

[D R A F T]

DURHAM CONSERVATION COMMISSION
Wednesday, February 4, 2026
DURHAM TOWN HALL, COUNCIL CHAMBERS
7:00 p.m.

MEMBERS PRESENT: Dwight Trueblood (Chair); Darrell Ford (Town Council Rep); Jacob Cragg, Anne Lightbody; Nick Lanzer (arrived at approximately 7:10 pm); Rob Sullivan (Planning Board Rep); Alternates: Steve Moyer and Ben Phelps

MEMBERS ABSENT: Vice-Chair Neil Slepian; Alternate John Nachilly

ALSO PRESENT: Town Planner Michael Behrendt (arrived at approximately 7:10 p.m.) and Land Stewardship Coordinator Veronique Ludington

1 **I. Call to Order**

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

3

4 **II. Land Acknowledgement Statement**

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

6

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

8 Roll call attendance was taken. The Chair noted Mr. Lanzer will be stepping down from the
9 Commission, leaving an opening for one of the alternates for a permanent position. There will be
10 further discussion under Other Business. Alternate Ben Phelps was appointed as a voting member
11 this evening.

12

13 **IV. Approval of Agenda**

14

15 *Chair Dwight Trueblood MOVED to approve the agenda as presented; SECONDED by Mr.*
16 *Cragg; APPROVED unanimously by a show of hands, 7-0, Motion carried.*

17 **V. Public Comments:**

18

19 **Julian Smith, 3 Chesley Drive**, said he bought the Chesley Drive property for its proximity to
20 the Plaza and College Brook. He described some of his early involvement in town government
21 and noted he was on the Planning Board during the second stage of Mill Plaza development. Mr.
22 Smith recalled issues with the development, including the town granting permission for only 75
23 percent of required parking spaces to be paved; the rental of parking spaces, which wasn't an
24 approved use; and the dumping of snow on the banks of College Brook, when there was an

25 alternative area available. Regarding new proposed shoreland regulations, Mr. Smith predicted
26 the town will have trouble enforcing new setbacks and said he hopes Town Council will reject
27 them. He attended a subcommittee meeting last month, where he suggested that new setbacks be
28 recommendations rather than requirements, with possible tax incentives for property owners who
29 voluntarily adopt them.

30
31 Mr. Smith also noted Durham's need for more housing and said there's an opportunity for
32 detached dwelling units in almost all parts of town, including in wetland setbacks. He proposed
33 encouraging the new Plaza owners to develop two-to-three story, mixed use, age-restricted
34 condominiums, which would give owners vested interest in protecting the Brook. He concluded
35 that the Commission is asking the town to create dimensional controls that will be hard to
36 enforce.

37
38 The Chair noted for the record that Nick Lanzer and Michael Behrendt had joined the meeting a
39 few minutes prior.

40

41 **VI. Land Stewardship Update**

42 Land Stewardship Coordinator Veronique Ludington gave a report on recent activities:

43

- 44 • John Gianforte from UNH Observatory presented, "Our Place in the Cosmos," which
45 appealed to all generations. There were 23 participants.
- 46 • Last night's program on invasives at the Public Library by Ranjit Bawa from UNH was
47 well-attended. A recording will be shared with the Commission.
- 48 • Diana Carroll's presentation on [Lorus and Margery] Milne is re-scheduled to April 7th.
49 It will be recorded by D-CAT.
- 50 • Discover Durham Trails Program: There's a snowshoe walk at Longmarsh on March 15th
51 with a focus on history and geology.
- 52 • A Sunday stroll for kids' this past week was cancelled due to weather; to be re-scheduled
53 during school vacation.
- 54 • She and Vice-Chair Neil Slepian are working on a Bio Blitz timeline. She has received
55 six positive responses from subject matter experts willing to lead groups. The next step is
56 to recruit volunteers. A promotional poster will be ready by the end of this month.
- 57 • Ms. Ludington will host a trail stewards basic training webinar on February 16th at 6:00
58 p.m., with a goal to recruit new stewards. She recognized Angie and Reef Hammond who
59 have been longtime trail stewards at Longmarsh Preserve, walking the trails every day.
60 They are moving away, but she wanted to thank them publicly. The work will be carried
61 on by one experienced and one new trail steward.
- 62 • Steve Letterman, Durham's GIS person, talked to the Land Stewardship Subcommittee. It
63 was agreed Ms. Ludington will use a GPS mapping device on the ground to help re-map
64 all trails and points of interest and then Mr. Letterman will produce updated maps.
- 65 • There's a kiosk sign sub-group working on content; right now they are focusing on
66 content for smaller signs at Milne Sanctuary and Stevens Woods entrance and at
67 Longmarsh east entrance.
- 68 • She's working with Rachel Gasowski of Parks & Recreation to implement accessibility
69 improvements at Jackson's Landing, based on recommendations of an accessibility study.

70 The plan is to improve trails and add amenities like benches and wheelchair accessible
71 picnic tables. They've applied for an AARP Community Engagement Grant (up to
72 \$15K). She's scheduled to talk with a contact at Riverwoods about supporting the effort,
73 given their own trails will be inaccessible during upcoming construction.

- 74 • She worked with Scout Troop #154 to build benches for different properties.
75 Construction was in Parks & Rec building; storage is at Wagon Hill Farm. The Troop is
76 interested in doing one workday per month.
- 77 • Two UNH classes are signed up for workdays for the spring, along with a few other
78 sports teams.

79 Chair Trueblood asked Ms. Ludington about emails regarding dog waste at Wagon Hill Farm
80 and whether she had ideas to address the issue. She said there is already extensive signage and
81 she's unsure how much more education or signage would help, noting that off-leash dogs are part
82 of the problem. The Chair suggested requiring dogs to be leashed, acknowledging there would be
83 pushback. He also suggested a volunteer effort (e.g., Boy Scouts) to collect the waste and
84 document it to raise awareness, emphasizing that it is a serious habitat degradation issue.

85 Mr. Ford suggested signage warning that continued problems could result in revoking off-leash
86 privileges, noting that pet waste contributes approximately 7% of pollution to the Bay. Ms.
87 Lightbody added that the property is heavily used by out-of-town visitors, making traditional
88 town communication channels less effective.

89 **VII. WSOD Discussion.** Update on subcommittee meetings about proposed Wetland and
90 Shoreland Overlay District.

91
92 The Commission engaged in lengthy discussion about how best to proceed with re-writing the
93 draft Wetland and Shoreland Overlay District Ordinance.

94
95 The Chair noted Vice-Chair Neil Slepian (who couldn't make it this evening), suggested they
96 focus on four items:

- 97 • Each subcommittee should report on any progress made.
- 98 • Commission should discuss any questions resulting from subcommittee work.
- 99 • Determine if coordination needs to happen between subcommittees on particular topics.
- 100 • Decide next steps – will subcommittees continue to meet or will the larger group take
101 over re-drafting the ordinance?

102
103 Mr. Behrendt handed out a large packet of information, which included all documents to date:
104 Draft ordinance; a matrix on buffers; public comments by topic; an excerpt from Exeter zoning
105 ordinance about fertilizers; comments from Deer Meadow and Cedar Point neighborhoods;
106 specific comments and suggestions from Mike Lehrman who reviewed the entire draft;
107 Conservation Commission minutes from the public meeting on October 27, 2025; letters from
108 Karen Walker and Tom Daly and comments from Julia Rogers. He noted everything has been
109 posted on the town website.

110 Mr. Sullivan said he would like it said publicly that the Commission is following a slow,
111 deliberate process and it will take months to get this right. Chair Trueblood said he doesn't
112 disagree, but the Commission has been working on this for almost two years and he thinks they
113 should set timeline goals. Mr. Sullivan said they should have confidence that anything submitted
114 to the Planning Board and Town Council would be approvable.

115
116 Mr. Behrendt raised a question brought up by several residents, i.e., should the ordinance go
117 back to two separate ordinances: one for wetlands and one for shoreland. He asked if the
118 Commission has a sense of which is better. After brief discussion, consensus was reached to
119 continue to draft one ordinance.

120
121 Mr. Behrendt offered to go through the draft ordinance and insert applicable public comments at
122 the appropriate point in the draft and the Commission agreed it would be helpful.

123
124 Mr. Moyer said his subcommittee looked at the concept of graduated buffers and found it had
125 merit. He'd like the Commission to discuss it as a whole.

126
127 Mr. Moyer then proceeded to report on his Subcommittee (175-61 Requirements for the Buffer)
128 At the first meeting, they examined each subsection along with comments to see if there should
129 be changes. No definitive decisions were made. At the second meeting, they examined the
130 graduated buffers proposal and the "Why" document drafted by the Chair. They have
131 suggestions to strengthen the "Why" document and also added to the list of FAQs for the
132 website. [End of subcommittee report.]

133
134 Chair Trueblood referenced the buffer matrix he developed, starting with a table originally
135 created by Jim Lawson. Mr. Sullivan asked which parts of the table reflect current regulations vs.
136 proposed changes. The Chair explained one of his main goals was to ensure the proposed
137 ordinance is consistent with the state's Shoreland Water Quality Protection Act [SWQPA]. He
138 noted Durham has three 4th order rivers: the Lamprey, Oyster, and Bellamy. The town can be
139 more stringent than state law, but at a minimum, it needs to meet the requirements of the
140 SWQPA.

141
142 He said the table was meant to clarify thinking and acknowledged more work is needed. The
143 main goal is for the Commission to be able to make a strong case to the Planning Board and
144 Town Council, while being consistent with state law.

145
146 Mr. Behrendt said the ordinance is complicated. The current ordinance organizes regulations
147 primarily by use categories (e.g., Permitted, Permitted Use B, Conditional Use) rather than by
148 buffer tiers. Buffers currently vary based on wetland type, with at least four classifications. He
149 noted the challenges of trying to overlay the review process, water resource types, and buffer
150 widths onto a table.

151
152 Mr. Sullivan commented he likes the graduated buffer concept shown on the matrix because he
153 could interpret and use it as a homeowner. There was general agreement that the tables were
154 user-friendly and could be expanded to three or four different matrices (to reflect different

155 wetland types) and be made available along with the text of the ordinance. The review processes
156 could also be embedded into the tables.

157
158 The Commission had lengthy discussion about formatting, with most admitting they didn't have
159 the skill set to produce what they need. Mr. Lanzer suggested creating an interactive web version
160 of the tables, which would probably require the help of a programmer. Later in the discussion,
161 Mr. Cragg said he is willing to convert the tables into a user-friendly infographic, since he has
162 some experience with that.

163
164 Mr. Sullivan and others made the point that property owners want to know what is changing in
165 the ordinance, so the Commission needs to find a simple way to communicate the changes.

166
167 Mr. Sullivan asked if they are in agreement that the 330-foot buffer was a step too far and if they
168 now agree it should be 250-feet. The Chair said based on public feedback, 250-feet would be
169 more palatable. It was noted the current shoreland ordinance states that protections apply within
170 250-feet of the reference line, but Mr. Behrendt said the town has been enforcing it at 125 feet
171 for as many as 20 years, due to the way the language was interpreted (rightly or wrongly). If they
172 change it to 250-feet, they need to be very clear that it's a change.

173
174 Mr. Behrendt raised a question regarding whether they want to continue with both Permitted Use
175 B and Conditional Use. He's not sure if there should be one level of review or two.

176 Mr. Cragg said his subcommittee discussed the main difference between Permitted Use B and
177 Conditional Use. Permitted Use B seemed to make the most sense for solar systems, which they
178 equated to private wells.

179 Mr. Behrendt briefly outlined the differences between Permitted Use B and Conditional Use:
180 Permitted Use B allows gentle review from the Conservation Commission and Planning Board,
181 with no public hearings or public notices required. Conditional Use is more involved. Either
182 way, he advocates for making the Conditional Use process less cumbersome.

183 Lengthy discussion ensued about whether to eliminate Permitted Use B and simply have
184 Permitted Use and Conditional Use. It was pointed out the Commission has no authority to
185 approve or deny applications; they simply make recommendations to the Planning Board. It was
186 unclear how enforcement would be handled if there was no formal approval in certain instances.

187 Mr. Sullivan said he thinks they need to retain three categories with two levels of review. Mr.
188 Behrendt said he had a conversation with the town attorney who suggested a public hearing
189 might be appropriate for Permitted Use B. It's also possible on further study they will decide to
190 have Conditional Use A and Conditional Use B.

191 Mr. Cragg then gave an update on the Permitted Use and Conditional Use Subcommittee:
192 The first meeting was more Q & A with the public. At the second meeting, four main things were
193 discussed: Deer Meadow letter of December 14th, point-by-point. There was general agreement
194 on fertilizers, as proposed by residents; they discussed accessory structures at length; Decks
195 being in both Permitted Use B and Conditional Use is confusing. Deer Meadow residents

196 requested that solar systems be allowed under Permitted Use A, but the subcommittee felt they
197 belonged in Permitted Use B. While fences are not allowed if deemed detrimental to a wildlife
198 corridor, the subcommittee agreed some fences should be allowed. [End of subcommittee
199 report].

200 Chair Trueblood said he researched wildlife-safe fences and found 99 percent of them are out
201 west, where there are large herds of cows and sheep over hundreds of miles. Mr. Ford concurred,
202 saying there isn't a fence anywhere around here that would impede wildlife; they go around,
203 under or over.

204 Chair Trueblood turned discussion to next steps in the re-write process and asked commissioners
205 if they want to continue meeting in subcommittees. Mr. Behrendt recommended expanding and
206 refining the matrix, incorporating suggestions made this evening.

207 Mr. Behrendt raised a general question about shoreland and wetland areas being designated as
208 Overlay Districts. Overlay Districts are typically mapped, which is not the case with wetlands. If
209 these are true Overlay Districts, their outer boundaries would be defined, as they are for the
210 Historic District, e.g. If not, they would simply be areas governed by wetland and shoreland
211 ordinances. He said he may consult with the town attorney; the issue could be largely semantic.

212 Mr. Sullivan said he's confused by the comments about the current ordinance reading one way,
213 but the town having enforced it differently. Mr. Behrendt said there are two interpretations, but
214 for the last 20 years or so – the ordinance has been enforced at 125 feet. Mr. Sullivan said to
215 avoid confusion, there shouldn't be discussion about 250-feet if it's never been enforced.

216 Action Items

- 217 • Mr. Cragg will work on formatting the current table using different software and share it
218 with Mr. Behrendt and Chair Trueblood.
- 219 • Mr. Behrendt will review the current draft and incorporate all public comments.
- 220 • The Chair will work on creating additional tables, as discussed. He noted they need to be
221 clear that homeowners are not being mandated to rip out existing lawns but rather
222 encouraged to let vegetation go natural within 50-feet of the shoreline. New ordinances
223 are for activities going forward.
- 224 • Subcommittees were asked to map out their areas, based on tables created.

225 Chair Trueblood asked commissioners to think about a timeline for the project. He loosely
226 proposed finishing tables in May; then translating them into a text document with the potential to
227 have a finished draft ready for the Planning Board by the end of September or October.

228 The Chair said one of the main goals in re-writing the ordinances was to provide additional
229 protections to the town's resources and if people are always going to object to that, then he
230 thinks they might need to do more groundwork so residents understand the justification. As he
231 sees it, the Commission has adopted a more flexible approach based on public feedback, but they
232 also need to keep state guidelines in mind.

233 **VIII. Review of Minutes: November 24, 2025; December 12, 2025 site walks; and possible**
234 **revote on October 27, 2025 minutes to consider making additional changes and corrections.**

235

236 **October 27, 2025 Minutes:**

237 The Chair said Mr. Behrendt noted that he and Lucie (the minute taker) did a review, based on
238 Julian Smith’s proposed corrections and made a determination of those that were appropriate.
239 Corrections have been made.

240

241 Ms. Lightbody questioned Line 231 where suggestion was made to replace “very rare
242 occurrence” with “very rare acceleration.” Mr. Behrendt said it should be “expansion.”

243

244 ***Chair Dwight Trueblood MOVED to approve the alterations to the minutes already approved***
245 ***for the October 27, 2025 meeting; SECONDED by Mr. Moyer; APPROVED unanimously, 7-0,***
246 ***Motion carried.***

247

248 **November 24, 2025 Minutes**

249 ***Ms. Lightbody MOVED to approve the minutes of the November 24, 2025 meeting as***
250 ***submitted; SECONDED by Mr. Ford; APPROVED, 6-0-1, with Mr. Cragg abstaining.***

251

252 **IX. Other Business**

253 Chair Trueblood said the Commission has been asked to produce a 200-word article for the
254 Sustainability Newsletter, coming out in March. Mr. Cragg said he can develop four or five ideas
255 from articles already drafted. The Chair asked him to present one topic at the next meeting and
256 invited commissioners to be in touch with Mr. Cragg via email. Mr. Cragg proposed discussing
257 the Commission’s broad goals and the Natural Resources Master Plan, but he’s open to other
258 ideas if the Commission wants to get more detailed.

259

260 Regarding Conservation Corner [in *Friday Update*], Mr. Cragg said he would like to source local
261 photographers. Mr. Behrendt said he believes Karen Edwards [Town Administrator Selig’s
262 assistant] might have a repository of photos. It was agreed that photo credit should be given.

263

264 **X. Roundtable**

265 Mr. Lanzer thanked everyone for their support during his three years on the Commission and
266 said it’s been educational. He doesn’t have the bandwidth to continue right now, given family
267 commitments, but hopes to return at a later time. The Chair said his expertise filled an important
268 niche and he will be missed.

269

270 Mr. Phelps said he plans to apply to the UNH Extension COVERTS program, which involves
271 identifying and managing different habitats. Mr. Behrendt spoke highly of the program.

272

273 The Chair invited the two alternates present, Steve Moyer and Ben Phelps, to make it known if
274 they’re interested in serving in a more permanent role on the Commission. There’s an application
275 process and approval from Town Council is needed.

276 XI. Adjournment

277

278 ***With no further business, Mr. Lanzer MOVED to adjourn the meeting at 9:30 p.m.;***

279 ***SECONDED by Mr. Moyer and APPROVED unanimously, 7-0, Motion carries.***

280

281 Respectfully submitted,

282 Lucie Bryar, Minutes Taker

283 Town of Durham Conservation Commission

284

285 ***Note: These written minutes are intended as a general summary of the meeting. For more***

286 ***complete information, please refer to the DCAT22 On Demand videotape of the entire***

287 ***proceedings on the town of Durham website.***