

These minutes were approved at the July 24, 2023 meeting.

**DURHAM CONSERVATION COMMISSION
MONDAY, MAY 22, 2023
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Chair Jacob Kritzer, Erin Hardie Hale, Neil Slepian, Alternate Nick Lanzer, Carden Welsh, Alternate Dwight Trueblood, Richard Kelley

MEMBERS ABSENT: Vice Chair John Nachilly, Roanne Robbins

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

I. Call to Order

Chair Kritzer called the meeting to order at 7:05 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 Pennacook, Abenaki and Wabanaki peoples to N'dakinna (homeland), aki (land), nibi (water), lolakwihak (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. Erin Hardie Hale–Yes (via Zoom), Land Stewardship Coordinator Sara Callaghan–Yes, Nick Lanzer (alternate)–Yes, Chair Jacob Kritzer–Yes, Carden Welsh–Yes, Dwight Trueblood (alternate)–Yes, Planning Board Rep Richard Kelley–Yes, Neil Slepian–Yes, Durham Town Planner Michael Behrendt–Yes

IV. Approval of Agenda

Alternate members Mr. Lanzer and Mr. Trueblood were seated as voting members.

Mr. Kelley MOVED to APPROVE the agenda as submitted. SECONDED by Mr. Lanzer and PASSED unanimously 7-0 through roll call vote: Ms. Hardie Hale–Yes, Mr. Lanzer–Yes, Chair Kritzer–Yes, Mr. Welsh–Yes, Mr. Trueblood–Yes, Mr. Kelley–Yes, Mr. Slepian–Yes.

V. Public Comments

Ms. Beth Olshanksy spoke via Zoom regarding the WCOD regulations and revisions. She is grateful for the work being done and discussed a line in the current draft that will be before the Town Council June 5th: “The Planning Board shall not take final action on an application until the application has been presented to the Conservation Commission and the Conservation Commission has offered its comments/recommendations.” She expressed concerns about large proposals being brought to the Conservation Commission in an untimely manner and would like to see recommendations from the Conservation Commission as an earlier part of the application process so developers have time to make adjustments to their plans based on the Conservation Commission’s feedback. Mr. Behrendt stated the applications usually come to the Conservation Commission first; he walked through the application process and explained the language proposed was designed to make the process clearer. The Commission discussed Ms. Olshanksy’s concern, especially as it relates to the Mill Plaza and Garrish projects. Ms. Robin Mower spoke via Zoom, stating the changes to the Mill Plaza project were not issues that would have been relevant to the Conservation Commission. She agrees with Ms. Olshanksy that the Conservation Commission should have the opportunity to weigh in early in the process. Her main concern is around the final action language. Mr. Welsh recommended adding language to state that applications will be brought to the Conservation Commission in a timely manner. After further discussion by the Commission, Chair Kritzer will write a letter to the Town Council Chair to state a concern has been raised around the application process; in the letter, he will state some of the issues raised in tonight’s meeting and the Commission’s openness to be involved in further discussions.

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

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

- **Buckthorn at Doe Farm** - Ms. Callaghan met with Arianna Spear from Rockingham County Conservation District. The Doe Farm Trustees voted to have them do some spraying. She should have a final project plan by this Friday.
- **Pike Property Conservation Project** - Dwayne Hyde is the primary for that project. The project is on track to close in June.
- **Middle School Service Day** - This Thursday, a group of student volunteers will be working on removing the winged euonymus and Japanese barberry behind the middle school.
- **Garlic Mustard** - Ms. Callaghan said now is the time to pull garlic mustard before it goes to seed. On the Stolworthy property, she discovered a large amount of garlic mustard. It will go to seed even after you pull it, so it must be placed in a trash bag in the heat for a few weeks and then brought to the town dump. She will work on putting educational materials together on this issue.

Ms. Callaghan presented a few expenditure of funds items to the Commission for a vote.

- **Kenny Rotner Bridge landscaping project** - Ms. Callaghan’s plan is to cut the invasives back and place woodships and black plastic to help keep back the invasives while avoiding erosion. The plan is to plant native pollinator shrubs with the hope they will prevent the invasives from returning. She shared photos of

the area, her shrub placement plan, and the proposed locations for a footpath by the bridge and a bench. Ms. Hardie Hale shared that there is a citizen who is maintaining the current pathways; she will meet with Ms. Callaghan to discuss reaching out to this person about why that is not the best course of action. Ms. Callaghan shared the budget for the project, just shy of \$3,500. Two community members have offered to give \$1,000 a piece to fund the project; she is asking for the balance of \$1,500 from the Conservation Commission to complete funding. If approved, she will begin the project within the next few weeks so the plastic can be laid and the roots can cook in the sun over the summer. If she is able to get the shrubs in the fall, she will begin the shrub planting at that time.

Mr. Kelley MOVED to APPROVE spending up to \$1,500 to fund improvements and native plantings on either side of Kenny Rotner Bridge as described in the proposal The Kenny Rotner Bridge Landscaping Proposal prepared by Sara Callaghan Firefly Stewardship LLC dated May 22, 2023, which was SECONDED by Mr. Slepian. The motion PASSED unanimously 7-0 through roll call vote: Ms. Hardie Hale–Yes, Mr. Lanzer–Yes, Chair Kritzer–Yes, Mr. Welsh–Yes, Mr. Trueblood–Yes, Mr. Kelley–Yes, Mr. Slepian–Yes.

- **Updated Mapping Project at Oyster River Forest** - The Stewarding Our Lands Working Group was tasked with identifying the stewardship goals of the town properties. They are surveying the public about how the lands are being used. Some of the feedback they've received states the signs and trail names in the Oyster River Forest are confusing to users. Ms. Callaghan presented a proposal for changing the names and trail colors, which requires updating maps and signs. There was some discussion about whether or not the Bog Loop Access Trail could be made a fully accessible trail; Ms. Callaghan reported the DPW doesn't have the staff to be able to maintain the trail. She is requesting \$375 to cover the cost of printing maps for the Kiosk, maps that say You Are Here, a few new trail sign posts, and new placards.

Mr. Kelley MOVED to APPROVE spending up to \$375 to fund the printing of new trail maps and signs for the Oyster River Forest and Spruce Hole Bog as described in the proposal to the Conservation Commission from Sara Callaghan Firefly Stewardship LLC, Town of Durham Land Stewardship Coordinator dated May 22, 2023, which was SECONDED by Mr. Trueblood. The motion PASSED unanimously 7-0 through roll call vote: Ms. Hardie Hale–Yes, Mr. Lanzer–Yes, Chair Kritzer–Yes, Mr. Welsh–Yes, Mr. Trueblood–Yes, Mr. Kelley–Yes, Mr. Slepian–Yes.

VII. Climate Action Master Plan

Discussion of draft Climate Action Master Plan being reviewed now by the Planning Board.

Mr. Behrendt provided background on the Climate Action Master Plan project; Strafford Regional Planning Commission received a grant to complete a master plan for the Town

of Durham. It is now before the Planning Board. He does not believe the Planning Board will be adopting the Plan this week but encouraged the Commission to provide feedback to the Planning Board for consideration. Mr. Welsh discussed the inclusion of agricultural activity in the preservation of land; he was originally concerned about the inclusion of this, but given his research into the definition and purpose of easements, he no longer has that concern. Ms. Callaghan explained the limitations on potential agricultural use. Mr. Trueblood expressed concerns about where the resources will come from to implement the goals in the master plan. Chair Kritzer will write a letter to the Board to endorse the Climate Action Master Plan.

VIII. Rules of Procedure

Mr. Behrendt explained every active town board should have rules of procedure. He presented rules of procedure to the Conservation Commission adopted from the Planning Board's rules of procedure. After some discussion, the Commission recommends the following changes to the proposed rules of procedure:

- Under D. Order of Business on the bottom of page 2, add under second item Land Acknowledgement Statement, Roll Call and Seating of Alternates, and Roundtable Update from Conservation Commission Members (after Other Business)
- Under E. Public Comments on the top of page 3, add the following language: "The Chair may limit the length of comments at their discretion."
- Under XI. D. Communications on the bottom of page 3, add "discussion of other substantive matters" on the second line.

Mr. Welsh MOVED to ADOPT the Rules of Procedure as amended, which was SECONDED by Mr. Lanzer. The motion PASSED unanimously 7-0 through roll call vote: Mr. Slepian–Yes, Mr. Kelley–Yes, Mr. Trueblood–Yes, Mr. Welsh–Yes, Chair Kritzer–Yes, Mr. Lanzer–Yes, Ms. Hardie Hale–Yes.

IX. Election of Officers

Mr. Kelley MOVED to elect Mr. Kritzer to serve as Chair for another year, which was SECONDED by Mr. Welsh. The motion PASSED 6-0-1 through roll call vote: Mr. Slepian–Yes, Mr. Kelley–Yes, Mr. Trueblood–Yes, Mr. Welsh–Yes, Chair Kritzer–Abstained, Mr. Lanzer–Yes, Ms. Hardie Hale–Yes.

Given Vice Chair Nachilly's absence at this meeting, the Commission decided to defer electing the Vice Chair until the June meeting.

X. Review of Minutes: March 27 and April 24, 2023

Given Mr. Kelley cannot vote on these items, he left the meeting at 9:16 pm.

Mr. Welsh MOVED to ADOPT the minutes of March 27 and April 24, 2023 as submitted, which was SECONDED by Mr. Slepian and PASSED unanimously 6-0 through roll call vote: Ms. Hardie Hale–Yes, Mr. Lanzer–Yes, Chair Kritzer–Yes, Mr. Welsh–Yes, Mr. Trueblood–Yes, Mr. Slepian–Yes.

XI. Other Business

Mr. Lanzer said he would like to give the Commission a forester's view of what is happening in the world and how it will impact homeowners. The Commission decided to add this to the June agenda.

Mr. Behrendt reminded the Commission that the June meeting will be held on Tuesday, June 27th at the Police Station.

Mr. Slepian commented in favor of the Town of Lee and the Town of Durham meeting to collaborate on trail connectivity between the two towns.

XII. Roundtable

Mr. Welsh reported on the past two Town Council meetings. UNH is considering a major development on the West End and is currently in the planning stage. One issue that may concern the Conservation Commission is related to the development of Town Council goals, one of which is to leverage the town committees and subcommittees to develop plans that align with the broader goals of the Town Council. Town committees are encouraged to outline three to five goals that support initiatives outlined in the Council goals.

The Commission discussed management of meeting materials. Mr. Behrendt said he does try to keep information on the website current and provides information via email, but does not believe his staff is able to take on any additional secretarial tasks as they are already working at capacity. Chair Kritzer volunteered to create a Google Drive to keep all materials in one place. Ms. Hardie Hale volunteered to help with material management if she is elected Vice Chair; she left the meeting at 9:30 pm.

XIII. Adjourn (NLT 9:30 PM)

Mr. Welsh MOVED to adjourn the meeting. The motion was SECONDED by Mr. Lanzer and PASSED unanimously 5-0.

The meeting ADJOURNED at 9:31 PM.

Respectfully submitted by Daphne Chevalier