

**[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

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

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

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

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

### 33 VI. Land Stewardship Update

34 Land Stewardship Coordinator Veronique Ludington gave a report of activities:

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

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

68  
69

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

77

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

80

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

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

86

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

90

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

95

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

103

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

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

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

113

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

128

129 Chair Trueblood said the Commission submitted a request to the Department of Environmental  
130 Services earlier asking for an opportunity to comment on this application and they were told the  
131 14-day comment window had passed. Nonetheless, DES has agreed to consider comments at  
132 their sole discretion. The Commission needs to discuss tonight if they want to move forward. A  
133 number of materials have been received, both from the developer and neighbors of the property.

134

135 Comments from Developer's Representative:

136

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

139

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

144

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

151

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

156

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

162

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

166

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

171

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

176

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

180

181 He referenced a letter sent to the Commission from applicant Gretchen Meisner dated December  
182 18th, after applicants became aware there were concerns from neighbors. The letter lays out their  
183 assertion that this is a lawfully created residential lot of record and was intended from the  
184 beginning to be developed as a residential home. There are homes of similar scale around it.

185

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

190

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

195

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

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

206  
207 Vice-Chair Slepian asked Mr. Sokolowski to comment on soil types and he described soils in the  
208 wetlands, salt marsh, and freshwater portions of the lot. He noted above the freshwater area, soils  
209 have a deeper water table and would meet state requirements for a septic system. Septic setback  
210 would be a minimum of 75-feet from the HOTL and 50-feet from the freshwater wetland above  
211 that. He didn't do the test pit for the septic and can't speak to the details. It was confirmed the  
212 entire footprint of the house is in the buffer.

213  
214 The Vice-Chair questioned which standard should be applied. The town's Shoreland Protection  
215 Overlay District (SPOD) calls for septic setback to be 125-feet from the buffer and it doesn't  
216 look like there's enough room to meet this setback. Mr. Sokolowski said that's a question for the  
217 septic designer. The applicants are aware they need to submit applications to the town for  
218 waivers and permits.

219  
220 Chair Trueblood said he spoke with Mr. Behrendt and confirmed the applicant would need to  
221 seek a special exception from the ZBA. Mr. Behrendt explained that his interpretation of the  
222 ordinance points to the nonconforming uses section (175.29[b]), which addresses lots that do not  
223 meet current buildable requirements. He noted the ordinance is complex and somewhat  
224 contradictory. The town attorney would need to be consulted, but, at a minimum, a special  
225 exception from the ZBA would be required. In that case, he believes the Conservation  
226 Commission would be given an opportunity to comment.

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

232  
233 Mr. Moyer asked Mr. Sokolowski about prior attempts to build on the lot that had been blocked.  
234 Mr. Sokolowski said while he saw blue flags on site, he can't speculate about other attempts to  
235 build. Mr. Behrendt said an application had been submitted about 15 years ago, but the applicant  
236 decided not to go forward after receiving a list of all the required permits.

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

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

243  
244

245 Comments from Abutters Representatives

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

248

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

253

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

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

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

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

272

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

278

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

281 line of leaf layer that had been moved inland into the upland forest. In some cases, it was in the  
282 vicinity of Mr. Sokolowski's tideline designation. He described the estuarine habitat found here  
283 as quite rare in the state of NH, with five distinct types: scrub-shrub wetlands; forested wetlands;  
284 estuarine wetlands; intermittent streams and high-value hard-mast oak hickory uplands. The  
285 neighbors have good documentation on the habitat that was not marked on the application.  
286

287 Mr. Moyer asked Attorney Manzelli to explain state standards and why neighbors feel the  
288 application should be denied. She said state standards are to avoid, minimize or mitigate impact  
289 to wetlands. Requirements are based on Highest Observable Tideline (HOTL), which determines  
290 the location of setbacks. She said they've submitted photos showing the tide higher than where  
291 the wetland application shows it; they believe the applicant's foundational data is wrong.  
292

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

296 Vice-Chair Slepian asked Mr. Spear if he would dispute Mr. Sokolowski's finding that the soils  
297 seem suitable for building. Mr. Spear replied the location of the building appears to be in the  
298 upland. It's possible the wetland that originates near the culvert could be negatively affected, but  
299 there's no way to know for sure since it's not shown on the map.  
300

301 Vice-Chair Slepian questioned how Mr. Spear could make a determination about the lot's  
302 suitability for building when he hasn't been given recent access to the property. Mr. Spear said  
303 it's a dilemma, but he observed the tideline when he was on the land twenty years ago and saw  
304 it was farther inland in places than shown on the applicant's plan. There was also an additional  
305 stream that is unlikely to have disappeared that is not shown on the plans.  
306

307 The Vice-Chair said they are hearing two conflicting opinions regarding the high tideline and  
308 questioned if it's the word of one expert against another. Attorney Manzelli noted the package  
309 provides several professional opinions, including that of Mr. Spear, Mr. Perry and Mr.  
310 Ballesteros. They have photo evidence showing the Highest Observable Tideline and also the  
311 windfall area.  
312

313 Addressing soil type, Attorney Manzelli said Mr. Perry noted in his comments that on both plans,  
314 only the genus of vegetation is listed, not the species. In her view, the vegetation should be  
315 labeled with species so that soil types can be inferred.  
316

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

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

326  
327 Mr. Spear said an applicant has to demonstrate that they have avoided any wetland impacts or  
328 buffer impacts to the maximum extent possible. When they can’t avoid impacts, they have to  
329 minimize them to the maximum extent possible.

330  
331 Responding to Mr. Behrendt’s question about specific requirements not being met, Attorney  
332 Manzelli said the application is missing construction-related impacts; the application lacks  
333 acreage of impacted area; there’s no quantification of tree removal for the shoreland application;  
334 Also, the small size of the yard doesn’t seem logical to house a construction area. She added  
335 there are multiple inconsistencies between the shoreland and wetland applications.

336  
337 There was discussion regarding DES site visits. Attorney Manzelli explained that, in the past,  
338 submission of an application implied permission for DES to conduct a site visit, but this is no  
339 longer the case; applicants must now explicitly grant access. [Mr. Sokolowski later  
340 acknowledged he had been unaware of this change.] Mr. Behrendt said that if an applicant  
341 denied a town board or commission access to a site, it would result in automatic denial. Attorney  
342 Manzelli noted that it’s more complex at the state level and she outlined reasons DES rarely  
343 conducts site visits today, including limited staffing. The exception is for extremely large-scale  
344 projects.

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

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

357  
358 **Ahmad Eteberi** of 3 Riverview Court said he is opposed to the project. When they first moved  
359 to the neighborhood, they were told 1 Riverview was a bird sanctuary and wasn’t buildable. In  
360 2005 there was a walk-through and the owner at the time was Andy Hartman. He read from a  
361 letter in which Mr. Hartman referred to 1 Riverview Court as an “unbuildable lot.” He posted a  
362 No Trespassing/ Bird Sanctuary sign at one time. More than half of Mr. Eteberi’s land sits next  
363 to the land in question. They’ve seen rising water levels, high enough for a canoe at times. At  
364 one point, he hoped to build boat access there but was told it wasn’t buildable.

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

367

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

384

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

389

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

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

393

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

399

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

402

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

405

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

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

424  
425 *We recommend that DES consider the issues raised in the attached analysis by the certified  
426 arborists, wetland scientists, and civil engineers before approving either of the permit  
427 applications. The Conservation Commission has serious reservations about the buildability of  
428 this particular lot. [Conclusion of prepared comments.]*

429  
430 Mr. Ford suggested the bullet point about the tideline and wetland delineation conflates the two  
431 and should be made clearer. He said the Highest Observable Tideline itself has been called into  
432 question; it's not just that it needs to be delineated when more visible, it needs to be confirmed.

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

436  
437  
438 **IX. IWMAC Quarterly Sustainability Newsletter.** Discussion about proposed newsletter  
439 addressing sustainability issues and highlighting the work of various Town boards and  
440 commissions. Request for consideration from Julie Kelley, member of Integrated Waste  
441 Management Advisory Committee (IWMAC).

442  
443 Chair Trueblood said Julie Kelley from IWMAC wants to create a quarterly newsletter and  
444 include news and information from the Conservation Commission. She couldn't be here tonight,  
445 but Nell [Neal] was invited to come forward to give some background.

446  
447 Nell said as part of their educational outreach, the Integrated Waste Management Advisory  
448 Committee (IWMAC) has decided to produce a quarterly newsletter with an emphasis on all  
449 aspects of sustainability. They are inviting interested commissions and committees to submit  
450 short (200 word) articles each quarter about any relevant projects or initiatives. Their overall  
451 goal is to communicate with and educate the community about sustainability as a way of life.

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

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

460  
461 **X. Wetland and Shoreland Overlay District.** Update on discussion by subcommittees.  
462

463 Chair Trueblood said his intention in adding this to the agenda was simply to get a quick update  
464 from each subcommittee about their meetings and identify any concerns about moving forward.  
465

466 Buffer Subcommittee

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

471  
472 Based on feedback, Mr. Slepian created a proposal with WSOD revisions (included in the  
473 Commission's packet tonight). Since the proposed 330-foot buffer was seen as overly restrictive  
474 and unfair to property owners, he suggested the Commission consider graduated buffers with  
475 four different segments. The most restrictive (0 to 50 feet) would allow native or naturalized  
476 vegetation only; no fertilizers, herbicides or pesticides; no structures; mowing would be allowed  
477 once yearly so that property owner views wouldn't be obstructed and wildlife habitat could be  
478 maintained.

479  
480 Mr. Slepian didn't read the entire proposal but noted the segment from 100-175 feet would allow  
481 gardens, mowing, free-standing solar, and the use of specific fertilizers.

482  
483 Mr. Ford said to be clear, Mr. Slepian created this proposal on his own; the subcommittee did not  
484 work through it together or agree on it. He added one of the key pieces of feedback they received  
485 is that residents want to know how effective any restrictions would be [in protecting water  
486 quality].

487  
488 Chair Trueblood noted another question from the public was about "why" the ordinances are  
489 being updated. He drafted a document which seeks to answer this question, which he distributed  
490 to Commissioners. The document will become available on the town website as part of the FAQ.  
491

492 Mr. Lanzer asked if the Buffer Subcommittee is suggesting that new lawns and gardens would be  
493 allowed in the 100 to 175-foot buffer and Vice-Chair Slepian said it hasn't been determined yet.  
494 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.

499

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