

Town of Durham
Conservation Commission Meeting
Thursday May 14 2015 @ 7:00 pm

Members Present: Kathy Bubar, Otho Wells, Ann Welsh, Robert Sullivan, Coleen Fuerst

Members Not Present: John Parry, Dick Wollmar

Others Present: Krystin Ward, Ray Grizzle, Duane Hyde

1) Call the meeting to order. Recognize members present

Chair Ann Welsh called the May 14, 2015 meeting of the Durham Conservation Commission to order at 7:04 pm. She elevated alternate member Robert Sullivan to a voting member for the evening.

2) Agenda Approval

Otho Wells MOVED to approve the agenda as written; this was SECONDED by Kathy Bubar and APPROVED unanimously.

3) Public Comments

There were no public comments at this meeting.

4) Presentations

a. Thompson Property Easement Project (Duane Hyde)

Mr. Duane Hyde distributed handouts regarding the project to the members. He noted that the members held a site walk of the Thompson property prior to this meeting. Mr. Hyde said the property consists of approximately 43 acres on Wednesday Hill Road in Durham. He noted that the property has been a long standing conservation priority for the town and other conservation entities (as far back as John Hatch's days, in the 2000 Master Plan and on the Conservation Priority map as well as the last draft of the updated Master Plan). Mr. Hyde said the property is fairly well established as an important property for the community. He said that Shirley Thompson owned the property (it had been in the family for multiple generations and was part of the Thompson Dairy Farm). Mr. Hyde said that Ms. Thompson was approached a number of times about conserving the property when she was alive; upon her passing the property was placed in a family trust (Kim Lawton is the Trustee of the Trust). He reported that Ms. Lawton was approached about her interest in conserving the property and she and her sister expressed interest. Mr. Hyde said the Southeast Land Trust moved forward in discussions and were able to get the property under agreement (purchase agreement with the trust) for \$425,000 – the appraised value is \$450,000; Ms. Kim Lawton has agreed to make a partial bargain sale of her share of the project. He said the Town will be the owner of the 43 acres and the Southeast Land Trust will hold a conservation easement. Mr. Hyde said the property has frontage on the wild and scenic section of the Lamprey River and if a subdivision was placed on the property there would be 6 house lots. He said the Trust is in the process of having the appraisal updated (that should be available soon); but the value

1 should stay fairly consistent with the past appraisal. He said the overall project costs (appraisal;
2 boundary survey; preparation of easement baseline report, staff costs) will be approximately \$472,000.
3 Mr. Hyde said the Southeast Land Trust has been working on numerous grant funding sources to secure
4 money to supplement Town funding for the project; and to date they have been able to secure \$336,000
5 (from the Lamprey Rivers Advisory Committee, the Moose Plate Grant program, the Piscataqua
6 Program, the Land and Water Conservation Fund and the New Hampshire Department of Environmental
7 Services Source Water Protection Program). He said they still need \$136,000 to fully fund the project.
8 Mr. Hyde said they have been fortunate to be able to raise over 70% of the funds needed and would like
9 to ask the Town for the remaining \$136,000 funds. He said the Town could use the Conservation Funds,
10 the remaining funds in the open space bond and could also use funds from the water/waste water
11 committee (through water payers) since this property surrounds the intake. Mr. Hyde noted that the
12 Water/Waste Water Committee is considering this request and will discuss it with the Town
13 Administrator. He said the property needs to be closed on by the end of January 2016. Mr. Hyde stated
14 the grants have some requirements (not a lot); the Land and Water Conservation Fund requires the land
15 be owned by the Town and that it be open for public access; the Source Water funds do not want
16 agricultural uses allowed on the property or septic systems – he said those restrictions would be built
17 into the conservation easement. Mr. Hyde said the Town has a process for acquiring conservation land
18 that spells out criteria that needs to be considered; 1) the land should build upon large blocks of
19 unfragmented land – the maps indicate that this property builds upon a conservation base of lands (63
20 acre Misty Meadows Farm, 245 acre Oyster River Forest, Fogg Conservation easement, College Woods
21 and is across the street from the 25 acre Spirit Farm that the Trust is working on an easement with) 2)
22 the land should protect natural resources – this property was an old farm so has old fields reverting to
23 shrub habitat which shows good potential for habitat restoration for New England Cottontail and other
24 species, it is listed in the NH Wildlife Action Plan as having the highest ranking habitat in the State, the
25 NH coastal conservation plan (2006) lists this land as a focus area and there is also the Wild and Scenic
26 river designation; 3) the land needs to allow public access – this property would be open for public
27 access – it is currently posted but would become available for public access. He said the easement
28 would need to provide the opportunity to build small parking lot and a trail system; 4) the property
29 should also be able to provide money for the Town to hire someone to prepare a management plan for
30 the property (Ellen Snyder provided an estimate for this purpose) and 5) the property should maintain
31 prominent scenic vistas – this property maintains the river vista and the section of Wednesday Hill Road
32 vista. Mr. Hyde said the most important criteria is that this property provides the protection of one of
33 the Town’s drinking water supply and prevents potential contamination. He said the contribution from
34 the DES shows their feeling that this property is important. Mr. Hyde said the property also is within the
35 aquifer zone for the Spruce Hole Well site and is in the well head protection area (a small portion).

36
37 Otho Wells asked if water is being pumped into the Town from this site.

38
39 Mr. Hyde said there is water being pumped from this site. He noted that Will Waldheim (who has been
40 working on the Oyster River water quality issues) discussed how important it is to conserve this property
41 for the Town’s water supply; noting that it is one of the only ways to filter out pollutants.

42
43 Mr. Wells asked what input the Trust would have as the holder of the easement.

44
45 Mr. Hyde said the role of the Trust will be more of monitoring and management of the property
46 (ensuring that the Town does not develop the property or use it for agricultural purposes or put in septic
47 systems).

1 Chair Welsh reported that the balance of the Conservation Fund as of March 2015 is \$69,000, but there
2 is \$30,000 in assessed funds that have not been collected for a total of \$99,000. She said the
3 Commission can suggest to the Town Council that they approve approximately \$30,000 of the
4 Conservation Bond for this purpose (or that amount minus any funds acquired from the Water District).
5 She said she would suggest the members decide how much of the Conservation Funds they want to put
6 toward the project and discuss asking the Town to raise the remaining amount needed.
7

8 *Kathy Bubar MOVED that the Conservation Commission support the purchase of the Thompson property*
9 *by providing \$99,000 from the Conservation Fund and also encouraging the Town Council to approve*
10 *using funds from the Conservation Bond to provide the remaining funds needed for the project (\$37,000*
11 *minus whatever funds are provided by the Water District for this purpose); this was SECONDED by Robert*
12 *Sullivan and APPROVED unanimously.*
13

14 b. Oyster Reef restoration project (Krystin Ward, Ray Grizzle)
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16 Ray Grizzle, co-owner of Granite State Shellfish and Krystin Ward of Choice Oyster appeared before the
17 Commission seeking approval for an oyster reef restoration project funded by the Natural Resources
18 Conservation Service. Mr. Grizzle said the site is at Adams point and showed the boundary of the
19 existing oyster reef and the proposed restoration work area (to be done this summer). He said they do
20 not propose to work in areas where eel grass occurs. Mr. Grizzle noted that the proposed area for
21 restoration work has been carefully chosen and has characteristics that are suitable for the project. He
22 said they are seeking permission to shell that position; place mollusk shells – approximately 30 yards per
23 acre with the patches projecting up to a foot or so from the bottom for the oyster larvae to settle on.
24 Mr. Grizzle said this changes the bottom so it is suitable for the natural population to settle on and start
25 the reef. He said they are seeking approval of their Expedited Dredge and Fill Permit to DES.
26

27 Mr. Grizzle noted that this process has been done three times in Durham; twice in the Oyster River. He
28 told the members that one of those has persisted well, another was plagued by silting issues and the
29 third site has persisted but does not have good larvae as of yet. Mr. Grizzle noted that the Estuary has a
30 tremendous amount of silt that can cause problems; so they are moving the project out of the tributary
31 stream due to the movement of the sediment.
32

33 Robert Sullivan asked if there been any objections raised to the project and Mr. Grizzle replied that
34 there have been no objections raised.
35

36 *Otho Wells MOVED to have the Conservation Commission sign the expedited permit for the Oyster Reef*
37 *restoration project; this was SECONDED by Kathy Bubar and APPROVED unanimously.*
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39 5) Minutes: Review/Approve

40 Approval of the minutes was postponed until the June meeting.
41

42 6) Old Business

43 a. Bagdad Road Pond health