

**Durham, NH Conservation Commission
excerpts of meeting minutes 1971 to 1989**

— TIMELINE format —

relating to the

Spruce Hole Bog

and/or the

Spruce Hole Conservation Area

*compiled by Robin Mower, 2014;
note that this file represents the majority if not all of the relevant minutes*

DCC minutes re Spruce Hole: excerpts

Durham Conservation Commission meeting minutes relating to the Spruce Hole Bog and Spruce Hole Conservation Area

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1971

August 26, 1971

- Members present: Conklin, Cheney, Melvin, Wallace. Member absent: Borrer. Members excused: Metcalf
- It was reported that Mr. Morgan is digging holes to bury the debris and level up the gravel pit west of Spruce Hole. The owner previously had agreed verbally not to go below road level in digging gravel. Mr. Cheney will see the owner before the end of the week to renew discussion with the owner relative to an agreement to give Spruce Hole to the Conservation Commission.

1972

January 3, 1972

- PRESENT: Melvin, Cheney, Leland, Mower
- SPRUCE HOLE HOUSING DEVELOPMENT:
 - Walter Cheney, negotiating with Morgan to purchase for development land. which surrounds and includes the Spruce Hole bog, asked Cons. Comm. recommendations re amount of setback of the house lots from the bog to minimize the pollution or ecological alteration hazards from septic tank lines and wells. Melvin recommended consultation with Francis Hall, hydraulic engineer at UNH to determine if a computer model could be constructed which would yield the desired information regarding drainage effects of the proposed development on the bog and its slopes. Cheney was agreeable to such consultation, and he also mentioned the possibility of arranging town access to the bog.

1973

April 18, 1973

- Present Melvin, Cheney, Leland, Mower, O'Connell, Sandberg, Strout
- Land Acquisition
 - 4. Spruce Hole - Negotiations between W. Cheney and Norman Morgan re Cheney's possible purchase of Spruce Hole with 110 acres of surrounding land. for residential development are off. Suggestions were made that either University or Nature Conservancy be urged to purchase Spruce Hole itself. Mower suggested Durham Conservation Comm. explore ways to acquire this unique glacial bog. Melvin pointed out that public use of the area would have to be restricted if the bog's ecology is to be protected. Cheney stated the first prerequisite is a complete survey of the land surrounding the bog, suggesting the UNH engineering depts. be asked to perform such a survey.
 - Melvin will inquire as to this possibility. There is possible danger to the ecology of the bog from the present nearby gravel quarrying operations as well as from any

possible future adjacent residential construction with septic tanks. Preservation of the bog should include acquisition of the land surrounding the rim and possible re-grading and re-forestation of the quarry area. Strout will discuss the overall situation with owner Morgan. Cheney suggested Morgan might be willing to donate the bog in exchange for a complete land survey; Sandberg suggested Morgan might be willing to give the rim perimeter as a scenic easement.

May 2, 1973

- Present: Strout, Cheney, Leland., Melvin, Mower, O'Connell, Sandberg
- Guest speaker: Joseph Quinn, Chief of Recreation Services, New Hampshire Department of Resources and Economic Development, P.O. Box 856, Concord, N.H. 03301
- Spruce Hole
 - 1. Strout has spoken with Morgan, owner of the bog, states he is favorable to the idea of negotiating something with Conservation Commission and will meet with Strout to go over the land next week. Strout will also meet next week with Wm. Connell and A. Hodgdon of UNH to explore any UNH interest in acquiring Spruce Hole for its Natural Areas Committee for teaching purposes. Inquiries to the N.H. Nature Conservancy foundation indicate that organization does not have money for such a purchase at present, and Mr. Quinn pointed out that organization does not qualify for B.O.R. funds because it is not a political unit of government.
 - 2. Cheney showed the Cons. Comm. & Mr. Quinn a rough map of Spruce Hole and a written plan for the overall management of the area. Quinn thought the B.O.R. would look favorably on our effort to acquire the area provided we submit a topographical survey as well as a boundary survey and provided we submit a narrative describing why so many organizations, state and national, have designated the area as valuable to conserve.
 - 3. Cheney pointed out part of the bog rim may lie on the boundary between Lee and Durham; Quinn urged that the Durham Conservation Comm. meet with the Lee Conserv. Comm. or selectmen to discuss our proposal, at least as a courtesy.

June 6, 1973

- June 6, 1973
- MINUTES OF DURHAM CONSERVATION COMMISSION Town Offices
- Submitted by Karen Mower, Secretary
- Present: Strout, Cheney, Leland, Mower, O'Connell, Sandberg
- SPRUCE HOLE
 - D. Strout has spoken with A. Hodgdon of the U.N.H Natural Areas Committee regarding any possibility of UNH purchasing Spruce Hole; Hodgdon stated no such possibility exists at this time of tight budgeting. Strout then met with Bruce Miller, local representative of the national Nature Conservancy organization, and with the national chairman of Nature Conservancy regarding the possibility of that organization purchasing Spruce Hole. The N.O. chairman was enthusiastic about the proposal, stating that this glacial kettle meets the N.C.'s eligibility requirements for purchase. He outlined to Strout the necessary procedures the Durham Conservation Commission must follow before N.C. could make the purchase: 1) determine what land is available at Spruce Hole and how much it will cost, i.e. have it surveyed and appraised, 2) notify the Nature Conservancy of same. If N.O. buys it, N.C. would then give it to the town of Durham through the Conservation Commission.
 - Strout then met with Norman Morgan, owner of Spruce Hole and surrounding land; the two walked the land and discussed Mr. Morgan's conditions of sale.

- Morgan will donate the bog itself provided payment is made to him for the land around the rim in a sale. His conditions are that 1) the area must be fenced 2) access to the area must not be over his or his daughter's land. In discussion by the Commission, Leland pointed out Conservation Commission funds from the electorate are earmarked for land acquisition hence could not be used for buying fence, and Mower suggested the family of Mrs. Phair who owns the land adjacent to Moran's be approached regarding possibility of a deeded easement for a path of access from Packer's Falls Road to the bog along the Phair side of the Morgan-Phair boundary. Mrs. Roy Worthen is Mrs. Phair's daughter; Strout will approach the Worthens re this possibility, and Strout will also see Mr. Morgan again the weekend of June 8 to discuss the survey being completed this week for Morgan by Frank Singer.
- Width of the rim boundary land which Morgan would be willing to sell is a yet unsettled. Albion Hodgdon of UNU recommends 500 feet surrounding the rim be acquired to protect the ecology of the bog the map the Conservation Commission has from earlier periods of interest in the bog show 50 feet on all sides of the rim. The 500-foot figure produces about 22 acres total, according to Hodgdon, to be purchased assuming the bog itself is donated.

July 17, 1973 [joint, then separate, meeting]

- MINUTES OF JOINT CONSERVATION AND PARKS-RECREATION COMMISSIONS MEETING
- Submitted by Karen Mower, Conserv. Secretary Present: Strout, O'Connell, Mower, Sandberg, Cheney for Conserv. Amell, Collins, Barth for Parks
- MINUTES OF CONSERVATION COMMISSION MEETING
- ...It was felt by the Conserv. Comm. that its remaining \$5,000 fund should be reserved. Norman Morgan, owner of Spruce Hole is willing to donate the bog if 5 or 6 acres comprising approximately 50 feet around the perimeter of the bog are purchased; we may want to buy this to acquire the bog if the national Nature Conservancy does not want to buy it for us.)

Sept. 5 1973

- PRESENT: Strout, Cheney, Melvin, Sandberg, Lelard, Mower SUBMITTED BY: Mower, secretary
- 2) SPRUCE HOLE
 - Dick Strout is in negotiation with Mr. Morgan regarding possible purchase by the Conservation Commission of a 50-foot buffer strip around the upper rim of the bog, in exchange for a gift to the Conservation Comm. by Mr. Morgan of the bog itself. Strout has worked out an access route satisfactory to Mr. Morgan which goes over Morgan's property rather than over any adjacent landowner's property. Still unsettled is the question of a fence around the rim, which Morgan sated last spring he wants us to put in but which we don't feel is needed. Also still unsettled is whether Nature Conservancy will actually purchase the area for us; if they do, they would want a larger buffer zone than 50 feet but would probably have to buy it at Morgan's house lot prices as his surveyed house lots run to 50 feet from the rim. Strout is in correspondence with Conservancy, and he will meet again with Morgan on Sept. 10.

October 17, 1973

- PRESENT: STROUT, MELVIN, CHENEY, WALLACE, O'CONNELL, MOWER SUBMITTED BY: Mower, Secretary
- SPRUCE HOLE

- R. Strout met last week with local representatives of the Nature Conservancy, Bruce Miller and Bill Connell; the three went over Spruce Hole together with the owner Norman Morgan, with survey maps in hand. The area we are interested in, comprises about 12 acres total, 5 acres of bog which Morgan is prepared to donate to us, and 7 acres of land on rim & slope. The rim is only 50' in places, which Nature Conservancy people felt might not be enough for protection of the bog unless the remaining 32 acres Morgan plans to sell are developed properly. Nature Conservancy raises money for its specific purchases by special fundraisings for each particular purchase; it prefers not to do a special fundraising for such a small purchase as the Spruce Hole one for fear of jeopardizing later, larger projects' fundraisings. However, Nature Conservancy does suggest it would consider buying the Spruce Hole 7 acres for us on the understanding that we would repay Nature Conservancy at a later date. Morgan and Strout have more or less reached agreement on two items: on Right of Way into the bog from the road to be by means of a 10-foot easement over Morgan's own property approximately 1,000 to 1,200 feet long; and on Fencing Morgan is easing up on his former insistence the bog be fenced as a condition of sale.
- Appraisal of the value of the Spruce Hole land we want is now needed.; the Conservation Commission will hire William Lane, Crown Point Rd., Rochester, professional appraiser, to appraise the land; we will then ask Mr. Morgan to agree to sell the land to us at the appraisal figure or less.

November 7, 1973

- PRESENT: Strout, Melvin, Sandberg, Mower; Leland SUBMITTED BY: Mower, Secretary
- SPRUCE HOLE
 - Asked by Strout to appraise the Spruce Hole land, we wish to acquire, Wm. Lane of Rochester, appraiser, stated he'd be too busy for 2-3 months.
 - Strout will obtain another appraiser instead from a list Lane will provide. Morgan, owner of Spruce Hole, states he will not promise to sell to us at precisely whatever figure our appraiser arrives at for the land value. Strout and Melvin both feel certain Morgan is excavating gravel from the Durham side of the Lee-Durham town line, which may complicate negotiations.
 - Morgan urges us to purchase any of the land in question on the basis of its value for gravel rather than as house-land value, we may request the Durham Planning Board to determine the town boundary and to determine whether Morgan is violating Durham ordinances by excavating in Durham.

December 5, 1973 4:00 p.m. Meeting with Malcolm Taylor re Olympic Oil refinery

- Present: Strout, Mower, Melvin, Sandberg, Wallace, Cheney, O'Connell, Leland; Also: Frost from Planning Bd., O'Connell from Selectmen
- OLYMPIC OIL REFINERY
 - Malcolm Taylor, Exec. Sec. N.H. Assoc. of Conservation Commissions, met with our commission and representatives from Durham's Selectman & Planning Bd. to discuss possible roles the Durham Conserv. Comm. could take in the community with regard to the impact the oil refinery Governor Thomson has announced Olympic Oil Co. proposes to build on Durham Point could have on the Durham environment and on conservation plans for Durham outlined in the town's Comprehensive Plan of 1969. Mr. Taylor suggested the Conservation Commission could assume a major role in publicizing to the voters of the town the public hearings of the various Federal and State agencies when and if Olympic Oil makes applications for required permits to these agencies. Mr. Taylor also suggested we focus particular attention on those aspects of the Durham or Great Bay environment in which Federal funding is already involved such as marine

research grants, salmon fisheries grants, etc. inasmuch as a refinery disturbance of such Federal-funded projects might be obstacles to possible State efforts to override such areas.

- A list of existing N.H state legislation pertaining to environmental protection was furnished to us by Mr. Taylor. He will also endeavor to give us names of regulatory agencies Olympic will have to get permits from and names of resource personnel we might consult with environmental expertise.

December 5, 1973 8:00 p.m.

- Present: Strout, Mower, Melvin, Sandberg, Cheney, O'Connell
- OIL REFINERY
 - Attention was called by Mower to H.B. 817, new legislation, which empowers a local conservation commission to "intervene" in a developer's proposal to dredge or fill in wetlands or surface water by calling a public hearing in the public interest to assess environmental damage.
- SPRUCEHOLE
 - John Sakowski & Ray MacDonald have appraised the N. Morgan land which the C.C. wants to buy, namely 5-6 acres comprising a 50-foot rim around the top of bog. The appraisers say the land in question has good gravel & fill of app. \$5,000 value to Morgan. Morgan want the C.C. to buy the land and buy the gravel at a figure of \$5,000 land, \$5,000 gravel The gravel, however, lies within the town of Durham and can not be sold without a permit, which Morgan does not have Strout & Cheney will draft a letter to Morgan stating the C.C. will offer him \$5,000 for the land. only and ask for a prompt reply.

1974

March 24, 1974

- The meeting convened at 7:30 p.m. Richard Strout called for election of officers for ensuing year. Walter Cheney was elected Chairman and O. P Wallace, Secretary. New members to replace those whose terms expired or had resigned: John Hatch, Herbert Jackson replacing Kathy [sic: Karen] Mower and Don Melvin.
- Richard Strout reported on the Spruce Hole acquisition situation. Land was appraised by Ray McDonald and then we made Mr. Morgan an offer. He didn't accept but he didn't reject either. The site of a right-of-way into the area has to be determined. We offered \$5,000 for 5.2 acres.

April 2, 1974

- Meeting opened at 7:45 with Chairman Cheney, the Secretary, and Nancy Sandberg present.
-Walt reviewed our situation and suggested we focus on three major areas:
 - 1. The acquisition of Spruce Hole.
 - 2. The Crommet Creak easement project.
 - 3. A conservation district as the Town Warrant charges the Commission to do.

April 16, 1974

- Present were Sandberg, Hatch, Jackson, Cheney, Wallace and O Connell.
- Discussion of the status of projects followed
 - Spruce Hole acquisition still "hangs fire". The Commission will prepare a deed and take a check to Morgan for \$5,000 to complete the transfer. It was agreed that Mr. Morgan

could specify a right-of-way to the Hole at any place and whenever he was ready to do so.

May 7, 1974

- Present were: Cheney, Strout, Sandberg Hatch, Melvin, and Wallace.
- Spruce hole tract discussion of deeds followed
 - two have been prepared by an attorney for the Commission. Strout and Cheney will go to see Mr. Morgan next week. Melvin will discuss certain issues on the proposed deed with Planning Board.

May 21, 1974

- Present were Cheney, O'Connell, Melvin, Jackson, Hatch, Strout and Wallace. Guests present were H. LeClair and students from Mr. Weeks class on Community Development, Aspinall, Postlewaite, Hills and MacIntosh.
- J. Hatch reported that W. Cheney has had deeds prepared for Sawyer lot transfer with the town. These will be signed Thursday. The deeds for Spruce Hole were discussed with the selectmen by W. Cheney and are ready to go, if Mr. Morgan is.

July 16, 1974

- Present: W. Cheney, Ch.; R. Strout, N. Sandberg, D. Melvin, L. O'Connell, J. Hatch Guests: Mr. and Mrs. A. Cochrane, G. Crombie
- Spruce Hole
 - Chairman Cheney reported on the latest developments in negotiations with Morgan and presented Morgan's new deed which asks \$7,000 for the land and demands to fence the entire area.
- O'Connell reported the Selectmen's reaction: they would only recommend \$6,000 for this purchase. The Commission voted 4 to 2 to authorize Cheney and Strout to negotiate the purchase at no more than \$6,000 and fence only the southwest section as previously agreed. A new deed will so

Oct. 2, 1974

- Present: Cheney, O'Connell, Hatch, Strout, Jackson, Wallace, Melvin (of Planning Board) and student assistants, K. Worcross, L. Wolkenberg.
- Walter Cheney reported on the purchase of Spruce Hole for \$6,000. The deed is signed and registered. The agreement requires fencing 1100 feet of one side of the tract and an unspecified right-of-way. The purchase was completed Friday, September 13th. J. Hatch, agreed to mark out (flagging) fence line area and Wallace agreed to find out about fencing.

October 22, 1974

- Present were Cheney, Jackson, O'Connell, Melvin, Strout, Hatch, Wallace and Students, Norcross and Wolkenberg.
- A discussion of fencing for Spruce Hole followed submission of cost estimates by Wallace. It was agreed that a letter is to be written to the selectmen asking the town crew to put the fence up. Included will be costs of materials available from Agway. If town can purchase cheaper, we request such. The Commission will purchase the fencing material.

October 28, 1974—letter from Conservation Commission (Oliver Wallace, Secretary) to Selectmen

Dear People:

The Conservation Commission has to build about 1100 feet of fence at Spruce Hole as part of the purchase agreement. We have agreed upon a four-strand barbed wire fence as being most "human proof" and also cheapest.

Accordingly, we find that we can purchase the materials at Agway in Dover as follows: 6 ft. wooden treated posts (3" top) \$1.79 apiece; 1300ft roll barbed wire \$35.89.

We will purchase the necessary materials from Agway unless they can be purchased cheaper thru town channels.

We will also furnish whatever assistance is necessary to the town crew for the erection of this fence. Since the fence is to be built on a light soil with few rocks, it is felt that the posts can be driven.

Nov. 25, 1974

- Present: Cheney Hatch, Jackson O'Connell, Melvin, Wallace.
- It was pointed out that our letter to selectmen about the Spruce Hole fence has not been answered. Also, the letter to Planning Board about C I. White lot is unanswered.

1989

March 22, 1989

- Present: David Langley, Clayton Penniman, Lloyd Heidgerd, Shirley Thompson, John Hatch, Stephen Roberts, Judith Spang. Guests: Ralph Freedman, Town Administrator and Donald Sumner, New Chair of Council. Absent: Theodore Howard, Ronald Willoughby
- Report from Planning Board
 - Spang reviewed the Spruce Hole development situation and Chairman Roberts suggested the Commission offer a "finding of fact" from the Commission. Site review scheduled for SAT. APRIL 1, 9:00 A.M.

April 13, 1989

- Present: Clayton Penniman; Lloyd Heidgerd; David Langley; Stephen Roberts; Judith Spang; John Hatch; Brian McEvoy, newly appointed Council representative; Administrator Ralph Freedman. Absent: Theodore Howard, Ronald Willoughby
- 4. Spruce Hole Site inspection report
 - Chairman Roberts reviewed the assembling of data to date. Heidgerd reported on phone conversations and correspondence with officials of the National Natural Landmarks program at the Boston office of the National Parks Service. They revealed that Spruce Hole has been designated a National Natural Landmark in 1972 after an inspection by Paul G. Favour and re-evaluated by John Bayless in 1981. The program has recently been re-instated after it was dismembered under Sec. Watts. He also read a letter from prof. Alan Baker urging preservation of Spruce Hole. Spang reported on her "endangered species" investigation. Roberts reported on a phone conversation with Rich Moore of U.S.G.S. Freedman distributed excerpts from the Dufresne-Henry report suggesting a buffer of 400 feet radius from Spruce Hole.
 - It was resolved that a sub-committee headed by Roberts and Heidgerd, meet Sunday April 16 to assemble this material for a report of findings for the Planning Board meeting April 19.

June 15, 1989

- Present: John Hatch, Lloyd Heidgerd, David Langley, Brian McEvoy, Clayton Penniman, Stephen Roberts (Chairman), Judith Spang; Absent: Theodore Howard, Ronald Willoughby.
- 3. Spruce Hole - Status Report
 - Spang reported to the Commission on the status of the Spruce Hole Associates proposal with the Planning Board. She explained of the discussions which had taken place regarding the hydrological studies and the serious flaws with the data used for the studies.
 - McEvoy was reluctant to discuss the status of the Town Council on the project without a review of the previous Council meeting minutes.
 - Roberts asked the Commission members for input on what action the Commission should take on the project. McEvoy suggested that the Commission support any action that the Town takes to preserve Spruce Hole and the aquifer.
 - Spang recommended that the Commission remind the Planning Board of the studies that have been done by Dr. Baker regarding endangered species, and also that they restate their concerns, particularly regarding the setback requirements.
 - The Commission discussed what should be presented to the Planning Board in regards to their concerns and Dr. Baker's recommendations.
 - Hatch moved that the Chairman write a letter to the Town Council and the Planning Board (before their next meetings) restating the Conservation Commission's previous letter dated April 19, 1989, and stating that the Conservation Commission stands behind any action the Town will take to protect Spruce Hole, the aquifer, and the National Natural Landmark Registry. Penniman seconded the motion. All were in favor, the motion carried unanimously.

July 13, 1989

- Present: John Hatch, Lloyd Heidgerd, David Langley, Brian Mcvoy, Clayton Penniman, Judith Spang, Ronald Willoughby
- 2. Correspondence and Commission Business
 - A. Hatch informed the Commission that Roberts had submitted a letter to the Planning Board (in time for their meeting) stating the concerns of the Conservation Commission regarding the Spruce Hole project. He informed the Commission of the Town's eminent domain hearing to be held on July 31, 1989 regarding the taking of Spruce Hole.
 - Hatch advised the Commission that he had contacted several people to attend the meeting as expert witnesses. He noted that Rich Moore and Tom Lee had agreed to attend and that the National Natural Landmark Registry had agreed to have someone present as well. He asked the Commission members if they had any further suggestions for people he could contact on the matter. Several people were suggested and Hatch agreed to contact them.
 - Spang advised the Commission that they must anticipate the arguments of the developers and consider these when stating their testimony. Langley stressed that other Conservation issues than the aquifer need to be addressed at the hearing.
 - Heidgerd agreed to act as the Conservation Commission representative if Hatch was unavailable.