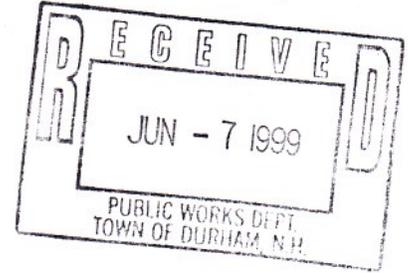




TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2898
Tel: 603/868-5571
Fax: 603/868-5572

6/3/99



Tracy Schroeder
Vice President, Jackson Landing Community Park Committee
PO Box 69
Durham, NH 03824

Dear Tracy:

Thank you for your letter of May 28, 1999 in which you transmit a most generous gift to the citizens of Durham in the form of playground equipment to be installed at the approved location at Jackson's Landing in Durham. This was made possible through the many contributions of town residents and local businesses as well as significant support from the William Penn Foundation, not to mention the many hours of effort on the part of you and the members of The Jackson Landing Community Park Committee.

The equipment includes two significant play structures, one intended for children less than five years and the other designed for children up to 12 years. Also, included are a three-bay swing, holding five swings and a handicapped swing, two diggers, a climbing dinosaur, and a two-seat modified teeter-totter.

I believe the equipment was delivered to the Town on Memorial Day Weekend and is scheduled for installation by the volunteers on June 5th and 6th with concrete pouring to occur on June 7th. Fibar mat, or handicapped-accessible wood carpet will be spread on June 8th, with the goal that the playground is ready for use by June 10th. The matter of fencing to be installed around the playground is proceeding through the process necessary to alter the Jackson Landing Cemetery fence. If approval for that alteration is not obtained, your group will provide and install fencing around the playground which includes parallel fencing to the cemetery fence.

On behalf of the Town Council of the Town of Durham, title to this generous gift is hereby accepted. The Town from this point forward accepts the liability for any claims, which may arise from the use of the equipment. The Town's insurance carrier has been notified of this addition to the Town's inventory of equipment. Finally, as Town property, the Town will repair and maintain this equipment on the same basis as other Town property.

Again, on behalf of the Council of the Town of Durham, let me express deep thanks for all the efforts of the Jackson Landing Community Park Committee for this wonderful contribution to the Town of Durham.

Sincerely,

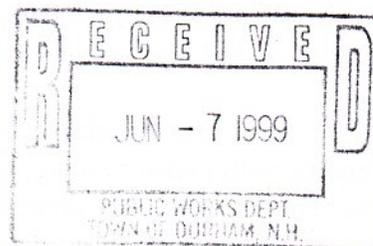
Patrick MacQueen
Interim Town Administrator

cc: Durham Town Council
Howard Hedegard
Skip Grady
Mike Lynch



TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2898
Tel: 603/868-5571
Fax: 603/868-5572
June 3, 1999

Nancy Dutton
Division of Historical Resources
19 Pillsbury Street
Concord, NH 03301



Dear Ms. Dutton:

Pursuant to RSA 635:6, Interference With Cemetery or Burial Ground, I am writing on behalf of the Town of Durham and a group of volunteers known as the Jackson's Landing Playground Committee to request your review and assistance with matters relating to the Jackson's Landing Cemetery in Durham. The Durham Town Council has approved a proposal by the Jackson's Landing Playground Committee, which has raised a large amount of money to install a playground on Town property near that cemetery. The installation of the playground equipment will begin by the group on Saturday the 5th of June. Enclosed for your information is a scaled plan for the installation of that equipment.

As you know, a number of issues have been raised in conjunction with this project, but the major issue which needs to be resolved is the location of fencing which all the parties agree needs to be there to protect the cemetery and to keep children in the play area. All the parties are sensitive to the historical, aesthetic and archeological issues involved with the cemetery and the land.

On Monday May 24th, a meeting of most of the interested parties was held here in Durham. The volunteers and two Town Council representatives proposed that the most aesthetic and least disruptive solution is to revise the existing cemetery fence, providing that proper approval can be obtained from the appropriate party or parties. We understand these parties to be the closest lineal descendants of the family which left the Trust for the cemetery and owned the land; if the lineal descendants cannot be determined, then the local governing body of the municipality, which would be the Town Council, with notice to your office.

The volunteers will be pursuing this matter with the descendants who are known, Mrs. Leathers of Dover and one or more of the Palmer family, to see if there is general agreement among them as to who the closest lineal descendants are. As you suggested, they will also advertise for these descendants in the local paper to see if that results in any other descendants coming forward.

The volunteers also understand that if the proposal to change the cemetery fence is turned down by any of the parties who must legally approve it, a separate parallel fence will need to be erected probably in the 1-4' range away from the existing cemetery fence. If this becomes necessary, it will be done with care recognizing that there could be human remains in the area and/or that the area could have other archaeological artifacts in it.

Letter to Ms. Nancy Dutton
June 1, 1999
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The existing cemetery fence is composed of granite posts with two horizontal white 4"x4" rails between each section. The white rails were installed in the very recent past, replacing the original iron bars, which were damaged in the 1988 ice storm. This fence clearly, while a barrier, would not deter children from entering the cemetery.

Specifically, what is being requested for approval is to replace the existing cemetery fencing with picket fencing, as shown in the enclosed brochure. The height of the fencing around the cemetery would be approximately three feet, the maximum height allowed by these existing granite posts. We do not, however, feel the three foot height is a concern because picket fencing is not easy for small children to climb because of its lack of horizontal surfaces. Yet, it is attractive and fits with the architecture of the area and the historic nature of the cemetery.

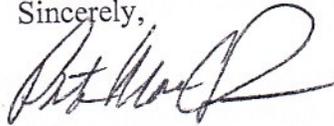
For three reasons, the proposal utilizes the existing granite fence posts around the cemetery to hold this fencing up:

1. The posts preserve the monumental feel of the existing cemetery fencing.
2. Using the existing posts obviates the need for excavation that may disturb any other remains or artifacts beyond the fence perimeter.
3. Changing only the horizontal wooden portion of the fencing minimizes the visual change.

Fencing around the remainder of the playground area will, under this proposal, be connected to this cemetery fencing at locations shown on the enclosed plan. With the exception of one section of vinyl-covered chain link that will be hidden in the abutting woods, the remaining fencing also will be picket fencing between granite posts to remain in context with the cemetery fence.

Since this is not a process that any of us go through on a regular basis, in addition to the request for your review of this proposal, we are requesting your assistance with any aspect of the process that we may be missing. Your cooperation and assistance are greatly appreciated.

Sincerely,



Patrick MacQueen
Interim Town Administrator

cc: The Leathers Family
The Palmer Family
Durham Trustees of Trust Funds
Jackson Landing Playground Committee
Durham Town Council
Terry Knowles, NH Division of Charitable Trusts