

[D R A F T]

DURHAM CONSERVATION COMMISSION
Monday, April 28, 2025
DURHAM TOWN HALL, COUNCIL CHAMBERS
7:00 p.m.

MEMBERS PRESENT: Dwight Trueblood (Chair); Darrell Ford (Town Council Representative); Jacob Cragg, Nick Lanzer, Anne Lightbody, Neil Slepian; Alternates: Steve Moyer, John Nachilly and Ben Phelps

MEMBERS ABSENT: Erin Hardie Hale (Vice-Chair); Richard Kelley (Planning Board Rep);

ALSO PRESENT: Michael Behrendt, Durham Town Planner and Land Stewardship Coordinator Veronique Ludington

1 **I. Call to Order**

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

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4 **II. Land Acknowledgement Statement**

5 The Chair read the Land Acknowledgement Statement as adopted by the
6 town.

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

9 Roll call attendance was taken and Chair Trueblood welcomed new alternate
10 member Ben Phelps this evening. Mr. Behrendt reiterated Vice Chair Erin Hardie
11 Hale is stepping down from the Commission, but will continue to be active with
12 other conservation initiatives.

13

14 **IV. Approval of Agenda**

15 *Ms. Lightbody MOVED to approve the agenda as submitted, SECONDED by Mr.*
16 *Slepian; APPROVED unanimously, 6-0, Motion carries.*

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

18 **VI. Land Stewardship Update**

19
20 Ms. Ludington said the Sub-Committee held an informal discussion since there wasn't a
21 quorum for a meeting. They discussed re-writing property descriptions and updating
22 restricted uses. She reported other activities:

- 23
24 • Ms. Ludington, Ann Welsh and Town Manager Todd Selig took part in a property
25 survey at Jackson's Landing, which is now complete. Talks with some abutters will
26 take place since more of their properties actually belong to the town. The next
27 property to be surveyed is Stolworthy.

28
29 Mr. Slepian asked the reason for the surveys now; Ms. Ludington said she
30 believes some properties weren't surveyed when acquired by the town. Mr.
31 Behrendt clarified the town now surveys any property it acquires or purchases.

- 32
33 • Ms. Ludington met with the sub-committee managing Milne Sanctuary (Diana
34 Carroll, John Hart, and Susan McDonald). Ms. Carroll is stepping down for health
35 reasons. Commission members and volunteers are invited to a Cleanup Day on
36 May 17th. She's recruited some volunteers from faculty neighborhood, since
37 many use the property.

- 38
39 • There will be a garlic mustard pull at Stolworthy with two middle school classes in
40 May.

- 41
42 • She's in the process of organizing a small committee for a Bio Blitz in the fall and
43 also a committee to assist with a related UNH technical grant. The grant requires
44 a committee of at least five members willing to attend three meetings between
45 June and October. Mr. Slepian volunteered to serve on the committee.

- 46
47 • Ms. Ludington and Parks & Rec Director Rachel Gasowski will give a presentation
48 on town trails at the Durham Public Library on May 20 at 6:30 p.m.

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

53
54 Chair Trueblood commented on the progress made last month and said it would be
55 good to get the draft ordinance to the Planning Board for their May meeting, if possible.

Mr. Slepian brought Alternate Ben Phelps up to speed about the origins of the ordinance and the main goals of the re-write: to simplify language and make it more understandable; also to reflect current science, particularly in regard to buffers and climate change. He doesn't believe the ordinance has been updated in 20 years or so.

With Mr. Slepian leading the discussion, the Commission continued to review the draft in detail, starting on pg. 13 this evening and including the following sections:

175-65 Special Exceptions for Single Family Residences in the WSOD

(Discussion focused on distinctions between special exceptions, variances, what constitutes a reasonable building envelope, etc.)

175-66 Prohibited Uses in the WSOD

(After discussion on why solar energy systems are singled out, it was decided to eliminate this item; it is not allowed under permitted uses.)

175-67 Compliance with Other Regulations

(Minor edits made)

175-68 Challenge to the Classification of Wetlands

(After discussion about various aspects, it was agreed to add that "a challenge must be submitted within 30 days of when a delineated plan is presented to the Planning Board.")

175-69 Applications for Variances and Special Exceptions

(Mr. Behrendt will work on clarifying the language further.)

175-70 Local Resources and Authority

175-71 Enforcement

Appendix

(There was lengthy discussion about the most user-friendly way to present this information.)

The Commission then reviewed Mr. Ford's comments on the entire draft, since he recently came to the Commission and had not been part of earlier discussions.

At 2:11:45 in the D-CAT video, discussion turned to the buffers – precipitated by Mr. Ford's question about how proposed buffer sizes were determined.

95 Chair Trueblood said the Commission primarily relied on a study by Great Bay Reserve
96 called *Buffers on the Bay*. He noted the Commission has had lengthy discussion about
97 larger buffer sizes and agreed it was best to err on the side of caution.

98
99 Mr. Ford said to his knowledge, a 100-foot buffer is generally sufficient to protect water
100 quality; he assumes the recommended 330-feet is to protect wildlife. Chair Trueblood
101 agreed with this assessment. Mr. Ford said he didn't see anything in *Buffers on the Bay*
102 explaining *why* they came up with certain buffer sizes, leading him to believe the report
103 may be lacking data.

104
105 The Chair said the people who prepared the document were all qualified professionals
106 who looked at the latest research on how to provide maximum protection for water
107 quality and wildlife. He sees a lot of value in the report.

108
109 Mr. Slepian added the sub-committee reviewed buffers from surrounding communities,
110 including Exeter. He noted the Exeter and Squamscott Rivers, for example, have 300-
111 foot buffers. He acknowledged the Commission expects larger buffer sizes to be a
112 sensitive topic with the Planning Board.

113
114 The Chair said the Commission is supposed to provide the best technical information
115 available with regard to buffer sizes to the Planning Board and he fully expects they may
116 not agree with some of the recommendations.

117
118 Mr. Slepian pointed out the Conservation Commission is charged solely with protecting
119 the natural resources of the town, while the Planning Board has to balance other
120 considerations, including landowner rights and politics.

121
122 There was discussion about buffers for vernal pools, raised by Mr. Ford. It's currently
123 100-feet and the recommendation is to make it 150-feet.

124
125 Mr. Behrendt did some calculations and said even a miniscule vernal pool would require
126 about an acre and a half of land to protect it, as currently written.

127
128 Chair Trueblood said vernal pools are very sensitively impacted by development. He will
129 look at the references again to be sure they're in line with best management practices.

130
131 Town Planner Michael Behrendt then suggested that the draft be sent to the Town
132 Attorney for review before it's presented to the Planning Board. He asked for and was

given permission to send the final draft to her, with the hope she could reply with comments before the next meeting.

Turning back to the draft ordinance, Mr. Ford said state requirements for septic setbacks are a more measured approach; it's dependent on certain types of soils. Mr. Nachilly agreed that soil composition would be a better way to approach it. Mr. Slepian said the sub-committee will re-visit this in light of the comments.

P. 10 – There was brief discussion about limits on decks – with the suggestion made to keep them as Permitted Use B, but eliminate the square foot limit.

With the draft review complete, Chair Trueblood outlined what he sees as the process going forward: Mr. Behrendt will make final edits based on tonight's discussion and then he will send the final draft to the town attorney for her comments. The Commission should vote on the ordinance next month. He said if members have further comments or concerns in the interim, they should bring them forward.

VIII. Review of Minutes - TABLED

Ms. Lightbody said she had asked to have a sentence struck from the March minutes; the sentence was repeated in the minutes review. She would prefer to have it struck all together.

Mr. Behrendt said she should send him an email and he'll make the correction. The Chair tabled a vote on the minutes, pending the change.

IX. Other Business

Chair Trueblood said he was approached by Lori Sommer of SELT [Southeast Land Trust] about the town's interest in potentially acquiring land on Crommet Creek. After more information is received, he would like to gauge interest from members of the Commission. Their current budget for conservation land acquisition is \$153K.

He said Sophie Godwin has finished the draft of Durham's Climate Action Plan and she wants feedback by late May. Given time constraints, he's not sure if the Commission will have time to address it as a group or if they will need to address it individually via email. He's open to feedback on the best way to approach this.

X. Roundtable

XI. Adjournment

***With no further business, Mr. Lanzer MOVED to adjourn the meeting at 9:40 p.m.;
SECONDED by Mr. Ford; APPROVED unanimously, 6-0, Motion carries.***

Respectfully submitted,
Lucie Bryar, Minutes Taker
Town of 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) and select DCAT
Media on Demand.***