

**MINUTES
NEW DURHAM CONSERVATION COMMISSION
28 OCTOBER 2014**

Present: Commission members Ron Gehl (Chair), Curtis Richard, Charlie Berube, Bob Craycraft (Alternate), Bill Malay (Alternate), Recording Secretary Amy Smith.

Others Present: Greg Anthes

Chair Gehl called the meeting to order at 7:25 pm and designated Mr. Craycraft and Mr. Malay to sit in as voting members.

Review of Minutes

Commission members reviewed the minutes of 30 September 2014. **Mr. Malay made a motion to approve the minutes of 30 September 2014 as printed. Mr. Richard seconded the motion. The motion was unanimously approved.**

Review of Mail

Ms. Smith stated the Town Clerk received a copy of a State DES application for an underground storage tank for Merrymeeting Marina, 318 Merrymeeting Road. Ms. Smith stated she reviewed the RSA's cited on the application and it doesn't specify the Conservation Commission reviews this type of application only that a copy needs to be submitted to the Town Clerk. Ms. Smith stated she included it in 'review of mail' as she thought it may be of interest to Commission members.

Ms. Smith stated the Town Clerk received two Shoreland Permit applications yesterday (27 October 2014) that are not on the agenda as the agenda was posted on 21 October 2014.

Shoreland Permit Application - Brian Lacey- 114 South Shore Road- Map 122 Lot 10

Commission members reviewed the Shoreland Permit application for Brian Lacey 114 South Shore Road, Map 122 Lot 10. Ms. Smith stated the Laceys had a public hearing before the Zoning Board of Adjustment on 14 October 2014 and were granted a variance. Ms. Smith gave Commission members a brief rundown of the ZBA hearing. Chair Gehl noted the impervious surface is decreasing from what is currently on the property. All was found to be in order.

Shoreland Permit Application- Russell Weldon - 322 Merrymeeting Road - Map 119 Lot 20

Commission members reviewed the Shoreland Permit application for Russell Weldon 322 Merrymeeting Road, Map 119 Lot 20. Commission members noted the pre-construction impervious area is 20% and the post construction impervious surface area is a proposed increase to 32.9%. Commission members noted this is a violation of Article IX Section E-3 of the New Durham Zoning Ordinance: "Buildings shall not cover more than 15% of the area of a lot. No more than a total of 20% of the lot area, including buildings, shall be covered by all impervious surfaces." Commission members did not believe, based on the plan submitted, the State's requirements for impervious surfaces of greater than 30% within the protected shoreland as specified in RSA 483-B:9 V(g) 1 and 3 were satisfactorily met either. Commission members

asked Ms. Smith to send a letter to the State DES with a copy to the Town's Code Enforcement Officer and Mr. Weldon noting the Commission's concerns.

Review of Mail

Commission members continued the review of mail including two Notices of Decision from the ZBA approving variances for Brian and Leila Lacey and Glenn and Tamra Bushong.

Thompson Conservation Easement- Map 269 Lot 007

Chair Gehl signed the finalized Conservation Easement Deed on behalf of the Conservation Commission. Chair Gehl noted the Board of Selectmen need to sign the deed as well.

Tax Deeded Property

Mr. Malay and Mr. Richard updated Commission members on the Selectmen's meeting of 20 October 2014 when the tax deeded properties were discussed. Mr. Malay noted Selectman Bickford supported the Conservation Commission's efforts and didn't want to sell the properties discussed. Mr. Malay noted all three Selectmen agreed they would not sell the Shaw's Pond piece. Mr. Malay noted the Board did agree to offer a portion of the lot to the 3 existing non conforming properties that abut the lot in an effort to make them less non-conforming. Mr. Malay stated the Selectmen also discussed the lots in the Copple Crown Village District. Some of the lots will be merged with abutting lots and sold. Mr. Malay noted the Copple Crown Village District did not want the tax deeded lots to be sold now for fear of flooding the market. Mr. Malay stated Selectman Bickford supported not selling the lots but Selectman Jarvis and Selectman Swenson were in favor of selling them. Mr. Malay noted the Selectmen will continue the discussion of tax deeded properties on 29 October 2014.

At 8:30 pm Chair Gehl made a motion to enter into non-public session pursuant to RSA 91-A:3 (d) consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to the general community. Mr. Malay seconded the motion. A roll call vote was taken: Berube – Aye; Craycraft – Aye; Gehl – Aye; Malay- Aye; Richard – Aye.

Mr. Anthes left.

At 8:55 pm Mr. Gehl made a motion to exit non-public session. Mr. Malay seconded the motion. The motion was unanimously approved

While in non-public session the Commission discussed a Conservation Easement and voted to expend \$45,350 from the Conservation Commission Fund for a Conservation project.

Conservation Commission Membership

Ms. Smith reminded Commission members that earlier in the year they had wanted to put a question on the ballot to reduce the number of Conservation Commission members from six to five. Commission members asked Ms. Smith to send an e-mail to the Town Administrator requesting this question be put on the 2015 ballot.

November Meeting

Ms. Smith noted the November meeting is the week of Thanksgiving and wanted to be sure there would be a quorum before posting for that meeting. Mr. Malay stated he would not be able to attend but other Commission members noted they could attend. Ms. Smith asked Commission members if their plans should change to notify her as four members are needed to be present for a quorum. If members know they can't attend she could post a cancellation notice as opposed to posting the meeting and then having to cancel due to a lack of quorum.

At 9:12 pm Mr. Berube made a motion to adjourn. Mr. Craycraft seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Amy Smith
Recording Secretary