

[D R A F T]

**DURHAM CONSERVATION COMMISSION
Monday, December 22, 2025
DURHAM TOWN HALL, COUNCIL CHAMBERS
7:00 p.m.**

MEMBERS PRESENT: Dwight Trueblood (Chair); Neil Slepian (Vice-Chair); Jacob Cragg; Darrell Ford (Town Council Rep); Nick Lanzer; Alternates: Steve Moyer and Ben Phelps

MEMBERS ABSENT: Ann Lightbody; Rob Sullivan (Planning Board Rep) and Alternate John Nachilly

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

I. Call to Order

Chair Dwight Trueblood called the meeting to order at 7:00 p.m.

II. Land Acknowledgement Statement

The Chair read the Land Acknowledgement Statement adopted by the town.

III. Roll Call and Seating of Alternates

Roll call attendance was taken and Alternate Ben Phelps was seated as a voting member.

IV. Approval of Agenda

Chair Trueblood MOVED to approve the agenda as presented; SECONDED by Mr. Lanzer; APPROVED unanimously by a show of hands, 5-0, Motion carried. (Five votes were announced in favor, but there should have been six?)

V. Public Comments:

John Oidtman, 22 Deer Meadow Road, spoke regarding the proposed changes to the WSOD ordinances. He noted that members of his community submitted a letter to the Commission offering thoughtful arguments and balanced solutions aimed at maintaining a healthy and vibrant shoreline, and he hoped their suggestions would be considered. Addressing members of the Planning Board present, he said the proposed WSOD ordinance is among the most restrictive in New Hampshire and would reduce shoreline property values. He added that existing restrictive business ordinances hinder commercial development and growth. Taken together, he said these policies would limit future tax revenues, affecting two of the town's most valuable revenue

sources. He urged the Planning Board to make a balanced recommendation that considers both municipal revenue needs and property owners' ability to use their properties.

Responding briefly, Chair Trueblood said this item is on the agenda but he's not sure if Mr. Oidtman's concerns will be directly addressed this evening. He acknowledged the commission has received and is reviewing correspondence referenced.

Mr. Ford asked for a procedural clarification, noting only six members have been seated tonight and asking if the second alternate should be seated. Mr. Behrendt said an alternate cannot be appointed for the Planning Board Rep.

The Chair closed the public comments at 7:08 p.m.

VI. Land Stewardship Update

Land Stewardship Coordinator Veronique Ludington gave a report of activities:

- She finished all easement monitoring field work and reports for the year. She noted Southeast Land Trust now only monitors by aerial drone.
- Volunteers gave about 810 hours in 2025, valued at almost \$28K.
- Work continues on planning for Discover Durham Trails events. Two winter walks are planned: Children's Story Walk at Jackson's Landing nature trail on February 8th and a Snowshoe Walk on March 15th at Longmarsh. For the latter, they are in contact with people at UNH to address the walk from a geological perspective.
- UNH students working on the Bio Blitz capstone project gave a final presentation at Durham Public Library. The presentation is available on D-CAT and a special Bio Blitz page is on the website. A sub-group is now continuing work on the event, with a focus on reaching out to volunteers and specialists.
- Survey of the Stolworthy property has been completed and website will be updated.
- DES denied application for upgrades to Oyster River Forest bridge, but wetland scientist Mark West found information regarding rule changes this year and determined the town doesn't need a permit. It's considered repair of existing bridge. Work will begin after April 15th, to protect winter habitat of Blanding's turtles. DPW is assisting with the project.
- She attended the Agriculture Commission meeting, at their invitation, to talk about opportunities for food production on town-owned land. They asked that verbiage be added to future easements and acquisitions to allow for agricultural use. The Commission is looking into adding a community garden back to the Tot Lot.
- She and Vice-Chair Neil Slepian are working on a projects list to identify achievable goals for this year. They will present it at the January meeting, after it's approved by the Land Stewardship Subcommittee.
- UNH researcher Ranjit Bawa has agreed to do a public presentation on invasives at the Durham Public Library. It will likely be in February or March.
- On January 10th, she'll be working with Scouts who are constructing simple benches to be placed at different properties.

Vice-Chair Slepian said Ms. Ludington has concluded her first full year in the Land Stewardship Coordinator position. He commended her for a wonderful job in both stewarding the land and working collaboratively with many different groups including Riverwoods community, UNH and many other schools. She thanked everyone for their support.

VII. Limited brush and tree cutting in WCOD and SPOD buffer on Old Landing Road. 9

and 14 Old Landing Road. Request from Gary Hochgraf to remove vegetation in limited areas to enhance the view toward the Oyster River. Consideration as a Permitted Use B application or as allowance per the Performance Standards for buffers and woodlands under sections 175-65.A. and 175-76.A. Subject lot – 15 Old Landing Road, Map 108, Lot 52, Kate Schulten and Holly Neiween, owners. Affected lot – view from 9 Old Landing Road, Map 108, Lot 59, Fred Hochgraf Trust, owner.

Chair Trueblood said that Mr. Hochgraf had appeared before the Commission last month and had been asked to come back with an updated plan that would address some of their concerns.

Mr. Hochgraf called attention to small changes made to his previous application:

- Trees larger than 6-inches will not be cut.
- He expanded the total area of trees that will not be cut in order to comply with the rule to leave 50% of vegetation.
- He added some language about invasive plants.

Mr. Hochgraf showed a picture of the Kubota KXO80 equipment that would be used for removal of vegetation. It was determined the pressure on the ground is 5.3 psi, which is comparable to a person walking.

The Chair said four members of the Commission conducted a site walk: himself, Steve Moyer, Neil Slepian and Rob Sullivan. Members received minutes from the walk. He reminded commissioners that the decision was made to treat the application under Performance Standards for buffers and woodlands, sections 175-65.A. and 175-76.A of the WCOD.

Mr. Hochgraf asked how he should address invasives if there's a stipulation that nothing can be cut lower than three feet. The Chair said when they visited the site, they noted a lot of scrubby brush and one white pine on the edge that should probably be removed; the invasive species weren't overwhelming. Mr. Hochgraf said there's one huge Multiflora rose that dominates and the Chair said it can be removed as long as disturbance is limited. He said the brush cutter could trim it down, but root masses should be left undisturbed so that no sediment washes into the marsh. There are fairly large 4-6 inch maple trees, which the chair said should be hand-cut.

There was discussion about how to remove vegetation and leave root masses behind. Slash can be left on site. Smaller diameter trees can be removed, if he wishes. The Chair said the other concern is if the machine gets too close to the marsh, it will risk damaging softer soils. Mr. Hochgraf indicated that he understands the machine should stay as far away as possible from the

marsh. The Commission recommends that work be done in the winter when the ground is frozen to prevent soil compaction.

Chair Trueblood MOVED to approve that the brush be allowed to be removed from the designated portion of the buffer as in the proposal and as discussed here tonight; SECONDED by Vice-Chair Slepian, APPROVED unanimously, 6-0. Motion carried.

VIII. **Request for comment on NHDES application for 1 Riverview Court.** Site walk to help determine whether the Conservation Commission wishes to submit comments on an application to NHDES for a dredge and fill permit to develop this vacant lot. Request from Jim McKiernan, abutter at 2 Riverview Court, for the commission to investigate the application and submit comments. RSA 482-A:11 III(a) provides for the commission to offer comments within 14 days of when an application is received by the Town Clerk. That timeframe has passed but the commission will consider whether it wishes to submit comments now NHDES would consider at its sole option. The lot is located within the Durham Shoreland Protection Overlay District (and possibly the Wetland Conservation Overlay District). No application for development has been filed with the Town of Durham at the time this agenda was prepared. Note: The commission is looking at the site at the request of the abutter, not the property owner. The property owner and a prospective buyer are being notified of the site walk. The commission will not walk onto the property unless the owner or their agent provides permission to do so. Map 214, Lot 13. Owned by Matching Donors.com. Residence Coastal District.

Chair Trueblood said the Commission submitted a request to the Department of Environmental Services earlier asking for an opportunity to comment on this application and they were told the 14-day comment window had passed. Nonetheless, DES has agreed to consider comments at their sole discretion. The Commission needs to discuss tonight if they want to move forward. A number of materials have been received, both from the developer and neighbors of the property.

Comments from Developer's Representative:

Tom Sokolowski, owner of TES Environmental Consultants, came forward on behalf of the developer and identified himself as a certified wetlands scientist recognized by the state.

Earlier this year, he was asked to review the parcel for wetlands and potential permits needed from the state for development. This is an existing residential lot of record, correctly and properly subdivided in the past. The parcel has salt marsh on it, as well as a fringe of freshwater wetland above the marsh between upland buildable area and the marsh.

He marked the boundaries of state-regulated coastal wetlands on the parcel and explained how the state defines the Highest Observable Tideline (HOTL). This line establishes the jurisdictional limit of tidal wetlands. The state also regulates the area extending 100 feet inland as an undeveloped tidal buffer. Certain work is allowed within designated upland areas if a wetlands permit is obtained, and any alterations downslope from the wetland boundary likewise require a permit.

With the existing boundaries, there is very little, if any, land on the parcel that could be developed without requiring a state permit. That's what the applicant is now seeking from DES. Curt Meisner, of Meisner-Brem, along with his wife Gretchen, submitted the application with some technical assistance from Mr. Sokolowski.

Mr. Sokolowski conducted a field survey in January 2025, at which time he flagged the HOTL and wetlands. He noted since this property has no discernable tideline line of debris, the state allows the boundary to be defined by salt-tolerable vegetation. He identified saltwater grasses, above which are freshwater vegetation including red maple, high bush blueberry and cinnamon fern, among others.

Site plans submitted to the state show the proposed house location, which is as far from the wetland boundary and Highest Observable Tideline as possible. The plan incorporates several measures to lessen environmental impacts including:

- Infiltration trenches along roof drip edges, to bring rainwater into groundwater;
- High-grade septic system designed for sensitive coastal areas, to be located as far as possible from HOTL;
- Porous pavement to allow for infiltration of stormwater into groundwater.

Applicant was originally seeking to build a path to the shoreline with gazebo at the end, but that was viewed as an intrusion and has been removed from the plans. The applicant filed a request for a shoreland permit, but the state informed them it was premature. It's been determined they need both a wetland and shoreland permit.

Mr. Sokolowski said this particular lot doesn't have the ability to access the water, as the state defines it. Boat docks, steps or a perched beach – none of those would work and none are proposed.

He referenced a letter sent to the Commission from applicant Gretchen Meisner dated December 18th, after applicants became aware there were concerns from neighbors. The letter lays out their assertion that this is a lawfully created residential lot of record and was intended from the beginning to be developed as a residential home. There are homes of similar scale around it.

At this point, the DES wetlands application is pending review and Mr. Sokolowski said he knows the state takes input from Conservation Commissions strongly. He thinks it's proper to submit their comments even though the official deadline has passed. The applicants are aware they will also need municipal approvals for the project.

Chair Trueblood asked about the status of the shoreland permit and Mr. Sokolowski said it's going to be reviewed simultaneously with the wetlands permit. It's complicated since the shoreland permit affects the Highest Observable Tideline inland, as does the wetlands application. The state has jurisdiction over both.

He anticipates the applicant will receive a letter from NHDES requesting more information. According to Mr. Sokolowski, there's still some uncertainty over how to apply new wetland rule changes enacted in 2019.

The Chair said several members of the Commission walked the perimeter of the property, since they weren't allowed access to the site. They observed what appeared to be an ephemeral stream, possibly originating from a culvert, though it was not marked on the map. Mr. Sokolowski said he put a flag near the culvert, but it's not shown on the site plans. He said it's technically an intermittent stream, not an ephemeral stream. He explained jurisdictional vs. non-jurisdictional streams and confirmed the stream in question is jurisdictional. No work at all is proposed in that area.

Vice-Chair Slepian asked Mr. Sokolowski to comment on soil types and he described soils in the wetlands, salt marsh, and freshwater portions of the lot. He noted above the freshwater area, soils have a deeper water table and would meet state requirements for a septic system. Septic setback would be a minimum of 75-feet from the HOTL and 50-feet from the freshwater wetland above that. He didn't do the test pit for the septic and can't speak to the details. It was confirmed the entire footprint of the house is in the buffer.

The Vice-Chair questioned which standard should be applied. The town's Shoreland Protection Overlay District (SPOD) calls for septic setback to be 125-feet from the buffer and it doesn't look like there's enough room to meet this setback. Mr. Sokolowski said that's a question for the septic designer. The applicants are aware they need to submit applications to the town for waivers and permits.

Chair Trueblood said he spoke with Mr. Behrendt and confirmed the applicant would need to seek a special exception from the ZBA. Mr. Behrendt explained that his interpretation of the ordinance points to the nonconforming uses section (175.29[b]), which addresses lots that do not meet current buildable requirements. He noted the ordinance is complex and somewhat contradictory. The town attorney would need to be consulted, but, at a minimum, a special exception from the ZBA would be required. In that case, he believes the Conservation Commission would be given an opportunity to comment.

Vice-Chair Slepian asked whether the lot at 1 Riverview Court was designated as a buildable lot when it was first created. Mr. Behrendt said he hasn't researched this but will do so if an application to the town comes forward. From what he knows, the development was subdivided with the intention the lot would be buildable. There's nothing in the tax maps marking this as preservation land.

Mr. Moyer asked Mr. Sokolowski about prior attempts to build on the lot that had been blocked. Mr. Sokolowski said while he saw blue flags on site, he can't speculate about other attempts to build. Mr. Behrendt said an application had been submitted about 15 years ago, but the applicant decided not to go forward after receiving a list of all the required permits.

Mr. Moyer asked Mr. Sokolowski about the determination on saltwater vegetation being done in January when visibility would be limited. Mr. Sokolowski said the vegetation was identifiable

because there was no snow on the ground. During a brief discussion about the Commission's lack of access to the property, Mr. Sokolowski said it's certain that DES has the right to access the property, regardless of posted signage. Mr. Behrendt added if an application is submitted to the town, the Commission would also have the right to access the property.

Comments from Abutters Representatives

The Chair said they would now invite comments from neighbors, and that Mr. Sokolowski would then be given five minutes for a rebuttal.

Amy Manzelli from BCM Law came forward representing some of the neighbors with concerns. She said abutters are here tonight to ask the Conservation Commission to send comments to the Department of Environmental Services (DES) requesting that the wetlands permit be denied and — to the extent the shoreland permit is pending —to also deny that.

Attorney Manzelli said it's not time for the Commission to dig into Durham's tidal and wetland buffer laws, but rather to look at the state's wetland and shoreland laws and decide whether applicants have met the standards. The abutters do not believe they have done so. Local ordinances would only come into play if the state grants permits.

She clarified the Commission's role with respect to reviewing and commenting on any state application and noted by law, DES must consider comments submitted by the Commission. In her view, they give them considerable weight.

The abutters had submitted a package to the Commission a few days prior, outlining key points of objection. The package included a report from John Perry, a certified arborist, who concluded the project would have a negative impact on wetland and shoreland buffers. A detailed report from Thomas Ballesterio [hydrologist and water resources engineer] concluded the project is of poor design. Full written opinions from all experts have been provided to the Commission.

NHDES has to act by December 29th — i.e., request more information, deny or approve the application, or hold a public hearing, which Attorney Manzelli said is highly unlikely. She discussed the legal status of the lot in question and said there's no dispute 1 Riverview Court was subdivided off decades ago. There's no dispute it's a lot of record in Durham, but their position is that does not mean it's buildable. State and municipal laws come into play that could make a lot of record non-buildable.

She called **Peter Spear**, a certified wetlands scientist, to come forward. He said he attended the site walk with members of the Commission a few days ago and noted he has history on this property. He was asked to look at it 20 years ago, at which time he had complete and free access to the site. He believes there's still an intermittent stream that doesn't appear on any of the plans and in his view, it should be indicated.

He questioned Mr. Sokolowski's Jan. 2, 2025 site visit. Mr. Spear was there in 2005 and again in June 2025, when he observed, with binoculars from the adjacent property, a considerable push

line of leaf layer that had been moved inland into the upland forest. In some cases, it was in the vicinity of Mr. Sokolowski's tideline designation. He described the estuarine habitat found here as quite rare in the state of NH, with five distinct types: scrub-shrub wetlands; forested wetlands; estuarine wetlands; intermittent streams and high-value hard-mast oak hickory uplands. The neighbors have good documentation on the habitat that was not marked on the application.

Mr. Moyer asked Attorney Manzelli to explain state standards and why neighbors feel the application should be denied. She said state standards are to avoid, minimize or mitigate impact to wetlands. Requirements are based on Highest Observable Tideline (HOTL), which determines the location of setbacks. She said they've submitted photos showing the tide higher than where the wetland application shows it; they believe the applicant's foundational data is wrong.

Mr. Spear noted the state defines wetlands as having to meet three important criteria: soils; plants and hydrology, with hydrology driving the first two. It's his contention that the applicant has minimized the location of the wetlands edge to favor the down-gradient start point.

Vice-Chair Slepian asked Mr. Spear if he would dispute Mr. Sokolowski's finding that the soils seem suitable for building. Mr. Spear replied the location of the building appears to be in the upland. It's possible the wetland that originates near the culvert could be negatively affected, but there's no way to know for sure since it's not shown on the map.

Vice-Chair Slepian questioned how Mr. Spear could make a determination about the lot's suitability for building when he hasn't been given recent access to the property. Mr. Spear said it's a dilemma, but he observed the tideline when he was on the land twenty years ago and saw it was farther inland in places than shown on the applicant's plan. There was also an additional stream that is unlikely to have disappeared that is not shown on the plans.

The Vice-Chair said they are hearing two conflicting opinions regarding the high tideline and questioned if it's the word of one expert against another. Attorney Manzelli noted the package provides several professional opinions, including that of Mr. Spear, Mr. Perry and Mr. Ballestero. They have photo evidence showing the Highest Observable Tideline and also the windfall area.

Addressing soil type, Attorney Manzelli said Mr. Perry noted in his comments that on both plans, only the genus of vegetation is listed, not the species. In her view, the vegetation should be labeled with species so that soil types can be inferred.

Vice-Chair Slepian said typically, the Commission makes decisions based on town criteria. He questions why or how the Commission can take state law into account, when that's not their charge. Attorney Manzelli respectfully disagreed. She said their role as a Commission is to guard natural resources in the town. Wetland statute 432(a) maintains that municipal Conservation Commissions have the option to comment on wetland applications. The Commission can advise DES that there isn't room to build, based on what they know of the property.

Mr. Behrendt asked Attorney Manzelli how she would define “not buildable” and she replied in this case, the project wouldn’t satisfy state wetland or shoreland requirements. Mr. Behrendt asked if she could outline specific requirements not being met.

Mr. Spear said an applicant has to demonstrate that they have avoided any wetland impacts or buffer impacts to the maximum extent possible. When they can’t avoid impacts, they have to minimize them to the maximum extent possible.

Responding to Mr. Behrendt’s question about specific requirements not being met, Attorney Manzelli said the application is missing construction-related impacts; the application lacks acreage of impacted area; there’s no quantification of tree removal for the shoreland application; Also, the small size of the yard doesn’t seem logical to house a construction area. She added there are multiple inconsistencies between the shoreland and wetland applications.

There was discussion regarding DES site visits. Attorney Manzelli explained that, in the past, submission of an application implied permission for DES to conduct a site visit, but this is no longer the case; applicants must now explicitly grant access. [Mr. Sokolowski later acknowledged he had been unaware of this change.] Mr. Behrendt said that if an applicant denied a town board or commission access to a site, it would result in automatic denial. Attorney Manzelli noted that it’s more complex at the state level and she outlined reasons DES rarely conducts site visits today, including limited staffing. The exception is for extremely large-scale projects.

Attorney Manzelli then asked and was given permission to invite two abutters to come forward:

Dr. Jim McKiernan, owner of Great Bay Animal Hospital, lives at 2 Riverview Court. He said in the past 14 years, he’s seen several realtors attempt to sell the property and they confided to him that it was unsellable and unbuildable. He questions how it can become buildable now. He initiated a neighborhood petition and the majority do not want the lot to be built on; they view it as an “ecological nightmare.” He believes all the experts consulted (Misters Perry, Ballestero, and Spear) agree. All homes in the neighborhood were built in the 60s; if it wasn’t okay to build then, they question why it would be okay now. He thanked the Commission for their consideration and addressed a remark to Mr. Behrendt about the recent site walk. He said he reached out to Alex Feuti from DES to invite him on the walk and was told he cannot attend unless expressly given permission by the property owner. He’s unable to reach out to them to request permission.

Ahmad Eteberi of 3 Riverview Court said he is opposed to the project. When they first moved to the neighborhood, they were told 1 Riverview was a bird sanctuary and wasn’t buildable. In 2005 there was a walk-through and the owner at the time was Andy Hartman. He read from a letter in which Mr. Hartman referred to 1 Riverview Court as an “unbuildable lot.” He posted a No Trespassing/ Bird Sanctuary sign at one time. More than half of Mr. Eteberi’s land sits next to the land in question. They’ve seen rising water levels, high enough for a canoe at times. At one point, he hoped to build boat access there but was told it wasn’t buildable.

The Chair invited **Tom Sokolowski** to come forward for five minutes to rebut points raised by Attorney Manzelli and Mr. Spear.

- He said in addition to the January 2025 site visit, he visited the site on August 22, 2025 to prepare the functions and values assessment. Photos are available from the August visit.
- The lack of tree species on the application is not an error. Only tree diameters and genus are required. This is simply to show the state that a minimum number of trees will remain as natural shoreline.
- Regarding Highest Observable Tideline, the state's wetland rules say flood events aren't counted as normal tide events. He said photos of surface water don't themselves show tidal influence; they could be showing storm influence.
- Regarding avoiding impacts to the greatest extent possible, he said in this case it's not possible to avoid impacts. He believes they've minimized impacts. DES uses the term "to the extent practicable," not "to the extent possible." The state recognizes that some remedies might be possible, but the cost would be prohibitive and therefore, not practicable.
- Regarding construction impacts, Mr. Sokolowski noted the plans show limits of work, erosion control measures, and a construction sequence that specifically details work to be done.

Mr. Behrendt questioned why they're proposing a four-bedroom house with a two-car garage, if minimizing impacts is a goal. Mr. Sokolowski said his clients were looking to match the scale of other houses in the neighborhood and they also hoped to accommodate their daughter and her children for visits.

Chair Trueblood then asked Commissioners if they wished to submit comments to NHDES.

Mr. Ford MOVED to have the Commission submit comments on the two applications to NH DES; SECONDED by Mr. Cragg, APPROVED unanimously, 6-0, Motion carried.

The Chair suggested they include all documentation received from both sides to NHDES. He took the liberty of drafting brief comments in advance to send to DES since time is critical. He distributed copies of the draft comments and noted it doesn't say the Commission is recommending denial of the applications, but rather that DES should look very carefully at all materials. He asked if any member wants to recommend outright denial.

Mr. Ford suggested they add that the Commission has serious reservations about the buildability of the lot. Mr. Moyer and others agreed.

The Chair then asked that the Commission approve the draft comments and it was recommended that he read the entire comments aloud for the record, here:

The Durham Conservation Commission wishes the NH Department of Environmental Services to consider the following points before approval of wetland permit application 2025-03039 and shoreline permit application 2025-00998 with respect to 1 Riverview Court in Durham, NH:

- NHDES should be aware that there is an intermittent freshwater stream on the eastern upland edge of the property under consideration and any dredging and filling should avoid disturbing the stream and immediately surrounding habitat.
- The lot in question contains several habitat types that are not often found together, including abutting woodland, freshwater wetland, and salt marsh habitats. Every effort should be made to minimize fill operations on these habitats.
- This is a small lot and the size of the proposed four-bedroom house seems to be out of proportion to what the lot can support without negatively impacting the wetland and woodland habitats.
- Removal of too many trees will impact the amount of water and sediment runoff from the lot into the marsh system, negatively impacting the marsh.
- Since the wetland delineation was conducted in winter, the delineation where the edge of the marsh and landside buffer has been called into question by neighboring abutters. Every effort should be made to delineate this high tideline in late spring or early summer when it would be more visible.

We recommend that DES consider the issues raised in the attached analysis by the certified arborists, wetland scientists, and civil engineers before approving either of the permit applications. The Conservation Commission has serious reservations about the buildability of this particular lot. [Conclusion of prepared comments.]

Mr. Ford suggested the bullet point about the tideline and wetland delineation conflates the two and should be made clearer. He said the Highest Observable Tideline itself has been called into question; it's not just that it needs to be delineated when more visible, it needs to be confirmed.

Chair Trueblood MOVED that the Commission submit the prepared comments as edited to NHDES; SECONDED by Vice-Chair Neil Slepian; APPROVED unanimously by a show of hands, 6-0, Motion carried.

IX. IWMAC Quarterly Sustainability Newsletter. Discussion about proposed newsletter addressing sustainability issues and highlighting the work of various Town boards and commissions. Request for consideration from Julie Kelley, member of Integrated Waste Management Advisory Committee (IWMAC).

Chair Trueblood said Julie Kelley from IWMAC wants to create a quarterly newsletter and include news and information from the Conservation Commission. She couldn't be here tonight, but Nell [Neal] was invited to come forward to give some background.

Nell said as part of their educational outreach, the Integrated Waste Management Advisory Committee (IWMAC) has decided to produce a quarterly newsletter with an emphasis on all aspects of sustainability. They are inviting interested commissions and committees to submit short (200 word) articles each quarter about any relevant projects or initiatives. Their overall goal is to communicate with and educate the community about sustainability as a way of life.

Chair Trueblood asked if the first issue would come out in March and Nell said it's been delayed due to a technology glitch, but they will move ahead once it's been solved. The Chair asked Mr. Cragg if this would dovetail with the Commission's *Friday Update* articles and Mr. Cragg said it would be very simple to contribute short write-ups. It fits with the Commission's objectives for the year.

Nell also said she would like to promote the idea of the Commission purchasing an attachment for the banner on Town Hall or the Library with a short message highlighting their work. The cost is \$50.

X. Wetland and Shoreland Overlay District. Update on discussion by subcommittees.

Chair Trueblood said his intention in adding this to the agenda was simply to get a quick update from each subcommittee about their meetings and identify any concerns about moving forward.

Buffer Subcommittee

Vice-Chair Neil Slepian reported on the group's two meetings. Members include himself, Mr. Ford and Chair Trueblood. He noted they had a lot of participation from property owners and meetings were held as roundtable discussions. They received valuable feedback and suggestions from residents, some of whom had done a lot of research.

Based on feedback, Mr. Slepian created a proposal with WSOD revisions (included in the Commission's packet tonight). Since the proposed 330-foot buffer was seen as overly restrictive and unfair to property owners, he suggested the Commission consider graduated buffers with four different segments. The most restrictive (0 to 50 feet) would allow native or naturalized vegetation only; no fertilizers, herbicides or pesticides; no structures; mowing would be allowed once yearly so that property owner views wouldn't be obstructed and wildlife habitat could be maintained.

Mr. Slepian didn't read the entire proposal but noted the segment from 100-175 feet would allow gardens, mowing, free-standing solar, and the use of specific fertilizers.

Mr. Ford said to be clear, Mr. Slepian created this proposal on his own; the subcommittee did not work through it together or agree on it. He added one of the key pieces of feedback they received is that residents want to know how effective any restrictions would be [in protecting water quality].

Chair Trueblood noted another question from the public was about "why" the ordinances are being updated. He drafted a document which seeks to answer this question, which he distributed to Commissioners. The document will become available on the town website as part of the FAQ.

Mr. Lanzer asked if the Buffer Subcommittee is suggesting that new lawns and gardens would be allowed in the 100 to 175-foot buffer and Vice-Chair Slepian said it hasn't been determined yet. Mr. Ford said more discussion needs to take place.

495 175.61 – General Requirements for WSOD Buffer Subcommittee

496 Mr. Moyer reported the subcommittee examined each section with an eye toward how they could
497 improve it. Nothing has been decided yet. Considerable time was spent discussing trees and
498 ground covers. Mr. Lanzer noted Jim Lawson attended the meeting and was very helpful.

500 Conditional Uses and Permitted Uses Subcommittee

501 Mr. Phelps reported the subcommittee also had good participation from the community, with 12
502 people in attendance. They were able to have conversations with some of the residents who had
503 provided feedback earlier. No decisions or conclusions were reached. They will meet again on
504 January 12th.

505
506 With subcommittee reports done, Mr. Cragg asked if those who are newer to the project could
507 receive an onboarding packet. He found that minutes from the initial subcommittee were light.
508 Chair Trueblood said his explanation about the “why” should help to answer questions about
509 how and why the ordinance draft came about.

510
511 Mr. Behrendt said subcommittee minutes were light because the town doesn’t pay a professional
512 minute taker to do them. This is true of all subcommittee meetings. He recommended that
513 anyone with questions about prior discussions consult the detailed Commission minutes over the
514 last year and a half.

515
516 Vice-Chair Slepian mentioned another question raised by the public is why property owners
517 weren’t involved in initial discussions. He noted Conservation Commission meetings are open to
518 the public, so there was an opportunity for the public to be involved. It was acknowledged that
519 people are often busy and unable to attend meetings. The project has now come to the forefront
520 and affected property owners are well aware.

521
522 **XI. 2026 Conservation Commission Schedule**

523 A list of meeting dates had been distributed. Chair Trueblood said the only date in question is the
524 May meeting due to Memorial Day. He proposed holding the meeting on May 26, but Mr.
525 Behrendt said that’s a Muslim holiday. It was agreed to change the meeting to May 19th.

526
527 **XII. Review of Minutes: October 27, 2025 – POSTPONED, due to the late hour**

528
529 **XIII. Other Business**

530 Mr. Cragg asked if they should continue as planned with Conservation Corner (articles in *Friday*
531 *Update*) or switch to articles about the proposed ordinance changes. There are some write-ups on
532 wetlands, etc. that are already complete and were scheduled to run in the spring.

533
534 The Chair said it makes sense to move them up in the queue. He suggested they look at the PREP
535 (Piscataqua Region Estuaries Partnership) website for helpful one-page articles. He noted there
536 was no Conservation Corner published in the last few issues of *Friday Updates* and Mr. Cragg

537 said he was traveling and he and Mr. Behrendt got their signals crossed. They will work out a
538 process going forward.

539

540 XIV. Roundtable. Updates from Conservation Commission members

541 Vice-Chair Slepian said [Land Stewardship Coordinator] Veronique Ludington will be starting
542 full-time in April. As a result, the Land Stewardship Subcommittee should be able to make
543 significant progress on their 2026 goals. He thanked the Town Council for funding the position.

544

545 XIII. Adjournment

546 *With no further business, Mr. Ford MOVED to adjourn the meeting at 9:47 p.m.;*

547 *SECONDED by Mr. Phelps, APPROVED unanimously, 6-0, Motion carried.*

548

549 Respectfully submitted,

550 Lucie Bryar, Minutes Taker

551 Town of Durham Conservation Commission