

DRAFT MINUTES

NEW DURHAM CONSERVATION COMMISSION

APRIL 28, 2009

(Please note: These are draft minutes prepared by staff from notes taken at the meeting. They have not been reviewed by the Board for accuracy, and should not be relied upon for accuracy. Reviewed, corrected, and approved minutes will be available at Town Hall and on the Town's website following the next scheduled Board meeting.)

Chairperson Dennis Gagne called the meeting to order at 7:12 PM.

Roll Call: Dennis Gagne (Chair), Charlie Berube (Vice-Chair), Bill Malay (Alternate), Terry Jarvis (Select Board Representative). **Excused:** Bob Craycraft (Alternate)

Cronin Steep Slope Conditional Use Permit: At the request of Cathy Orłowicz, Chair of the Planning Board, the Commission reviewed the request of Anna E. Cronin for a Conditional Use Permit to construct a garage on steep slopes on Tax Map 38, Lot 217 on North Shore Road. Members reviewed the Steep Slope ordinance to understand the ordinance and the role of the Conservation Commission. The ordinance states that

- “7. The Planning Board may modify the requirements of this section if the Board determines that the Conservation Commission and/or any other professional or technical review deemed necessary for consideration of the application, have recommended such modification based on the finding that:
 - “a. due to a unique condition or a particular environmental condition of the land, enforcement of a particular requirement of this section would be inconsistent with the spirit and intent of this ordinance; and
 - “b. The applicant has provided alternative measures for protection of steep slopes consistent with the spirit and intent and complies fully with the performance standards of this ordinance.”

Commission members expressed considerable concern about the proposal. After discussion the Commission decided by consensus to send a letter to the Planning Board that says:

- The Conservation Commission is not in favor of the proposal as proposed;
- They believe it will have too much negative impact on sensitive slopes and will lead to excessive runoff and problems with ditches and culverts;
- They are concerned the structure will be used as a living facility;
- They believe there needs to be significant reclamation of the area that has already been disturbed, including plantings to control erosion; and
- They might be supportive of a significantly diminished structure.

David Allen will draft the letter for review, approval, and signature of Chairman Gagne.

Chabot Shoreland Permit: The Commission reviewed the application for a DES Shoreland Permit submitted by Theresa M. Chabot, 274 South Shore Road (Map 31, Lot 287). The Chabots want to build a solid foundation under their existing house which will raise it 5 feet. They will remove a patio measuring approximately 100 square feet of impervious surface. They also plan landscaping for improved stormwater management including installation of rain gardens and extensive shrub planting. The Commission members were very pleased with the efforts to protect Merrymeeting Lake with improved stormwater management plans, and had no concerns with the application.

Land Protection Priorities: Commission members discussed priorities for land protection. The major effort at this point is protection of Birch Ridge from development. The Commission wants to become more knowledgeable about the requirements of various federal and state funding streams for land conservation as well as the tax benefits to property owners who donate land or conservation easements.

They also wish to understand the laws and procedures related to town acquisition of tax forfeited property. The Commission wants to work with the Board of Selectmen

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to develop policies and procedures so the town can gain maximum benefit for long range conservation and recreation purposes.

Commission members also agreed they would like improved coordination and partnership with all Conservation groups working with property owners to protect land in the Town.

Bill Malay is working on a checklist of the steps and actions needed to protect a piece of property, based on the Commission's experience working with Donald and Gail Holm.

New/Old Business: Bill Malay expressed concern about the reappearance of off road vehicles on the hills, trails, and class 6 roads north of Merrymeeting Lake. Commission members are frustrated by the significant erosion caused by fast driving on sensitive terrain, and by the absence of means of control.

Minutes: Terry Jarvis moved approval of the minutes of March 31, 2009 as amended. Charlie Berube seconded. Approved unanimously with no abstentions.

Dennis Gagne moved approval of the minutes of September 30, 2008 as written. Bill Malay seconded. Approved unanimously with Terry Jarvis abstaining as she was not a member at the time.

Dennis Gagne moved approval of the minutes of October 28, 2008 as written. Bill Malay seconded. Approved unanimously with Terry Jarvis abstaining as she was not a member at the time.

Adjourn: Dennis Gagne moved to adjourn at 9:33 PM. Charlie Berube seconded. Unanimous with no abstentions.

Respectfully submitted,
David Allen

Land Use Administrative Assistant

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