

These minutes were approved at the October 23, 2023 meeting.

DURHAM CONSERVATION COMMISSION
Monday, August 28, 2023
DURHAM TOWN HALL, COUNCIL CHAMBERS
7:00 p.m.

MEMBERS PRESENT: Jake Kritzer (Chair); Erin Hardie Hale (Vice Chair), John Nachilly, Dwight Trueblood (alternate) and Carden Welsh (Town Council Rep) via zoom.

MEMBERS ABSENT: Richard Kelley (Planning Board Rep); Roanne Robbins; Neil Slepian and Alternate Nick Lanzer

ALSO PRESENT: Town Planner Michael Behrendt

I. Call to Order

Chair Jake Kritzer called the meeting to order at 7:02 p.m.

II. Land Acknowledgement Statement

The Chair read the Land Acknowledgement statement as adopted by the Town's Human Rights Commission.

III. Roll Call and Seating of Alternates

Chair Kritzer seated Alternate Dwight Trueblood as a voting member this evening.

IV. Approval of Agenda

Mr. Nachilly MOVED to approve the agenda as submitted; SECONDED by Mr. Welsh; APPROVED unanimously by roll call vote, 5-0, Motion carries.

V. Public Comments: There were none this evening.

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

Since the Land Stewardship Coordinator isn't in attendance, Mr. Nachilly provided an update based on recent conversations with her:

- **Longmarsh Bridge:** Mr. Nachilly is coordinating work on the Eagle Scout project, which should be completed this fall. They are waiting for final updates on availability of resources.
- **Trail mowing:** A formal item wasn't passed to reimburse Mr. Nachilly for mowing trails this year, but he has mowed a couple of times. It's his understanding that Ms. Callaghan is seeking to hire a contractor to do the work in the future and include it in the Town budget instead of the Conservation budget.

It was agreed Mr. Nachilly will submit receipts for any unreimbursed work so far. He clarified that in the past he did trails only, but this past year added clearing of brush and small trees at Thompson fields, which took a toll on his equipment.

Mr. Behrendt, who has to submit the budget this week, asked if there's a ballpark figure to clear Thompson field. Mr. Nachilly estimates the cost to be \$3-\$4K, but will confirm this with Ms. Callaghan.

VII. Technology Drive – WCOD Conditional Use. 121 Technology Drive.

Conditional use for research and light industrial building. R. J. Kelly/121 Technology LLC, property owner. Christal Ripley, Unitil, applicant. Stephen Herzog, VHB, engineer. Map 204, Lot 2. Office Research Light Industry District.

Stephen Herzog, VHB engineer, is on zoom this evening to present the application. He said the owner of the 121 Technology Drive property is seeking to make some improvements to the natural gas service. Unitil is proposing to install a 4-inch diameter plastic natural gas main extension in the existing pavement.

There are extensive wetlands around the property and the gas pipeline will intersect the 75-foot buffer. Part of the impact is on Technology Drive and part in the driveway, parking areas and landscaped areas.

Mr. Herzog outlined key points about the proposed project:

- All impacted areas will be in buffer zone areas, not directly in the wetlands.
- The work will be on previously developed land to include parts of the roadway, driveway and landscaped areas.
- All impacts will be temporary to allow placement of a gas pipe using a 2-foot wide 4-foot-deep trench.
- The area will be restored to its existing condition.

- Unitil will use erosion sediment controls including a perimeter compost filter SiltSoxx.™

Commission members discussed the project, asked questions and then reviewed the four criteria for Conditional Use. They expressed the following concerns/stipulations:

- The Commission would like pictures before, during and after the project is completed.
- The applicant should clarify where the material from the trench will be stored temporarily. (Relevant to Criteria 2)
- Temporary storage of excavated materials should be away from the wetland side of the project. (Relevant to Criteria 2)
- Any excess material that cannot go back into the trench should be removed from the site and not go into the buffer or wetland. (Relevant to Criteria 2)

Mr. Nachilly said the project needs to be closely monitored since it impacts a narrow stretch of roadway with limited dumping area and it's possible the road will need to be temporarily closed. It's unclear if Unitil will retain VHB to monitor the work.

Mr. Herzog acknowledged he couldn't definitively answer some questions, but will research them. He assured the Commission their concerns will be addressed.

Ms. Hale MOVED to approve the proposal as submitted with the additions discussed for Criteria 2 above; SECONDED by Mr. Trueblood; APPROVED unanimously by roll call vote, 5-0, Motion carries.

VIII. Update to Town Council. Discussion regarding update about the Conservation Commission to be given to Town Council by Chair Jake Kritzer on October 2.

The Chair is scheduled to update Town Council about the Conservation Commission's work at their October meeting. He's seeking input from members about what to include in the report.

He proposed framing the presentation around Town Council goals, i.e., how the Commission's work ties into them. Mr. Welsh (who serves on Town Council) said the presentation is informal and usually includes a one-page summary and time for questions.

The Commission's discussion was guided by seven Town Council goals (not included here), with members reaching consensus on the following items to be mentioned:

- The Wetland and Shoreland Committee brought together Town Council, the Planning Board and the Conservation Commission to update the WCOD and SPOD ordinance.
- The Commission adopted new bylaws to codify its rules of procedure.
- The Commission was active with the acquisition and development of the management plan for the Pike Property. A major impetus was protecting the Town's water supply.
- In terms of economic impact, the Commission had a presentation on forest health by Mr. Lanzer that discussed lost opportunities for timber harvests and the cost of restoration, among other issues.
- The Wetland and Shoreland Committee is considering new buffer size recommendations to better reflect climate change.
- The Commission's financial support of the Land Stewardship Committee improves recreational opportunities and quality of life for Durham residents.
- The Commission is actively involved in bridge-building and trail re-routing to avoid impacts to wetlands – with many projects including Eagle Scouts. They also support a volunteer program for removal of invasive species.
- The Commission adopted an Indigenous Rights Foraging policy.
- Members provided environmental articles for residents via Friday Updates.
- The Commission is working to align its planning cycle with that of Town Council's.

IX. Natural Resources Master Plan. Continued discussion about recommendations from master plan.

Chair Kritzer noted this is the third meeting this has been discussed. Members are unclear about prior discussions / what was decided previously.

Ideas brought forward this evening included:

Vice-Chair Hale would like to have the goals of the discussion and the role of the Conservation Commission clarified. Mr. Behrendt said this is a comprehensive list

of goals and developments from the 2015 Natural Resources Master Plan; many are aspirational. It would be useful for the Commission to identify specific tasks and projects that might be worth undertaking.

Chair Kritzer said the Commission hasn't captured the essence of prior discussions in one document. It was agreed Mr. Behrendt will look at meeting minutes and listen to D-CAT to provide highlights of past discussions to members.

Vice-Chair Hale said it would be helpful to refer to the Master Plan to establish high priority issues in the coming year. With a full agenda at each meeting, the Commission has limited time to take on new initiatives.

Mr. Welsh commented regarding the goal to improve water quality and said there are several groups already working on this in Town. He questioned where the Conservation Commission fits in with this.

Chair Kritzer said one of the Commission's roles in the protection of natural resources could be to track progress among all Town groups and commissions. Doing this could help avoid duplication and also show any gaps.

Ms. Hale teaches a capstone class in the sustainability dual major at UNH and said she'd be willing to engage interested students to conduct research on behalf of the Commission. They could interview commissions and boards and track initiatives and progress. The class won't be offered again until next spring, however. Members were enthusiastic about the idea.

As a side note, Mr. Behrendt asked if there are students who would be willing to serve as alternate members on the Conservation Commission. There was a discussion about eligibility requirements (i.e., residency/age) with Mr. Behrendt saying any student residing at UNH is eligible to serve on Town boards. Potential candidates should be referred to him. It was noted there are open regular seats on the Commission as well.

Mr. Trueblood said he looked at NR33 and Best Management Practices. He proposed the Commission adopt a more active role in suggesting new plantings when a project comes before them.

Mr. Nachilly noted that there was a big timber harvest of red pine at Doe Farm, for example, but no plan to evolve the parcel. He added there's a beech blight moving up from southern New England that is expected to destroy many trees and suggested the Commission could try to get ahead of this.

The Chair summarized key take-aways from tonight's discussion:

- Ms. Hale will explore a capstone project with UNH students in the spring to do a more rigorous exploration of what's already being done to protect natural resources in Durham.
- Members can bring ideas and initiatives forward from the Natural Resources Master Plan as they see them, with no set timeline.
- Mr. Behrendt will look at past minutes and D-Cat and distribute any highlights from previous discussions to members.

Vice-Chair Hale noted education comes up repeatedly as a potential goal. The Commission could plan for one outside speaker each year and one from UNH, for example. Programs can be collaborative in nature with other groups in order to take some of the burden of developing new programs off the Commission's plate.

Mr. Welsh encouraged the Commission not to continue to "kick the can down the road." He sees no need to wait until next spring when UNH students are available to do research before getting started on new initiatives.

He agreed with Mr. Trueblood about the value of offering planting suggestions for new projects and commented that the Commission needs to reinforce the work of the Land Stewardship Committee, which is a sub-committee.

Vice Chair Hale asked Commission members to come to September's meeting prepared to bring forward at least one idea related to education and one idea related to review and oversight responsibilities. Mr. Behrendt added a third idea should be for a new project.

X. Review of Minutes. July 24, 2023

For consistency, Mr. Trueblood asked for a change to Ms. Hardie Hale's title in Item VI. She's referred to as "Member." Ms. Hale said she'd prefer "Ms."

Ms. Hale MOVED to accept the minutes of July 24, 2023 as amended; SECONDED by Mr. Welsh; APPROVED by roll call vote, 4-0-1, with Mr. Nachilly abstaining because he wasn't present at the meeting.

XI. Other Business

The Chair referenced an email from resident Robin [Mower] regarding Nick Lanzer's presentation at the July meeting. Ms. Mower asked if the Commission will put a notice in Friday Updates to direct residents to the information on D-

CAT. She also asked if thought has been given to conducting a community tree inventory.

Chair Kritzer said a tree inventory could be put on a future agenda when Mr. Lanzer is present. Others with expertise on the topic could be invited to the meeting as well.

There was brief discussion about ways to involve faculty and students at UNH and also if a tree inventory would be done only on public land or would include private property.

Mr. Behrendt said [DPW Director] Rich Reine is a certified arborist and named others in Town who could be included in the discussion. He will reach out to them via email.

XII. Roundtable. Updates from Conservation Commission members.

Reporting on the Town Council's August 14th meeting, Mr. Welsh said there was discussion of the Town's property reassessment. The average increase was 42 percent, which leads to higher property values and higher property taxes for those whose property value increases by more 42%, and lower taxes for those whose values increased by less than 42%. He mentioned a subcommittee is trying to raise money to make improvements to the Ice Arena.

On another topic, Mr. Behrendt said one of the roles of the Commission is to advocate for natural resources for the Town, even if their suggestions are non-binding. If any individual member sees a project on the Planning Board agenda, they can always bring it forward to the Commission. He emphasized the item doesn't need to fall into the jurisdictional purview of the Commission in order for them to consider addressing it.

Mr. Trueblood reported the Wetland Shoreland Committee is meeting Thursday from 9:00 to 11:00 a.m.

XIII. Adjournment

With no further business, Mr. Welsh MOVED to adjourn at 9:16 p.m.; SECONDED by Mr. Trueblood; APPROVED unanimously, 5-0, Motion carries.

Respectfully submitted,
Lucie Bryar, Minute Taker
Durham Conservation Commission

