

*These minutes were approved at the March 24, 2025 meeting.*

**DURHAM CONSERVATION COMMISSION**  
**Monday, February 24, 2025**  
**DURHAM TOWN HALL, COUNCIL CHAMBERS**  
**7:00 p.m.**

**MEMBERS PRESENT:** Dwight Trueblood (Chair); Erin Hardie Hale (Vice-Chair); John Nachilly (joined meeting via zoom at 7:11 p.m.); Nick Lanzer, and Neil Slepian. Alternates: Anne Lightbody and Steve Moyer

**MEMBERS ABSENT:** Wayne Burton (Town Council Rep); Richard Kelley (Planning Board Rep); Alternate Jacob Cragg; and Land Stewardship Coordinator Veronique Ludington

**ALSO PRESENT:** Michael Behrendt, Durham Town Planner

**I. Call to Order**

Chair Dwight Trueblood called the meeting to order at 7:01 p.m.

**II. Land Acknowledgement Statement**

Chair Trueblood read the Land Acknowledgement Statement as adopted by the town.

**III. Roll Call and Seating of Alternates**

Roll call attendance was taken and Alternate Anne Lightbody was seated as a voting member until John Nachilly arrives.

**IV. Approval of Agenda**

***Chair Trueblood MOVED to approve the agenda as submitted, SECONDED by Mr. Slepian and APPROVED unanimously by a show of hands, 5-0, Motion carries.***

**V. Public Comments:** There were none.

**VI. Land Stewardship Update:**

The Chair said Ms. Ludington advised him she wouldn't be in attendance tonight, because she doesn't have anything new to report.

Mr. Slepian, a member of the Land Stewardship Sub-Committee, gave a brief summary from the last meeting. He said DPW Director Rich Reine gave a very informative presentation on invasive plants. The DPW has mapped out where major invasive species are located in Durham and developed a detailed plan for how to address them. It's believed the information is accessible on the town's website.

Mr. Slepian said the Commission has worked on its own invasive species lists for the WSOD ordinance and he recommended the Commission coordinate its lists with DPW's.

He said next month the Sub-Committee will discuss whether e-bikes should be allowed on Durham trails. Currently all motorized vehicles are prohibited. This came about because the Lee Conservation Commission contacted Mr. Slepian to ask if the town permits e-bikes. The Sub-Committee will coordinate with the towns of Lee, Newmarket, and possibly Madbury.

Chair Trueblood asked if the Conservation Commission will be given the opportunity to review any e-bike regulations and Mr. Slepian replied yes, once the three towns (possibly four) have reached some agreement. He added the state has developed different categories of e-bikes – from those that can reach speeds of 15 mph up to those able to reach 40 mph.

*It was noted Mr. Nachilly arrived at the meeting via zoom at 7:11 p.m. Alternate Anne Lightbody will no longer be voting this evening.*

Chair Trueblood said Acadia National Park allows only two or three classes of e-bikes on its carriage paths; faster bikes are not allowed.

Ms. Lightbody said there was a bill in the NH Legislature last year to ban e-bikes on rail trails. She doesn't know the final status of the bill but offered it as a point of reference.

Mr. Nachilly added there would likely be an issue with allowing e-bikes on rail trails since many are maintained by snowmobile clubs. He believes there are state RSA's governing motorized access on the trails.

**VII. Aquifer Protection Overlay District.** Proposed amendments before the Planning Board for public hearing.

Chair Trueblood said the Planning Board will hold a public hearing on the proposed amendments to the Aquifer Protection Overlay Ordinance this week. He explained there's currently a provision under Article XVI, requiring single family residences in the Aquifer District to hook up to sewer, if it's available, and also to treat stormwater (not coming off their house) that runs off from their property. The ordinance requires them to hook up to an established stormwater system or put runoff into a reservoir.

The first amendment is looking to exempt homes from sewer hook-up in the Aquifer District that are outside the sewage radius of the town because there's no sewer service available within a reasonable distance, making it cost prohibitive. The second amendment proposes to exempt homeowners from having to treat stormwater by sequestering it underground.

Chair Trueblood said the Commission can either issue comments to the Planning Board as a group -- or if a consensus can't be reached, members can attend the public hearing to speak as individuals.

He noted Mr. Behrendt had distributed an aquifer map, showing the extent of sewer availability and the town's two aquifers: The Bedrock Aquifer and the Stratified Drift Aquifer -- the latter being right under the surface of the ground, from which some houses draw their water.

Referencing aquifer goals, Ms. Lightbody said their purpose is "to protect, preserve, and maintain existing and potential groundwater supplies and related groundwater recharge areas." She said the shallow drift aquifer would be at a similar elevation as septic tanks. If she had a well in the Stratified Drift Aquifer area, she wouldn't want a neighbor to have a nearby septic tank

Chair Trueblood, who lives in the Aquifer District, said the zoning ordinances require wells to be a specified distance from septic tanks. He described the

situation on his property and said he doesn't think there's potential of contamination from another homeowner's septic, particularly since lot sizes are large.

Mr. Lanzer suggested the Commission invite someone in with geo-technical expertise if they intend to make formal comments to the Planning Board. He doesn't think there are any members with in-depth knowledge of aquifers.

Mr. Behrendt gave quick background about the Aquifer District and explained how the amendment proposal came about. He said resident Beth Olshansky has a vacant lot on Packers Falls Road in the Aquifer District and is possibly looking to convey it to the town as conservation property. Before she can do that, fair market value has to be established. She noted the requirement to connect to sewer under Section F1, but there's no sewer availability nearby and that's unlikely to change, according to Mr. Behrendt.

Regarding the second proposed amendment, he noted the drainage requirements for homeowners are quite strict. They require all runoff from impervious surfaces other than houses must be directed to an underground storm sewer system and then directed to a retention pond outside of the aquifer.

Chair Trueblood said most homes in his neighborhood (built in the late 80s) are on septic and have wells. He's unaware of homeowners treating stormwater, which is required by the current ordinance. It appears this isn't being enforced and he asked if existing homes would be grandfathered.

Ms. Lightbody, who's a hydrologist, raised the idea that instead of removing the requirement altogether, less strict requirements such as setbacks should be considered. She does not believe removing all requirements to protect groundwater should be eliminated.

After discussion and a brief look at a similar ordinance from the town of Exeter, the Commission decided to ask the Planning Board to continue the public hearing for one more month. This will give them the opportunity to research the issue further and develop new language for the amendment. Mr. Behrendt will work on some draft language based on tonight's discussion and Ms. Lightbody will ask a colleague to review the draft.

**VIII. Wetland and Shoreland Overlay District – Zoning Amendment.** Continued discussion about proposed new Wetland and Shoreland Overlay District (WSOD) to replace the current Wetland Conservation Overlay District (WCOD) and Shoreland Protection Overlay District (SPOD).

Mr. Slepian thanked Mr. Behrendt for an excellent job updating the matrix. He noted it will be useful for the Planning Board to have a matrix so they can understand where the Commission started (with the previous ordinances) and where they are headed with this revision.

He then led continued discussion on updates and edits to the ordinance, starting on Pg. 9, #1 – under *Permitted Use A – Uses That Do Not Require Review*.

Also discussed briefly were sections 175-61A and 175-63, *Permitted Use B* with minor edits proposed.

Revised Sections Reviewed for the First Time:

The Commission then looked at proposed changes to *Permitted Use B – Commission and Board Review Criteria*. Previously there were three criteria and the Sub-committee proposed condensing them to two criteria. It was agreed the phrase “soil erosion” should be restored for clarity.

Consensus was reached the two criteria effectively address the prior three criteria.

Under *Conservation Commission Review*, Mr. Slepian said the revision spells out more clearly how the Conservation Commission and the Planning Board should interact in reviewing applications. He said it now clearly states if there are significant changes to a plan after Planning Board review, then it needs to come back to the Conservation Commission for comment.

*175-64. Conditional Uses in the WSOD* – The Commission discussed Item 2 pertaining to “Streets, roads, driveways, bridges and other access ways,” etc.

Mr. Moyer questioned if Durham’s culverts are adequate to allow connectivity [for wildlife passage]. He said historically, properly-sized culverts have been a problem for many towns and he also questioned whether the Commission can confirm that Durham’s Public Works Drainage Standards are adequate.

There was some discussion about Best Management Practices and State standards. It’s unclear to members which standards Public Works are following.

There was lengthy discussion about free-standing solar arrays – which the revised ordinance prohibits in the wetland and shoreland overlay buffers. Mr. Behrendt said the Energy Committee might have a different opinion.

The Commission discussed the potential damage that could be done by solar arrays in buffers, with Chair Trueblood pointing out they can cause habitat loss. Mr. Lanzer said significant soil disturbance takes place when they're installed.

Ms. Hale said the same is true for electric lines, septic, and water lines, so she's not sure why free-standing solar arrays would be an exception. Chair Trueblood said a lot of utilities are underground and the area can be re-planted.

The Commission discussed distinctions between private and town-owned utility lines, as well as shared wells and septic systems, which might occur in small developments.

*Accessory Structures Subject to Conditional Use* – Item 4 prohibits accessory structures on slopes that exceed 20 percent and prohibits slopes from being re-graded. Chair Trueblood said the Sub-Committee looked at similar ordinances from other towns and concluded that beyond this grade, runoff would shed rapidly.

There was brief discussion of 175-61C, which allows agricultural activity but prohibits the use of pesticides and herbicides.

In light of the time, the Commission ended their draft review for the evening but will continue discussion on the proposed revisions next month.

## **IX. Review of Minutes: January 27, 2025**

***Vice-Chair Erin Hale MOVED to approve the minutes as presented; SECONDED by Mr. Lanzer; APPROVED, 4-0-1, with Mr. Nachilly abstaining because he wasn't present; Motion carries.***

## **X. Other Business**

Mr. Moyer said he has growing concerns regarding staffing cuts in some of Durham's federal agency partners as well as blockage of funding to grants in some programs. He knows people who have lost their jobs in NOAA and Fish & Wildlife Services. He's not sure if the Commission or the town should take any action and wonders what impact it will have on agencies' ability to do their jobs.

Chair Trueblood worked at NOAA for 29 years and said he believes grants could be impacted. He said the grant to help with removal of the town dam is through NOAA. He conveyed via email that the town should try to move that project forward as rapidly as possible. His opinion is that the Conservation Commission doesn't need to weigh in on this as a group. If members have concerns, they should contact their U.S. Congress members or possibly Town Council.

## **XI. Roundtable**

Ms. Lightbody said the Conservation Commission helped to lead a nature walk yesterday that she and Ms. Hale attended. Emma Tutein did an excellent job on "Tracking Wildlife," attended by about 15 people.

Vice-Chair Hale said there's a Full Moon Walk coming up on March 14th.

Chair Trueblood said there was a conservation meeting of area towns recently, but he was unable to participate because he was given an incorrect zoom link. He read through the minutes and thinks it will be valuable to share conservation information with area towns going forward.

## **XII. Adjournment**

With no other business, the Chair adjourned the meeting at 9:20 p.m.

Respectfully submitted,

Lucie Bryar, Minutes Taker

Durham Conservation Commission

***NOTE: These written minutes are intended to be a summary of the meeting. For the full video recording, please visit the town website ([www.ci.durham.nh.us](http://www.ci.durham.nh.us)) and select DCAT Media on Demand.***