

DURHAM CONSERVATION COMMISSION  
Minutes to Meeting - Final  
July 13, 2006

Meeting called to order at 7:05 pm by chairman Dwight Baldwin

Members present: Dwight Baldwin, Beryl Harper, Jim Hellen, Richard Ozenich, George Thomas, Peter Smith, Robin Vranicar

Excused absence: Cynthia Belowski, Duance Hyde, Katie Jacques

Minutes of June 8, 2006 were accepted with corrections.

1. New Business/Presentations

A. Theresa Walker and Dea Brickner-Wood, Land Protection Working Group (LPWG).

1. Beaudette Property (140 acres north of Bennett Road, Tax Map 15, Lot 1

- a. The LPWG requested the DCC recommend to the Durham Town Council that the Town of Durham contribute \$200,000 to the Nature Conservancy (TNC) towards the purchase of the Beaudette Property referenced above (total purchase price is \$970,000). TNC plans to transfer the property to NH Fish and Game for long-term ownership and management of the property.
- b. Ms Walker and Ms Brickner-Wood gave the history and the reasons for purchasing the Baudette Property. (See memorandum from Malin Ely Clyde, to DCC from LPWG, dated 7/5/06)
- c. After discussion, the following motion was approved with six votes "yea" and one abstention.

*The Land Protection Working Group recommends and respectfully requests the Conservation Commission recommend to the Town Council that the Town of Durham authorize the Town Administrator to contribute \$200,000 to The Nature Conservancy to execute the purchase and sales agreement for 140 acres of the Beaudette Property (Tax Map 15, Lot 1). The Land Protection Working Group recommends that, given the eventual public ownership of the land (NH Fish and Game), Durham not be required to retain any legal interest in the property.*

- d. The purchase agreement includes the rights of first refusal for 5 years on 73 acres of farmland south of Bennett Road that is owned by the Beaudette family.

2. Langley Properties

- a. Langley Farm located at 50 Langley Raod (53 acres) plus a one acre island and a smaller island of unknown acreage Tax map 12, Lot 13-1. Tax map 12, Lot 28 (islands).

- i. Ms Walker and Ms Brickner-Wood gave the history of and the reasons for purchasing the Langley properties. Refer to memorandum to DCC from Theresa Walker, LPWG, dated 7/6/06.
    - ii. The conservation easement stewardship for the Langley Farm will be the responsibility of The Nature Conservancy.
  - b. Langley Woodlot (30 acres located on Longmarsh Road). Tax Map 16, Lot 25-4.
    - i. The conservation easement stewardship of the woodlot will be the responsibility of the Socceity for the Protection of New Hampshire Forests.
    - ii. After discussion the following motion was approved unanimously:  
*The Land Protection Working Group recommends and respectfully requests the Conservation Commission recommend to the Town Council that the Town of Durham authorize the Town Administrator to expend funds in the amount of \$300,000 to be put towards the purchase of two conservation easements totaling approximately 85 acres owned by the Langley family.*
    - iii. The total purchase price of the Langley Farm and Woodlot is \$1,847,500.
3. Emery Farm Property, Route 4, Durham (Tax Map 11, Lot 22-2). Two parcels for conservation easement, total of 63 acres
- a. Emery Farm. 52 acres would be sold to SPNHF with USDA and the Town of Durham as executory interest holders. Excluded from the sale will be the farm stand area and an approximately 3 acre tract off Watson Road.
  - i. Ms Brickner-Wood and Ms Walker gave the history of and the reasons for purchasing the 63 acre Emery Farm Property for conservation easements (refer to memorandum from Dea Brickner-Wood to DCC dated 7/9/06.
  - b. Emery Farm Woodlot, Watson Road, Tax Map 11, Lot 22-2. The SPNHF would hold the conservation easement on this 11 acre woodlot with the Town of Durham holding an executory interest.
  - c. Durham would pay approximately \$23,710 for transaction costs of both parcels.
  - d. After discussion, the following motion was approved unanimously:  
*The Land Protection Working Group recommend and respectfully request the Conservation Commission recommend to the Town Council that the Town of Durham:*
    - 1. *Provide funds in the amount up to \$415,000 toward an approximately 52 acre conservation easement on the Emery*

*Farm Property (Tax Map 11, Lot 4) and that the Town accept an executory interest in the Conservation Easement;*

*2. The Town accept an executory interest in the approximately 11 acre Woodlot Conservation Easement (Map 11, Lot 22);*

*3. Provide funds in the amount of approximately \$23,710 for transaction costs for both the Emery Farm and Woodlot properties.*

e. LPWG will develop “talking points” for chairman Dwight Baldwin to use in his letter of support to the Town Council. These points will include, but not limited to: 1) why is it in the self-interest of Durham to support this financially? 2) what is the rationale behind asking for \$200,000 (Beaudette Property), \$300,000 (Langley Farm and Woodlot), \$438,710 (Emery Farm Property) rather than other figures?

2. Acceptance of minutes of June 8, 2006. See Above

3. Ongoing Business

- A. Wetland applications. Nothing to report
- B. Mill Pond. Dwight Baldwin reported he, Julian Smith, and John Parry cleared brush at edge of the Pond. Peter Smith suggested Dwight Baldwin and Mike Lynch talk in person to the head of the Army Corps of engineers who first said they would dredge Mill Pond. Dwight will follow-up.
- C. Land Protection Working Group. See #1 above under New Business/Presentations
- D. Town Land-Use/Trails Subcommittee
  - 1. The “entrance” and “I.D” signs for trails have been delivered. George Thomas will follow-up.
  - 2. Trails committee will contact Mike Lynch to see if a “crude” bridge can be built to replace a missing bridge over the upper end of Johnson Creek at a class 6 road. The location may be in Madbury?

4. Board and Committee Reports

- A. Town Council. Peter Smith reported the Packers Falls bridge railing replacement is complete.
- B. Planning Board, Richard Ozenich
  - 1. Proposed student housing on Strafford Avenue was mentioned regarding zoning issues.
  - 2. Timber harvesting issues were discussed as a follow-up to the recent open meeting on the topic.
- C. Lamprey River Advisory Committee. No report.

5. Other Business

- A. Chairman Dwight Baldwin expressed his desire to step down as chair of the DCC. He asked if anyone was interested in taking his place. He agreed to serve until a replacement is found.
- B. Colony Cove fecal coli form issue. Todd Selig wrote a letter to Tom Johnson, zoning and code enforcement officer, asking him to write a letter to NHDES to see if they view the situation at Colony Cove as a problem.
- C. Chair reminded members of the “Right to Know” seminar to be held 7/18/06 at the Village Hall.
- D. The Blue Ocean Society has requested volunteers for a 9/16/06 clean-up day.
- E. Chair mentioned an UNH undergraduate research program that may be a future opportunity for DCC and UNH cooperation.
- F. DCC has sent \$10,000 to TNC as part of the Great Bay Estuary Project. Money came from the Land Use Project and was committed in 2002 by DCC.
- G. Chair reported there is \$6,539 in the DCC’s annual budget account.
- H. Dwight Baldwin may attend a DES seminar on well water protection 7/25/06.
- I. The Jackson Landing Committee hopes to get their report to the Town Council for their August meeting.
- J. There will be no August meeting of DCC.
- K. Next meeting is 9/14/06.

Submitted by Jim Hellen

Hard Copy Attachments:

- 1. Memorandum to DCC from Malin Ely Clyde, LPWG, dated 7/5/06. Re: Beaudette Property
- 2. Memorandum to DCC from Theresa Walker, LPWG, dated 7/6/06. Re: Langley Properties
- 3. Memorandum to DCC from Dea Brickner-Wood, LPWG, dated 7/9/06. Re: Emery Farm Properties
- 4. Purchase and Sales Agreement dated 5/30/06 between the Beaudette Family and The Nature Conservancy.
- 5. Conservation Easement Deed for the Langley Farm and Woodlot. Also, the Purchase and Sales Agreement – June 13, 2006
- 6. Conservation Easement Deed for the Hills Farm Properties. (Emery Farm) Also, the Conservation Easement Deed and Restriction – Final Draft, April 3, 2006

