf files of everything. Then we can divide it up. This is important.

Robert: I will ask for an electronic copy.

Mike: has the town asked for the con com input?

John: read the summary of the permit application – it provides a lot of information. 60 wetlands will be impacted - .09 acres – footings for the towers.

Coleen: expanding right of way when putting in the towers. Crisscrossing through Durham following the right of ways – should address it

John: from con com perspective our review is the wetlands; right of way is a different issue. If there is additional right of way issues

Mike: impact installing the footings?

John: yes, temporary impact – permanent impact is only .09 acres

Robert: what type of machinery will be used and how will it be there in the area.

John: I will need to recuse myself on any votes since I work for Eversource.

Dick: is that the amount they are mitigating?

John: that is the impact – we can analyze by the summary. 60 different wetlands – look at the maps for tower location and their proposed access, how installing the footings, etc.

Mike: has this project moved forward anywhere else in the state – that we can discuss with other con coms?

Robert: site evaluation committee has its own set of rules that they operate under – some local control is bypassed.

Barbara: durham and unh will become intervenors; not sure what that means to us? May give us a voice.

Robert: I will keep the hard copy – read it this weekend and pass it on and I will ask for an electronic version for all the members to read.

John: check the madbury records – they expanded themadbury substation fourteen years ago – wetland impact and mitigation – asked for some buffer trees to hide new construction – this does not involve a substation – only wetland impact of tower structures.

Robert: do we want a presentation in june/july?

John: useful for us to be familiar with key points and know what we are concerned about

Mike: timing – how long before it is approved?

Coleen: submitted on april 12th – the town has two weeks to review and can delay it for 45 days.

Robert: I will email todd; ask about timing, ask for electronic version and ask for a presentation from eversource.

John; it is a multi town permit – we will focus on the durham portion

9) Board and Council Reports

a. Town Council:

Diana – last week sally and I attended the healthy lawns/clean water forum at Exeter HS – 2.5 hours with many speakers; Great Bay Piscatqua water keeper, Conservation Law Foundation, beyond pesticides executive director – lots of information. Non point sources are difficult to deal with. Town of Exeter has been very involved in educating their residents about having healthy lawns without creating issues for ecosystems – passed an ordinance that prohibits use of chemical fertilizers in aquifer protection zone (large). Remind people that what is put on the land will get into the water – important.

Barbara: is there information about this on their website?

Diana: yes, a fair amount. They have a natural resources planner.

Town Council: working on goals for 2016 – would like commissions read them and take them to heart – if have any input please provide it to them. Budget goal came up – consensus to be careful of the operating budget because the capital budget is large – projects (police station renovation 1.7 million dollars, fire station renovation (no sprinkler system), discussed looking at land use change tax as a means for funds. This comes up over and over again. 100% goes to conservation commission – in many other municipalities it is less than 100%. Councilor Lawson said that looking ahead there may not be a lot of development coming up (especially in the near future) so there may be very little money coming in and would not benefit the general fund of the town.

b. Planning Board- Barbara –

we passed the historic district revision of their ordinance and will go back to the town council to be formalized. Passed a goat ordinance – miniature goats – dehorned – if males neutered –very similar to chicken ordinance – good companions for each other.

c. ZBA – sally – meeting was cancelled.

Encourage use of town lands – discussed ease of accessibility. Malin said there is a source where we can put maps and information (trail finder.com) for residents to access. Malin would like to come to us and discuss Trails and economic development connection will be discussed – encourage more use and outside use and tie it in with businesses in town – help with economic development.

Coleen – a lot of forests in NH have not been managed well and have a lot of biomass. Make resources more accessible overall; not just on trails. Use removed invasive species and fallen trees by removing them and putting through a pyrolyzer (create charcoal) to break the cycle – will send information regarding this to the members – tie the concerns of the community regarding town properties. Emerging technology – interesting.

Barbara: destroying animal habitats?

Coleen: clean up forest and create better habitats –

10) Administrative -

11) Other Business/Announcements/Reminders

- a. Powder Major activities for the summer
- b. Septic Training – May 14

12) Adjournment

Sally Tobias MOVED to adjourn the May 2016 meeting of the Durham Conservation Commission at 9:12 pm; this was SECONDED by Barbara Dill and APPROVED unanimously.

Respectfully submitted by,

Sue Lucius, Secretary to the Durham Conservation Commission