

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

DURHAM CONSERVATION COMMISSION

MONDAY, JANUARY 27, 2020

7:00 P.M.

DURHAM TOWN HALL COUNCIL CHAMBERS

Members present: Bart McDonough, Chair; Jake Kritzer; James Bubar; Jim Lawson; Walter Rous; Maryann Krebs, Alternate

Member absent: John Nachilly

Others present: Michael Behrendt, Planner; Michael Lynch, DPW Director; Dennis Meadows; Michael Sievert, MJS Engineering; Marti and Michael Mulhern, property owners; Ellen Snyder (left at 9:30 pm); Peter Walker; April Talon, Barbara Boggiano, minute taker

I. Call to order: Chairman McDonough called the meeting to order at 7:02 p.m.

II. Roll Call: The members introduced themselves. Mr. Behrendt said that John Nachilly wasn't able to make it tonight.

Chairman McDonough said that Ms. Krebs could vote instead of Mr. Nachilly.

III. Approval of Agenda: Chairman McDonough asked if there were any additions to the agenda and none were noted.

Jim Lawson MOVED to approve the DCC Agenda for January 27th 2020 as written, SECONDED by James Bubar and APPROVED unanimously, 6-0.

IV. Public Comments: Chairman McDonough said that if anyone had comments regarding an agenda item, to wait until we get to that point; otherwise, this time is for any comments on something that is not on the agenda. There were no comments.

V. **Orchard Drive Woods Project:** update from Dennis Meadows

Dennis Meadows introduced himself and said he came a year ago in January 2019 and laid out some dreams that they had for acquiring land to help the town extend access to Stevens Woods. He said he promised he would come back with an update and is not asking for a formal expression of approval. He hoped the DCC would be excited about this project.

Mr. Meadows showed the DCC a presentation on Stevens Woods and said he will recap what happened over the last year and the goals for the coming year. He said he sits with the Land Stewardship Committee, although he is not officially a member. He said it has been his observation that they have a phenomenal amount of protected land that has not been handled as a connected piece, but separately, piece by piece.

Mr. Meadows said they have identified two parcels, which seem to him to be extremely important for giving access to the town for all the rest, and one piece is Stevens Woods. He said the second piece goes from Newmarket Road to the Oyster River, and the town owns one side. He said the other side is owned by an outsider.

Mr. Meadows said he bought that piece of land and conveyed it to the town but has not done anything with it yet. He said it is adjacent to the land owned by Tom Toye, which has easements on it.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Mr. Meadows said there is potential to do something from the interest with the lands in in red. He said the other piece is Orchard Drive, donated to the School District, which held it for the potential site of a school, but decided to subdivide it for residential lots. He said about 18 months ago, and at a public hearing, was allocated to keep the land out of development, offered to the town for \$150,000 by the Oyster River School Board. He said they appointed a committee to achieve the transfer of title.

Mr. Meadows said the Town Council voted to accept the land formally and created a trust fund for the purpose of acquisition. He said the Committee started a fundraising campaign which was sufficient to buy the land and in October, it was transferred to the town and renamed in honor of Henry Bailey Stevens, the original donor of the land. He said they negotiated agreements with UNH and the NH Fish and Game to extend the trails from across the land to the center of town and Doe Farm.

Mr. Meadows said they negotiated with Eversource Energy to get a \$10,000 grant to build a large walking bridge and submitted a proposal for a grant in the amount of \$80,000 to the NH Recreational Trails Program. He said he did not know the price of the bridge but it is around \$110,000 and they would need to get the additional money from the town residents.

Mr. Meadows said this links the Orchard Drive neighborhood back to town and has been included in the 2020 Capital Improvement Plan, which calls for a construction of a small parking lot at the end of Orchard Drive in the Spring. He said the discussion was they know it will generate a lot of cars at the end and they will start work on the bridge. He said the bids are going out soon and they are in preliminary conversations with the bridge manufacturers and the bridge could be steel, aluminum or fiberglass for an optional cost. He showed the DCC various slides of the different bridge types.

Mr. Meadows said this is closure on a discussion that started 50 years ago with the Conservation Commission, which had been working to develop hiking trails through town.

Chairman McDonough thanked Mr. Meadows and asked if there were any questions or comments from the Commission members.

Mr. Rous wanted to know if the bridge would be comparable to the samples of the bridges that Mr. Meadows showed the DCC.

Mr. Meadows replied yes, it involves a good deal of engineering, and the first estimate of the bridge is that it would need to be 80 ft. long. He said Thompson Lane goes to the river and it has to go a little bit on the other side. He said the bridge needs to be flat, without steps. He said that each of the bridges shown were 80 ft. long.

Mr. Lawson said that someone would be able to walk from downtown to Doe Farm and that is very exciting to him. He said it sounds like it is a really good project.

Ms. Fuerst wanted to know if Mr. Meadows had identified the 100-year mark during the biggest flood.

Mr. Meadows replied no, they have to find an engineering firm and they will take them out there. He said they will be people to do the work and will get the necessary permits. He said they had done a 1-A archeological study and there is no reason for concern and would not be disturbing any Indian artifacts. He said they have been out there with builders and engineers and there does not seem to be a problem.

Mr. Bubar asked if they considered the normal level of the Oyster River and how far will it (the water) be above that level.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Mr. Meadows answered he did not know but it is low down to the river but they said it would be about 10 ft. above the river. He said he assumed they are people who know how to design bridges.

Mr. Bubar wanted to know the depth of the water.

Mr. Meadows replied the range is between two inches and two feet.

Mr. Bubar questioned whether someone would be diving off the platform.

Mr. Meadows responded of course there are issues of that sort but this needs to be looked at and dealt with. He said this should not block us from doing something we need to do.

Chairman McDonough asked if there were any other questions. There were none.

Chairman McDonough noted that Ms. Fuerst had arrived at 7:05 p.m.

VI. **Bennett Road Culvert Pipe:** Review of wetlands permit application to replace deteriorating culvert pipe. New Hampshire Fish & Game, property owner. Mike Sievert, MJS Engineering, Engineer. Map 15, Lot 1.

Michael Lynch, Director of Public Works said this culvert has been failing for a couple of years and it is time for us to replace it. He said the area is in the Lamprey River watershed and the water shed is high. He said they are going to need a Wetlands permit, which is a comprehensive document and everyone should have one. He said he will not go over it tonight.

Mr. Lynch said they are looking for permission to replace the existing round culvert with a different type of concrete, rectangular-shaped culvert. He said they do not have the depth there and will get us covered for the winter time. He said the Wetlands permit tells us when they have to do the work, which will be next summer at low flows, scheduled for the second week of July. He said it is a two-day project and the road will not be closed. He said they will do half, level it and put gravel down, and then, a couple of weeks later, patch it and do the other half.

Ms. Fuerst asked will there be a 50% increase in the capacity between this culvert and the old one.

Mr. Lynch replied that Michael Sievert will answer that.

Mr. Sievert said he did not know the exact percentage of increase because of the configuration of the culvert out there now, going upstream rather than downstream. He said the upstream invert is lower and the water has to push beyond it. He said it is a Tier 1 crossing with less than 200 acres contributing to it. He said it has to pass the 50-year storm.

Mr. Sievert explained that he is going with a different design. He said the downstream issues have been somewhat fixed due to the construction Rte. 108. He said the culvert has been increased in size prior to that, they were backing everything up. He said without overtopping the road, will not have the full two feet between the top of the culvert and the center of the road.

Ms. Fuerst asked about the area impacted.

Mr. Sievert replied it was increased down toward Newmarket and the State had increased the culvert crossing on Route 108.

Ms. Fuerst only the ones where there were no streams existing but not turtle crossings.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Mr. Sievert said it was improved because there was a great deal of water.

Ms. Fuerst disagreed.

There was a brief interchange between Mr. Sievert and Ms. Fuerst about the turtle culverts.

Mr. Lawson wanted to know with the real low flow, would Mr. Sievert have to put in a dam on the Lamprey River side.

Mr. Sievert responded that the chance of a real high storm in July is not probable, but they would put some temporary dams in to get the project ready.

Mr. Lawson wanted to know if this is what they could expect as being necessary, for a minor impact on the wetland applications, going forward, or is this special.

Mr. Sievert replied this is special. He said this is a new set of rules to go along with that.

Mr. Lawson said he wanted to clarify that.

Mr. Sievert said with culvert crossings, it is a three-tier process. He said this is tier 1, which is the lowest one and would have less of an application process.

Mr. Rous wanted to know if there is anything Mr. Sievert can do, on the upland side before the culvert, to catch the debris, where it is shallow.

Mr. Sievert responded the culvert out there now is 2 ½ ft. tall, 5 ft. wide and about 22 inches and cannot catch the water out there all the time.

Mr. Sievert said on the upstream side, no disturbance outside of the inlet but the coffer determines the impact from this is about 1300 sq. ft. He said this will be for construction purposes, on the outlet side. He said there is a plunge pool in the eroded area and they will try to maintain that by putting some stone in there to stabilize it.

Mr. Rous thought the problem with the culverts is they get clogged up on the inlet side.

Mr. Sievert said that the inlet is pretty wide and also the town will maintain the culverts the best they can. He said there are not a lot of trees in that location and the town will clean up the debris out there and remove the small brush.

Mr. Kritzer said there is a little pond upstream and he assumed that will go away.

Mr. Sievert said there might be some trouble in the water level there and there is not much relief to get the water away from there. He said the problem is downstream and the culverts on Rte. 108 back up, and will be opening up and not flood over the road frequently.

Mr. Kritzer said but that is a back-up to a smaller entrance.

Mr. Sievert said there might be some drop in the water level, but it will be insignificant.

Mr. Kritzer said it looks like a little pool on the upstream side and asked if Mr. Sievert would he be doing any re-vegetation in that area.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Mr. Sievert replied yes, they will regenerate, if the water level goes down, and will grow again

Mr. Kritzer said his concern is, with the culvert, the water would shrink, and wanted to know if that will open up the area to invasive plants and allow them to re-generate.

Mr. Sievert responded he did not see any invasive species as he recalled. He said he did not believe there will be a level change in the water or elevation there where the culvert is going in. He said this will level the culvert, so it will be the same elevation upstream as it is downstream.

Mr. Kritzer said he thought that Mr. Sievert mentioned the little pond is there because of the elevation.

Mr. Sievert answered that, downstream, there is a pool there.

Mr. Kritzer said that a four ft. increase in the opening of the culvert would seem to allow more water.

Mr. Sievert said they would stabilize that a little bit.

Mr. Kritzer wanted to know if they would lose the impoundment.

Ms. Fuerst said she could see where they are putting the project location on the map, and that land is controlled by NH Fish & Game now. She said when she did the site walk, it was overgrown with weeds, except where LaRoche was actively farming tracts of land. She said it used to be a nice field for hay.

Ms. Fuerst said she looked at the easement and it does state allowances for trails on that property, 6-1 and 6-0. She said the representative from Fish & Game said “even though it’s on there, we don’t have to do it. She sees that there is a high spot where Mr. Sievert is putting in the culvert, and she remembers that from skiing there. She wanted to know if it would go around that stand of trees.

Mr. Sievert responded she is right; generally, it is downstream and closes up quickly behind the outlet.

Ms. Fuerst said there is a ditch there on the south side of the outlet.

Mr. Sievert answered yes, further down.

Chairman McDonough said that the letter from Fish & Game speaks about erosion control and wanted to know if the team had selected a type of erosion control.

Mr. Sievert replied that the inlet and pool would be outlined in stone.

Chairman McDonough said that Fish & Game is concerned about biodegradable practices.

Mr. Sievert answered they have changed the netting around the silt socks.

Chairman McDonough replied okay and asked if they would be doing this in sections.

Mr. Sievert replied he believed that they will be doing one section at a time.

Chairman McDonough asked if there is a staging area.

Mr. Sievert responded yes, on the outer sheet, there is a construction schedule. He said they have decided to use this area and swap over to what they need at that time.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Ms. Fuerst wanted to know if he looked at the open requirements for turtle crossings.

Mr. Sievert answered it is not specific. He said he talked with the representative at NH Fish & Game, which identified the turtles and snakes in the area. He said they are more open to that area.

Chairman McDonough said he saw that in the letter.

Mr. Sievert replied he worked with Mike West on that.

Mr. Rous asked Mike Lynch how many culverts need to be replaced.

Mr. Lynch replied 107, it was the last inventory they did, so they are 50 years old.

Mr. Rous wanted to know if they would be upgraded as they went along.

Mr. Lynch responded yes.

Ms. Fuerst said there is a bridge on Long Marsh and wanted to know how much money was not used in time and is there a plan to replace that bridge in the future.

Mr. Lynch answered they are still looking at that, but they missed that window.

Ms. Fuerst wanted to know if they could apply for another round of funding.

Mr. Lynch replied yes, but they are not going to replace that.

Ms. Fuerst said the bridge has historically washed out.

Mr. Lynch responded that is correct, but it would be isolated when the water washes out over the road.

Mr. Lawson said they missed the deadline for the hydraulic requirements.

Mr. Lynch said that the Durham DPW analysis did not match the Town of Newmarket's analysis due to a difference of professional opinions.

Chairman McDonough asked Mr. Behrendt if this application requires the Commission to sign off on it.

Mr. Behrendt said it does allow us to go through as an expedited review. He thought that the application is accurate and the Chair could sign the form and give to the Public Works Dept.

Chairman McDonough asked if anyone wanted to speak on the application.

There was no response.

Jake Kritzer MOVED that the Durham Conservation Commission does not have any objections to the wetlands permit application from the Dept. of Public Works to replace a deteriorating culvert pipe located on NH Fish & Game property identified as Map 15, Lot 1, SECONDED by Jim Lawson and VOTED 5-1-0, with Coleen Fuerst voting in opposition. Motion carries.

Ms. Fuerst wanted to go on record that she has no problem with the culvert but she was told there was not going to be any upgrades. She said she is opposed to the expansion to the brook and there was not an engineering design.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Mr. Sievert said he did not have the final plans and maybe they changed it.

Ms. Fuerst said they did not change it.

Mr. Sievert said maybe it did not go in.

Mr. Lawson said point of order, there was a motion and we voted and we should not be having this discussion.

Ms. Fuerst said she would go along with the majority.

VII. **83 Mill Road – Conditional Use:** Conditional use application to place water line, septic lines and septic system, and frost wall on accessory structure in the Wetland Conservation Overlay District. The purpose is to convert an existing garage to an accessory apartment. Charles and Trisha Waters, property owners. Mike Sievert, engineer. Map 7, Lot 2.

Chairman McDonough read the item.

Mr. Lawson said he would like to recuse himself as he and the applicant (Charles Waters) sat on the Town Council together.

Chairman McDonough said that Ms. Krebs would vote in place of Mr. Lawson.

Mr. Behrendt said the applicant has responded to the four criteria for a Conditional Use and the Commission has a drawing of the site. He said to note the wetland on the left side of the lot and the 75 ft. buffer line is in the middle.

Mr. Behrendt said the application is to convert an existing garage into an accessory apartment and they would need to extend the water and sewer lines as well as installing an additional septic tank and a frost wall. He said they would need a variance for those two things.

Mr. Behrendt said the DCC's recommendation would go to the Planning Board on Feb. 12th but the applicants will be going to the Zoning Board of Adjustment on February 11th.

Michael Sievert, Engineer, said he is representing Charles and Trisha Waters, who are present tonight. He said they are requesting a conditional use in the buffer zone wetlands on the east side, that the property is fully developed. He said there are out buildings on the property but none of them are new.

Mr. Sievert said they want to convert their four-bay garage to residential use, which is detached from the main structure. He said, looking at the site plan, 472 sq. ft. is for utilities and 275 sq. ft. to dig around the building for the frost protection of the foundation. He said because it is being converted to a residential structure, they are required to.

Mr. Sievert said the septic will be upgraded to a clean-solution system, and were adding treatment systems to the tanks prior to that. He said they can maintain the existing field and it is not in the buffer. Mr. Rous wanted to know if Mr. Sievert is using the existing leach field.

Mr. Sievert responded yes.

Mr. Rous asked if it was already large enough.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Mr. Sievert replied no, the treatment system leach field will be more than what is required. He said the new system that is required will be one-third of the size of what is there now, 25 x 50 or 60 feet.

Ms. Fuerst wanted to know if that goes into the existing septic tank or the new one.

Mr. Sievert answered both will be in the two new ones, one will be for the new use and will pump up solids to the top tank and the other will be the new treatment tank. and he explained where they will be located on the plan.

Ms. Fuerst asked if he could describe that in more detail.

Mr. Sievert said it is a clean solution system, which means there are two compartments in the tank, the first one has the meteor in it, and aeration is pumped into that then goes into the septic chamber, where it gets filtered out. He said it is treated down BOD and COD and will be replacing the aerobic system dispersing a cleaner affluent.

Ms. Fuerst asked if the blower was going to the meteor.

Mr. Sievert replied right, the small bubbler gets attached.

Chairman McDonough asked if there any other questions from the Board.

Mr. Rous wanted to know what is in the barn.

Mr. Sievert answered just water, no sewer.

Trish Waters came to the podium and said that her son has a metal lathe and mill in the barn. She said he is an electrical engineer and wants to stay home so we want to make it a living space for him so he can continue to use the barn for his tools.

Chairman McDonough asked if the sewer line was going through to the barn.

Mr. Sievert said they will have to connect the sewer line in case they want to put in a bathroom in the future.

Chairman McDonough wanted to know if that will be in there.

Mr. Sievert responded yes.

Ms. Waters said it is her fault, she wasn't clear, they have water in the barn – there is a little sink. She said it drains into the ground. She thought maybe they could get a connection and deal with the soapy water going to the septic out there. She said it is not her intent to try and make another living space.

Mr. Bubar said he thought that was the point – to make another living space.

Mr. Behrendt said that is the barn she is talking about.

Mr. Sievert said they are talking about the other building.

Chairman McDonough asked if the buffer area extended down to the barn.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Mr. Sievert answered that the buffer area is within the 75 ft., and once you get beyond that it is outside of the buffer. He said that is why the water and sewer stop at 75 ft.

Chairman McDonough said that goes into the barn and is within the 50 ft. buffer to the proposed dwelling unit.

Mr. Sievert said the 50 ft. buffer is for NHDES for this type of wetland shown outside of the leach field.

Mr. Behrendt asked why do they have a 50 ft. buffer.

Mr. Sievert responded because it is a higher quality wetland and has poorly drained soil.

Mr. Rous said it goes to a little pond.

Mr. Sievert said it is actually a lined pond with rubber.

Chairman McDonough said that he believed Mr. Rous was talking about behind the proposed dwelling unit.

Mr. Sievert said that is a wetland there.

Mr. Rous said it looks like the 50 ft. buffer is coming off the bigger one and wanted to know if that is the setback.

Mr. Sievert replied it is, the arch in the 50 ft. drains in the driveway.

Mr. Rous said he is not worried about the 50 ft. crossing of NHDES, it is within the 50 ft.

Mr. Sievert said the leach field is within the buffer but the septic tank cannot be in the 50 ft. buffer.

Mr. Behrendt said the 50 ft. is for DES only, the septic setback is where the line is, but wanted to know if the line that goes down 125 ft. is the setback for septic systems.

Mr. Sievert answered right, the NH DES has no jurisdiction outside of the wetlands but the DES jurisdiction is the 75 ft. setback requirement.

Chairman McDonough said OK and asked if there were any more questions. There were none.

Chairman McDonough asked if any members of the public wanted to speak. No one responded.

Chairman McDonough said they would now go over the criteria for this, according to Sec. 175-61B and read each one:

1. There is no alternative location on the parcel that is outside of the WCO District that is reasonably practical for the proposed use.

Mr. Rous said he is a little ambivalent about this one. He said the existing barn is shedding water into the wetland, and it is true there is no alternative location for the proposed use, but asked if this is a special exception.

Mr. Behrendt responded he is right; the accessory apartment would require a variance.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Mr. Rous said he is having trouble getting past the first criterion.

Chairman McDonough said they are looking at the septic system, not the accessory dwelling unit.

Mr. Behrendt said the conditional use is for the water, not for the accessory dwelling unit. He said there are three things: the septic system, the frost wall and the sewer line.

Chairman McDonough asked not the building.

Mr. Rous said they did not have to worry about that as the applicants would have to get a variance.

2. The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities as determined by the Planning Board.

Chairman McDonough said they are going to install a septic line, a water line and a sewer frost wall.

Mr. Sievert said there will be sequencing, first they will probably do the insulation, then dig a shallow trench around the building which will be back-filled. He said then the utilities – the water will be 4 ft. below grade and all utility excavation in the driveway. He said the water would be easy but the sewer would come out and go across the driveway. He said it will 2 ½ ft. deep.

Chairman McDonough asked if there would be proper erosion control and soil stored separately.

Mr. Sievert responded yes, and everything else will go back in.

Chairman McDonough wanted to know if there will be temporary stabilization.

Mr. Sievert replied yes.

Mr. Rous asked about the ledge.

Mr. Sievert said it does not look like there is ledge out there so they would not have to blast but they will insulate the foundation.

3. The location, design, construction, and maintenance of the facilities will minimize any detrimental impact on the wetland and on the adjacent shoreland and water body as well as downstream water bodies, and mitigation activities will be undertaken to counterbalance adverse impacts.

Chairman McDonough read the applicant's response and said that he had satisfied that criterion.

Mr. Rous wanted to know if the new septic tanks required additional maintenance every 2-3 years.

Mr. Sievert replied that would be the standard treatment tank and will be outside the buffer by the garage. He said every 2-3 years, according to the maintenance contract, they will come in and inspect it.

4. Restoration activities will leave the site, as nearly as possible, in its pre-existing condition and grade at the time of application for the Conditional Use Permit.

Ms. Fuerst asked if Mr. Sievert will be taking beginning and after photographs.

Mr. Sievert said he has them now, the before photographs, and will have the after photographs.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Chairman McDonough said they went through the criteria and asked if there was agreement by the DCC to make a recommendation to the Planning Board for the conditional use permit.

Coleen Fuerst MOVED that the DCC make a recommendation to the Planning Board for the conditional use application by Charles and Trisha Waters, to place water line, septic lines and septic system as well as frost wall on the accessory structure in the Wetland Conservation Overlay District located at 83 Mill Road, Tax Map 7, Lot 2 by Michael Sievert, MJS Engineering. Walter Rous SECONDED the motion and it was APPROVED unanimously, 6-0. Motion carries.

VIII. **Subdivision off Gerrish Drive:** Parcel at 91 Bagdad Road. First review and opportunity for comments by the Commission on preliminary conceptual application for conservation subdivision on 16-acre parcel off Gerrish Drive. Marti and Michael Mulhern, property owners. Mike Sievert, engineer. Robbi Woodburn Landscape Architect. Map 10, Lot 8-6. Residence B District.

Chairman McDonough read the item.

Mr. Behrendt said there will be a presentation after the Commission's comments and the public can speak after the DCC speaks.

Mr. Lawson wanted to know what is the objective – to provide comments.

Chairman McDonough replied this is a preliminary discussion on a conceptual plan, and brainstorming.

Mr. Behrendt said he would give a quick overview and that he had put key documents in front of the DCC members regarding the Mulhern subdivision. He said it is very complex and he e-mailed everyone a link to the Planning Board website, where there are a lot of documents. He said they will see this again over the course of the month.

Mr. Behrendt said it is a conservation sub-division with more than three lots, and it has to be developed as a conservation sub-division, with open space. He said they have developed small portions of the parcel.

Mr. Behrendt said there are three steps required for a preliminary conceptual plan: provide information on resources on the site; the abutters have been notified; and a design review. He said the Planning Board holds the public hearing on the formal application when all the information has been submitted, so they are still on the first step.

Mr. Behrendt said the Planning Board has looked at this in December and January and will look again on February 12th. He said the DCC can start to look at it now and offer comments on this to them now. Mr. Behrendt said the DCC will have to provide a recommendation on the Conditional Use as there are wetlands on the property and the applicant proposes to cross there. He said the right-of-way is owned by the town. He said there is a wetland and the 75 ft. buffer is adjacent to that.

Mr. Behrendt said that he has not spoken to the criteria at this point, but the applicant will go over that with the Conservation Commission. He said a number of residents of that subdivision have expressed concerns and some are here tonight.

Mr. Rous asked if there is a site walk scheduled.

Mr. Behrendt said the DCC would want to go at some point.

Chairman McDonough said they will discuss that later.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Mr. Rous said it seems complex and he had never walked that area.

Chairman McDonough agreed.

Mr. Kritzer said, for tonight, they are here to get informed about the concept and wanted to know if they have to vote.

Mr. Behrendt said ultimately, the Planning Board will approve the project or not. He said the DCC does not have to provide comments, but they can do so in any form they see fit.

Mr. Kritzer said he is getting the sense that this is a potentially controversial project.

Chairman McDonough felt the issue is something the DCC would want to let the Planning Board know, so there should be a vote.

Mr. Lawson wanted to know if they should go through the technical information and ask questions at that time.

Chairman McDonough said to wait.

Mr. Lawson said the comments are not binding, and, having done the site walk, he will not have all the information, so the comments are based on the information given.

Chairman McDonough said that is right.

Mr. Sievert said he will not go over that again, but he explained that the design is a pocket neighborhood, centered around the open space. He said in this case, it fits in with the conservation subdivision well. He presented the two options, Options A, B and C for the subdivision to the DCC.

Mr. Sievert said it is a 15-acre parcel. He said the overall site plan shows the location, and there is a larger wetland, 3-4 acres, outlined in the blue area, which goes down to the northwest corner and over to Gerrish Brook.

Next, Mr. Sievert showed the DCC a topography map, and has full, high intensity soil, and the site plan has a detailed inventory. He said at the southern end, there will be a private drive, which will be part of the overall subdivision.

Mr. Sievert identified the buildable areas in a circular format as white and they are flat, with no wetlands. He said there is some ledge outcrops shown in red.

Mr. Sievert explained the diagram, and said the two acres are in Madbury and the remaining 14 are in Durham. He said he is not going into the exact numbers as this is a preliminary discussion.

Mr. Sievert said the conservation area is the remainder. He said 2 ½ acres are buildable and there is a secondary conservation area, which is developable, but the lots are too small with the setbacks.

Mr. Sievert said the reason he is here is that they are trying to develop this concept and this design is the best usable area. He said the other analysis plan showed the access using the right-of-way, but they have to get across the wetland and the right-of-way is about 280 ft. in length, but two-thirds of it is wetland.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Mr. Sievert said Option A has accessibility and buildable areas and is a clustered pocket neighborhood. He said he does not love this first option as the traffic is one way. He said the layout for Option “B” would give them a larger area and Option “C” puts the road way out further and develops the center with an open space area, fully used by all the property owners. He said there is a gazebo and walkways. He said it does not show that in the area, but it is a significant piece and these are the ideas of where we would like to go.

Mr. Sievert said, looking at the different aspects of the area, their preference is Option “C”. He said it gives them the best goal to meet the design of the “pocket” area, but there is a wetland permit required for this. He said it will be fairly significant as there is a large crossing at the access and a culvert crossing at the ravine.

Mr. Sievert said they seek to fill in a portion of the wetland to open up the center. He said he is presenting the concept to the Conservation Commission tonight, and is not asking them to comment. He said if they think the conservation parameters are correct, 3 ½ acres developed, 12 ½ acres conservation, and that stays with the Homeowners Association, or another entity that maintains it, the Planning Board will schedule a site walk. He said they will go to the next step and have more details.

Chairman McDonough thanked Mr. Sievert and opened the discussion to the Conservation Commission members.

Mr. Lawson said he has a concern with the first option and wanted to know approximately how much of the wetland is wet since it is power streamed.

Mr. Sievert replied the internal streams that flow to the wetland ventures into a northern large wetland area that has a high-water table that breaks. He said in the right-of-way, about three-quarters of the subdivision flows to that corner and is tying into the northern corner.

Mr. Lawson said there are times of the year where he can walk across the wetlands and not get wet. He said he looked at the town buffer and the soil is moderately well-drained.

Mr. Lawson said he is looking at the zoning and asked why do we have buffers. He said he does have something he wanted to comment on that his thinking is that the Conservation Commission look at page 5 and see they intended to keep the buildable area outside of the buffer that protects the soil.

Mr. Lawson said with the other designs, he cannot find a compelling reason why he, as a Conservation Commission member, am comfortable with that.

Mr. Lawson said that Mr. Sievert’s objective is to have more lots to build on at the cost of the buffer that is doing exactly what the zoning intended. He thought that Mr. Sievert can work with design Option “A” and that the other two subsequent designs that encroach on the buffer will be problematic.

Mr. Sievert said the buffer is not all drained and a lot of it is ledge and some is poorly- drained.

Mr. Lawson asked do we mix it and said he would suggest a different piece. He is not an engineer, but it would be very useful to the Planning Board and the Conservation Commission to have an engineer look at it.

Mr. Sievert said the functions and values will be done by a wetland scientist. He said they are going with someone who has a wider experience because it is a conservation subdivision and 12 out of 16 acres will be given to conservation.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Mr. Lawson wanted to know what is the concept – to sacrifice our buffer for a conservation area.

Mr. Sievert responded that is why it is a conditional use because we can work in that area. He stated he was not saying they will put buildings in there, they want to push the roads out. He said it will be a narrow driveway and there will not be enough space for a 24 ft. road in there.

Mr. Lawson said he is comfortable with a variance for the wetland buffer encroachment and that, basically, the subsequent design, the whole thing, encroaches on the wetland and we are sacrificing the wetland to really give the developer a better return on their investment. He said it just makes him uneasy, understanding the conditions.

Mr. Sievert said he will come back with the final concept and reasons why, he hoped he can explain, the benefits will what we lose, small impacts in the buffers.

Mr. Lawson said it may, or may not, work.

Mr. Sievert said he understood that Mr. Lawson wanted him to lay out the options, or to explain why this option works more than the others.

Mr. Lawson wanted to know how does this work for the town.

Mr. Sievert answered this is a pocket neighborhood does not work for the style, the conservation area in the center.

Mr. Lawson asked how do “you” consider this a town issue.

Mr. Sievert replied the value of the property, with this type of subdivision and all those amenities, grows together and they will need moderately priced homes.

Mr. Lawson said he is talking about 0.0% tax base.

Chairman McDonough asked what type of soil is in that area, “B “and “C.”

Mr. Sievert responded “B” and some “C”.

Chairman McDonough asked about the septic system.

Mr. Sievert replied he is looking at some smaller septic designs.

Chairman McDonough said that it sounds like “Option C” is preferable but wanted to know what conservation value is Mr. Sievert adding? He said it is his understanding that Mr. Sievert is giving 12 acres, but he said he is filling in the wetlands.

Mr. Sievert answered he is filling in 12,000 sq. ft. and the conservation area is over 12 acres, including the wetlands.

Chairman McDonough wanted to know what other values would Mr. Sievert be adding from a conservation perspective.

Mr. Sievert said when he comes back, he will show more of the conservation recreation area.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Chairman McDonough recommended it would be more appropriate to focus on that. He wanted to know if it will be deeded.

Mr. Sievert replied all land will be. He said that subtracting the unusable land, they are taking almost 16 acres for development with the potential for 8 lots.

Chairman McDonough asked if this were to be approved, would the land be conveyed to someone as conservation.

Mr. Behrendt said it would be permanently protected as an easement to the town, the Durham Conservation Commission or a non-profit agency. He said it would be retained by the Homeowner's Association.

Mr. Kritzer said thanks for the overview, but he has a big concern with the plan, which shows how there is a lake at the larger area which is fairly extensive and the second conservation land meets the primary conservation land wetland and they interact quite a bit. He said essentially Mr. Sievert is cutting them off from one another and between the Gerrish Island neighborhood and Rte. 108, he is looking to fill in much of the wetland. He said the DCC would really be looking for ways to minimize that impact.

Mr. Kritzer said that "Option C" is the only one the Commission members have in their packets. He said one of the other options has an undeveloped quarter in the middle. He said he wants to see an analysis of what kind of an undeveloped corridor there will be and he wants to see a natural heritage of what species are moving back and forth and wants to see what species are utilizing that area which could be impacted even if they are not residing there.

Mr. Kritzer said he appreciates the creation of a modest density. He stated that his comments are not anti-development, but more of an environmental concern.

Mr. Rous said he would like to back up on that, in terms of Site Plan "A", which is the least intrusive and is tempted to leave it alone. He thought that the site walk is critical. He said in Options "B" and "C" it is not overboard in terms of designing a Town Square, more the values of the wetlands as assets.

Mr. Rous wondered when it is designed would you put it out to the parameter a lot so people can focus in on this green space. He said they might be missing out on the opportunity to reduce the road substantially with the road encroaching on the green surface and driveways leading out from that.

Mr. Rous said that this private road is such an eye sore. He said they talked about the shared septic systems and wanted to know if they had thought about shared garages, from a realtor. He said from his point of view, he does not know if that is more efficient, but it might be worth looking at.

Mr. Behrendt wanted to know if Mr. Rous meant two separate houses sharing a garage.

Mr. Rous replied maybe just two houses. He said he understands the opening but no one has talked about the access road. He said he read the comments online and wanted to know if they would have to think about that too.

Chairman McDonough replied no, they are all cul-de-sacs, which are called for in the ordinance.

Mr. Behrendt said the dead ends are not showing as a large circle. He said the Fire Dept. had input in respect to that and seemed okay not having a big circle at the end.

Mr. Sievert said 500 ft. into the intersection would be the town road, which is not shown on that.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Chairman McDonough asked if the town would be agreeable on that.

Mr. Behrendt said that the Dept. of Public Works and the Planning Board will talk about that.

Mr. Lawson said they can expect flooding in a rain event and wanted to know what does Mr. Sievert anticipate doing with the culverts insuring that, during a rain event, it does not change the characteristic of the wetlands.

Mr. Lawson wanted to know if this issue would not become a dam impacting the adjacent lots on Amber and Gerrish.

Mr. Sievert said he analyzed the drainage and flows of storms and it is designed to handle that. He said he is assured it will not back up. He said he has other design options that have back-up mechanisms which will insure that would not happen.

Mr. Lawson said it seems to be parallel with the Bennett Road project. He wanted to know that Mr. Sievert was not putting in a culvert that works but will work for different situations.

Mr. Sievert answered it will be designated with designing for increased flows. He said he does have a preliminary road design, but it is not appropriate for tonight.

Mr. Lawson said he wanted to get assurance that Mr. Sievert is looking at the scenarios.

Mr. Bubar said that with plan "C", the one issue he sees is it is a town road, which means people will want the area to be sprayed because of the ticks and wanted to know how will that run off into the wetlands.

Mr. Sievert said the green space will be a treated area.

Mr. Bubar said he is looking at the house on the outer end.

Mr. Sievert said it will come together at the center point.

Mr. Bubar asked if Mr. Sievert will be managing that.

Mr. Sievert responded all bids will be put in for vegetation. He said that area intends to be a developed area and needs to be larger. He said there will be 15-20 ft. from each other, but he did not want to get into that discussion of pocket neighborhoods. He said there is a concept central to pocket development. He said he will have to come back and prove it will work.

Mr. Sievert said they it will be six weeks from the initial start date and they have already drawn the concept. He said that Robbie Woodburn will come back, as she is working with them.

Mr. Sievert said they have met with the NH Wetland Bureau, and there is a process and regulations that they will make me do. He said he has not presented everyone yet.

Ms. Fuerst wanted to know if he was incorporating a rain garden technology in stormwater. She asked if there will be any opportunity in combining septic systems or will the people be on town water.

Mr. Sievert said they will not be on town sewer. He said he will be putting in a couple of "community" systems so they do not encumber each other.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Ms. Fuerst said that Mr. Sievert presented aerobic technology and wanted to know will he be using that in this one and why or why not?

Mr. Sievert replied it would be high on the list to use, but it may not be necessary. He said the reason is we can fit stormwater controls that will reach the fields adequately on site, given what we have. He said they are leaning toward using higher level systems.

Chairman McDonough wanted to know how far is MJS Engineering in stormwater design.

Mr. Sievert responded 10-15%.

Chairman McDonough asked if Mr. Sievert was planning on using any technology for the common space.

Mr. Sievert answered not that he has developed yet. He said he will not be using porous pavement and part of the driveways may not be paved. He said mostly it will be the rain garden and the stormwater treatment systems that will be utilized.

Mr. Rous asked if Mr. Sievert could speak about the other possible accesses to this subdivision.

Mr. Sievert replied if they want one, "A", Gerrish, we will end up using that, for the reason that it is the only legal access we have. He said the right-of-way goes out to Bagdad Road by the property that goes off to the right which provides access to three houses out there already. He said that cannot be used as access to the rest of the houses and would cut through the wetland in two places.

Mr. Sievert said the other access "C" (on the plan), to the northeast of the easement, goes on three properties, and not on this property fully and is 17 ft. wide and they cannot fit the road in there. He said on the western side, the land goes into a 30% slope.

Chairman McDonough said he will open up the floor to public comment at this time.

Kim Sweetman, 20 Ambler Way, said she would like to share her concerns, as well as her husband, Peter's, and is opposition to using the right-of-way to the subdivision. She said there is flowing water all around, which is not on the map.

Ms. Sweetman is concerned that the site map does not identify the active brooks and houses will be built along a complex network of streams. She said their property is already a wet area and is impacted because it is the lowest point in the neighborhood.

Ms. Sweetman pointed out that the right-of-way is a wooded area, and according to the project engineer, was identified in 1972, that had different conventions to develop the area. She said the intended use was for a future street, which had been formed without the knowledge of climate crisis facing us today.

Ms. Sweetman said she is not opposed to "Option A", but her concern is using Gerrish as an access and creating a road through an active stream bed. She said a lot has changed in 50 years and this subdivision deserves serious reconsideration.

Michael White, Lot 69, showed the DCC a video presentation which he had made of the area, with a sound track of the Gerrish extension, showing the streams and wetlands. He said how it is not just a bog, it is actively draining into much of their neighborhood, including his property and onto the right-of-way.

Mr. White also showed a video depicting a deer in the wooded area, which would be the right-of-way.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

John Lewis, Lot 611 said the DCC saw the videos which shows the drainage and thanked Michael for the visual of as it currently stands. He said it is a wildlife corridor, and there is talk about a future street, which would begin where the deer was standing and end where they saw the drainage.

Mr. Lewis said that there are times during heavier rains where the flow becomes a flood plain and as of yet, the wetlands seen on this right-of-way are not what you would see with flowing water versus the right of way with property lines.

Mr. Lewis said they should do another survey as he wanted to know where are those boundaries. He said he would also appreciate them getting another wetland scientist out there. He said their house is by the culvert which drains onto their property and goes over their driveway. He showed the DCC photographs of their driveway with water flowing over it.

Mr. Lewis said the entire area becomes flooded. He said the DCC saw the videos of the water flowing, but it is actually many drainage sites converging together, not just the streams. He said in times of snow melting, they have several feet of water draining there.

Mr. Lewis hoped that the DCC focuses on this and holds them (MJS Engineering) on their plans for out there. He said some is a pocket neighborhood, but the DCC should look at the Master Plan and they will see there are areas of natural resources and this property contains 50% of them.

Mr. Lewis said there is a forest and open space but wanted to know will it be wooded once the trees are taken down to build houses. He said the buffers are put there for a reason. He said he is not against development, but when it negatively impacts our properties. He said no one could build a big enough culvert.

Andrew Merton (wife Gail Kelly), 11 Gerrish Drive said the future street was established in 1972 and there are records of that transaction, but conversations of the transaction with the Planning Board are missing. He said it was the last lot on the horseshoe.

Mr. Merton said that in 1984 Don Thompson said it is a wetland and no one will be able to build on it, but they took it with a grain of salt. He said the water table is rising and what used to be a path between my house and John Lewis's is under water. He said the area of his back yard is in a low area and has been spongy. He said Mike (White) showed the DCC the videos.

Ralph? ____ said that the others spoke about things that creep up on you, things you cannot anticipate until something goes wrong. He said he listened to what is being proposed and for the water treatment and what has to be done, but this is in the wetland area and those elements proposed to build maybe the ones for somebody else. He said that they will have the homes close together.

Mr. ____ said the water will go bad and would have to be replaced during time he has been there, and his has not. He said, as an engineer, he knew why. He said in the case of the shared septic systems, he wanted to know who would be liable for repairing that if it has to be fixed overnight. He said the water will come to the top of the ground and the homeowner will not have time to find out who will pay for it.

Mr. ____ said he sees a problem there. He said they would have to pay \$30 a month for that, but there would be a \$50,000 cost to replace it. He said he would figure that out before he embarked going into such a system. He said it cuts down on the number of places they would have to go to fix it but it is only one for a number of houses.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Molly White thanked the DCC for letting them come to speak with them and said they all live in the same neighborhood. She said her and Michael moved in one and a half years ago and have been meeting as neighbors going to the Zoning Boards.

Ms. White said the proposed road is a major issue and she thought it is a great idea to do a site walk. She said where the road will be is a fully wooded area and hundreds of trees will be taken down. She said they would be building a road over the wetland.

Ms. White said the Conservation Commission should be concerned about this and take it seriously. She said it is scary to all of us living in the area as it will negatively impact them.

Chairman McDonough thanked everyone for coming down and appreciated their comments. He said moving forward, he wanted to reach out to the abutters, and they have given the DCC food for thought.

Mr. Rous said if they do a site walk, would there be any benchmarks out there for test pits.

Chairman McDonough said it is conceptual at this point.

Mr. Lawson said they should do the site walk with the Planning Board.

Chairman McDonough agreed. He said it is a result of a development denied 50 years ago because the stormwater management did not work out well. He said this parcel would not have met the standards of the day for wetlands. He wanted to know if the road goes in there, does it have to meet the standards which includes wetlands permitting.

Mr. Behrendt responded yes, before they can fill in the wetlands in the right-of-way as well as a crossing if they were to fill in the part of the “finger” it would have to be approved by the NHDES.

Mr. Bubar was concerned of issues where the town had to look at the stormwater management.

Ms. Krebs left at 9:30 p.m.

Chairman McDonough asked if anyone had any other comments.

Mr. Rous wanted to know in view of communicating to the Planning Board, does Chairman McDonough have a sense of this conversation.

Chairman McDonough said they need more information, but they do not need a motion to send to the Planning Board. He thought they gave the applicant some things to follow and some things to think about. He said they need to make a motion on anything official to the Planning Board.

Mr. Kritzer completely agreed and said the applicants heard from the DCC and the public and they have a head's up if the formal application comes before us.

Ms. Fuerst pointed out it was very insightful to hear from the residents impacted because it is hard to understand the maps the way that they were presented. She said to see the water flowing and hear the stream and the environment that we will see on the site walk that will probably give us more questions to ask.

Mr. Lawson said this process has been in place for a while and the Planner has a lot to do with it. He said they are fortunate to have people to provide input to the Planning Board. He said this process allows the applicant to come in and present drawings and things like that because it is conceptual and a lot of communities do not have this.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Chairman McDonough said it is a convoluted process, but he would like to move on and thanked everyone for speaking tonight.

IX. **Mill Pond Feasibility Study:** Presentation by Peter Walker, VHB

Mr. Behrendt said that he was speaking with Peter Walker and April Talon before the meeting and was wondering if, given the late hour, would the DCC objected to discussing this study at the February or March DCC meeting when it would be fresh. He said that Mr. Walker and Ms. Talon would check their calendars for availability dates.

Chairman McDonough wanted to know what is the timeline.

Mr. Behrendt said that Mr. Walker and Ms. Talon indicated there would not be a problem in delaying action on this.

Chairman McDonough agreed to postpone this item and said he will not set a specific date.

X **Land Stewardship Committee Update:** Update from Ellen Snyder, Land Stewardship Coordinator.

Mr. Behrendt said that Ms. Snyder had to leave and asked Chairman McDonough if the Commission felt comfortable approving the allocations without her, and if not, they would be on the agenda for the next meeting. He said the DCC members had received the documentation in their packets.

Chairman McDonough said they can do them tonight and that all these requests for funds will be deducted from the Conservation Commission Fund.

Chairman McDonough read each of the motions:

1. to authorize an expenditure of up to \$1,000 from the Conservation Commission Fund for the layout and printing of two Doe Farm historical interpretive panels for the Doe Farm kiosk.
2. to authorize an expenditure of up to \$350 from the Conservation Commission Fund for trail blazes for marking trails on conservation areas.
3. to authorize an expenditure of up to \$2,000 from the Conservation Commission Fund to have the Strafford Regional Planning Commission create standardized trail maps for Durham Conservation Areas, including for Oyster River Forest, Spruce Hole, Doe Farm, Thompson Forest, Wagon Hill Farm, Stevens Woods and Jackson Landing.
4. to authorize an expenditure of up to \$500 from the Conservation Commission Fund for work day supplies, that may include snacks for volunteers, flagging, lumber, hardware and related items.

Chairman McDonough asked the Commission members, at this point, given the information in front of them, would they want to vote on these funding requests.

Mr. Rous responded he had a question on the first one and asked didn't they already approve the panels previously. He said he could not remember what the cost was. Ms. Fuerst and Mr. Kritzer could not recall either as well as Chairman McDonough.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Chairman McDonough wanted to know if he was comfortable moving on that item or did, they want to put it off.

Mr. Bubar asked if that included installation or was that just for the panels.

Mr. Lawson pointed out that the kiosk has been built already.

Mr. Bubar wanted to know if it is being attached to the kiosk.

Chairman McDonough said the \$1,000 is just for the panels themselves and the content.

Mr. Bubar noted in the background information, within the parentheses, that there is a balance of \$360 already and he wanted to know if it spent.

Ms. Fuerst said it was not spent.

Mr. Lawson said the \$1,000, plus the \$360 in the account, should be sufficient funds to cover the panels.

Chairman McDonough said they can authorize an expenditure up to \$1,000.

Ms. Fuerst said in addition to the balance of \$360.

Mr. Bubar wanted to know if the additional \$360 gets them two signs.

Mr. Kritzer said that cost would include the layout and printing and he assumed they are large, sturdy panels.

Mr. Lawson said his opinion is that every request from Ms. Snyder has been reasonable.

Jim Lawson MOVED that the DCC approve the funding requests for the four projects, as outlined by the Chair, to be deducted from the Conservation Commission Fund, as requested by the Land Stewardship Coordinator, SECONDED by Coleen Fuerst,

Chairman McDonough asked Mr. Behrendt if it was okay if they approve all the motions together because the last time Ms. Snyder had to come back.

Mr. Behrendt said that would be fine.

Mr. Lawson said that Chairman McDonough had summarized them.

Vote was taken by a show of hands and motion was APPROVED unanimously, 6-0. Motion carries.

XI. Other Business:

Mr. Behrendt said that they have the Durham Trail Map prepared by Christine Soutter, and asked if the DCC had any final comments.

Mr. Rous said that Mr. Nachilly had some.

Mr. Behrendt said he had checked those comments and asked if Ms. Soutter can go ahead with the final version. He said that if the individual members had any comments, they could send them to Ms. Soutter.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Chairman McDonough asked if it is time-sensitive.

Mr. Behrendt replied no. He wanted to know if the DCC wanted to see the final product.

Mr. Rous said he had reservations, but thought that for Ms. Soutter's purposes, it would be fine.

Mr. Kritzer wanted to know if the location of the trees was accurate.

Mr. Behrendt said yes.

Chairman McDonough wanted to know if he needed a motion.

Mr. Behrendt responded he did not think they did.

Chairman McDonough wanted to know if there was any other business.

XII. Review of Minutes: June 24, 2019

Mr. Behrendt said they could approve the minutes in February.

Mr. Rous said they are mounting up and indicated they had gotten the July 22nd draft minutes as well and he wanted to approve those too.

Mr. Lawson said he hated to draw them back but there are inaccuracies on this map, and we should hold off. He said for instance, Dame Road does not intersect with Route 108 in Durham, but in Newmarket and Route 108 doesn't curve like that. He said he isn't concerned about that, but let's get the intersections correct and the right towns.

Mr. Lawson said they could get also get assurance that Mr. Nachilly's concerns have been addressed.

Chairman McDonough said it would be best that the DCC have the final product and if they waited until the February meeting. He said the DCC should send their comments to Mr. Behrendt.

Mr. Behrendt said he will bring back the map for the February meeting so they could present the final version to the DCC.

Chairman McDonough said back to the minutes and asked Mr. Behrendt if procedurally, could they add the July 22nd minutes to the agenda.

Mr. Behrendt said yes.

Mr. Rous said he had second thoughts and asked if the July 22nd meeting was the one that Mr. Nachilly had chaired.

Mr. Kritzer and Mr. Lawson said yes.

Mr. Rous said the July 22nd minutes should be postponed until they could receive comments from Mr. Nachilly, since he was chairing the meeting at that time.

Chairman McDonough said they should just approve the June 24th minutes.

APPROVED MINUTES – DCC MEETING – JANUARY 27, 2020

Walter Rous MOVED to approve the DCC minutes of the June 24, 2019 meeting, SECONDED by Jake Kritzer and APPROVED 4-0-2, with four in favor, none opposed and two abstentions (Coleen Fuerst and James Bubar). Motion carries.

XIII. Adjournment:

Mr. Behrendt said that this is Ms. Boggiano's last meeting. Mr. Kritzer asked if they could formally thank her and the members applauded.

Chairman McDonough thanked Ms. Boggiano.

James Bubar MOVED to adjourn the January 27, 2020 meeting of the Durham Conservation Commission at 10:15 p.m., SECONDED by Coleen Fuerst and APPROVED unanimously, 6-0, by a show of hands. Motion carries.

Respectfully submitted,

Barbara Boggiano
Durham Conservation Commission
Minute Taker