

**DURHAM CONSERVATION COMMISSION MEETING
THURSDAY, JULY 26, 2021 – 7:00 PM
DURHAM TOWN HALL - COUNCIL CHAMBERS - DURHAM, NH**

Members Present: Jake Kritzer (Chair), John Nachilly (Vice-Chair), James Bubar, Coleen Fuerst (joined remotely at 7:22 p.m.) and Carden Welsh (Town Council Rep).

Members Absent: Walter Rous, Alternates Roanne Robbins and Erin Hardie Hale

Also Present: Town Planner Michael Behrendt, Land Stewardship Coordinator Tom Brightman.

I. Call to Order & II. Roll Call

Chair Kritzer called the meeting to order at 7:01 p.m. and took roll call attendance.

III. Approval of Agenda

Mr. Bubar MOVED to approve the agenda as submitted; SECONDED by Mr. Nachilly, APPROVED unanimously, 4-0, Motion carries.

IV. Public Comments:

Wayne Burton, Madbury Road: said he's speaking as a steward of Wagon Hill this evening, not in his role on Town Council.

Mr. Burton said there's currently a conceptual plan to expand the shoreline restoration project (in an effort to control erosion) by moving the trail further back from the shoreline. He's concerned that construction would disturb trees.

He doesn't question the integrity of those working on the plan; but questions why no one from the Conservation Commission is involved and said he's not sure who has oversight over what will occur on the property.

Mr. Nachilly replied the Conservation Commission was involved in reviewing the ravine bridge and also in the shoreline restoration project to some extent. He expects this involvement will continue going forward.

Chair Kritzer asked who's making decisions regarding moving the shoreline trail and Mr. Burton replied Town Administrator Todd Selig is working with a group which includes Public Works Director Rich Reine, Tom Ballestero [UNH professor], Tiffany Chen and Rachel Gosowski, among others.

Mr. Bubar noted the town of Durham doesn't need approval from other governing bodies to do what they want with the property.

Mr. Burton advocates for Wagon Hill to have its own governing structure and said he would like to see a more comprehensive approach so that projects won't be done piecemeal. He questions why the trail should be moved if cutting the canopy near the shoreline to allow for growth could help solve the erosion problem.

Mr. Nachilly said moving the trail has been in discussion for a while and is based on principles of good trail design.

There was further discussion about who should have oversight over projects by different groups at Wagon Hill, including the Heritage Commission, Parks & Recreation and Land Stewardship Committee.

Mr. Welsh said Town Administrator Selig is the final arbiter of the property and the Conservation Commission has been represented in discussions. He does not believe there's a problem with oversight.

Chair Kritzer noted Coleen Fuerst joined the meeting remotely at 7:22 p.m.

The Chair thanked Mr. Burton for sharing his concerns regarding Wagon Hill Farm.

V. Review of Minutes: February 11, 2021; February 22; March 22; April 26, May 24 and June 28

Feb. 11, 2021

Mr. Bubar MOVED to approve the minutes of February 11, 2021 as amended; SECONDED by Mr. Nachilly, APPROVED, 3-0-2, Motion carries -- with Ms. Fuerst and Mr. Welsh abstaining since they weren't present at the meeting.

Feb. 22, 2021

Mr. Nachilly MOVED to approve the minutes of February 22, 2021 as submitted; SECONDED by Mr. Bubar, APPROVED, 3-0-2, Motion carries – with Ms. Fuerst and Mr. Welsh abstaining.

March 22, 2021

Mr. Bubar MOVED to approve the minutes of March 22, 2021 as amended (changes previously sent to town staff); SECONDED by Mr. Nachilly, APPROVED 5-0.

April 26, 2021

Mr. Nachilly MOVED to approve the minutes of April 26, 2021 as amended (changes previously sent to town staff), SECONDED by Mr. Bubar, APPROVED, 4-0-1, with Ms. Fuerst abstaining.

May 24, 2021

Mr. Welsh asked to have part of a sentence deleted on page 5/ paragraph 7. In the last sentence: “Councilor Welsh responded that there wasn’t any that he knew of.” ~~and any steps to ban synthetic pesticides would be insurance for the future.~~

Mr. Bubar MOVED to approve the minutes of May 24, 2021 as amended, SECONDED by Mr. Nachilly, APPROVED, 4-0-1, with Ms. Fuerst abstaining, Motion carries.

In answer to a question, Mr. Behrendt said Commission members who weren’t present at a meeting can still vote to approve the minutes and do not need to abstain.

June 28, 2021

Mr. Welsh MOVED to approve the minutes of June 28, 2021 as submitted; SECONDED by Mr. Nachilly, APPROVED 4-0-1, with Mr. Bubar abstaining, Motion carries.

VI. Land Stewardship. Request for project funding and update from Tom Brightman, Land Stewardship Coordinator.

Mr. Brightman said the Land Stewardship Committee has approved funding for Rockingham County Conservation to apply herbicide at several properties this summer. Prior to that, they want to hire Ellen Snyder of Ibis Wildlife Consulting to do a rare species and vernal pool search and also hand-pulling of invasives. Note: the list of species to be searched was provided by the NH National Heritage Bureau.

Specific Work to Be Done:

Doe Farm – Hand pulling of invasive buckthorn, search for rare species and vernal pools in advance of 2021 herbicide treatment by Rockingham Country Conservation District. About 3.5 acres. Ms. Snyder estimates it will take 6 hours and cost \$390.

Oyster River – Proposal to continue pulling wild parsnip, which is a continuation of a successful 7-year effort; Site check and pulling is recommended in July, August and September – with an estimated cost of \$487.50.

Thompson Forest – Recommending hand pulling of glossy buckthorn this fall, using volunteers. Proposal is for Ms. Snyder and Mr. Brightman to lead two 3-hour workdays in September or October 2021. Estimated cost of \$390.

Mr. Welsh MOVED to accept Mr. Brightman’s proposal to hire Ms. Snyder of Ibis Wildlife Consulting for the Durham Invasives Projects described above (in a memo) for

a total cost of \$1,267.50; SECONDED by Mr. Nachilly, APPROVED unanimously, 5-0, Motion carries.

Mr. Brightman updated the Commission on other Land Stewardship work:

- An easement walk with SELT was completed at Thompson Forest with no issues noted. Other herbicide spraying at Thompson Forest has been delayed by weather but should be completed soon. [Commissioners asked questions about where notices were posted, etc.]
- Kiosk maps for Stevens Woods have been ordered and should be available in a week or two.

Town Planner Michael Behrendt asked Mr. Brightman if there are any plans to lead nature walks on town-owned properties. Mr. Brightman said he's willing to do that, providing covid doesn't change things this fall.

There was brief discussion about which properties would be best for guided walks. Mr. Brightman will put together a list of potential walks for the next Conservation meeting. Mr. Welsh shared the name of a local birder who might be willing to take part.

Mr. Brightman then wrapped up his Land Stewardship report:

- Work will be done on Mote Island at Doe Farm.
- The Eagle Scout project at Longmarsh has been delayed but should resume shortly.
- Short-term work will be done on the boardwalk at Longmarsh. Longer-term projects there are under discussion.
- He recapped work done by Nature Groupie volunteers and an Eagle Scout at Stevens Woods.

VII. Discussion About Pesticides.

Chair Kritzer said last month the Commission had a wide-ranging discussion with experts from UNH Cooperative Extension and some action items were developed. These items need to be further refined.

The Conservation Commission agreed to develop short consumer-oriented articles/posts for Friday Updates, drawing from information on the Extension website and subject to review by Extension experts.

Mr. Bubar advocated to keep it simple and not get too far into high level concepts of Integrated Pest Management. Most consumers are looking for quick solutions to problems.

After discussion about timing for the articles and topics to be covered, Mr. Welsh suggested posts about poison ivy, ticks, mosquitoes, invasives, buckthorn, and burning bush.

Other topics mentioned were how to use pesticides properly and the use of organic pesticides – which UNH Extension staff noted previously are not always the best option, especially when applied incorrectly.

Commissioners agreed to work on the posts over the fall and winter and launch the articles in Friday Updates next spring. Some posts, if seasonally appropriate and ready, could run before then.

Topics assigned to date:

Poison Ivy – Mr. Welsh (Best timing to run in Friday Updates is late April or May)

Yellow Rattle Invasive – Mr. Nachilly

Burning Bush – (Not assigned – best timing is fall)

Mr. Behrendt said commissioners can send him topics and he'll keep a list. He also said some articles could potentially be posted on the town website.

VIII. Greenway Discussion. Discussion about connecting Town and other conservation lands via pedestrian routes.

Mr. Nachilly handed out maps showing town properties. He said there are challenges in some cases with parking, overcrowding and access. Creating an interconnected greenway would allow residents to access sites without driving and help alleviate parking issues. A greenway would allow for walking, running and biking between properties.

He advocates for creating a Greenway Master Plan – which would articulate a vision and specific goals, which may take 10 years or more to complete. He cited Burlington, Vermont as a prime example of a city with an extensive trail system.

Mr. Nachilly proposed starting with small achievable projects, not necessarily paved trails. One example is the east side of route 4, using infrastructure and dirt roads into Wagon Hill. He believes it would be possible to tie in Oyster River Forest, Thompson Forest and Doe Farm. He said progress could be made today with assistance from UNH, NH Fish & Game, Eversource and others.

Other areas with potential are West Foss Farm from the Woodridge neighborhood – where he and others are currently working with a private citizen and UNH to tie the properties together.

Commissioners discussed the potential interconnectivity of several properties and the benefits to creating a Greenway Master Plan, including:

- When proposals come up – like selling 40 acres on Route 4– the acreage might be retained if it was identified as part of a Greenway Master Plan. (Mr. Nachilly)
- Having a Greenway Master Plan would also be helpful in guiding land acquisition. (Mr. Bubar)
- UNH owns a lot of land and might get involved in preserving some of it if a Greenway is a stated town goal. (Mr. Nachilly)

Chair Kritzer asked if any assessments have been done to identify conservation corridors (for wildlife) and Mr. Nachilly said not specifically. He noted some parcels would be appropriate for both humans and wildlife, however.

Mr. Nachilly said while some properties have stated goals, he’s proposing to look at all properties region-wide, possibly working with adjacent communities. He sees this as a collaborative effort with other entities.

After further discussion, Commission members decided to look at the language in the Town’s Master Plan regarding conservation projects at their August meeting– with an eye to adding language about a Greenway.

Mr. Nachilly proposed starting with a general statement or goal and then drilling down into individual parcels and goals. He advocates for more specifics so town residents can begin to envision a Greenway.

After further discussion, Mr. Nachilly said he can refine the town trail map and develop a list of potential corridors. He will list a number of projects already underway that are focused on interconnectivity. A Greenway Master Plan would help to formalize the work.

IX. Other Business

The Commission continued a prior discussion about asking for funds or establishing a maintenance plan when a conservation property is first acquired. It was previously decided they would not *require* land donors to give money toward maintenance upfront.

Mr. Nachilly believes when the town considers acquiring a property, the maintenance burden to the town needs to be addressed. He said SELT (Southeast Land Trust of NH) includes stewardship funds or costs when considering an acquisition.

Mr. Bubar added land donated to the town also reduces property tax revenues. He does not believe the town should accept conservation land if they’re not able to maintain it.

There was brief discussion about a Woodridge property that has been offered to the town. Mr. Behrendt and others did a site walk and he said the one-acre lot is complicated due to ponds that would need to be dredged periodically. He said Administrator Selig sent an email to the property owner to let him know the town cannot guarantee the ponds would remain. The next step is another site walk with a wetland scientist.

Mr. Bubar raised the point that there's a strong cohort in town that believes there isn't enough developable land in Durham. He said if it isn't wetland or valuable agricultural land, it should be available for development.

There was brief discussion about how to fund conservation land maintenance, possibly through donations or an endowment.

X. Roundtable. Updates from Conservation Commission members
Reporting on the Planning Board, Mr. Bubar said they have two applications that may be of interest to the Conservation Commission. At the May or June meeting, the Planning Board indicated to Colonial Durham Associates (Mill Plaza) that they want to see a 75-foot buffer. Colonial Durham has postponed further discussion while they explore options, although they maintained "they've done everything they can."

Mr. Bubar also said the Planning Board approved conditional use for 91 Bagdad Road – Gerrish Drive extension. The application is moving forward, though he's not sure what the outcome will be.

Chair Kritzer said he saw a revised plan for Gerrish Drive showing three additional units. He questioned if they are far enough away from wetland buffers and if additional trees will be cleared.

Mr. Behrendt replied he does not believe the additional units would impact the buffer appreciably, though Mr. Bubar said there's a slight impact.

In answer to a question about the proposed 19 Main Street parking lot application, Mr. Bubar said the applicants appealed it as structured parking and the appeal was upheld. There's a court case pending in November. The applicants came back with a revised plan for what he described as a "mound of earth," which the Planning Board deemed to be a structure – with their decision upheld in appeal to the ZBA.

Reporting on Town Council, Mr. Welsh said at the July 12th meeting, there was a lot of concern about traffic around the new Middle School (with an anticipated long line of parents waiting to pick up children.) Traffic engineers were able to revise the plan to allow for stacking, not overflowing on Madbury Road.

Updating the Commission on the Mill Pond Dam, he said the town asked VHB to study what would happen if the dam was retained and the pond wasn't dredged. This question was raised by a number townspeople. Mr. Welsh said VHB has issued a comprehensive report. There will be another public hearing and then he anticipates a vote in September. He believes Town Council has received as much information as possible to make a decision.

Mr. Bubar raised the issue if the Dam is removed, spring floods would wash sediment downstream from a pipe in College Brook. Mr. Welsh said VHB has studied it and concluded it won't have a big impact on the Bay. He noted the quality of water going into the UNH reservoir is already low. The water is of poor quality before it even gets to Mill Pond.

In other business, Mr. Bubar asked when budget season starts and Mr. Welsh said usually in September. Mr. Behrendt said operating budgets will be submitted in the next two weeks, following by capital budgets after that.

XI. Adjournment.

Mr. Welsh MOVED to adjourn at 9:20 p.m., SECONDED by Mr. Nachilly, APPROVED unanimously, 5-0, Motion carries.

Respectfully submitted,
Lucie Bryar, Minute Taker
Durham Conservation Commission

Note: These written minutes are intended 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.