

Approved: July 14, 2016

Town of Durham CONSERVATION COMMISSION MEETING
Thursday June 9, 2016
7:00 PM

Members Present: Robert Sullivan, Chair; Coleen Fuerst, Regular Member; Otho Wells, Regular Member; Sally Tobias, Alternate; John Nachelly, Regular Member; Diana Carroll, Council Representative; Barbara Dill, Planning Board Representative

Members Not Present: Dick Wollmar and Michael Morneault

Others Present: Mr. Dobbs

- 1) Call Meeting to Order. Recognize members present.
- 2) Agenda Approval

Chair Sullivan suggested adding two presentations to the agenda.

Barbara Dill MOVED to approve the agenda as amended; this was SECONDED by Sally Tobias and APPROVED unanimously.

- 3) Public Comments (If Needed)
- 4) Presentations – Renner

- a) Renner property on Newmarket Road (Rick and Susan Renner, 28 Newmarket Road)

Mr. Renner said they anticipate selling a 5.5-acre lot adjacent to their home. He said that 600 feet about the Oyster River and Mill Pond. Mr. Renner noted that they would like to protect the portion of the property that leads into Durham and therefore are planning to build, install septic system and well where noted on the plan. He said that the proposed plan will require approvals from the Conservation Commission and ZBA.

Otho Wells noted that the Conservation Commission needs to comment on the location of the well.

Ms. Carroll explained that a conservation easement is on the Mill Pond property (including Route 108). She said the Town was anxious to do that to preserve the view scape of Durham's entrance. Ms. Carroll said the Town paid \$140,000 toward the Conservation Easement. She said the plan by the Renner's takes into account the Town's wish to preserve the view scape and the conserved land on the Mill Pond property.

Chair Sullivan said the key question for the Conservation Commission is the question of the location of the well and its impact on the river and the setbacks.

Mr. Nachelly asked what the setback requirement is for the well, well head and radius from the river.

Chair Sullivan said the well is a permitted use in the shoreland setback and the wetland setback and noted that the septic system is located in the setbacks and will go before the ZBA.

The members asked what the Renners' will be going before the ZBA for approval.

Mr. Renner replied that they are asking for two variances for the Clean Solution septic system (one tank will be in the buffer zone of the wetlands and the septic pipe will also be in the setback). He said they are here tonight to ask for any comments regarding the building of the well.

Chair Sullivan summarized that the members have no issues with the construction of the well where it is being suggested. He will write a letter to the ZBA and Town Planner Michael Behrendt.

b) Martha Twombly re Powder Major Project

Ms. Twombly thanked the members for their recommendation to use Conservation Funds to support the project. She said an application has been put in with the Durham Town Council regarding the use of the Conservation Fund. Ms. Twombly said they have received funds from LCHIP, DES ARM Mitigation, MOOSE grant, Great Bay Protections Grant and NRCS Federal Program and the Davis Conservation Foundation. She said they are just beginning the public portion of their project and they will be doing a series of events including activities on the properties.

Ms. Carroll said that they will be inviting the members of the Conservation Commission and others to a meeting regarding the project.

Ms. Twombly said they have held neighborhood meetings so they are aware of the project. She said they currently have \$1,100,000 which is approximately half of the funds they require for the project. Ms. Twombly said they will be setting field visits and holding their annual meeting at Three Chimneys Inn on September 24th. She said on that day they will hold a field trip on the site and their quarterly magazine will have a large article on the project. Ms. Twombly said the goal for the fundraising is October 31st and the closing (if all goes well) will be in January 2017. She said they are open to suggestions for the fundraising campaign. Ms. Twombly asked if they would be able to put up a display of the project in the Town Hall building and provided flyers to the members.

Mr. Nachelly said that he was surprised that they were not promoting equal access for all forms of recreation – such as cycling and horseback riding – which is not a granted right of the property at this point.

Ms. Twombly said those types of activities will be allowed on certain trails and will be somewhat controlled but will be allowed. She said they want to continue the uses that are there; but due to other issues wheeled vehicles do need to be controlled to some degree.

Chair Sullivan said the Commission still needs to review the wording and can make comments. He asked if cycling has been explored and rejected.

Ms. Twombly said she needs to review it to see what is allowed and what is managed. She said there will be a full ecological assessment, management plan and timber assessment. Ms. Twombly said the towns will be part of the discussions as well.

Chair Sullivan will forward the deed to the members for their comments.

Otho Wells said the property will require a lot of signage with the number of trails and restrictions.

c) John Dobbs, BioChar

Coleen Fuerst said the concern was managing Town properties that are beginning to overgrow to allow better access. She said that Mr. Dobbs heads and Institute associated with MIT.

Mr. Dobbs said he was employed by MIT and MGH and is an affiliate associate now. He said he understands that the goal is to make the forest more accessible and he would like to see the forests become large open areas with large trees and grazing animals such as deer and elk. Mr. Dobbs said his project is to develop a pyrolizer; which makes charcoal and can be used to maintain forests. He said that the Town of Durham could accomplish this with mowing with a brush hog and annual burnings.

Chair Sullivan asked for his recommendations for management to deal with invasive species and undesirable trees in forests.

Mr. Dobbs recommended mowing, chain saws and chipping of the materials. He also suggested turning the debris into charcoal and leaving the charcoal in the forest which would be good for the land. He said the natural state of a forest is little trees, bushes, vines and jungles – that is what occurs if nothing is done to forests and that is what Durham has.

Ms. Fuerst asked what the next step would be to do with carbon so that it will not decay and return to the environment.

Mr. Dobbs said if the chips are converted to charcoal it can be buried or left on the land and it will stay as charcoal for many thousands of years.

Mr. Nachilly asked what the energy cost would be to make the charcoal.

Mr. Dobbs said for every one ton of carbon sequestered approximately 70% is sequestered and 30% is used in the process. He said they are in the process of developing smaller, more efficient pyrolizer that use greater pressure; it is an emerging technology that Durham could participate in the development as a pilot project. He noted that fallen, decaying trees should be left in the forests or removed.

Ms. Tobias suggested burning the invasive species to ash annually.

Chair Sullivan asked when controlled burns to forests should be done and how it should be done.

Mr. Dobbs said annual burns and sheep are good for turning not so good land into good land. He noted that the pyrolizer is the size of an ash can and will be fueled by inflammable gas (natural gas); then the gas is collected and is then used to fuel the machine in the future. He said the beta machine will most likely be fueled from a battery.

Chair Sullivan said they would be interested and thanked Mr. Dobbs for providing the Commission the information.

5) Minutes: Review/Approve - Draft April/May (5)

Sally Tobias MOVED to approve the May 2016 minutes as amended; this was SECONDED by John Nachelly and APPROVED unanimously.

6) Old Business (10) a) Oyster River Forest – Project update b) Mill Plaza project – Status update from TRG meeting

Chair Sullivan said that the contract was signed for the Oyster River Forest.

Ms. Tobias said they are still looking to raise the rest of the funds needed for the project. She said there will be a fundraiser this coming week. She said the July Stewardship meeting will be held at the Forest at 4:00 pm.

Chair Sullivan will ask for a start date for the Trail project and forward that to the members.

New Business (30)

a) Thompson property binder – report and recommendations

Chair Sullivan displayed the Thompson property binder that was compiled by Ellen Snyder. He noted there is a ten-year plan included in the binder for the property. Chair Sullivan said the initial project discusses cleaning up invasives, constructing parking and working on trails.

Mr. Nachelly suggested clearing brush for a parking area and determining a defined path to the field which would allow “work parties” to occur in the area. He noted this would provide a foot print to manage the field (bush hog to remove invasive species). Mr. Nachelly volunteered to coordinate this work; Chair Sullivan volunteered to assist.

Mr. Wells said that parking needs to be done first since there is no place to park on the road.

Mr. Nachelly agreed; saying it would not be difficult to do.

Ms. Tobias said that the Town will clear enough space for four parking spots. She said after that the Town would like to see the Commission/Stewardship Committee work on the invasive species.

Chair Sullivan said the approach depends on the species, tools, how much man power is available.

Mr. Nachelly suggested defining a path to the field after parking and then work on the invasive species.

Chair Sullivan encouraged other members to speak with Mr. Nachelly about assisting in the project.

Ms. Carroll suggested having a set of the notebooks in the library as well as in the Town Hall. She said the Library Director should be consulted on this and suggested that a Durham section in the library would be helpful.

b) Trees downtown – installation and maintenance

Chair Sullivan said emails were distributed regarding the large white pines in front of the Durham Library that are struggling due to compromise during construction. He said that John Parry explained that during construction a proper buffer area around the tree was not maintained. Chair Sullivan said this is an issue the members should be aware of when discussing projects. He said the second issue regards trees downtown near The Candy Bar that are in distress. Chair Sullivan said there is the issue of the trees not being installed correctly (not enough space), not having proper maintenance and again being affected during construction that has occurred. He said it was suggested to have an individual be responsible for care of the trees.

John Nachelly suggested having the sororities or fraternities adopt trees in town to care for them.

Mr. Wells suggested the fraternity AGR as a good candidate for such a program.

Chair Sullivan said these issues regarding trees and plantings should be considered when reviewing the Mill Plaza project.

Ms. Carroll suggested that the Commission should make the Town Council aware of the issues with the trees downtown and/or have John Parry make a presentation regarding the trees. She also noted that the issue of the costs of maintaining the trees is frequently raised. Ms. Carroll noted that the Town Code enforcement officer is responsible for making sure codes regarding the plants are enforced and the Town Engineer is responsible for any issues regarding runoff etc. in projects. She said the Commission could make their comments known to ensure that these issues are being considered and enforced.

The members agreed and suggested the Town using John Parry's expertise when reviewing proposed projects.

Barbara Dill said that the Town Site regulations have been updated and include extensive regulations regarding plantings in projects. She noted that the project hires a landscaper to determine what will be planted and is then reviewed as part of the project.

Chair Sullivan will invite Mr. Parry to attend the July meeting to discuss the issue of trees in the downtown and during development.

c) Bird banding project from UNH

Chair Sullivan said there is a UNH student who is studying birds that will be perform a project on the North 40 property. He will distribute an email to the members regarding this project.

c) 2016 Town goals

This item was deferred until the July meeting. Ms. Carroll will make a presentation on this at that time.

8) Ongoing Business/Tasks/Working Groups (30)

- a) Land Protection - Powder Major project – This item was discussed earlier in the meeting.
- b) Land Stewardship

Sally Tobias noted that Mike Lynch provided an update on erosion work being performed at Wagon Hill. She said that 3M are interested in developing an interactive sign for the property to discuss the erosion issues. Ms. Tobias said that there will be more invasive clearing done on the North 40 property as well as creating a trail. She noted that Parks and Recreation will be involved in “bird walks”. Ms. Tobias said that there is a discussion on charging non-residents a fee for access to Wagon Hill. She said most of the Stewardship Committee members are in favor of charging this fee due to the heavy use of the property by non-residents.

Mr. Nachelly said that charging for properties could be precedent setting and may affect properties like Power Major.

Ms. Carroll suggested having an agenda item for a future meeting to discuss the issue of instituting a charge of public lands in Durham. Chair Sullivan agreed.

- c) Permits – There were no new permits.

9) Board and Council Reports

- a) Town Council Carroll – No report for this meeting.
- b) Planning Board and TRG – Barbara Dill circulated the latest plans for the Mill Plaza project. She noted it includes an attempt to show how the site will be developed. She said the Hannaford building will stay where it is but expand a little. She said the Planning Board rejected the plan as proposed. Ms. Dill said it was made clear that the removal of the park was not favored by the Town. She said all conservation questions that have been raised regarding the project have not been addressed, determined or decided. Ms. Dill said there will be some remediation work done on College Brook upstream and it has been suggested to coordinate with that effort. She said the landscaping or lack of landscaping of the project is one of the criticisms of the project. Ms. Dill said the plan is for them to return September 14th with a new plan.

Ms. Carroll suggested that the members listen to the Planning Board meeting and hear the public comments and the board member comments. She said it will help to understand the project. Ms. Carroll said that the Planning Board told the project developers that they do not meet the conditions.

Ms. Dill said the Public Hearing on this project is still open; so people can still send comments to the Planning Board. She said all the citizen comments regarding the project are on the website. She explained that the drawings were done by planners hired by the developer so it does not include architectural drawings.

- c) ZBA Tobias – There was no report for this meeting.

10) Administrative – Chair Sullivan said there \$25,000 unencumbered funds in the Conservation Fund.

11) Other Business/Announcements/Reminders-Next regular meeting will be July 14, 2016

12) Adjournment

Otho Wells MOVED to adjourn at 9:15 pm; this was SECONDED by Sally Tobias and APPROVED unanimously.

Respectfully submitted by,

Sue Lucius, Secretary to the Durham Conservation Commission