

Paul Rasmussen, Chair
Durham Planning Board

Re: Monitoring of conservation land at the Gerrish-Ambler subdivision

September 22, 2021

Dear Paul,

As requested by the Planning Board, the Conservation Commission discussed monitoring of conservation land at the Gerrish-Ambler subdivision during our August 23rd and September 20th meetings. I write to convey our feedback.

I should note that the discussion proved to be more difficult than many Commission members expected for two reasons. First, the language in the relevant ordinance leaves considerable room for interpretation in terms of scope and intent. Second, despite the number of conservation subdivisions that have been constructed in Durham, there are few precedents for monitoring of conservation lands. These factors made it somewhat difficult to determine exactly where to focus our recommendations and the appropriate scale. Ultimately, we aimed to identify activities that are both meaningful and achievable.

We suggest using monitoring plans for existing conservation easements with similar attributes as a template, such as the Fogg Easement. Land Stewardship Committee volunteers have a fairly standard protocol that they employment for monitoring of conservation easements that could be adopted for monitoring conservation land at this and other conservation subdivisions. This includes a thorough site walk to look for indicators that environmental values of the site are being eroded. These indicators include, but are not necessarily limited to:

- Stream integrity (bank stability, turbidity, etc.)
- Evidence of timber harvest
- Illicit construction
- Stability of the outer property boundary
- Interior encroachment by residential properties
- Presence of important plant and wildlife species, such as endangered species or invasive species
- Trash

Additionally, given the concerns raised during the public debate about the Gerrish-Ambler subdivision, it would be worthwhile looking for evidence of declining water quality in the wetlands that could prompt more detailed water quality monitoring. This could include changes in water color, fish kills, excessive algal growth, or other attributes.

Inspections of the conservation land could ultimately be conducted by the subdivision's Homeowners Association (HOA). However, recognizing that it could take a few years for the HOA to be stood up, we recommend requesting that Land Stewardship Committee volunteers begin conducting assessments at the outset, and then train HOA members to do so once the HOA takes shape. Responsibility could then be transferred to the trained HOA members to conduct the assessments.

The property owners attended our September 20th discussion and let us know that they welcome members of the Conservation Commission and Land Stewardship Committee to inspect their conservation land at any time. We welcome this invitation for it provides the opportunity for others to audit assessments by the HOA, or to conduct assessments if the HOA fails or is unable to do so in the future.

We recommend that assessments take place annually for the first five years as construction takes place and the site restabilizes. Thereafter, we recommend that inspections take place every two years.

Additionally, we recommend that the HOA complete and submit an annual checklist of environmental management activities completed, following those outlined in both the declarations documents and on the various site plans (e.g., snow management, stormwater management, herbicide/pesticide application, etc.).

I hope that the Planning Board finds this feedback to be useful. Please let me know if you have any questions and I will do my best to answer those or raise them with our Commission for additional input.

Sincerely,

Jake Kritzer, Chair

Durham Conservation Commission