

**DURHAM CONSERVATION COMMISSION MEETING
MONDAY, JUNE 22, 2020 – 7:00 PM
DURHAM TOWN HALL - COUNCIL CHAMBERS - DURHAM, NH**

Members Present: Chair Bart McDonough, James Bubar (Planning Board Rep); Coleen Fuerst, Jake Kritzer; John Nachilly; Sally Needell and Walter Rous; Alternates Liz Durfee and Roanne Robbins.

Also Present: Michael Behrendt, Town Planner; Ellen Snyder, Land Stewardship Coordinator, and Lucie Bryar, Minute Taker.

Absent: Alternate Mary Ann Krebs

Note: Due to the Covid-19 pandemic, most participants attended via zoom video conferencing while some were in Council Chambers.

I & II. Call to Order and Roll Call.

Town Planner Michael Behrendt called the meeting to order at 7:08 p.m. and noted Chair Bart McDonough would be arriving shortly.

III. Approval of Agenda

Ms. Needell MOVED to amend the agenda to include discussion of wetlands at the Gerrish Drive subdivision. She said since the Commission did not have any follow-up discussion following their site walk in May, they missed an opportunity to submit formal comments to the Planning Board and provide useful input to the developer. Her motion was SECONDED by Mr. Rous. [The motion was withdrawn without a vote after further discussion below.]

Ms. Needell said she assumed Commissioners would submit formal comments to the Planning Board after they did a Gerrish Drive site walk, but this didn't occur. She acknowledged the formal comment period for the preliminary phase has ended, but still feels it's important to discuss the comment process itself and the wetlands involved.

Mr. Behrendt confirmed the Planning Board can no longer receive comments on the project, since the preliminary design review and public hearing have been closed. He also advised the Commission not to have substantive discussion about the Gerrish Drive proposal tonight because the public has not been given advance notice.

Going forward, he added the Conservation Commission will be asked to review the formal application (if and when the applicants proceed) to determine if it meets conditional use criteria in a wetlands. The Commission may provide additional comments at that time.

After discussion, it was agreed Ms. Needell would raise the topic of the Commission's comment process during Other Business. Mr. Bubar added he would also like to discuss the Commission's role in protecting wetlands in general.

Mr. Rous then MOVED to approve the agenda as submitted, SECONDED by Ms. Fuerst, APPROVED 7-0, Motion carries.

IV. Public Comments

Durham resident Kim Sweetman of 18 Ambler Way came forward and said on behalf of her neighbors, she would like to thank Commissioners for their attention to neighborhood concerns on the Gerrish Drive proposal and for doing a site walk. She would like to suggest Commissioners look at the Baghdad Road area.

Mr. Behrendt interjected that the Planning Board has closed the public hearing and is not allowed to take any further public input on the project at this time.

Durham resident John Carroll then came forward and said he recently discussed the Gerrish Drive project with Geologist Dwight Baldwin. He said Mr. Baldwin's view is that even with the very dry weather, there is water flowing at the intersection of Ambler Drive and the Gerrish site, indicating there may be a natural spring.

Chair McDonough thanked Mr. Carroll and said the Commission will receive a formal report from the wetlands scientist associated with the project.

V. Oyster River Bridge – *Update by Dennis Meadows about proposed pedestrian bridge over the Oyster River leading from Thompson Lane to Stevens Woods.*

Mr. Meadows is here tonight to give a progress report since last appearing before the Commission in August 2019. He and others were charged with acquiring 25 acres of land from the Oyster River School District; transferring it to the town for recreational purposes and constructing a bridge across the Oyster River for bike, foot and cross-country skiing traffic. In the final phase, the trail system will be improved all the way to Doe Farm. He said the town closed on the land in October and much progress has been made over the past several months.

The Committee has raised a little over \$300,000 – including 40 individual donations totaling \$130,000; receipt of two Foundation grants; payment from UNH for a formal right-of-way and a commitment of up to \$80,000 from the Recreational Trails Program/State of NH for construction of the bridge.

The Committee has hired HEB Engineering from northern NH to design the bridge, obtain environmental permits and manage the bidding process, which opens on Friday, June 26, 2020.

He recently learned the State is charging \$3,146 for the environmental impacts application and respectfully asked the Conservation Commission if they would be willing to pay this fee.

Other highlights of the project:

- The group is seeking to position the bridge project as “shovel ready” to potentially take advantage of federal funding that may become available this summer.
- Projected cost for the bridge is between \$90-120K, resulting in an estimated funding shortfall at this point between \$10-\$40k.

Commissioners thanked Mr. Meadows for his work on the project and noted it will be a big plus for the community when finished.

Mr. Rous MOVED to expend \$3146 from the Conservation Commission Fund to cover DES environmental permit fees for the bridge, SECONDED by Ms. Fuerst, APPROVED 7-0, Motion carries.

VI. Main Street Water Line. *Request for comments to NHDES regarding wetlands impact. Proposed 1,200 foot long 12" water main to replace the existing 10" line along Main Street just west of Mast Road. Town of Durham and University of New Hampshire, applicant. Engineers Benjamin Dreyer and Tim Noble, Underwood Engineers.*

Mr. Noble shared a Power Point and briefly described the project, which has been under study and design for two years. Commissioners received a copy of the extensive wetlands permit application about a month ago. The project seeks to extend the UNH water system to the Lee Traffic Circle. Plans are to abandon the existing 10-inch water main once the new 12-inch main is installed.

As part of the work, there will be temporary impacts to wetlands, including to College Brook as well as to an emergent wetlands. The total wetlands impact area is about 11,000 square feet and a Wetlands Foundational Assessment has been done. Mr. Noble said the original conditions in the wetlands will be restored after work is complete.

The project design should be complete by late 2020 and construction is scheduled to take place in 2021. A total of 14 Lee properties are served by the water line.

There were a couple of questions from Commissioners about sufficient water supply to service the line and both Mr. Noble and Town Engineer April Talon confirmed there is adequate water supply in the UNH water system to service 14 MBTE connections.

After brief discussion, Mr. Bubar said he doesn't have sufficient knowledge to endorse or oppose the project and other Commissioners agreed with him. The decision was made to acknowledge receipt of the application and to let the record show the Conservation Commission has no comments to submit to DES.

VII. Land Stewardship – Ellen Snyder, Land Stewardship Coordinator

Ms. Snyder reported that a lot of invasive plants have been removed from Thompson Forest, most of them mechanically. However, a section of about one-half acre of dense invasives need to be removed with herbicides. She is requesting \$500 from the Conservation Fund to pay Rockingham County District Conservation for herbicide treatment and also \$100 to purchase white pine seedlings for planting along the trail's western boundary.

In answer to a question about long-term goals for the property, Ms. Snyder said she proposes intense invasive control for the next two to three years, after which the dense quaking aspens should probably be removed in order to maintain the property as a young forest. About 15 acres are jointly managed with NH Fish & Game to encourage early successional habitat (meadow, shrubs and young forest).

Mr. Kritzer MOVED to authorize up to \$500 from the Conservation Commission Fund for invasive plant control at Thompson Forest and up to \$100 for the purchase of white pine seedlings, SECONDED by Mr. Rous, APPROVED 7-0, Motion carries.

Volunteer Opportunities: Ms. Snyder said volunteer help is needed in the following areas:

- Hand pulling of invasives at some sites, best done for one hour on weekday mornings
- Assistance building bridges at Merrick & Stevens Woods
- Dismantling of old bridges and stacking of materials for removal by the town
- Easement monitoring at a number of properties. While some easements are monitored by aerial photos, on-the-ground monitoring is required every five years. She added UNH Extension will provide three interns during July and August, but more help is needed. Anyone interested in volunteering should contact her or John Nachilly.

Horses on Town trails – Ms. Snyder sent Commissioners a memo and some helpful links provided by Ms. Robbins on the subject of allowing horses on trails. She said the issue of horses at Doe Farm (and to a lesser extent Wagon Hill) has come up a few times; it's unclear how often it occurs. While this isn't a situation requiring immediate action, she encouraged the Commission to consider if horse riding will be permitted, discouraged or prohibited. Among the points raised:

- It's not practical for riders to dismount and remove horse manure, so it's usually left on the trails.
- Doe Farm bridges weren't built to accommodate horses – which could lead horses to “break through” the bridges or riders to detour through protected wetlands.
- The parking area at Doe Farm wasn't designed to accommodate horse trailers.
- Soil conditions at Wagon Hill do not generally support horse traffic.

It was determined riding on town trails doesn't violate any current regulations and there are no known designated horse trails in Durham. Ms. Snyder said her preference would be to prohibit horses on town trails because they can damage all the trail work being done. Ms. Robbins suggested Ms. Snyder contact riders in the area, starting with Pam McFee – who may be able to provide insight from the horse community about the issue. It was agreed that would be a good starting point.

VIII. Town Council Goals -- Review of goals adopted by Durham Town Council

Commissioners received an email earlier with Town Council Goals and Mr. Behrendt said the Council requests each town board and commission review them for areas pertinent to their work.

Chair McDonough said it's clear the Commission needs to continue with land stewardship but uncertain how all the work will be funded. The town owns a considerable amount of conserved and recreational land.

In answer to a question from Mr. Rous, he said it's possible the Commission may need to seek funding from Town Council at some point, but he believes budgeting and forecasting of the stewardship needs for each parcel should be done first.

Mr. Kritzer wondered why there was no mention of the Paris Climate Agreement in the goals, which was adopted by Town Council a few years ago. He asked Mr. Behrendt for clarification: should climate change initiatives be part of Town Council Goals or part of the Master Plan? In his view, the goals appear to be lacking specificity and content on the topic.

Mr. Behrendt said the two documents are designed to reinforce each other. He believes there is a chapter on Climate Adaptation being worked on for the Master Plan and expects the Conservation Commission will be involved.

IX. Election of Officers. Election of officers for next year.

Mr. Rous said he's pleased with the current chair and asked Mr. McDonough if he would consider continuing in that role. Mr. McDonough said yes, if there are no other interested candidates.

Mr. Rous them MOVED to appoint Bart McDonough chair of the Conservation Commission for the next year, SECONDED by Mr. Nachilly, APPROVED 7-0, Motion carries.

Chair McDonough then opened the floor for the position of vice president. Ms. Needell said she is willing to serve in that capacity.

Mr. Kritzer MOVED to appoint Sally Needell as Vice Chair of the Conservation Commission for the next year; SECONDED by Mr. Rous, APPROVED 7-0, Motion carries.

X. Other Business:

Mr. Behrendt again advised the Commission to tread carefully when discussing the Gerrish Drive proposal since the public hearing and preliminary review are now closed and there is no open application before the town. General comments about the process are okay.

Ms. Needell said the Commission should set a process to submit comments to the Planning Board in a timely manner so they can be considered during each review phase. She wouldn't be opposed to holding a special meeting when necessary.

She believes the developer never received useful comment about the wetlands from the Commission. Mr. Behrendt reiterated the Commission will be asked to make a formal recommendation to the Planning Board and be given the opportunity to submit comments during the formal application process.

Discussion turned more broadly to how the Commission should define wetlands and its role in protecting them. Among the points raised:

- No one on the Commission is a wetlands scientist; Mr. Bubar said there are occasions when he would like access to an expert in that area.

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- Mr. Rous noted developers often hire their own wetlands scientist, but asked if the Commission should consider hiring their own, when needed.
- Mr. Rous also said the Department of Environmental Services is sometimes the deciding body and it's not always clear how the Commission work overlaps with theirs.

Mr. Behrendt said since the Gerrish Drive proposal is “big, complex and sensitive,” he believes the Planning Board will reach consensus to hire a third party reviewer, with the cost to be paid by the applicant.

Mr. Kritzer said when the Commission looks at a project, they should look more broadly at neighboring habitat and biodiversity. Broader issues like migration and connectivity between sites is often missing from the review. He believes an inventory of town wetlands and species found at each one might be helpful.

Chair McDonough said the Commission could request applicants address the larger environmental issues when applying. They could be given specific points to include as part of the application process. Ms. Robbins said she'd be willing to research what should go into creating a wetlands inventory.

In other business, Ms. Fuerst said she learned the gates at McCallum Dam will be repaired, possibly starting in mid-August. She noted a strong resurgence of boat activity on the Oyster River during the Covid-19 quarantine.

Mr. Nachilly asked Commissioners for permission to submit their email addresses to the NH Conservation Commission and they concurred.

XI. Review of Minutes: *July 22, 2019; August 26, 2019; September 23, 2019; October 28, 2019; January 27, 2019 and February 24, 2020.*

It was noted the minutes of July 22, 2019 were previously approved at the February 24, 2020 meeting. Chair McDonough asked if there were any comments or amendments on the remaining minutes under review and there were none.

During roll call vote, it was noted Mr. Bubar was no longer present, so Chair McDonough asked Alternate Roanne Robbins to vote in his absence.

Ms. Fuerst MOVED to approve all minutes as submitted (abstaining from any meetings from which she was absent), SECONDED by Mr. Nachilly (also abstaining from approving any meeting for which he was absent), Approved 5-0-2, Motion carries, with Mr. Rous and Ms. Needell abstaining.

With no further business, **Ms. Fuerst MOVED to adjourn the meeting at 9:27 p.m., SECONDED by Mr. Nachilly, APPROVED 7-0, Motion carries.**

Respectfully submitted,
Lucie Bryar, Minute Taker
Durham Conservation Commission

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Note: These written minutes are intended only as a general summary of the meeting. For more complete information, please refer to the DCAT22 On Demand videotape of the entire proceedings on the town of Durham website.