

[D R A F T]

DURHAM CONSERVATION COMMISSION
Monday, April 27, 2026
DURHAM TOWN HALL, COUNCIL CHAMBERS
7:00 p.m.

MEMBERS PRESENT: Dwight Trueblood (Chair); Neil Slepian (Vice-Chair); Darrell Ford (Town Council Rep); Anne Lightbody; Ben Phelps; Rob Sullivan (Planning Board); Alternates: Steve Moyer and John Nachilly

MEMBERS ABSENT: Jacob Cragg

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

1 **II. Call to Order**

2 Chair Dwight Trueblood called the meeting to order at 7:01 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 and Alternate Steve Moyer was seated as a voting member.

9

10 **IV. Approval of Agenda**

11 Mr. Ford suggested they remove approval of minutes of March 4, 2026, (under Item X), since
12 they were approved at the last meeting.

13

14 *Chair Trueblood MOVED to approve the agenda as amended; [no second was obtained].*

15 *APPROVED unanimously by a show of hands, 7-0, Motion carried.*

16 **V. Public Comments:**

17

18 **David Hadley**, 15 Edgerly-Garrison Road, gave a historical overview of the Pine Tree Laws,
19 which he said were extended into New Hampshire in 1698, in order to preserve tall trees for the
20 benefit of the British Royal Navy. He read from the original 1691 document to illustrate the use
21 of restrictive language which forbid colonists to cut trees without a royal license. He noted the
22 Colonists' response was negative, which eventually led to riots. Mr. Hadley commented that
23 people are passionate about what they can and cannot do on their own land and that language
24 matters. Town ordinances should guide residents to the desired outcomes rather than restrict
25 them from certain activities. He spoke of the creation of the EPA in 1969 and the NH

26 Department of Environmental Services in 1987 and said Durham’s ordinances need to align with
27 the state so that landowners have a chance of staying in compliance with *all* laws. He advocated
28 for the Commission to maintain separate Wetlands Protection and Shoreland Protection
29 Ordinances because he believes combining the two would be difficult to understand and hard to
30 manage.

31
32 **Julian Smith**, 3 Chelsey Drive, said he lives in the College Brook watershed. His entire house is
33 within the new proposed WSOD setback. He has previously commented that the new WSOD
34 draft is a “one size fits all approach,” which is not how things work. He has also owned property
35 in the Lamprey River watershed for more than 50 years, which has beaver ponds. He imported
36 beavers illegally there in the late 1960s. He owned a property on Packers Fall Road for nearly 50
37 years, where he frequently gave tours of what he called “Bayou New Hampshire.” Mr. Smith
38 talked about conservation features of all of his properties, his work to maintain two manmade
39 ponds over the last 20 years, and his recent recycling of two tall white pines. He invited
40 commissioners to visit his properties.

41
42

43 **VI. Logo Presentation.** Presentation by Robin Vogt of two logo design options.

44
45 Vice Chair Neil Slepian said in addition to his work on Town Council and the League of
46 Conservation Voters, Robin Vogt is also a graphic designer. The Vice-Chair approached Mr.
47 Vogt about designing a joint logo for the Land Stewardship Subcommittee and the Conservation
48 Commission to celebrate the town’s natural resources.

49
50 Mr. Vogt created five versions and presented them to a Land Stewardship logo subcommittee,
51 which worked on various revisions. Tonight he will present two final options, which the Vice-
52 Chair proposed should be voted on this evening, in time for the town’s Bio Blitz on May 17th.

53
54 Robin Vogt, 16 Oyster River Road, mentioned his past marketing work with the municipalities
55 of Washington, D.C. and Tyson’s Corner, Virginia, and said he’s honored to do this volunteer
56 work for the town.

57
58 He showed four concepts he developed for earlier consideration and then showed the two final
59 concepts, A and B, which had subtle differences. He noted some of the small changes made were
60 to simplify colors in order to contain printing costs.

61
62 Chair Trueblood asked him to clarify the colors, since he’s seeing about four different ones. Mr.
63 Vogt said Concept A has three shades of green, for example, which would add to the cost.
64 As a member of the public, Julian Smith asked why the Great Blue Heron is shown as white on
65 the proposed logo. Mr. Vogt said it was a printing consideration; the white will show up better
66 on color backgrounds.

67
68 There was brief discussion about some elements in the two logo designs, with Ms. Lightbody
saying she preferred the one showing people on the trail; otherwise, it’s not clear it’s a trail and

69 she questioned the use of a shadow near the bird's feet. Mr. Vogt said the subcommittee agreed
70 the shadow adds depth.

71

72 Mr. Moyer thanked Mr. Vogt for his work and asked a rhetorical "contrarian" question, i.e.,
73 could something like a pileated woodpecker or a woodcock work better than a heron. Mr. Vogt
74 indicated it would take considerable time to change the bird.

75

76 Vice-Chair Slepian gave his feedback and said he firmly prefers option B. He then asked for a
77 show of hands in favor of A or B and B was the unanimous preference of the Commission.

78

79 The Chair gave further feedback and asked if the contrast could be improved between the bird
80 and the background and Mr. Vogt said the screen isn't an accurate representation. He believes
81 the contrast will be stronger when printed.

82

83 Vice-Chair Slepian noted that Mr. Vogt put in considerable volunteer time and he doesn't think
84 asking him to make minor revisions is necessary since they're not very noticeable.

85

86 *Vice-Chair Slepian MOVED to approve Concept B as the logo for the Conservation*
87 *Commission and Land Stewardship Subcommittee with no revisions; SECONDED by Mr.*
88 *Ford, APPROVED unanimously, 7-0, Motion carried.*

89

90

91 **VII. Land Stewardship Update**

92

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

- 94 • A cleanup at was held at Wagon Hill Farm on April 12th. She commended Wendy
95 Moreau of Dover for organizing a very successful dog waste cleanup on her own
96 initiative with members of her dog walking group.
- 97 • Cleanup and invasives-pulling took place at Milne Sanctuary.
- 98 • Seventy-seven eighth graders celebrated Earth Week by helping with trail cleanup, trash
99 pickup, and mulch spreading at Jackson's Landing.
- 100 • Troop 154 Scouts did trail cleanup and invasives removal at Doe Farm.
- 101 • During cleanup at Milne Sanctuary, UNH students staffed a booth highlighting their
102 capstone project on mapping invasives on UNH land abutting the Oyster River.
- 103 • Ms. Ludington started a French conversation and trail walk series, modeled after one at
104 the Wells Estuarine Reserve. First one held at Thompson Forest was very successful. Ted
105 Howard shared his forest knowledge in English and French. She plans to repeat it every
106 three weeks. Next one is May 7th at Longmarsh.
- 107 • BioBlitz registration is now open through Parks and Rec registration system. Posters are
108 in neighboring towns, libraries, and many other sites.
- 109 • She'll be doing four pop-up Tech Help sessions at Durham Public Library to assist people
110 with the I-Naturalist app, which will be used during the Bio Blitz.
- 111 • Ms. Ludington will meet with Ellen Snyder in Newmarket to discuss collaborative
112 projects between the two towns on activities such as trail walks. One goal is to reach a
113 broader audience.

- 114 • She's working with Lee Alexander from Agriculture Commission to install a beehive or
115 two at the Meadows property, across from Mill Pond. Mr. Alexander, who works at
116 UNH, has beehives all over Durham. He's willing to work on habitat management
117 education. He's providing all equipment and they will reimburse him for the purchase of
118 a bee nucleus for one hive. She foresees future programming on the topic.

119

120 Request to Uncommit Funds from the Conservation Fund:

121

Ms. Ludington then asked for the Commission to uncommit \$2,200 for a trail accessibility
122 study – which was paid through the town's operating budget. She also asked for a remaining
123 balance of \$140.31 from the Moat Island Bridge project to be uncommitted.

124

125

New Funding Request from the Conservation Fund:

126

Ms. Ludington said she presented a proposal to Land Stewardship to hire Brenda Riddell of
127 Graphic Details in Portsmouth, for the trailhead sign and kiosk project. Ms. Riddell proposes
128 to develop a trail system design standard for \$5,800, which includes design of a trailhead
129 sign for Doe Farm and all design concept files and templates so they can be used for other
130 conservation properties. An Adobe Creative License would be necessary to work with the
131 files; Ms. Ludington has already discussed getting a second license with Durham's IT
132 department.

133

134 She's asking the Conservation Commission to approve the expenditure of \$5,800 for the
135 Trailhead Information Sign Design Project.

136

137 ***Chair Dwight Trueblood MOVED to approve the motion to uncommit \$2,200 and \$140.31***
138 ***for a total of \$2,340.31 from the Conservation Fund as requested; SECONDED by Mr.***
139 ***Phelps, APPROVED unanimously, 7-0, Motion carried.***

140

141 Chair Trueblood asked if there were questions on the motion to fund \$5,800 for the design of
142 trailhead signs and kiosks. Mr. Phelps asked if that includes the cost of an Adobe Creative
143 license and Ms. Ludington said no, that cost will be covered by the IT Department.

144

145 ***Chair Dwight Trueblood MOVED to authorize the expenditure of \$5,800 from the***
146 ***Conservation Commission Fund for trailhead information sign design; SECONDED by***
147 ***Ms. Lightbody; APPROVED unanimously, 7-0, Motion carried.***

148

149 Request to Uncommit Funds from Durham Town Land Stewardship Patron's Trust:

150

Ms. Ludington then presented a request to uncommit \$12,000 in the Durham Town Land
151 Stewardship Patron's Trust from a September 23, 2024 motion originally designated for a
152 crossing at Longmarsh Preserve. The cost was paid through the town's 2024 operating
153 budget.

154

155 Two New Funding Requests from Durham Town Land Stewardship Patron's Trust:

156

Ms. Ludington requested the Commission authorize expenditure of up to \$6,000 for printing
157 of three trailhead information signs and kiosk building materials. The goal is to complete
158 three trailhead signs this year, estimated by Portsmouth Sign Company to cost about \$900

159 each. The remainder of funds would be for kiosks. Marty Gorham, an engineer on the
160 subcommittee, designed the kiosks and priced out building materials at \$1K per kiosk.
161 Building and installation would be done by volunteers.
162

163 Ms. Ludington requested up to \$500 from the Land Stewardship Patron's Trust for the
164 purchase of beehives to be placed at the Meadows conservation property and for educational
165 materials. The hives and stands will be supplied free by Lee Alexander. He's requesting to be
166 reimbursed \$220 for the bee nucleus. The additional \$280 would be for signage and
167 educational materials.
168

169 Ms. Lightbody said she tried to visit the Meadows the other day, but it was difficult to find
170 without signs. She questioned how the public would find the beehives. Ms. Ludington said she's
171 not sure if there's ever been signage, because access is from a private driveway. There are no
172 trails and no parking. The subcommittee has discussed signs or directions on printed materials.
173 She added the Meadows was chosen because it's the best property for bees, but not all details
174 have been worked out yet.
175

176 Mr. Sullivan noted the very heavy volunteer contribution on both projects.
177

178 *Vice-Chair Neil Slepian MOVED to uncommit \$12,000 from the Durham Town Land*
179 *Stewardship Patron's Trust, originally designated on September 23, 2024 for construction of a*
180 *Longmarsh Preserve stone bridge, which was subsequently paid by the town's operating*
181 *budget; SECONDED by Mr. Phelps, APPROVED unanimously, 7-0, Motion carried.*
182

183 *The Chair MOVED to approve Ms. Ludington's two funding requests from Durham's Town*
184 *Land Stewardship Patron's Trust: \$6,000 for three trailhead information signs and kiosk*
185 *building materials; \$500 for purchase of supplies for beehive to be placed in the Meadows*
186 *conservation property, as well as for educational materials about pollinators and good*
187 *management practices; SECONDED by Ms. Lightbody; APPROVED unanimously, 7-0,*
188 *Motion carried.*
189

190 **VIII. Proposal for Oyster River Designation.** Discussion with Catherine Ashcraft and Jim
191 Hornbeck, Durham representatives on the Oyster River Local Advisory Committee, about
192 possible extension of the Oyster River designation under the New Hampshire Rivers
193 Management and Protection Program to include the tidal portion of the river.
194

195 After a brief introduction from the Chair, Cat Ashcraft, 14 Stevens Way, came forward with Jim
196 Hornbeck, 19 Woodridge, both of whom serve on the Oyster River Local Advisory Committee.
197

198 Ms. Ashcraft said the Committee has representatives from Madbury, Barrington, Lee (currently
199 open), and also a representative from UNH/Durham water treatment plant. She briefly explained
200 the Rivers Management and Protection program, established by the state in 1988, which has a
201 goal to recognize the ecological value of NH's rivers and steward them in the public's interest.

202 The Oyster River was designated in 2011, covering approximately 14 miles from the headwaters
203 in Barrington to the Mill Pond Dam. The process to nominate the river included involvement
204 from Durham's Conservation Commission and a lot of public engagement.

205 Ms. Ashcraft noted different segments of the river have distinct characteristics. Strafford
206 Regional Planning Commission gathered extensive data at the time on geology, habitat, wildlife,
207 and archaeology. Among the most significant resources identified were the river's contribution
208 to the town water supply and pristine floodplains along portions of the river. The river is also
209 important for education and scientific research at UNH and supports many animal and fish
210 species, including some that are endangered.

211 Protections provided by the designation include prohibitions on new landfills and solid waste
212 facilities adjacent to the river. There was discussion about first, third, and fourth order rivers,
213 with Ms. Ashcraft explaining how they're determined. Mr. Ford said it's his understanding the
214 Shoreland Water Quality Protection Act only applies to fourth order streams in the state.
215

216 The Chair asked why the tidal portion wasn't included when the river was first designated and
217 Mr. Hornbeck said it was a difficult process and he thinks they were just happy to get a portion
218 of the river designated. Ms. Ashcraft added that tidal portions of other rivers were also not
219 designated at that time.
220

221 Ms. Ashcraft said when the river was designated, a Local River Corridor Management Plan was
222 developed, which included recommendations on conservation and use. The corridor is 1,320 feet
223 (one-quarter mile on each side) or up to 100-feet in FEMA-designated floodplains. The
224 recommendations are not regulatory, unless towns decide to enact ordinances.
225

226 Commissioners asked questions about the primary activities of the Oyster River Local Advisory
227 Committee, with Ms. Ashcraft and Mr. Hornbeck responding that most of their work pertains to
228 review of wetland and shoreland alteration of terrain applications. Ms. Ashcraft said it's been
229 suggested they coordinate with local conservation commissions on reviews. Later in discussion,
230 Mr. Behrendt said the town was directed to do this at one point but they were subsequently told
231 the state would take care of it. He added that landowners want to be clear this doesn't apply
232 when they submit applications to the town and they are also sensitive to delays [due to multiple
233 reviews]. Mr. Hornbeck said they respond to all applications within 30 days.

234 Ms. Ashcraft commented this is the beginning of the process to see if the town supports applying
235 to designate an additional three miles of tidal waters of the Oyster River. She believes it would
236 end somewhere around Wagon Hill Farm, but this is open for discussion.

237 Chair Trueblood asked if there are regulatory burdens associated with the designation and Ms.
238 Ashcraft said there are recommendations only. The Chair noted when the Commission presented
239 the draft Shoreland and Wetlands Ordinance recently, they received a lot of pushback from
240 residents along this stretch of the river who want to maintain control of their own properties.
241 While he supports extending the designation, he's not sure it would be accepted by homeowners,
242 if it adds restrictions.

243 Ms. Ashcraft said there would be a lot of outreach and public comment. The management plan is
244 intended to be complimentary to the town's efforts rather than adding restrictions. Mr. Ford said
245 it's his understanding there are no additional impacts to people's property from the designation.
246

247 Seeking to defuse any opposition from homeowners who might see [extending the river
248 designation] as a threat to their property, Mr. Sullivan stated that there are no legally binding
249 restrictions and homeowners should not be concerned. In his view, the advice the Oyster River
250 Local Advisory Committee gives, based on science, is to "treat the river well."
251

252 Mr. Hornbeck said ORLAC's comments go to NH-DES, which then exercises its regulatory
253 authority which is already in place. Mr. Sullivan asked if they're aware of any cases in the Great
254 Bay area where this designation has been contentious and Mr. Hornbeck said he's not aware of
255 any.
256

257 Ms. Lightbody asked for ORLAC success stories in the non-tidal portion. She wants to know
258 some of the benefits of going through the lengthy designation process again. Mr. Hornbeck said
259 they've reviewed about 20 applications in recent years. Ms. Ashcraft said ORLAC members also
260 do volunteer river monitoring. They would like to do more outreach and education, but lack
261 designated staff.
262

263 There were questions from Commissioners pertaining to tidal creeks leading into the Oyster
264 River, opportunities for grants, and what would be required from the Commission in terms of
265 time and money if they support the effort. To this last question, Mr. Hornbeck said the
266 Committee is looking for support and assistance to prepare an updated management plan. Ms.
267 Ashcraft noted next steps would be for ORLAC to approach Strafford Regional Planning
268 Commission and neighboring towns and then prepare a budget.
269

270 Mr. Sullivan asked if she believes the tidal portion is under threat and really needs this
271 protection. He referenced the recent eelgrass study, which was quite dire. Ms. Ashcraft said
272 there's reason to believe that more can be done to protect the system, but in some ways the
273 designation would recognize the work already being done to protect the river's values.
274

275 Chair Trueblood said while he supports the effort, he doesn't see the need for a formal vote
276 tonight. The Commission seems to support the effort by consensus. He talked briefly about how
277 this might interface with the re-write of the Wetland and Shoreland ordinances.

278 Mr. Moyer said the context of what they're trying to do is important. Removal of the dam is
279 important, as is revision of the ordinances, which has stirred some controversy. He said the
280 Commission and ORLAC need to collaborate and be prepared to answer questions from the
281 public. When the dam is removed, he predicts there are going to be more river herring and
282 maybe stripers. He recommends they talk about that value.
283

284 With no further questions, the Chair thanked Ms. Ashcraft and Mr. Hornbeck for their
285 presentation.

286 **IX. WSOD Discussion.** Update on Subcommittee review of proposed Wetland and Shoreland
287 Overlay District.

288
289 Chair Trueblood said the subcommittee has decided to go through the matrix step-by-step. They
290 will look at each of the different zones and identify those activities that will be discouraged.
291 They will also ensure the ordinance adheres to the Shoreland Water Quality Protection Act.

292
293 The subcommittee is reviewing one section of the draft at a time and looking at all public
294 comments. The Chair also noted they've been asked to consider making exceptions for small
295 properties, such as one-third of an acre, so that landowners could use more of their properties.
296 This issue was first raised by Planning Board Chair Paul Rasmussen. The subcommittee hasn't
297 discussed it yet.

298
299 He said one of the goals is to make the ordinance as uniform as possible, so it's easier to explain
300 and enforce. As an aside, the Chair said he's recommended to Town Council that they approve
301 David Hadley's application for an alternate position on the Commission. Mr. Hadley attended
302 the last subcommittee meeting and has shared his views in public comments.

303
304 Mr. Sullivan, who missed the last subcommittee meeting, asked if they were still wrestling with
305 combining or separating the two ordinances. The Chair said there were some sections that were
306 confusing, but he believes it can be addressed as one ordinance since the two originals share a lot
307 of boilerplate language.

308
309 When asked his preference, Mr. Behrendt said his inclination would be to combine the two
310 ordinances for simplicity, but he thinks discussion on this question will continue. He noted there
311 are instances when both wetland and shoreland will come into play.

312
313 Vice-Chair Slepian commented that separating the two ordinances should be the first thing they
314 discuss at their next meeting. Discussion over the last two years has indicated that combining
315 them would be simpler and he's not sure why there is still confusion over this.

316
317 Mr. Sullivan asked about the economic impact, noting there were many public comments about
318 this, although he's not sure the Commission can address it. Chair Trueblood said over the last
319 few weeks, he and Vice-Chair Slepian have been talking about PREPA (Piscataqua Region
320 Estuaries Partnership) grants, which award between \$5K to \$25K to individual towns. He met
321 with Abigail Lyon of PREP and Lynn Vaccaro, coastal training coordinator of Great Bay
322 Reserve, to discuss options.

323
324 His first idea was to request about \$5k to develop a communication strategy around the
325 ordinances. In giving it further thought, he wonders if they should instead seek funds to hire a
326 professional to map out which properties would be affected by changes in the buffer. That
327 professional could work with the town's data to determine the potential impact. Grant proposals
328 are due June 12th and potentially the town or Great Bay Stewards could serve as fiscal agent for
329 the grant. He noted he hasn't committed to anything.

330 Chair Trueblood asked Mr. Behrendt for his input on the idea. Mr. Behrendt said June 12th is a
331 tight timeline and he recommended the Commission look very carefully at the stipulations for the
332 grant.

333
334 The Chair noted the Planning Board has asked about the impact of expanding the buffers. Mr.
335 Behrendt said some of the work could potentially be done by the town's GIS coordinator.
336 Chair Trueblood questioned if they should engage the GIS coordinator now, since the
337 Commission knows they want to recommend a 250-foot buffer. They also need to be able to
338 define the reference line.

339
340 Mr. Moyer commented they need to get a beat on the problem areas, both politically and
341 substantively. The more they know, the better able they will be to fix it.

342
343 The Chair said as he understood Paul [Rasmussen's] comments, if you have one-third acre, e.g.,
344 you are restricted from doing certain things on your property or need to seek a conditional use
345 permit for many activities. Mr. Rasmussen suggested the Commission consider different
346 provisions for smaller properties. The Chair said the subcommittee will discuss this further, but
347 he invited comments from the Commission.

348
349 Mr. Nachilly said the Commission needs to focus on outcomes —what it is trying to achieve—
350 and simplify their approach to the ordinances accordingly. He believes there are already too
351 many conflicting town ordinances that don't focus on outcomes but require homeowners to go
352 through inefficient political processes. He has served 30-plus years on conservation commissions
353 and noted decisions in the past were made quickly. In his view, the current process is not
354 outcome-focused.

355 The Chair responded that the desired outcomes are in the Master Plan and other stated town
356 goals. The current revisions are focused on the town's commitment to clean water and to
357 protecting the Bay. Their presentation [to the Planning Board] included information from the
358 Buffers on the Bay project, to show how protections can benefit the Bay. They're trying to
359 provide as many protections as possible to prevent pollutants from running off the land.

360 Mr. Nachilly said a lot of new construction takes this into account, including new technology in
361 septic systems. He questions which legacy issues are not being addressed. One example is the
362 runoff from Mill Pond from downtown development that flows into the Bay. It's been talked
363 about for years, but the town has been slow to enact changes to address it.

364
365 Mr. Sullivan said addressing septic systems not operating properly might have a much bigger
366 impact than fertilizer used on tomato plants, for example. He asked about a septic discussion in
367 progress and Mr. Ford said it's been brought up by [Town Councilor] Mike Lehrman a number
368 of times. Mr. Lehrman is in favor of the town having a septic system ordinance, like other towns
369 in the area, that would require septic system inspections and repair or replacement of failed
370 systems, along with routine pumping required.

371 The Chair said he doesn't believe that's the purview of the Conservation Commission, but others
372 disagreed, with Mr. Ford saying it all goes into the ground and affects water quality.

373
374 Mr. Behrendt said requiring septic inspections may well be something the town decides to do,
375 but he doesn't believe the SPOD and WCOD ordinances are the best place to achieve it. He
376 thinks it might best be approached as a free-standing ordinance separate from zoning.

377
378 Mr. Sullivan said he sees it as a straightforward ordinance saying you need to have a working
379 septic system. He noted in Massachusetts you can't transfer property unless you have a Title IX
380 inspection. Ms. Lightbody said as of 2021 in New Hampshire, you can't transfer a shoreland
381 property without having a working septic system.

382
383 Resident David Hadley, Edgerly-Garrison Road, came forward to say when he bought shoreland
384 property in 2014, it had a 1974-installed septic. It was lightly used and in pretty good shape. The
385 town, however, required the seller to install a new septic before it could be listed. As he read the
386 ordinance at the time, he had to have it inspected every two years and submit a report to the
387 town. He did that for years until Karen Edwards (town staff) informed him he didn't need to
388 continue. He agrees with Mr. Lehrman that shoreland owners should have a responsibility with
389 regard to septic systems.

390
391 Ms. Lightbody said this is all good discussion, but their charge right now is to work on the
392 ordinances before them. She recommends they look at septic systems as a future item.

393 Mr. Phelps commented on smaller lot sizes. He said if their desired outcome is improved water
394 quality, he's not sure how lot size ties into that. He would like to see a solution, but it doesn't
395 seem to match the outcomes.

396
397 X. Review of Minutes: ~~March 4, 2026 and~~ March 30, 2026

398
399 ***Chair Trueblood MOVED to approve the minutes for the March 30, 2026 meeting as***
400 ***presented; SECONDED by Mr. Phelps, APPROVED unanimously, 7-0, Motion carried.***

401
402 XI. Other Business

403 Reporting on Planning Board activities, Mr. Sullivan said R. J. Kelley is planning to cut 12 acres
404 at Technology Drive. He spoke with Mr. Kelley to reiterate best practices and Mr. Kelley
405 indicated understanding and agreement.

406
407 He said Riverwoods will be doing substantial clearing in late summer. Mr. Sullivan asked Mr.
408 Behrendt about 561 Bay Road and Mr. Behrendt replied he's received guidance from the town
409 attorney indicating that certain lots may be vested under the old ordinance. He said this is
410 confusing, so he will meet with the attorney next week for further clarification. He asked the
411 applicant for Bay Road to hold off until he gets more information.

412 The Chair asked him to explain the vesting as best he can. Mr. Behrendt referenced the property
413 at 1 Riverview Court and said it's his understanding that under the current ordinance, if a

414 property can't be used because it's all wetland or shoreland, the owner may choose to apply for a
415 special exception with the ZBA. The town attorney said 1 Riverview Court is vested under
416 zoning rules in place in 1960 when the subdivision was developed because under state law, the
417 infrastructure was substantially completed. The attorney said it may apply to other lots where
418 there was no infrastructure involved. Mr. Behrendt is seeking more clarification on this last
419 point.

420
421 The Chair asked if the property at 1 Riverview can go forward with no further review and Mr.
422 Behrendt said they can go forward with a building permit because it's vested from 1960, when
423 the town had no wetland or shoreland ordinances. The applicant still needs a state permit and
424 septic permit, as well as shoreland and wetland permits. It's his understanding that the
425 homeowner has obtained all permits, except for the building permit from the town.

426
427 Mr. Behrendt announced the Commission's next meeting is Tuesday, May 19th because of the
428 Memorial Day holiday.

429
430 XII. Roundtable. Updates from Conservation Commission members.

431
432 Vice-Chair Neil Slepian said on behalf of the Land Stewardship Subcommittee, he would like to
433 encourage everyone on the Commission to support Discover Durham Trail Days. He expressed
434 disappointment that very few Commissioners attend, considering the Commission sponsors the
435 walks. There are often experts who give informative talks on the trails.

436 He also reiterated the BioBlitz is May 17th and encouraged members to participate or volunteer.
437 It's a Citizen Science event and people are being encouraged to download the iNaturalist app to
438 their phones in order to take pictures and record natural features. The information will then be
439 collected into a database.

440
441 Ms. Lightbody noted that Mr. Behrendt has announced his retirement in November and she
442 would like the Commission to recognize his significant contributions to the town. The Chair said
443 that recognition would come in the fall. It was noted Mr. Behrendt will stay with the ordinance
444 subcommittee until the work is complete.

445 XIII. Adjournment

446 ***With no further business, Chair Trueblood MOVED to adjourn the meeting at 9:15 p.m.;***
447 ***SECONDED by Ms. Lightbody, APPROVED unanimously, 7-0, Motion carried.***

448
449 Respectfully submitted,
450 Lucie Bryar, Minutes Taker
451 Town of Durham Conservation Commission