

**MINUTES  
NEW DURHAM CONSERVATION COMMISSION  
29 JULY 2014**

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

**Excused:** Charlie Berube

**Others Present:** Rod & Judy Thompson, Code Enforcement Officer Arthur Capello.

Chair Gehl called the meeting to order at 7:10 pm and designated Mr. Malay and Mr. Craycraft to sit in as voting members. Chair Gehl, Mr. Craycraft, and Mr. Malay welcomed Mr. Richard to the Commission.

**Public Hearing - Thompson Conservation Easement - Map 269 Lot 007**

Chair Gehl opened the public hearing, which was recessed from 24 June 2014, regarding the acquisition of a secondary executory interest in the Thompson Conservation Easement and the expenditure of \$5,000 from the Conservation Fund to Moose Mountain Regional Greenways (the primary easement holder) to facilitate the completion of the easement. Chair Gehl gave a brief recap of the 24 June 2014 hearing and thanked Mr. Malay for attending the 7 July 2014 Board of Selectmen meeting when the Conservation Easement was discussed by the Selectmen. Chair Gehl noted the Selectmen did approve the acquisition. Ms. Smith noted she has not received the revised easement deed incorporating Town Attorney Justin Richardson's comments. Mr. Thompson stated he has not received the revised deed either. Mrs. Thompson stated she is concerned they (MMRG and the Town Attorney) are quibbling over words. Chair Gehl stated he heard from Virginia Long of MMRG and she said they are "very close" to finalization. Mr. Thompson stated he believes the comments made by Atty. Richardson were easily resolved. Mr. Gehl stated he will do what he can to help facilitate. Chair Gehl asked if there was any other public comment. There was none. Chair Gehl closed the public input portion of the hearing. **Mr. Malay made a motion the New Durham Conservation Commission approve the withdrawal of \$5,000 from the Conservation Fund for the expenditure to Moose Mountain Regional Greenways to facilitate the completion of the Thompson Conservation Easement (Map 269 Lot 007). Mr. Craycraft seconded the motion. The motion was unanimously approved.** Mr. Gehl closed the public hearing. The Thompsons thanked the Commission for all their help.

**Permit by Notification - Walter Ahlin - 343 South Shore Road-Map 113 Lot 53**

Commission members reviewed a Permit by Notification application for Walter Ahlin for property located at 343 South Shore Road, Map 113 Lot 53. All was found to be in order.

**Permit by Notification - Donald Roques - 25 South Shore Road-Map 120 Lot 53**

Ms. Smith stated the Town Clerk just received this application today. Commission members reviewed a Permit by Notification application for Donald Roques for property located at 25 South Shore Road, Map 120 Lot 53. Commission members expressed concern as the plan shows post development lot size coverage of 27.9% and the Town's Zoning Ordinance (Article XVII

Section F-2-d) only allows 20% of a lot to be covered in impervious surface. Chair Gehl asked Ms. Smith to send a memo regarding the proposal to the Code Enforcement Officer, Planning Board and Zoning Board.

### **Other Business- Lake Issues**

Mr. Malay stated he, Mr. Craycraft and Mark Sullivan (President of the Merrymeeting Lake Association) were out on Merrymeeting Lake doing water quality testing and noted three properties of concern: 284 South Shore Road (Map 113 Lot 006), 374 South Shore Road (Map 114 Lot 022) and 37 Cedergren Road (Map 105 Lot 002). Code Enforcement Officer Arthur Capello updated Commission members on the three properties in question. Mr. Capello stated the property at 284 South Shore Road is reconstructing a crib dock that was damaged. Mr. Malay stated he does remember a crib dock on that property but does not remember its size. Mr. Malay asked Mr. Capello about the paving of the driveway at that address and if a permit is required for paving. Mr. Capello stated a permit is required for paving or resurfacing a driveway but those permits are issued by the Road Agent.

Mr. Capello noted he met with the property owner at 37 Cedergren Road and noted the contractor was not present when he visited the property. Mr. Capello noted he instructed the homeowner the equipment needed to be removed and the area stabilized. Mr. Capello also informed her per the State permit work could not continue until Lake draw down. Mr. Capello stated the homeowner was cooperative and was unaware of the condition the contractor had the property in as she had just arrived herself.

Mr. Capello stated the property at 374 South Shore Road is all set now. Mr. Capello stated he issued a Cease and Desist on the property for about a week. Mr. Capello noted he contacted the State DES for clarification of the language of the permit which stated work had to be done after draw down or during the 'low water season'. Mr. Capello stated the person he spoke with at the State DES clarified that 'low water season' is typically July and August when the level of the Lake is below the high water mark. Mr. Capello noted he did check and the water level is below the high water mark. Mr. Capello also stated he informed the contractor the area needed to be stabilized and he needed to do a better job of filtration. Mr. Capello stated he has allowed the construction of the project to resume.

### **Review of Minutes**

Commission members reviewed the minutes of 24 June 2014. **Mr. Craycraft made a motion to approve the minutes of 24 June 2014 as printed. Mr. Malay seconded the motion. The motion was unanimously approved.**

### **Review of Mail**

Board members reviewed the mail.

**Other Business - Town Owned Property**

Chair Gehl stated the Board of Selectmen is considering selling some of the Town owned property that has been taken by Tax Collector's Deed. Mr. Malay asked Ms. Smith if she has received any information regarding this. Ms. Smith stated she has not but she does know from reading the Selectmen's minutes of 7 July 2014 that the issue was discussed and per the minutes the Board of Selectmen agreed to submit a list of properties they wished to sell to the Planning Board and Conservation Commission for review and comment. Ms. Smith noted she has not yet received this list but would notify Commission members when she did. Commission members reviewed the list of Town owned property in the Town Report and also reviewed the Tax Maps to get an idea where some of the properties are.

**At 8:35 pm Mr. Craycraft made a motion to adjourn. Mr. Richard seconded the motion. The motion was unanimously approved.**

Respectfully submitted,

Amy Smith  
Recording Secretary