

[D R A F T]

**DURHAM CONSERVATION COMMISSION**  
**Monday, April 29, 2024**  
**DURHAM TOWN HALL, COUNCIL CHAMBERS**  
**7:00 p.m.**

**MEMBERS PRESENT:** Jake Kritzer (Chair); Erin Hardie Hale (Vice Chair); Wayne Burton (Town Council Rep); Nick Lanzer (Alternate); Roanne Robbins; Neil Slepian; and Dwight Trueblood (Alternate, on zoom);

**MEMBERS ABSENT:** Richard Kelley (Planning Board Rep); John Nachilly;

**ALSO PRESENT:** Michael Behrendt, Durham Town Planner and Sara Callaghan, Land Stewardship Coordinator

- 1 **I. Call to Order**  
2 Chair Jake Kritzer called the meeting to order at 7:00 p.m.  
3
- 4 **II. Land Acknowledgement Statement**  
5 The Chair read the statement as adopted by the town’s Human Rights Commission.  
6
- 7 **III. Roll Call and Seating of Alternates**  
8 Roll call was taken and the Chair seated Alternate Nick Lanzer as a voting member  
9 for John Nachilly.  
10
- 11 **IV. Approval of Agenda**  
12  
13 *Mr. Slepian MOVED to approve the agenda as submitted; SECONDED by Mr.*  
14 *Lanzer; APPROVED unanimously by roll call vote, 7-0, Motion carries.*  
15
- 16 **V. Public Comments:** There were none at this time.  
17
- 18 **VI. Land Stewardship Update.** Sara Callaghan, Land Stewardship Coordinator.  
19 Discussion about creating a committee or recognizing an ad hoc group to investigate  
20 ways to educate the public about conservation issues.

21 Ms. Callaghan gave highlights of her recent activities:

- 22 • There have been three successful volunteer workdays, including at Milne Nature  
23 Sanctuary with a UNH leadership class; At Pike Property, where an ATO fraternity  
24 began removing old fencing from the northern end, thereby clearing space for town  
25 vehicles to enter; and at Longmarsh Preserve, where Air Force ROTC volunteers  
26 worked on the yellow trail.  
27
- 28 • The Land Stewardship Sub-Committee is evaluating options for repairs and  
29 upgrades to wetlands crossings at Longmarsh Preserve; some are considered safety  
30 issues. She's coordinating grant funding for the work.  
31
- 32 • Ms. Callaghan visited Longmarsh Preserve with Jeremy Howland, Ph.D. candidate,  
33 who is doing lichen research. He took samples and she asked him about giving  
34 presentations to Committees and Commissions.  
35
- 36 • She has been in touch with UVM Professor Alexandra Kosiba, who has published  
37 in *Northern Woodlands* on forest stewardship and climate impacts. Ms. Callaghan  
38 proposed that the Commission sponsor a talk by Ms. Kosiba open to the public.  
39

40 Commission members asked questions about her topic and public speaking experience  
41 and then Vice Chair Hale suggested that since this falls under education, it could be  
42 sent to the soon-to-be-proposed Education Sub-Committee for follow-up.

43 The Chair said Ms. Callaghan should move ahead with exploring Ms. Kosiba as a  
44 speaker, since formation of the Education Sub-Committee could take some time. Mr.  
45 Behrendt added there's money in the budget to pay speaking fees, if needed.

46  
47 Proposal to Create New Education Sub-Committee

48 Ms. Callaghan and Vice-Chair Hale proposed the creation of a new Sub-Committee to  
49 focus on communication and cooperation across different town committees, including  
50 Land Stewardship, Parks and Recreation, Conservation and Agriculture. The overall  
51 goal is to engage the public more directly in land stewardship and natural resources  
52 and to create excitement around volunteer activities.

53 A written proposal was sent to Commission members in advance.

54 The Chair raised questions about the process and structure of a sub-committee. Is it a  
55 working group or a more formal committee, with published agendas and minutes?

56 Mr. Behrendt said it would be considered a formal committee if there's a standing  
57 group of people who meet at regular times and have a set ongoing charge. He  
58 encouraged the Commission to take a vote if they want to establish such a committee.

59 Ms. Callaghan noted that a working group would be of a temporary nature, in her  
60 opinion, usually to address something simple. Their idea is of a more formal structure.

61 Vice-Chair Hale elaborated on the goals of the committee. She stressed that the  
62 Conservation Commission doesn't need to host all activities or events on their own but  
63 could more readily take part in events initiated by other town groups and commissions.

64 There was lengthy discussion on how a sub-committee would be structured. Mr.  
65 Slepian then proposed they start out as a working group and potentially organize  
66 themselves into a more formal sub-committee at a later date.

67 Mr. Behrendt agreed this makes sense. It would give the group time to reach out to  
68 town boards and commissions to gauge interest.

69 Ms. Callaghan asked for a vote for the formation of a working group so they would  
70 feel authorized to speak on behalf of the Commission to other town boards and outside  
71 groups.

72 ***Jake Kritzer MOVED to form a working group composed of Sara Callaghan, Erin***  
73 ***Hale and Roanne Robbins to develop a strategy for increased public engagement***  
74 ***and education on environmental stewardship; SECONDED by Roanne Robbins;***  
75 ***APPROVED unanimously by roll call vote, 7-0, Motion carries.***

76 **VII. Wetland and Shoreland Overlay District – Zoning Amendment.** Discussion  
77 with Neil Slepian and Dwight Trueblood about proposed new Wetland and Shoreland  
78 Overlay District (WSOD) to replace the current Wetland Conservation Overlay  
79 District (WCOD) and Shoreland Protection Overlay District (SPOD). A Committee  
80 appointed by the Conservation Commission has been working for over a year to  
81 rewrite the WCOD and SPOD. The committee now has a draft to present to the  
82 commission.

83 The Chair recapped that last month Mr. Slepian and Mr. Trueblood gave an overview  
84 of draft changes to a new combined Wetland and Shoreland Overlay District ordinance  
85 (WSOD). They worked with a sub-committee over the last 15 months, with  
86 representatives from other town boards – including the Planning Board and Town  
87 Council. Tonight is for discussion before sending the draft ordinance to the Planning  
88 Board. There is no set timetable to do this.

89 Chair Kritzer noted the ordinance would be a significant policy change for the town.  
90 He highly respects the work of the sub-committee, but he said Commission members  
91 don't need to rubber stamp it; discussion is encouraged.

92 Mr. Slepian then proceeded to walk through the changes as outlined on a matrix of  
93 changes prepared by Mr. Behrendt.

94 **Lengthy discussion followed, summarized here:**

95 Definitions: The sub-committee took considerable time to research and re-write  
96 definitions. Mr. Lanzer asked about the inclusion of "prime wetland" since Durham  
97 doesn't currently have any. Mr. Slepian said it's a placeholder and Mr. Trueblood  
98 added the term appears in the ordinance, so they felt it was important to include it.

99 Purpose of WSOD: Comments centered on carbon capture and sequestration. Chair  
100 Kritzer asked why these weren't addressed in Item G, which references resiliency. Mr.  
101 Lanzer said resiliency in this context doesn't connote carbon. Mr. Trueblood said the  
102 only way to increase carbon capture would be to increase the size of the wetlands or  
103 prevent loss of wetlands.

104 Section 175-60 – Applicability: The revised ordinance gives a comprehensive list of  
105 specific water bodies. Chair Kritzer asked about swales (Item B) that are not  
106 maintained. Mr. Lanzer asked if they are proposing that wetland scientists determine if  
107 a stream is perennial or intermittent and Mr. Trueblood replied yes, a professional is  
108 recommended. There was some discussion over who would bear the cost of hiring a  
109 wetland scientist: the applicant, the town or potentially an abutter opposed to the plan.

110 Mr. Burton pointed out that any water bodies running through UNH campus are  
111 exempt from the ordinance. Mr. Slepian said only the part of a water body running  
112 through campus is exempt; other parts are not. College Brook is an example.

113 Buffers: This section proposes new buffers for different types of water bodies,  
114 including bogs, wetlands, and vernal pools. The sub-committee didn't reach consensus  
115 on Tidal Waters (Item D) including Great Bay and Little Bay. They are looking to the  
116 larger Commission to reach a decision. The study, *Buffers on the Bay*, recommends  
117 330-feet.

118 Mr. Lanzer proposed leaving it as a range (200 to 330-feet) since each case is different;  
119 wildlife habitat and slope of the land can be factors, e.g. However, later in the  
120 discussion Mr. Behrendt said the ordinance needs to be more specific and can't be  
121 written as a range.

122 Vice-Chair Hale asked Mr. Slepian and Mr. Trueblood to synthesize some of the  
123 discussion that took place in the sub-committee regarding tidal water buffers.

124 Mr. Trueblood said the maximum 330-foot would provide the widest buffer possible  
125 for wildlife habitat and corridors and is optimal from an environmental standpoint.  
126 However, they received input from Mr. Behrendt and others indicating a smaller buffer  
127 would be more practical for homeowners and developers. The sub-committee  
128 considered doubling it from 100 to 200 feet, but following the science they are inclined  
129 to recommend 330-feet.

130 Mr. Burton asked for an example of what type of activities would be limited in the  
131 buffer.

132 Mr. Trueblood said one of the biggest threats facing Great Bay is from lawns, many  
133 treated with herbicides and pesticides that wash into the Bay. In addition to allowing  
134 animals to move more freely around marshlands and wetlands, the 330-foot buffer  
135 would provide more space to filter pollutants. He added that as sea level rises,  
136 wetlands will migrate. If they have nowhere to go, they will disappear.

137 Mr. Burton asked what type of vegetation could be used in a shoreland buffer, noting  
138 that grass is being used to prevent erosion at Wagon Hill Farm. Can a private  
139 homeowner still plant grass if they don't use fertilizer? Mr. Trueblood said only  
140 naturalized vegetation would be permitted. The goal is to avoid invasive species, bare  
141 land or traditional lawns needing fertilization.

142 175-61: General Requirements for Buffer of WSOD: In the draft proposal, no new  
143 lawn, garden or landscape would be allowed in the buffer, except for permitted uses.  
144 Conditional Use permits could be granted in some cases, but no pesticide use would be  
145 allowed.

146 There was discussion about proposing the larger 330-foot buffer and letting applicants  
147 make the case for exceptions. Mr. Slepian said Paul Rasmussen (Town Council) was  
148 vocal about pushback from homeowners if the larger buffer were to be adopted.

149 Chair Kritzer said the Conservation Commission is making science-based  
150 recommendations; the Planning Board will need to weigh trade-offs. Vice Chair Hale  
151 said given that tidal waters are unique and under threat, she supports a 330-foot buffer.

152 In answer to a question, Mr. Trueblood reiterated that most of the recommendations  
153 came from *Buffers on the Bay* (study). He said the biggest threat to tidal waters is from  
154 pollutant runoff. The science has advanced enough since the ordinance was last  
155 updated that we now have a better understanding of how pollutants migrate through  
156 water bodies.

157 Commission members reached consensus to propose a 330-foot buffer for tidal waters  
158 and tidal wetlands.

159 There was lengthy discussion about these two terms. Mr. Trueblood said tidal waters  
160 move back and forth with tides; tidal wetlands have some tidal water and are  
161 periodically flooded; other times, water recedes. Members decided to change the  
162 wording to “tidal water bodies.”

163 Re: other items, Ms. Robbins said she’s uncomfortable with the proposed vernal pool  
164 buffer of 150-feet since some species need as much as 600 to 650-feet. She asked if the  
165 sub-committee had considered directional buffers and the response was they had not.  
166 Directional buffers would allow for some habitat to be of lesser importance to species  
167 that breed in vernal pools. They would not travel in the direction of a field, for  
168 example.

169 At one point, Chair Kritzer invited public comment but there was none.

170 In consideration of the time, the Chair proposed continuing the discussion at the June  
171 10th meeting; the Commission isn’t meeting in May.

172

### 173 **VIII. Election of Officers:**

174

175 Chair Kritzer said members need to elect a new chair since his term is ending and he’s  
176 not renewing it. It was clarified Mr. Trueblood will move from an alternate to a  
177 regular member as of May 1st.

178

179 *Jake Kritzer MOVED to nominate Dwight Trueblood to become Chair of the*  
180 *Conservation Commission as of May 1, 2024; SECONDED by Erin Hale;*  
181 *ACCEPTED by Mr. Trueblood and APPROVED unanimously by roll call vote, 7-0,*  
182 *Motion carries.*

183

184 Ms. Hale said she’s willing to continue as Vice Chair.

185

186 *Ms. Robbins MOVED to nominate Erin Hale as Vice Chair; SECONDED by Mr.*  
187 *Kritzer; APPROVED unanimously by roll call vote, 7-0, Motion carries.*

188 **IX. Review of Minutes:** January 22, 2024 and February 26, 2024 - TABLED

### 189 **X. Other Business:**

190 Mr. Behrendt said three strong candidates have applied to serve on the Commission  
191 but there are currently only two open slots for alternates.

192 Roanne Robbins said she intends to step down from the Conservation Commission  
193 and focus her efforts on the Education Sub-Committee as an at-large member,  
194 thereby opening one regular spot on the Commission.

195           It was decided Alternate Nick Lanzer will be recommended to Town Council to fill  
196           her spot and the three other candidates will be recommended as alternates.

197   **XI. Roundtable.** Updates from Conservation Commission members.

198           Mr. Slepian thanked Jake Kritzer for his outstanding service and leadership as Chair.  
199           Mr. Kritzer also acknowledged and thanked Roanne Robbins for her contributions.

200   **XII. Adjournment**

201           *Ms. Robbins MOVED to adjourn at 9:55 p.m.; SECONDED by Chair Kritzer,*  
202           *APPROVED unanimously, 7-0, Motion carries.*

203  
204           Respectfully submitted,  
205           Lucie Bryar, Minute Taker  
206           Durham Conservation Commission