

**DURHAM CONSERVATION COMMISSION**  
**MONDAY, APRIL 24, 2023**  
**DURHAM TOWN HALL - COUNCIL CHAMBERS**  
**7:00 PM**

**MEMBERS PRESENT:** Chair Jacob Kritzer, Vice Chair John Nachilly, Neil Slepian, Nick Lanzer, Carden Welsh, Dwight Trueblood, Roanne Robbins.

**MEMBERS ABSENT:** Erin Hardy Hale

**OTHERS PRESENT:** Town Planner Michael Behrendt  
Land Stewardship Coordinator Sara Callaghan

**I. Call to Order**

Chair Kritzer called the meeting to order at 7:03 PM.

**II. Land Acknowledgment Statement –**

The meeting began with a reading of the Land, Water, and Life Acknowledgment, which was passed and approved by the Human Rights Commission:

*The town of Durham, New Hampshire wishes to acknowledge the spiritual and physical connection maintained by the Penacook, Abenaki and Wabanaki peoples to N'dakinna (homeland), aki (land), nibi (water), lolakwikak (flora) and awaasak (fauna). New Hampshire has been home to these Indigenous people for thousands of years. The residents of Durham acknowledge the ongoing hardships endured by our Indigenous neighbors after the loss of their unceded homelands which we now steward and we will work to foster relationships to support the well-being of Indigenous people who carry forward the traditions of their ancestors.*

**III. Roll Call of Members.** Durham Town Planner Michael Behrendt–Yes, Neil Slepian–Yes, Nick Lanzer–Yes, Carden Walsh–Yes, Dwight Trueblood–Yes, Chair Jacob Kritzer–Yes, Vice Chair John Nachilly–Yes, Roanne Robbins–Yes, Land Stewardship Coordinator Sara Callaghan–Yes.

**IV. Approval of Agenda**

Mr. Welsh asked to amend the agenda to include a discussion of Earth Day.

***Mr. Welsh MOVED to ADD a discussion of Earth Day to the agenda and APPROVE as amended. SECONDED by Ms. Robbins and PASSED unanimously 7 - 0.***

**V. Public Comments**

No public comments on issues not already on the agenda.

**VI. Land Stewardship Update, Sara Callaghan, Land Stewardship Coordinator**

Ms. Callaghan gave an update on a number of projects:

- **Vernal Pool Walk** - Ms. Callaghan conducted a vernal pool walk with the Land Stewardship Subcommittee in Thompson Forest, where they found wood frog eggs and spotted salamander eggs. At the Pike vernal pool, she found spotted salamander eggs.
- **Trail Work at Jackson Landing** - Last week, a Community Church of Durham Youth Group did some trail work on Jackson Landing Nature Interpretive Trail.
- **Ash Trees at Wagon Hill Farm** - DPW removed ash trees at Wagon Hill, as they were infected with emerald ash borer. She made and posted informational signs at Wagon Hill Farm to inform the public about the situation.
- **Oyster River Forested Spruce Hole Bog Map and Signage** - Ms. Callaghan is still working with the Stewarding Our Lands Working Group on an update to the Oyster River Forested Spruce Hole Bog map and trail signage. There will be minimal expense, as the Strafford Regional Planning Commission has agreed to update the maps free of cost; only the signage and a single post need to be expensed. There was discussion about how well the approved hunting areas are posted, especially where it goes from no hunting to hunting. Vice Chair Nachilly stated UNH posts signs during hunting season, so it is pretty well posted. Ms. Callaghan will also check the area to ensure there is a sign posted there.
- **Landscaping at Kenny Rotner Bridge** - Ms. Callaghan is working on a landscaping and bench project on the Kenny Rotner Bridge area. She reported there is a lot of wear on both sides down to the Oyster River and is concerned there could be erosion over time. She would like to create a specified walking trail and add additional plantings on the Stevens Woods side to prevent people from walking down the steep slopes to the water. She thinks the trail would also discourage people from encroaching on the neighbor's land.

**VII. Longmarsh Road - Conditional Use**

*Conditional use to install driveway, drainage structures, and utilities in Wetland Conservation Overlay District. Vacant lot on northerly side of Longmarsh Road near Newmarket Road. Map 118, Lot 3. SEJ Properties Inc, property owner. Steve Riker, wetland scientist, Ambit Engineering. Residence B District.*

Steve Riker presented on behalf of the owner applicant. He moves through the plans for the 2.5-acre lot, highlighting areas of the lot that are forested and wetlands. The proposal is to construct a driveway from Longmarsh Road into the lot where a residential structure will be built. Mr. Riker proposed the driveway in the least-impacting location, crossing in the narrowest portion possible using an open-bottom culvert. The main impacts to the wetland are from the driveway, grading for the driveway, and electrical utility. Mr. Riker draws the Commission's attention to the list of conditional use criteria, which he addressed in the presented documentation. The Commission discussed the potential for runoff. Mr. Riker clarified that there is no channelized flow in that area. The drainage analysis conducted by Ambit Engineering indicated the use of a five-foot culvert. The Commission discussed the water flow of the area, including the history of the wetland. Mr. Riker discussed the NHB review, explaining how the applicant has sent information

to Fish and Game to address concerns around wildlife in the area so as not to impact the endangered and threatened species in the area.

The Commission reviewed the criteria presented for the application. There was some discussion about the type of seed being used to reseed the area and why vegetation similar to that found in wetlands wasn't selected instead of grass.

***Vice Chair Nachilly MOVED to APPROVE the application, which was SECONDED by Mr. Slepian and PASSED unanimously 7-0.***

***Vice Chair Nachilly MOVED to RECOMMEND that the DES application looks complete from the perspective of the Conservation Commission. SECONDED by Mr. Trueblood and PASSED unanimously 7-0.***

### **VIII. Great Bay Stewards**

*Presentation by Deborah Alberts, chair of the Great Bay Stewards, about the Tide Turner program. Request for the Town to be a partner in the program.*

Ms. Alberts shared materials with the Commission and explained the purpose of The Great Bay Stewards. The Board is responsible for raising funds, community awareness, education events, and advocacy for the Great Bay estuarine system. She discussed plans for a new site acquired by Fish and Game which will allow for those with mobility issues to get down to the bay. She informed the Commission about the Tide Turners, which the Stewards started to raise community awareness of what it takes to be a good citizen. The Commission asked if there were recommendations they could make for conditional use permits. Chair Kritzer said he could reach out to Administrator Selig to include information about the Tide Turners in the Friday Town Newsletter. Ms. Alberts suggested Durham consider creating a Climate Plan of their own. She was concerned about marshlands not being discussed as a carbon sink. The public can get signs from Great Bay Stewards at their website. She said the Stewards are available on the phone to help people. Chair Kritzer encouraged Ms. Alberts to reach out to the Commission any time there is information she would like to share with the Commission.

### **IX. Archery Range**

*Discussion of environmental aspects of proposed archery range at Oyster River High School behind the track. Proposed by Tyler Hall as Eagle Scout Project.*

Mr. Hall presented his proposal for an archery range at Oyster River High School. The range would be located behind the long jump pit near the track, providing a location for the upcoming archery club at ORHS and a space for the EPW department. The project would remove invasive species, particularly burning bush, in the location, reseeding with native clover species at the suggestion of a student in the environmental conservation class. Clover has stronger roots and will require less mowing. In his review of the Town maps online, he determined the area is not a wetland area. An archery net will be installed to catch any arrows that overshoot the targets. The area is already flat; the few bumps that are there will be left as is with the goal of leaving as much of the land as is. The project

will involve removing two or three trees. The plan to remove the invasive species is to rent a brush hog to cut out the vegetation. Then, they will collaborate with the Durham Fire Department to execute a control burn to burn off that material. Mr. Hall is on a tight deadline; the project must be completed within a month and a half, but he is confident it can be completed in that timeframe. There will also be a flag post installed that will use a red flag to indicate when the range is in use. In discussions with the archery advisor at ORHS, they don't believe a net will be needed on the track side of the range, as it would be very clear if someone was going to shoot that far off target and the range is down slope from the track. The principal and the environmental science teacher at ORHS both support the project. There will be a sign directing people to look at the flagpole to determine if the archery range is in use, and if it is, not to enter the trail. Mr. Behrendt said that as this is a school project, the project is exempt from zoning.

*Chair Kritzer will write a letter of support for the project.*

#### **X. Indigenous Foraging Rights**

*Discussion about draft proposal to allow foraging by indigenous groups on public land.*

Chair Kritzer shared an overview of the updates made since the previous meeting. There was some discussion about whether this would need to go before the Town Council. If the Commission approves it this evening, Chair Kritzer will share the document with the Human Rights Commission and Town Council. Vice Chair Nachilly stated UNH has public land as well and asked if this has been brought to UNH's attention. The Commission discussed if clarifying the language around public land is warranted. Chair Kritzer will amend the title to say on Town of Durham public lands.

***Mr. Welsh MOVED to ADOPT the Indigenous Foraging Rights document as discussed and invite the Durham Town Council and the Human Rights Commission to endorse the Commission's adoption of said rights. The motion was SECONDED by Ms. Robbins.***

In discussion, the Commission determined that after the document is endorsed by the Town Council and Human Rights Commission, it should be sent to UNH for review.

***Motion PASSED unanimously 7-0.***

#### **XI. Earth Day**

Mr. Welsh, as part of the IWMAC, will be trying to sell composting bins. Since he'll be there, he can pass out informational brochures about a Homegrown National Park that include information about what folks can do to help the environment and information about pollinators that he received from Mrs. Welsh. Mr. Welsh was wondering if Ms. Robbins had any additional materials she would like to have at the IWMAC booth. She had UNH's plant list for native shrubs and additional pollinator information, but with the date change of Earth Day, she will be unable to attend with the plant specimens she was hoping to display. The Commission discussed who might be able to work a table at the Earth Day event. Mr. Welsh said if a table is put next to the IWMAC table, they can have

materials available for the public, even if it is unstaffed. Chair Kritzer will attend for part of the event to staff the table. Ms. Robbins reported that Mr. Lawson will bring a table for the Cons Com.

**X. Review of Minutes: February 27, 2023**

*Mr. Welsh MOVED to ADOPT the February 27, 2023 minutes of the Durham Conservation Commission. SECONDED by Mr. Trueblood and PASSED 6-0-1 (Vice Chair Nachilly abstained as he did not attend that meeting).*

**XI. Other Business**

The June meeting was rescheduled to Tuesday, June 27 due to a conflict with the Town Council meeting.

**XII. Roundtable**

Mr. Welsh reported that The Town Council, at the 3 April meeting, heard a presentation by Portsmouth Water Engineers, who have an easement to go under Wagon Hill; the pipe that goes under Wagon Hill to Portsmouth needs to be fixed. They will access the pipe near the water by going up the eastern side of Wagon Hill off Rt. 4 along the edge. Mr. Welsh also reported that the intersection at Route 4 and Madbury Road will be made into a roundabout to allow for continued traffic flow while diminishing the number of accidents in that intersection.

Mr. Trueblood reported that the Planning Board will hold a public hearing this Wednesday on items the Conservation Commission has approved. Mr. Trueblood and Mr. Slepian will attend that meeting to answer any questions that may arise.

**XIII. Adjourn (NLT 9:30 PM)**

*Mr. Welsh MOVED to adjourn the meeting. The motion was SECONDED by Ms. Robbins and PASSED unanimously 7-0.*

The meeting ADJOURNED at 9:41 PM.

Respectfully submitted by Daphne Chevalier