

[D R A F T]

DURHAM CONSERVATION COMMISSION
Monday, Sept. 29, 2025
DURHAM TOWN HALL, COUNCIL CHAMBERS
7:00 p.m.

MEMBERS PRESENT: Neil Slepian (Vice-Chair); Darrell Ford (Town Council Rep); Jacob Cragg; Nick Lanzer; Anne Lightbody, Rob Sullivan (Planning Board Rep); Alternates: Steve Moyer and Ben Phelps

MEMBERS ABSENT: Dwight Trueblood (Chair); Land Stewardship Coordinator Veronique Ludington

ALSO PRESENT: Town Planner Michael Behrendt

I. Call to Order

Vice-Chair Neil Slepian called the meeting to order at 7:00 p.m.

II. Land Acknowledgement Statement

The Vice-Chair read a short excerpt from a speech by Chief Seattle in 1854, in response to a request to give up tribal lands.

III. Roll Call and Seating of Alternates

The Vice-Chair seated Alternate Ben Phelps as a voting member for Chair Dwight Trueblood.

IV. Approval of Agenda

Ms. Lightbody MOVED to approve the agenda as presented; SECONDED by Mr. Cragg; APPROVED unanimously, 7-0, Motion carries.

V. Public Comments: None.

VI. Land Stewardship Update

Vice-Chair Slepian reported the Land Stewardship Committee is discussing an update of all trail signs on public lands, with the goal to achieve consistency. They are examining

permitted and non-permitted uses at each property and working to create icons consistent with recognizable icons in other parts of the state. They are also discussing modular signs that could be changed out seasonally, for example, during hunting season.

The Committee wants to ensure there are kiosks at each property and also use GIS to properly map the trails. Town Councilor Em Friedrichs did an excellent presentation, which will be posted on the town website.

Mr. Slepian reported Ms. Ludington is working with a group to organize the Bio Blitz in the spring. He briefly explained what it is and said it's planned for May 2026. On October 6th, he and Ms. Ludington will present an update on Land Stewardship activities to Town Council.

VII. Riverwoods Conditional Use for Generator. Stone Quarry Drive. Revision to current site plan and conditional use application to allow for a generator in the 75-foot wetland buffer. The site plan is for two senior housing buildings, a clubhouse, a maintenance building and associated site improvements.

Vice-Chair Slepian noted the Commission had unanimously approved a Conditional Use application from Riverwoods at a recent meeting. Since then, the applicant realized they need two generators instead of one. He asked Mr. Behrendt if they need to review the four criteria again or if it can be handled by informal vote. Mr. Behrendt said this is an addendum to the Conditional Use and the applicant has addressed the four criteria in their application.

Erik Saari from Altus Engineering came forward on behalf of Riverwoods and was joined by Attorney Christopher Boldt. Mr. Saari showed plans and indicated the pad for the second generator would extend a little into the buffer. Electrical engineers haven't yet determined the exact size, but he is showing worst case scenario.

Grading will be necessary; the generator will be powered by natural gas; no diesel, no tanks, no fuel lines. A dog park and trails have also been added to the plans, to fill in gaps in existing trails. Overall impact would go up by approximately 4,200 square feet, 332 square feet of which would be impervious – that is, the pad for the second generator.

The electrical plan was shared and Ms. Lightbody asked Mr. Sari to comment on the sewer line, which she believes modifies the hydrology in the western part of the site.

Mr. Saari explained the sewer line was moved downhill in order to save an existing slope, which will preserve the landscaping. It then follows the road to the other side.

She asked if it impacts a buffer on the other side of the road and Mr. Saari replied they will have to go under a culvert to maintain the gravity line; this prevents them from tying into an existing manhole. They will avoid installing a pump station, which would be costly and problematic from a maintenance standpoint.

Vice-Chair Slepian asked for closer inspection of the impacted area of the buffer. Mr. Saari said the size of the second generator pad is being driven by the potential need for a fire pump. Underwood Engineering, on behalf of the town, is looking at water demand for fire suppression in the buildings. If it's determined a fire pump isn't needed, the generator will be smaller.

Mr. Behrendt asked Attorney Boldt to address the grading for the easterly generator. Attorney Boldt said the item itself is in compliance and may shrink in size, as mentioned. Since there are other items graded in the buffer – it's a "diminimus tag-on" of what's already been approved. He doesn't believe it's a violation of the ordinance in any way. Mr. Behrendt cited several reasons why he's in agreement.

Vice-Chair Slepian said the proposed change is so minor from what was previously approved that he doesn't see the need to review the four criteria and Commission members agreed.

Mr. Lanzer MOVED to accept the addendum to what was previously approved as presented; SECONDED by Mr. Cragg, APPROVED unanimously, 7-0, Motion carries.

VIII. 25 Emerson Road – Lot Line Adjustment and Conditional Use. Conveyance of 30-foot strip of land from front lot to rear lot to allow for rear access. Conditional use for driveway to be located in 75-foot wetland buffer. Map 103, Lot 10 and 11. Both owned by Christensen Rev. Trust c/o Ann Christensen, trustee. Patrick Sharkey, Surveyor, Doucet Survey. Brenden Walden, Wetland Scientist, Gove Environmental. Residence A District.

Brenden Walden with Gove Environmental Services came forward on behalf of the applicant, Ann Christensen. Conditional Use is being sought for a buffer impact on a proposed driveway associated with a lot line adjustment for access to a land-locked piece of property.

95 Mr. Walden said Lot 11 currently has a single-family dwelling, garage and access to
96 Emerson Road. The applicant is looking to gain access to (rear) Lot 10 via a lot line
97 adjustment, with an eye toward future sale and development.

98 The Conditional Use is for buffer impact for a potential driveway to be on the left
99 [westerly] side – which would maintain current enjoyment for Lot 11, i.e. not having a
100 driveway near bedrooms and living room. Applicant seeks to avoid privacy fencing or
101 headlights into the home at night.

102 According to Mr. Walden, Conditional Use is being requested from an abundance of
103 caution since delineation of wetlands, from an old 80s subdivision plan, is unclear. He
104 used Granite View LIDAR for an updated view, but it's still unclear.

105 Vice-Chair Slepian asked if he could be more specific about the wetlands. Mr. Walden
106 said it's a forested wetland, off-property. It drains from South to North toward Route 16
107 and accumulates at tip of Lot 10. It has channelized, but he's unsure how far up.

108 Mr. Sullivan said he walked the property today and assessed the western portion to
109 have a stable boundary, well away from the wetlands, with lots of riprap and stable
110 boulders. He believes any impact to the wetlands would be minor because the boulders
111 create a significant boundary and no activity would take place beyond them.

112 Mr. Behrendt said this is an unusual case because the Conservation Commission is being
113 asked to grant a Conditional Use permit without specific plans or a defined location for
114 future development. He noted the Commission can attach any conditions it deems
115 appropriate, such as erosion control measures. He explained why it made sense for the
116 owner, Ms. Christensen, to seek the permit now, and confirmed that any future owner
117 of Lot 10 would not need to return to the Commission.

118 Ms. Lightbody noted that one Conditional Use criterion asks whether alternative
119 locations exist on the property. From a street view, in her opinion a driveway on the
120 easterly side appears possible and would avoid wetland encroachment. She said the
121 sump pump mentioned wasn't working this summer likely due to drought conditions.
122 The drainage issue makes her uneasy about granting a Conditional Use without seeing
123 specific plans.

124 Property owner Ann Christensen spoke remotely on zoom. She said the [proposed]
125 driveway on the left side of the house has a fantastic stone fence boundary. Town
126 officials -- fire marshal and public works -- confirmed the [westerly side] is the best place
127 for a driveway.

128 She said they evaluated placement on the right but currently headlights coming out of
129 Fitts Farm are obscured by trees. If they were to put a driveway there, headlights would
130 shine through the most used parts of the home. Testing showed the sump pump was
131 working and she also mentioned a dry well.

132 Ms. Lightbody spoke in favor of wetland creatures and ecological balance and said the
133 Commission's job is to protect natural resources. This is a bad year to test dry wells
134 since the ground is so dry it will quickly absorb water. She believes if a driveway is built
135 on the left, drainage would still be required.

136 Mr. Lanzer said a simple re-design of the lot line could potentially obviate the issues. He
137 proposed re-drawing the lot line to the right to widen out into Lot 11 backyard – which
138 would allow the driveway to be kept out of the buffer. He showed a quick diagram. Ms.
139 Christensen responded if they carve out more of the front lot on the left side, the
140 property will be degraded because the yard is a significant part of the property.

141 Vice-Chair Slepian called for the Commission to review the four criteria and lengthy
142 discussion continued, mostly focused on Criterion One: "There is no alternative design
143 and location on the parcel for the proposed project that would: a.) Have less impact on
144 the WCOD/SPOD and overall ecological values; b.) Be workable and c.) Be reasonable to
145 expect the applicant to utilize."

146 In answer to questions from the Commission, Mr. Sullivan reiterated his opinion that the
147 west side boundary is very stable and has sufficient sediment filtering from a future
148 driveway to the wetland. He doesn't see serious adverse impacts. In his view the
149 applicant has presented a good argument regarding light pollution, making the westerly
150 side better for the applicant.

151 Ms. Christensen added they have to trim back the boundary on Emerson Road to
152 maintain visibility from the driveway. If the driveway were on the right, it would go into
153 the best and most buildable part of the lot.

154 Mr. Lanzer said they're discussing a technical solution without having seen the property.
155 Not all buffers are the same. They might be holding tight to the ordinance as written,
156 when in actuality there may not be any adverse impact on the wetland.

157 It was agreed that Mr. Sullivan's perspective after visiting the property was very helpful
158 in evaluating Criterion One. The Commission then discussed Criteria 2, 3, and 4
159 regarding minimizing adverse impacts and using erosion control measures.

Mr. Behrendt said at a minimum any future builder would have to implement erosion sediment control. Ms. Lightbody recommended flagging stipulations mentioned in the Criteria and Mr. Behrendt said he will talk with [Code Enforcement Officer] Audrey Kline to be sure she's aware of them.

Mr. Sullivan proposed stipulating there should be no violation of the buffer except to install a driveway and Best Management Practices (BMPs) and erosion control measures should be used. Mr. Behrendt added they could specify the BMPs need to be reviewed by the town engineer.

Mr. Sullivan MOVED that the Conservation Commission accepts the driveway on the plan as written on the left side of the house and accepts the boundary designation for the new lot line. The Conservation Commission wants to ensure any future work is done with Best Management Practices to ensure there is no erosion or adverse effects on the wetland from water runoff – and the Town Engineer or code official would approve Best Management Practices, SECONDED by Mr. Cragg, APPROVED, 5-2-0, with Ms. Lightbody and Mr. Phelps opposed.

Ms. Lightbody had indicated her belief that the easterly side of the property, away from the wetland, could be a viable alternative; Mr. Phelps expressed support for the alternative proposed by Mr. Lanzer which would redesign the lot line.

IX. 74 Bennett Road – Permitted Use B Application. Application from Tanner Frost, UNH Graduate Student, to remove 7 or 8 maple trees as part of a study of responses of maple trees to wounds resulting from tapping for syrup. Permitted Use B application for activity in the Wetland and Shoreland Overlay Districts. Viewey Family Trust, owner. Map 224, Lot 59-1A. Rural District.

Tanner Frost said he's currently pursuing a master's degree in natural resources with a forestry emphasis. His work is on maple syrup tapping wounds and the sustainability of maple tapping.

He found some silver maple trees that meet his study criteria along the Lamprey River near 74 Bennett Road. Tonight he's seeking permission to cut down 5 to 7 of the trees to validate the data.

He's been monitoring the trees for two years, collecting data on sap volume, sugar yield, growth and other metrics. He adhered to NH guidelines on forested wetland and also

192 did a site walk with Captain Matson of NH Division of Forest and Lands. He later learned
193 he needed to check with the town, which is why he's here this evening.

194 The next step in the process is to fell the trees, cut them into smaller sections, and
195 assess how much damage is done when they're tapped, especially in regard to climate
196 change and sustainability.

197 Mr. Behrendt said the trees are in the wetland and shoreland overlay district. Mr. Frost
198 confirmed he has received the owner's permission to cut the trees.

199 He then explained the removal process, emphasizing no machinery will be used;
200 everything will be done by hand. Mr. Lanzer asked what proportion of the stand will be
201 felled and Mr. Frost said it's estimated to be between 10 to 20%.

202 Mr. Frost said he's studying sugar maple, red maple, silver maple, box elder, and
203 Norway maple at other locations around Durham. He noted while there are many
204 studies on sugar maples, little has been done on other species. He believes some of the
205 species are more resilient to climate change and producers could be encouraged to tap
206 them for maple syrup.

207 Mr. Frost briefly explained how he would meet the three criteria: 1.) Erosion control; 2.)
208 Restoration of the disturbed area; and 3.) Minimizing any impact on the wetland and
209 shoreland.

210 ***Mr. Lanzer MOVED to approve the Permitted Use B application presented by Tanner***
211 ***Frost; SECONDED BY Mr. Phelps; APPROVED unanimously, 7-0, motion carries.***

212 **X. Review of proposed pieces for inclusion in Friday Updates.** Discussion of first set of
213 proposed items.

214 Mr. Cragg said he partnered with Microsoft Co-Pilot to generate 60 short articles. He
215 proposed that Commission members review the first 4 or 5 articles. Members have
216 access to a google doc with all the content and can comment at any time.

217 Ms. Lightbody complimented Mr. Cragg's work and said the articles were fantastic. She
218 asked how links to other resources will be handled. Mr. Cragg said links will be added
219 further down the road to terms in bold. He explained that he generates a blurb – using
220 the Master Plan, website info, trail maps, etc. – and then he and Veronique review and
221 edit for accuracy. They will also incorporate input from members.

222 His goal this evening is to discuss process. It was agreed the Commission will set aside
223 ten minutes at each monthly meeting for final review of upcoming articles.

224 The Commission's role, as he sees it, is one of validation: they need to confirm the
225 appropriateness of the topic and accuracy of the information. Once validated, Mr.
226 Cragg will create links to more specific information and photos, which will be part of a
227 repository on the Conservation website. The goal is to publish one article each week in
228 *Friday Updates*.

229 There was discussion about the start date and the picture for the first Welcome to the
230 Conservation Corner and it was agreed Mr. Cragg will submit it for October 3rd.

231 **XI. Review of Minutes:** August 25, 2025

232 ***Ms. Lightbody MOVED to accept the minutes as presented; SECONDED by Mr. Ford;***
233 ***APPROVED, 6-0-1, with Mr. Lanzer abstaining because he wasn't at the meeting,***
234 ***Motion carries.***

235 **XII. Other Business**

236 Mr. Moyer said there will be a public hearing on October 6th regarding acceptance of a
237 grant to remove Mill Pond Dam. He thinks it would be good if the Commission showed
238 up to remind people they are in support of the dam removal, since there was still vocal
239 opposition at a permit hearing last spring. He wants to be sure the Council hears from
240 those who remain supportive.

241 Mr. Ford (Town Council Rep) said he thinks it's a good idea to speak in favor of the
242 project if they anticipate there may be others speaking in opposition. He said accepting
243 the grant is a technicality; the Council has to accept any money coming into its coffers.

244 Vice-Chair Slepian asked whether members should speak individually or send a written
245 statement from the Commission. Mr. Ford said a written letter on behalf of the entire
246 Commission seems like a good idea. Mr. Behrendt offered to draft a brief letter and Mr.
247 Moyer said he plans to speak at the meeting.

248 Mr. Behrendt recommended they take a vote and also make it clear that Mr. Moyer will
249 be speaking on behalf of the entire Commission.

250 ***Mr. Sullivan MOVED that the Conservation Commission wants to reiterate its prior***
251 ***votes that they think dam removal is the proper course of action and supports***
252 ***acceptance of the grant; SECONDED by Mr. Cragg, APPROVED unanimously, 7-0,***
253 ***Motion carries.***

254 **XIII. Roundtable.** Updates from Conservation Commission members.

255 Reporting on Planning Board activities, Mr. Sullivan said there's a public hearing on
256 October 8th on the NOAA building. He asked if ground will be broken this fall and Mr.
257 Behrendt said yes. It was later clarified he was referring to the West Edge project, across
258 from the former Channel 11 building.

259 Addressing the Technology Drive project, Mr. Sullivan strongly recommended that
260 Commission members visit the site on their own and look at the conceptual plan; it's a
261 big project with serious impacts on the woods and the river. Mr. Behrendt said the
262 applicant will be presenting to the Commission at the October meeting and to the
263 Planning Board in November or December.

264 There was discussion about whether the applicant should appear before the
265 Conservation Commission with a conceptual plan now or wait until they have submitted
266 a formal application. Since it's a large project, Commission members agreed they would
267 like to hear the conceptual plan next month and then review the Conditional Use
268 application when it's submitted. They will arrange a site walk before they reach a final
269 decision.

270 **XIV. Adjournment**

271 ***Mr. Ford MOVED to adjourn; SECONDED by Mr. Lanzer.***

272 ***Vice-Chair Slepian adjourned the meeting of the Conservation Commission at 9:33 p.m.***

273

274 Respectfully submitted,

275 Lucie Bryar, Minutes Taker

276 Town of Durham Conservation Commission