

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

complete pages 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 pages*

copy for Selectmen 9/25/71
7410.
11/15/71
9/11/71
15 wonderful

MINUTES - DURHAM CONSERVATION COMMISSION
August 26, 1971

Members present: Conklin, Cheney, Melvin, Wallace. Members
absent: Borrer. Members excused: Metcalf

In discussion of the Black Hawk easement, Mr. Cheney reported that the initial format of the easement had been drawn up with 100 feet setback for each deed. An easement would probably exclude the boat docks.

In question of Mr. Cheney's beaver pond, it was decided by the Commission to survey the pond. Cheney says he has no idea of the bounds and is thinking of giving the whole tract to the Conservation Commission.

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.

It was reported that there had been no further action relative to conservation of land around the town dump.

It was reported that G. R. Johnson is not willing to do anything at present relative to easements of land abutting land of Mr. Kitfield. Mr. Conklin will work on this further.

The Kitfield tract easement has not yet been finalized. We need a copy of the easement as filed in the records office.

Mr. Cheney moved (with a second) that the Conservation Commission finance a survey of the Beaver Pond tract. This motion passed.

Mr. Wallace moved (with appropriate second) that the Conservation Commission remove from the table the motion on paying of a bill for easements presented to the commission by H. B. Stevens, including lawyer fees as per Stevens's letter of 10 February 1971. Mr. Conklin moved (with appropriate second) that the Conservation Commission pay the bill as originally worded. This was passed.

In the line of new business, the chairman suggested letting the town know of our work and inquiring of people who might have land that they would give or give easements thereon.

Respectfully submitted

O. P. Wallace, Secretary Pro tem.

W. Cheney

MINUTES OF DURHAM CONSERVATION COMMISSION MEETING
January 3, 1972

PRESENT: Melvin, Cheney, Leland, Mower

OPEN LAND ACQUISITION: Melvin suggested, after conversation with Selectman Winn, that best means for acquisition of open lands which Conservation Commission deems desirable, would be to place an article on the warrant for the March 1973 Town Meeting asking the voters to appropriate \$10,000 for that purpose in the new town budget. It was agreed that it would be preferable for legality for the Cons. Comm. rather than for the selectmen to sponsor such an article. The New Hampshire state Enabling Legislation for Conservation Commissions empowers them to purchase lands for conservation purposes. In addition the Federal government will match local funds raised for such land purchases. Consequently \$10,000 from Durham voters could actually purchase \$20,000 worth of conservation lands.

It was agreed to place such an article on the 1973 warrant.

The order of priority for location of lands desirable to acquire was discussed, and it was agreed on the following order:

- 1) Woodman cemetery-Beard's Creek area: peninsula off Coe Drive on Beard's Creek and corridor through to Cowell Drive
- 2) Durham Point corridor: a strip going down the middle of the Point; the Cons. Comm. already has some beginnings toward this plan and such a corridor would follow the Durham Comprehensive Plan
- 3) Lamprey River-Packer's Falls-Bennett Road area near Doe farm

SUBDIVISION ORDINANCE RECOMMENDATIONS TO PLANNING BOARD: Discussed were:

- 1) "Land Cover" ordinance requiring builders to either submit building plans for land within a specified limit of time after bulldozing it or to seed the land long enough before winter to provide a cover of winter wheat or rye, to prevent erosion and consequent runoff and sedimentation onto adjacent properties or waterways.
- 2) Open space ordinance requiring subdividers building more than a certain number of housing units to set aside for public use a certain minimum amount of land of a quality good enough for building. The town of Rochester's open space ordinance was looked at for a model, obtained by Mower from Rochester Cons. Comm.
- 3) Drainage protection: ordinance requiring subdividers not to fill land in such a way as to alter drainage of woodlands on adjacent property, and not to alter drainage of adjacent waterways. N.H. state highway engineer McCrone's recommendations to Dover Planning Board as reported in Foster's were looked at on this topic.

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.

PARKS: It was agreed that a joint meeting of the Cons. Comm. and the Parks and Recreation Comm. would be desirable for the purpose of defining where the two commissions' rôles in the "people" uses versus the "natural" uses of open lands overlap and where they are separate. Mower reported on the last Parks Comm. meeting with information that both the Newsky's parking lot and the Tamposi-owned corner of Main St. and Mill Rd. will be landscaped with trees and shrubs selected by Tree Warden D. Routley, and H. LeClair will see that the town takes over the maintenance of mowing all the little in-town parks. The Parks Comm. will buy the plant material for the Newsky lot and the Tamposi corner, and the Town will buy the loam and grass seed.

NEXT MEETING: Wednesday February 7 in Town Offices, at 8:00 p.m.

(Note that all meetings to be on first Wednesday of each month as agreed on at December 6, 1972 meeting.)

Respectfully submitted,

Karen Mower, secretary pro tem
January 3, 1973
Durham Town Offices

MINUTES - Durham Conservation Commission 8:00 - 9:30 p.m., Dec. 6, 1972 Town Hall

Members present: Borrer, Cheney, Conklin, Leland, Melvin, Mower, Strout.

The minutes of the meeting of 24 October were accepted as circulated.

It was moved (Borrer) and seconded (Cheney) that the Conservation Commission accept the Winn-Chase Report on Solid Waste Disposal, and communicate to the Board of Selectmen our general (but not complete) agreement with the points on page two of the Report, and request an early meeting with them to reach a more definite agreement. This motion PASSED.

The letter designed to be sent to property owners in the vicinity of Crommet and Horsehide Creeks was edited (see copy enclosed) for distribution early in January.

The letter designed to be distributed to about 20 town organisations was edited (final copy enclosed) for distribution in the near future.

It was moved (Borrer) and seconded (Strout) the the Durham Conservation Commission meet regularly on the first Wednesday night of every month, or more often at the call of the Chairman. This motion PASSED.

The next regular meeting of the Durham Conservation Commission will be at 8:00 p.m., Wednesday, 4 January, 1973, in the Town Hall.

Respectfully submitted, ..

Arthur C. Borrer, Secretary

Text of letter to organisations:

The Durham Conservation Commission would like to discover what kinds of projects town residents would like to see us focus our efforts on, to conserve the many natural assets of the environment surrounding Durham and/or enhance our environment in town.

Local New Hampshire conservation commissions are empowered by state statute to acquire "open land", by gift or easement or purchase. The Durham Conservation Commission has made some progress over the past several years toward protecting both salt-water and stream frontages, and we are currently seeking to alleviate encroachment upon Horsehide Brook by the town dump. We also cooperate with the Parks Commission regarding plans for open land uses. Open lands already available, from various sources, for Durham town residents' use are the town-owned Doe Farm on the Lamprey River off Bennett Road, the UNH-owned College Woods preserve by the reservoir, the Adams Point nature preserve on Little Bay, and the Jackson's Landing and Old Landing areas on the Oyster River.

What kinds of "open space" do residents consider important for our attention now? Wilderness areas? Recreation areas? Small parks? Buffer-strips between different building zones? In-town green spots?

We'd like to consider your suggestions about specific locations and priorities. We can be reached at the addresses and telephones below.

Sincerely yours, *

Present: Melvin, Cheney, Leland, Mower, O'Connell, Sandberg, Strout

New Members: Selectmen have appointed Larry O'Connell to represent the Board of Selectmen on the Conservation Commission and have appointed Nancy Sandberg to fill the vacancy on Conservation.

Election of Officers: Richard Strout was elected new Chairman, Karen Mower was elected new Secretary. *Walter Cheney was elected Treasurer.*

Strafford Regional Planning Commission representative from Conservation will be Donald Melvin.

Waterfront Easements:

1. Replies have been received from 3 Crommet Creek landowners indicating their willingness to attend a proposed special Conservation Comm. meeting to discuss giving scenic easements along the creek to the Conservation Comm.
2. Possibilities of Conservation acquiring the narrow strip of land abutting the late Fred Jenkins house at Durham Mill Pond were discussed but viewed as remote; selectmen also discussed this possibility recently.

Land Acquisition

1. Ford Foundation grants may not be used for land purchase but only for such services as surveys, title searches, etc.
2. Bureau of Outdoor Recreation federal funds to match local funds may be available for land purchase. Durham Conservation Comm. has \$10,000 granted by March 1973 Town Meeting for land purchase plus \$5,000 accrued from previous years' budgets. We will invite Joseph Quinn of the B.O.R. dept. in Concord, N.H. to speak to us on May 2, 1973, about procedures and goals for Durham Conservation Comm. to apply for B.O.R. funds. We should have specific proposals to present to him.
3. Land adjacent to Durham's Jackson's Landing is up for sale; the Selectmen and the Parks Comm. and the Conservation Comm. all have expressed view it would be desirable for the town to own the corridor of land abutting the access road which runs from Piscataqua Rd. down to Jackson's Landing. Methods to finance such a purchase should be explored further; consensus of Conserv. Comm. opinion was that it would be inappropriate for Conserv. Comm. to commit several future years' Town appropriations, unknown, now, without express approval from the Town.
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.

5. Morong pond on Durham Point Rd. near Wedgewood entrance mentioned as for sale but noted it is part of a 35-acre parcel, is largely ledge and water hence therefore not likely to be built over.
6. Kitfield land on Lamprey River mentioned but also viewed not urgent as it is inaccessible by any road and is cut off from the town-owned Doe Farm by the river.

Town Dump and Horsehide Brook : The Selectmen will meet with Conservation at the Town Office on Friday, May 4, 1973, at 4:00 p.m. to go out together to the dump to discuss the sites of solid waste disposal relative to the creek.

NEXT MEETING: Wednesday May 2, 1973, 8:00 p.m., Town Offices, to hear Joseph Quinn of ~~federal Bureau of Outdoor Recreation~~ speak on how we can apply for matching funds to buy land.

Chief Recreational Services of State Fund

Respectfully submitted,

Karen Mower

Karen Mower
Secretary

APRIL 18, 1973

MINUTES OF DURHAM CONSERVATION COMMISSION

May 2, 1973
Town Offices

Respectfully submitted: *Karen Mower*

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

Mr. Quinn's agency is a state agency assisted by federal funds from the Bureau of Outdoor Recreation of the U.S. Department of Interior. Of the approx. \$10,000,000 in such funds allotted to N.H. since 1965, approx. 60% has been used for land, 40% for recreational facilities.

1. Recreation facilities: purchase by towns with B.O.R. funds of land with buildings on it is eligible only if the land value exceeds the building's value; indoor recreation facilities are not eligible.
2. Land Acquisition: B.O.R. funds on a matching basis for towns to purchase land for "open space" conservation or recreation are available through 1985 at least by act of Congress, amounts variable each year. Eligibility for such matching funds is determined by a convincing rationale for the proposed purchase and by professional appraisal of the land by an independent appraiser following federal guidelines, not by tax assessment of the land. Mr. Quinn gave Chairman Strout a list of such appraisers in N.H. The federal government will match, for a town, either 50% of the appraised value of the land or 50% of the actual cost of the land purchase, whichever is less.

Donations from private landowners can be a vital part of a land program and can be on various bases:

"100% donation" can occur if an owner donates land for its full appraised value and the town puts up an equal value in facilities, for example, as its contribution; in that case B.O.R. reimburses the town for its contribution and the whole package is free to the town. "50% donation" can occur if an owner wants to give a town land for half of its appraised value; in that case B.O.R. funds can be awarded to a town for purchase of the remaining half of the land's value.

Eminent Domain or condemnation proceedings are cumbersome and yield the town only half of the court-appraised value of the land.

Restrictions on use of B.O.R. funds for land acquisition:

- a. No discrimination of any kind against any segment of population; the area must be truly public in access & not limited to 1 town. Management policies which restrict the uses or the hours of the area, for its protection, such as forbidding motorized vehicles or closing the area at night, or fencing a dangerous portion, are permissible.
- b. Fiscal accountability of the town to B.O.R. and the landowner is expected.
- c. No change in use of the area from its B.O.R.-approved use is permitted unless the town replaces the original B.O.R. area with a like area (i.e. replace, not repay the B.O.R. grant.)

Application for B.O.R. funds procedure:

- a. For donation-plus-purchase, town selectmen write to Quinn who then asks the federal B.O.R. to appoint an appraiser to go over the land with the owner; the town then must offer the owner that portion of the appraised value the owner is not donating.

(Application for B.O.R. funds procedure cont'd)

- b. For outright purchase with matching funds from B.O.R. and town, selectmen write to Quinn enclosing conservation commission's written narrative explaining rationale of the purchase, the title search and land survey, and the land appraisal done by a professional appraiser the town has hired (not appointed by BOR as in the case of donations), together with a proposal for the access and land management of the area to be purchased.

Easements are viewed by B.O.R. as debateable in worth as a substitute for outright ownership of a conservation-desireable parcel of land, but easements can be useful as a tool in acquiring smaller segments of a larger portion being purchased which can not be obtained in any other manner.

Ford Foundation Conservation grants for surveys, appraisals, expire December 1973. They have been awarded to many N.H. towns and provide the first \$750 free, thereafter to \$5,000 on a matching basis. We could apply to Ford for appraisal money for 1 or 2 land parcels, suggested Mr. Quinn. He is one of the 4 New England Ford "judges".

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 Conserv. Comm meet with the Lee Conserv. Comm. or selectmen to discuss our proposal, at least as a courtesy.

Jackson's Landing area

1. This land is desireable for the town to acquire, adjacent to its presently-owned landing on Oyster River, is being handled by a local realtor, but is not on the open market at present, pending resolution of Mrs. Jackson's wish to build a home on part of the land. Mr. Quinn pointed out it is possible for B.O.R. funds to be made available to towns for purchase by stages, over several years, of such large parcels of land.

Crommet Creek : Melvin was given Conserv. Comm. approval to set up a meeting with Crommet Creek landowners re possible scenic easements.

Treasurer's Report: Cheney will ask selectmen to transfer our \$10,000 from General Fund to Trustees of Trust Funds, to earn \$50%mo. interest.

MAY 2, 1973

MINUTES OF DURHAM CONSERVATION COMMISSION

June 6, 1973
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.C. 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.C. 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 Morgan'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 as yet unsettled. Albion Hodgdon of UNH 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.

JACKSON LAND

W. Cheney learned June 5 from Daniel Ninde that the Jackson land is again on the open market after being tied up in sewer and building permit applications. The entire parcel is to be sold as a single unit except for that portion Mrs. Jackson will retain for building on. Price is \$75,000, fair value according to Cheney after inspection. Several parties are interested in the land including Cheney but he will not buy it if the town shows concrete intentions of interest in purchasing it; in fact he offers to guarantee Mrs. Jackson the entire price until the town can take action if it is interested; if the town is not interested the land would of course revert to Cheney in such a procedure. The Conservation Commission discussed various alternative procedures for the town to buy the land: "eminent domain" was dismissed immediately as unfair to Mrs. Jackson in view of the generosity she and Mr. Jackson showed in their gift to the town of Jackson's Landing. Town application for Bureau of Outdoor Recreation federal matching funds together with a combination of Conservation Commission money and town funds raised by a special town meeting were seen as the most likely feasible way for the town to finance purchase of the entire parcel of land.

(Conservation has \$16,000, could give \$12,500 if town raises \$25,000.) 2.

The Jackson land is centrally located, has river frontage and woods, and could be used in future for both a natural area and for recreation. In view of the Conservation Commission's unanimous feeling that the Jackson land is of irreplaceable future value to the people of Durham for various uses including that of conservation, in view of apparent rising public awareness of dwindling open spaces, and in view of Mr. Quinn's statement to the Conservation Commission on May 2 that Bureau of Outdoor Recreation funds for purchase of land for conservation and/or recreation use are available, the Commission unanimously agreed to petition the Durham Board of Selectmen for permission to plead the case for the town moving to acquire the Jackson land at the next meeting of the selectmen on June 11. K. Mower sent a letter so petitioning to Alden Winn, selectmen chairman, with copies to Dan Ninde and to the Parks Commission.

THOMPSON LAND

W. Cheney has learned that the large lot fronting on the Lamprey River and on Wiswall Road owned by Mrs. Thompson of the Highland House is for sale. It is located two lots over from the lot of R. Dewey, and waterfront easements might conceivably be obtained from the several contiguous owners. The Commission will walk the land June 8 to evaluate its potentials but feels that at the present moment the most urgent land to acquire for the town would be the Jackson property.

AGENDA FOR NEXT MEETING

will include D. Melvin's report on progress of Crommet Creek easements and K. Mower's request for Conservation Commission letter to Planning Board regarding town ordinances for land cover and for open space in subdivisions.

JUNE 6, 1973

July 17, 1973 *Leland*

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

Data re uses and expenses of Jackson land to be gathered for presentation to the special town meeting on August 16 were discussed by the two commissions. Roughly 2 acres are proposed for recreation, 11 acres natural

Larry O'Connell will relay to the selectmen our request for information regarding feasibility and costs of solutions to the traffic dangers of Coe's Corner by the Jackson land, namely:

- 1) restoring the old Piscataqua Road access to the Jackson land to eliminate the new sharp corner for persons wishing to reach Jackson's
- 2) widening the Jackson's Landing dirt access road to permit two cars going in opposite directions to pass, even in winter after plowing
- 3) sidewalk access from town to Jackson's land

Larry will also arrange for the selectmen to ask Grant Davis to complete a survey of the Jackson land to be purchased, including the area of the existing house and $1\frac{1}{2}$ acres surrounding it, hopefully with a 50-foot scenic easement along those $1\frac{1}{2}$ acres' water frontage.

Larry will also arrange for a reduction of the completed survey map to be made which will include the specific areas designated by the Parks-Rec. Comm. to be proposed for skating and tennis facilities and the specific areas designated by the Conservation Comm. to be proposed left natural. The map will be reproduced for distribution to voters at Aug. 16 meeting.

Bob Barth will draw up data on estimated costs for the skating rink, & hut. Sandy Amell and Bob Barth will draw up data on estimated costs for tennis courts. It is hoped the Durham town crew will do actual construction of the facilities, to save costs; Henry LeClair may be able to give estimates.

July 17, 1973

MINUTES OF CONSERVATION COMMISSION MEETING

It was voted to authorize Larry to offer the selectmen a pledge from the Conservation Commission of up to \$10,000 from the Conservation's accrued funds towards the purchase of the Jackson land for the town. Over 11 acres of the Jackson land will be for natural area conservation as it was agreed by the Parks-Recreation Comm. that only about 2 acres will be needed for recreational facilities and only $1\frac{1}{2}$ acres will probably go with the house. The voters of the town appropriated \$10,000 to the Conservation Comm. in March 1973 for land acquisition, and the Conserv. Comm. feels the Jackson land, centrally located to town and containing salt water frontage, would appeal to the voters as a good use for the \$10,000 appropriation.

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.

PRESENT: Strout, Cheney, Melvin, Sandberg, Leland, Mower
SUBMITTED BY: Mower, secretary

1) JACKSON PROPERTY

The special town meeting of Aug. 16 authorized the selectmen to purchase for the town the Jackson property along Oyster River and Rte. 4, to sign a contract of sale with Mrs. Jackson by Sept. 6 at which date the town's option would expire, to sell the house, and to apply for any federal matching funds for the outstanding balance from the B.O.R.. No Conservation Commission funds were asked by the voters towards the Jackson purchase. However, the selectmen have learned that B.O.R. funds will not be available, despite Joe Quinn's initial assurances they would, unless the town follows the requirements of the 1970 B.O.R. act regarding "displaced persons" with respect to Mrs. Jackson. This act requires that a person living in property to be purchased with federal funds be given relocation allowances and that the property be appraised again by the State Department of Highways. The selectmen foresee considerable extra expense and indeterminate time delay in such a procedure, and the expiration date of Sept. 6 on the town's option must be met. Consequently they decided at their Sept. 4 meeting that the town should purchase the property directly without federal aid.

The Conservation Commission voted unanimously tonight to appropriate the full \$10,000 given it by the March 1973 town meeting, for the acquisition of open space, towards the purchase of the Jackson land.

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 stated 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.

3) CROMMET CREEK

Don Melvin wrote the Crommet Creek landowners last spring informing them of Conservation's interest in obtaining protective easements along the creek. He will write them a followup letter now inviting them to meet with the Conservation Commission on Wednesday October 3.

4) CHARLIE WHITE'S WINECELLAR RD. DEVELOPMENT

Strout, Sandberg, and Leland met with the Planning Commission on August 29 regarding the Planning Comm.'s and White's interest in "cluster zoning" in general and regarding possible cluster development of the Winecellar property in particular. As White has decided to develop only the first portion of the Winecellar Rd. land walked by Conservation members, Conservation Comm. agreed tonight not to pursue the recommendations it had made for certain lots to be left open. Instead, Conservation will wait until Planning Comm. has formulated a cluster zoning ordinance and until White formulates his plans for development of the whole 294 acres. White states that if he is permitted to build in clusters, he may donate to Conservation some very large portions of land in the area which are not suitable for building. Conservation Comm. agreed to recommend to Planning that all waterways be given protective easements and public access be provided to all land set aside for Conservation purposes.

PRESENT: Strout, O'Connell, Sandberg, Wallace, Cheney, Mower
SUBMITTED BY: Mower, Secretary

JACKSON PROPERTY

In response to the Selectmen's request for recommendations from the Conservation Commission regarding restrictions to be placed by the town in its deed of sale to the prospective purchaser of the Jackson house and adjacent parcel of land, the Conservation Commission recommends:

- 1) That a 50-foot-wide scenic conservation easement be given to the town, permitting no building to be constructed within 50 feet of the river's mean high tide line
- 2) That the salt marsh below the mean high tide line may not be dredged or filled, nor its vegetation altered

Mower will write the selectmen informing them of the recommendations and asking them for a separate deed to Conservation for the easement

SPRUCE HOLE

Nature Conservancy will look over the Spruce Hole land again before Monday Sept. 24, although it indicated some hesitancy to buy such a small parcel of land as Morgan is offering on the rim.

Oliver Wallace points out the Society for Protection of New Hampshire Forests now has \$100,000 on hand with which it may hold off the market temporarily conservation land which local commissions are interested in acquiring; he suggests we might look into this possibility for Spruce Hole.

THOMPSON LAND

Mrs. Thompson would like either the Conservation Commission or the N.H. Fish and Game to buy her approximately 13 acres of land bordering the Lamprey River where there is already a large swimming hole in traditional use. Fish and Game reputed to be uninterested. O'Connell and Melvin will talk to Floyd Barker with whom Mrs. Thompson has been talking about possible sale. She indicates preference for payment spread over a period of time. An easement along the Lamprey across the Dewey land and across the adjacent owner's land would, taken together, make access to Mrs. Thompson's land possible from the Packer's Falls bridge road.

MINUTES OF DURHAM CONSERVATION COMMISSION MEETING

October 17, 1973
Town Office

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.

CROMMET CREEK:

Don Melvin will draw up a proposed "Greenway Easement" to submit to Evelyn Browne and Marion Beckwith which would grant the Conservation Comm. all of the so-called Balbene parcel of wooded land owned by Miss Browne and Miss Beckwith south of Crommet Creek; the parcel includes open woodland and salt marsh as well as frontage on the Creek. The easement will propose a 150' strip from mean high tide line, which will take in the whole parcel. The easement will propose transfer of numerous rights including walking access and will forbid construction or timbering or mechanized vehicles or camping or alteration of the land, etc. The covering letter will mention that we are also in contact with other Crommet Creek landowners seeking easements. Melvin and O'Connell and Mower walked the land in question last week at the invitation of Miss Browne.

The Cochranes, owners of land fronting Crommet Creek and the Bay, will be approached re an appointment to similarly walk their land this week.

Peter Gunther of Nashua is the lawyer experienced in drawing up conservation easements who was recommended to us by "Tink" Taylor of the Society for the Protection of New Hampshire Forests. We will contact Gunther for assistance in spelling out various rights involved in easements on Crommet Creek, landowners may consult him as well as their own lawyers.

OLD LANDING:

Nancy Sandberg will contact George Sawyer in an effort to negotiate a trade of the town-owned triangle of land at the foot of the Frost homestead in exchange for Sawyer granting to the Conservation Comm. the two lots of land he owns which are actually being used as part of the town picnic area below the falls at the dam on Old Landing Road. The two lots are "nonconforming lots and as such could conceivably be built upon if not secured for C.C.

WALTER WILCOX LAND:

K. Mower will write to Mr. and Mrs. Walter Wilcox, of Wilcox Circle, Weburn, Massachusetts, ⁰¹⁸⁰¹ regarding the Conservation Commission's interest in helping to preserve in its natural state the waterfront land the Wilcoxes own on Durham Point on the Bay, beyond Cechrane's land. The Wilcoxes are Walter Cheney's grandparents and he suggests they might be amenable to discussing Conservation interests.

JACKSON LAND:

The Durham selectmen have incorporated into the deed for the proposed sale of the Jackson house and its adjacent 1.65 acres those restrictions on the land recommended by the Conservation Commission, i.e. a conservation easement.

BRAYTON POND:

D. Strout, acting for the Cons. Comm. because of statutory time limits on the application, granted to Richard and Ruth Brayton the Conservation Commission's permission for the Braytons to excavate a 7/10 acre pond behind their house, about 1500 feet from the Lamprey River. The plans were drawn up by the USDA Soil Conservation Service, and the purposes of the pond are listed as "wildlife, fire protection, and recreation." The application goes next to the State Water Resources Board for approval.

THOMPSON LAND:

L. O'Connell talked with Floyd Barker re Mrs. Thompson's expressed interest in seeing either the N.H. Fish & Game or the Durham Conservation Comm. purchase her land along the Lamprey River. O'Connell told Barker 1) that the Cons. Comm. does not see this land as high priority, although he and Barker will walk the land with Mrs. Thompson and talk further with her 2) that access to the land would need to be not from the road behind it but rather by means of easements we do not yet have leading from the bridge at Packer's Falls across the land owned by the Deweys and their neighbor into the Thompson land.

NEXT MEETINGS:

Friday Oct. 19 at 1:00 p.m. to walk the Cechranes' land
Wednesday ~~October 31~~ at 7:30 p.m., regular meeting, at Town Offices

Nov. 7

OCTOBER 17, 1973

MINUTES OF DURHAM CONSERVATION COMMISSION MEETING

Town Office
November 7, 1973

→ NOTE: NEXT REGULAR MEETING WEDNESDAY DECEMBER 5, 7:30 Town Office
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's 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. If 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.

OYSTER RIVER FALLS PARK:

N. Sandberg spoke with George Sawyer regarding possibilities for his giving us his land below the Falls, used as part of the town park there, in exchange for the town-owned triangle at the foot of the Ffirst property. He is quite willing for the town to have the trade but must first consult with the co-owners, i.e. his relatives who are also Ffirst heirs, and with the family lawyer.

EROSION AT ORHS SOCCER FIELD: We will send a letter to the School Board requesting the freshly-graded banks of the new soccer field be seeded with rye promptly, to prevent erosion down into the adjacent wetlands.

FILE SPACE FOR CONSERVATION COMMISSION: Melvin obtained permission from Selectmen Chairman Winn for the C.C. to acquire Town Office file cabinet.

TRAILER PARK AT FOSS FARM : Mower will draft a letter to UNH Pres. Benner stating Conservation Commission opposes the proposed UNH use of the East Foss Farm property it owns as a student-housing trailer park, on grounds the land is widely-used publicly-owned property suitable for retention as "open space" for both teaching and recreation; we will thus endorse the statement of opposition already made by the UNH Institute of Natural and Environmental Resources.

"CONSERVATION DISTRICT ZONE": We will draft a specific "Conservation Zone" as an ammendment to be proposed to the Durham Zoning Ordinances, to be voted on at Town Meeting 1974, if we can get an extension of the 4-day deadline!

next meeting: Jan. 2, 1974

DURHAM CONSERVATION COMMISSION MEETING MINUTES

December 5, 1973

4:00 p.m. Town Office - 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's 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.

8:00 p.m. Town Office

Present: Strout, Mower, Melvin, Sandberg, Cheney, O'Connell
Submitted by: Karen Mower, Secretary

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.

WETLANDS CONSERVATION DISTRICT ZONING - Milford, N.H. has recently enacted a wetlands conservation district ordinance for a particular portion of its town which forbids any developer from dredge & fill in that zone without a special town permit. Mower suggested the Durham C.C. submit such a zoning change covering Crommet-Creek-Horseshoe-Brook-Conservation-Corridor, as drawn on the Durham Comprehensive Plan map of 1969, to the Planning Board for consideration at Town Meeting in March of 1974 as a zoning amendment; Melvin will ask Glenn Gerhard of Planning Board for deadline to submit.

CROMMET CREEK SCENIC EASEMENTS - Melvin submitted for Comm.'s review a draft of a scenic easement covering Durham Tax Map lots # 13-1, 13-2, and 13-3 owned by Evelyn Browne and Marion Beckwith along Crommet Creek. The easement suggests a width of 150 feet measured from mean high tide mark, on each bank of the creek, would grant the land to the Town of Durham to be managed by the Conservation Commission, and specifies protection of the land against buildings, fill or dump, removal of live trees over 8" D.B.H., camping, fires or motorized vehicles; the proposal grants Durham public access provided the Conserv. Comm. enforces regulations to prevent damage or nuisance and provided such public access is via neighboring easement or public road; the owner is absolved of any legal liability for public injuries. The proposal will be sent by Melvin to Miss Browne and Miss Beckwith. The same proposal will be sent to Mr. & Mrs. Robert Congdon and to Mr. & Mrs. Alex. Cochrane with a covering letter indicating that especially in light of Olympic Oil Co.'s efforts to option all land on Durham Point right now, the Conserv. Comm. is very anxious to secure protection of Crommet Creek entrance.

CYSSTER RIVER & BAY SHORELINE EASEMENTS will also be sought by us soon.

BUDGET FOR CONSERV. COMM. 1974-75 ---It was agreed to submit the following proposed budget for '74-75 for C.C. to the Town Budget Committee chairman:

12-month: \$10,000 for land acquisition
 1,000 for operating expenses
 \$11,000

18-month: \$15,000 for land acquisition
 1,500 for operating expenses
 \$16,500

Although the sum granted the C.C. by the voters in town meeting 1973 of \$10,000 for land acquisition was by special article on the warrant, it was strongly felt by C.C. members that funds for land acquisition should now be appropriated on a long-term-plan as an integral part of the budget. The 1969 Comprehensive Plan for Durham, commissioned by the voters and accepted by the voters, urges long-term budgeting for Conservation lands.

DUES TO N.H. ASSOC. CONSERV. COMM.'S - Cheney will make sure that Durham's dues to NHACC for this year have been paid.

FORD FUNDS APPLIED FOR: Taylor suggested the C.C. might want to withdraw its earlier application to Ford for funds to assist in expenses of acquiring Jackson property in order to re-apply for larger funds to use in voter-education publicity re the oil refinery's impact on environment; it was decided not to do this as O'Connell stated the Selectment already have plans to create both a study committee and a coordinating publicity committee re the oil refinery.

TRAILER PARK at EAST FOSS FARM: A letter from U.N.H. President T. Bonner was received by Mower, in reply to the C.C. letter of Nov. 8, 1973 opposing construction of UNH student housing trailer park at Foss Farm and endorsing the position of the Institute of Natural & Environmental Resources which also opposed such construction. Pres. Bonner pointed out that the university has a real problem providing adequate student housing and he called our attention to the fact that while the university currently maintains about 3,000 acres in "open space" areas in Durham, the Town of Durham has set aside only about 30 acres.

SPRUCE HOLE - 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 the 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.

PRESS RELEASE ON DURHAM C. C. POSITION RE OIL REFINERY --Secretary Mower was authorized to write for the newspapers of the area a statement of position of the C.C; to be emphasized are these points:

1. The C.C. is committed to the 1969 Comprehensive Plan for Durham, whose "two-most-urgent-areas-to-serve" recommendations were "1,000 acres wilderness interior Durham Point" & "Cremmet-Creek-Horsehide-Brook."
2. The Durham C.C. has asked assistance from the N.H.A.C.C. re assessing environmental impact of the oil refinery
3. The Durham C.C. will try to gather all possible facts re environ. impac
4. The C.C. will help publicize for the voters the various public hearing & testimony of environmental agencies when Olympic applies to them

W
C
A
J

MINUTES OF MEETING OF DURHAM CONSERVATION COMMISSION
April 2, 1974

Meeting opened at 7:45 p.m., with Chairman Cheney, the Secretary, and Nancy Sandberg present. The Chairman requests that he be notified if any member is unable to attend future meetings. Four students from R. E. 508, Applied Community Development, were present to offer their services to the Commission during the next six weeks. A suggested list of projects is attached with the student names.

Walt reviewed our situation and suggested we focus on three major areas:

1. The acquisition of Spruce Hole.
2. The Crommet Creek easement project.
3. A conservation district as the Town Warrant charges the Commission to do.

A discussion followed of what tracts and pieces of land within Durham that it might be desirable for the Conservation Commission to help maintain as open space. Walter presented copies of a proposed Epping zoning amendment that would protect all wetlands and water area shores by zoning a protective boundary.

Discussion of the Crommet Creek easement project followed. It was noted that G. R. Johnson has his land for sale. We would like an easement along the brook across his land. There is a map of such suggested easement on file. Walt will follow up the situation. Nancy will meet again with Evelyn Browne concerning an easement on Crommet Creek.

Since we now have a file cabinet assigned to the Commission, we would like all members present and past to give us any materials which they feel should be in this file and so available to the Commission's work. Members should bring such material at the time of the next meeting.

The Chairman also suggested that each member bring a list of priorities for project actions to the next meeting.

Next meeting April 16 (Tuesday) at 7:30 p.m., at the Town Office Building.
W. Cheney - 868-2351.

Meeting of Durham Conservation Commission

May 21, 1974

7:30 p.m.

Present were Cheney, O'Connell, Melvin, Jackson, Hatch, Strout and Wallace. Guests present were H. LeClair and students from Mr. Weeks class in Community Development, Aspinall, Postlewaite, Hills and MacIntosh.

The students presented a report including good maps, pictures and slides of the Class VI roads in Durham. They found ten such roads, described them, and suggested possible uses and needed works.

The Conservation Commission goes on record as commending Charles Aspinall, Neil Postlewaite, Ellen Hills and Robert MacIntosh, for their study and report. It is the intention of the Commission to activate these roads for Durham residents' use with the assistance of this material.

It was moved by Wallace, seconded and passed, that we reimburse Postlewaite for the costs of films, prints and slides in the report.

The Commission on motion by O'Connell and seconded by Melvin, voted to support one candidate to the SPNHF Conservation Camp in June for \$30.00. Brad Hocker was accepted. L. O'Connell discussed activities of the Park & Recreation Committee as to a proposed Rowing Club building at the Jackson landing.

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.

L. O'Connell also reported on selectmen's discussion concerning an oil storage tank at LeBlanc's garage on edge of Lamprey River, Newmarket Road. Vigorous discussion followed.

D. Melvin moved, seconded and voted to request that a blackboard be made available in this meeting room, by the selectmen.

Minutes of the meeting of May 7 were corrected to change Olivier to Minichiello.

Further discussion of the Crommet Creek easement program followed. A proposed schedule for completing this project was suggested and will be drawn up.

Meeting adjourned at 9:15 p.m.

Next meeting June 18th at 7:30 p.m. Mr. T. Taylor of SPNHF will be invited to discuss a Conservation District.

Respectfully submitted,

OP Wallace
Oliver P. Wallace, Secy.

DURHAM CONSERVATION COMMISSION

MEETING MAY 7, 1974

This meeting convened at 7:30 p.m., at the Town Office Building. Present were: Cheney, Strout, Sandberg, Hatch, Melvin, and Wallace.

Minutes were approved with a change in date of meeting.

Nancy Sandberg reported on her talk to the Grange about Conservation Commission activities.

Herbert Moyer of Hampton, New Hampshire, was voted \$30.00 toward his costs for attending a composting and waste recycling conference. He will be requested to report to our Commission upon return.

Summer schedule was discussed. It was agreed that the Commission would meet the third Tuesday of each month, starting June 18. Other meetings will be called as needed.

Cheney reported that he met with the selectmen last night. They will send the Commission a letter to give approval to land purchases by the Commission, since selectmen approval for such land purchases is necessary. We will give selectmen a list of tracts or plots that might be purchased.

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.

Cheney discussed the White easement along Beard's Creek and a right of way across other land near the Creek.

The Conservation Commission voted to purchase one copy of tax maps of town for its use.

It was agreed that a letter would be forward to Durham Planning Board asking for a deed to the scenic easement agreed upon previously with C. I. White by the Planning Board to lot #20 on Coe Drive, Sheet #4 of Tax maps.

Nancy reported on town dumping large pieces of granite along Cromment Creek at bridge near E. Brown's. Some filling of creek may be occurring. Members of Commission will inspect site as soon as possible for damage or violations.

Nancy also reported on the E. Brown proposed easement.

Concern for public access has come up. An easement must protect owners as to such access.

Discussion of Wallace's leave of absence for June - August this summer. Mr. Gerard Olivier will be asked to serve during this absence.

A discussion of other desired easement on Cromment Creek followed and procedures for progress were planned.

It is proposed that all unclaimed Durham land, owners unknown, be given to Conservation Commission.

The meeting adjourned at 9:30 p.m.

The next meeting will be May 21st at 7:30 p.m., at the Town Office.

Respectfully submitted,

Oliver P. Wallace
Oliver P. Wallace, Sec.

May 7, 1974

Durham Conservation Commission Meeting

~~April~~ 16, 1974

Wast
APRIL
16, 1974

The meeting convened at 7:30 p.m., in Town offices. Present were Sandberg, Hatch, Jackson, Cheney, Wallace and O'Connell. The minutes were accepted as distributed and approved. L. O'Connell was appointed as Conservation Commission member to the Park and Recreation Committee.

Discussion of the status of projects followed: G. R. Johnson property still under option so no easement or other right to brook area can be discussed presently with him;

The land swap with Sawyers is to be completed as soon as possible. Hatch discussed it with Jeff Sawyer. The latter is willing to do it. Cheney will have deeds prepared;

Spruce Hole acquisition still "hangs fire". The Commission will prepare a deed and take a check to Mr. 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.

Crommet Creek easements are proceeding slowly. Nancy talked with Evelyn Browne and will meet with her again on April 17th. An easement proposal has been given to her.

Four students from U.N.H., community development class, have a project underway on the class 6 roads. They will map, locate, determine points of interest, uses and any maintenance needs, signs, etc. The students are: Ellen Hill, Charles Aspinall, Neil Postlewaite, Bob MacIntosh. Their help is really appreciated.

The Meeting was then side-tracked as John Hatch showed slides of various areas in town which might be or are of interest to the members.

Cheney proposed that a list of projects be made and that at the next meeting we set priorities and assign responsibilities. The list follows:

1. Signs for certain roads and trails. ✓
2. Crommet Creek easements. ✓
3. C. White land portion for Conservation Commission. ✓
4. Rocky Hill area (Hatch sanctuary). ✓
5. Easements on brook below Colby marsh tract (probably Olivier land). ✓
6. Easements on brook below town dump - G. R. Johnson, Kitfield, Town, Jabre. ✓
7. Identify best agricultural lands in town and protect. NO
8. Old rock quarries near Jackson property on Route 108. ✓
9. Acquisition of little pond at beginning of Durham Point Road. NO GO
10. Lamprey River easements. ✓
11. Town zoning of all water frontage for a 50-foot easement. ✓
12. Land west of Jackson Lot now owned by Nindes. ✓ NO GO
13. Land behind (westerly of) gas stations. ✓
14. J. Gangwer's point at end of Woodman Avenue. ✓
15. All sewer and water easements to include conservation easements. NO
16. Class 6 roads for towns people use. ✓

DURHAM CONSERVATION COMMISSION

MEETING 3-24-74

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 Mower and Don Melvin.

Si Weeks wants to know if Commission can use some students (if available) on summer projects and what projects? Decided that they might be used on mapping ownerships of or adjacent to wetlands, Crommet Creek first.

Reports of Olympic groups on the proposed refinery are available to members; Strout has complete set.

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.

The Town of Durham appropriated \$11,000 for this fiscal year and we have about \$6,000 in the Trustee of Trust Funds accounts.

Don Melvin discussed the current situation on the Crommet Creek project. An easement was prepared for Ev. Brown and sent to her. Don will contact her this week, also, Congdon's and Cochrane's.

At the Town landing area, there is a small piece of land abutting Town lands and now owned by Sawyers (formerly F. Frost). The Commission or Town will offer to trade another piece for this piece. John Hatch will discuss this with Sawyer's.

There was an article in the Town Warrant (passed 1974) charging the Conservation Commission to develop a conservation district. Discussion of this charge was incomplete. We also discussed the formation of a wetlands district.

Meeting adjourned at 9:30 p.m.

O. P. Wallace, Secretary

17. Highland House lands along Lamprey River. *Part R2*
- 18. One lot on Lamprey River towards Newmarket that has scenic ledge site.
- ✓ 19. Conservation district for Durham Point. *DON'T WANT LAND*
- ✓ 20. Possible acquisition of property or easements along Mill Pond.
- ~~YES 21. Purchase a set of tax maps for Commission use.~~
- ✓ 22. Locate our map file.
- ✓ 23. Worthen land abutting Spruce Hole.

BY OWN OWN LAND

Next meeting of the Commission will be May 7, 1974, at 7:30 p.m., at the Town Building. Meeting adjourned 9:30 p.m.

25 MILL POND.

BIBB R24

Respectfully submitted,

Oliver P. Wallace, Jr.
Oliver P. Wallace
Secretary

April 16, 1974

OPW

MINUTES

16 JULY 1974

DURHAM CONSERVATION COMMISSION

Present: W. Cheney, Ch.; R. Strout, N. Sandberg, D. Melvin, L. O'Connell, J. Hatch

Guests: Mr. and Mrs. A. Cochrane, G. Crombie

The meeting began at 7:30 p.m. at the Town Hall.

Crommett Creek
Fill Problem

- 1) N. Sandberg reported on a meeting of H. LeClair with Beckwith, Browne and Sandberg held in response to the complaint from the Commission (June meeting). LeClair explained that the fill simply got out of hand and that he would have the mess cleaned up soon. Beckwith and Browne (the abutters) accepted this solution.

Mr. and Mrs. Cochrane also voiced their concern over the unsightly fill and general discussion ensued.

G. Crombie, speaking for LeClair and the Town crew's action in dumping the granite from Dame Road blasting, explained the situation and the need to shore up the badly eroded abutments. He agreed to remove the excess if necessary, but he admitted no "Dredge and Fill Permit" was filed.

O'Connell, speaking for the Selectmen, said this had been done without their knowledge and was in clear violation of Dredge and Fill regulations. He suggested that the Town was put in a position of being "above the law" and urged that the Commission write a letter to LeClair and Crombie with a copy to the Selectmen recommending that if the fill is not removed immediately, steps be taken to file for a Dredge and Fill Permit.

It was agreed, and the guests departed.

Deeds

- 2) Payment for four deeds recently contracted with G. Findell was discussed and payment of \$20/deed was authorized.

Map of Public Lands

- 3) A progress report from the subcommittee of Melvin and Cheney disclosed that Parks and Recreation maps had been found, but that wild life and soil maps necessary to this project were not located. Sandberg volunteered to help in the search.

Durham Conservation Commission
Minutes - July 16, 1974
Page 2

Crommett Creek
Easements

- 4) After a short resume of the status of this project, it was suggested that Sandberg write an exploration letter to the Walkers to get their reaction to consideration of such an easement.

6th Class Roads and
Conservation District

- 5) Neither subcommittee had any progress to report.

Spruce Hole

- 6) 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 be drawn.

Announced Hearing

- 7) Parks and Recreation Committee will hold a public information meeting on the Rowing Club boathouse proposal on July 23 at 7:30 p.m. at the Town Office.

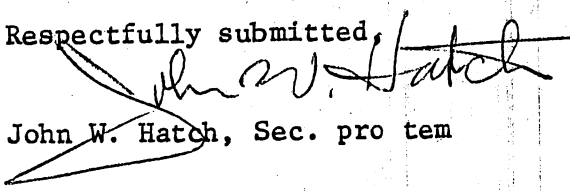
Next Meeting

- 8) After some discussion, an August meeting was deleted. The next Commission meeting will be September 10, Tuesday, at 7:30 p.m.

Adjourned

- 9) The meeting adjourned at 9:30 p.m.

Respectfully submitted,


John W. Hatch, Sec. pro tem

MINUTES

Oct. 2, 1974

Durham Conservation Commission

Present: Cheney, O'Connell, Hatch, Strout, Jackson, Wallace, Melvin (of Planning Board) and student assistants, K. Norcross, R. Wolkenberg.

Next Meeting: October 22, Tuesday, 7:30 p.m., Town Offices.

Strout reported on the conservation district study which is underway. The student assistants are collecting baseline data. They reported some progress. The deadline for this project is about January 1, 1975. Discussion followed of the types of land that might be included in such a district. Wolkenberg gave us a list including: wetlands, agricultural lands, valley bottoms, historic sites, public park lands, wildlife habitat and vacant tracts. A meeting of the committee will be held on Wednesday, October 9th.

It was agreed to change our meeting date because of the Planning Board Meeting, to each second and fourth Tuesday of the month.

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.

A vigorous discussion of the fencing followed as to types, etc.

Walter Cheney next discussed a proposed 50-foot easement along all tributaries to Great Bay. Possible wording was reviewed and it was agreed to use; mean high water as the baseline for a banking easement. Cheney will incorporate suggestions for next meeting. It will be submitted to the Planning Board as a proposed zoning article for them to implement.

Richard Strout proposed that we examine other critical tracts for purchase. We will review our listing.

Larry O'Connell announced a public informational hearing for Durham people relative to possible dredging and filling at Jackson's Landing.

J. Hatch reported that League of Women Voters want a person to discuss our efforts with them next week, Monday or Tuesday. Cheney will do this.

Next meeting will be to develop further actions towards Crommet Creek plan.

Adjourned 9:25 p.m.

Respectfully submitted,



Oliver P. Wallace
Secretary

Meeting
Durham Conservation Commission
October 22, 1974

Meeting convened at Town Hall at 7:30 p.m. Present were Cheney, Jackson, O'Connell, Melvin, Strout, Hatch, Wallace and Students, Norcross and Wolkenberg.

H. Jackson presented USGS enlargements of areas on Great Bay to Commission. There were from Dean Jackson's files.

J. Hatch reported for committee on a Conservation District. Assisting were Norcross and Wolkenberg who found the enabling legislation descriptions covering certain town actions relative to conservation area protection. The committee had met with Strafford Regional Planning Commission on October 17 to determine assistance available thru their organization. They will contribute to our needs.

Then, Don Melvin made an historic find in the town map file - the missing Conservation maps showing wetlands, agricultural and wet type soils and the deer habitat maps. These are now in the custody of J. Hatch and the committee.

Melvin and Cheney have been working on our set of tax maps to delineate in color those areas of special interest to this Commission. These were available.

W. Cheney submitted a proposed zoning amendment to protect the shorelands on all tributaries to and shorelines of Great Bay. This would be a 50 ft. easement protecting against development on most encroachments. The members suggested certain revisions which were incorporated. Cheney was instructed to re-write and submit this proposal to the Planning Board for their action.

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.

W. Cheney reported that N. Sandberg is resigning due to pressures of S.O.S. work load. A replacement will be requested.

The Crommet Creek situation was discussed. It was agreed that in view of our proposed shoreland easement, we would defer further action on the creek.

A discussion of land purchases by the Commission ensued. It was agreed that we would give priority to the following: J. P. Olivier lots on Longmarsh Rd., Ninde lot on Oyster River Bay, Ganwer lot on Beard's Creek and a right of way across P. Schaefer's land to connect to a right of way already in existence. Members were assigned to these parcels to determine owner interests.

The meeting adjourned at 10:15 p.m.

Respectfully Submitted

Oliver P. Wallace
Oliver P. Wallace, Secretary

Minutes

Nov. 25, 1974

Durham Conservation Commission

Present: Cheney, Hatch, Jackson, O'Connell, Melvin, Wallace.

Next Meeting: At public hearing of Planning Board, Wednesday, December 11.
Regular meeting December 10, 1974, at 7:30 p.m., at Town
Office Building.

The meeting opened with a presentation by Jim Denoncour, President of UNH Chapter of the Wildlife Society. The Chapter wants to undertake a project in Durham that involves physical improvement of environment. Several projects were suggested: putting up Spruce Hole fence, build specific trails, beaver control culvert at Cobly's Meadow, and clearing class 6 road for trails. Mr. Denoncour will report to his club and choose which activity meets their desires.

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.

A discussion of the desired walkway easements from Ninde, Schaefer, Gangwer and others followed. There will be contacts made with these people.

Cheney discussed the town warrant for 1975 and the timing of our proposals. O'Connell explained procedures to be followed (for selectmen). The Sawyer lot transfer requires an article in the warrant.

A review of the 1974 budget indicates \$11,500 as our amount for the 18-month period. This is below our planned amount but the 18-month period caused the problem. To date, we have about \$5,200 unexpended. It was agreed that no increase in the current budget would be requested.

A discussion of our wetlands conservation district proposal followed. Melvin reported Planning Board discussions and actions. The published article in Dover Democrat was incorrect. The public hearing, including our proposal, will be Wednesday, December 11th at Middle School cafeteria.

We then reviewed our proposed shoreland easement (shoreland conservation zone) as published.

A no-holds barred discussion followed relative to a proposed zoning change to a lot south of the College Brook, east of Mill Road.

Meeting adjourned at 9:40 p.m.

Respectfully submitted

OPW Wallace
Oliver P. Wallace
Secretary

Selectmen

10/28/74

Town of Durham

Dear People:

The Conservation Commission has to build about 1100 ft. 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" & 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 a piece
1300 ft. 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.

Respectfully yours

DW Wallace Sec.

Com. Comm

Typed & sent
10/29/74

Minutes
Dec. 10, 1974

Durham Conservation Commission

Present: Cheney, Hatch, Jackson, Wallace and students, Norcross and Volkenberg

Next meeting: Tuesday, January 14, 1975

The minutes of the previous meeting were approved as circulated.

It was voted to approve payment of dues to the Asso. Cons. Commissions for N.H.

Mr. Crombie presented an estimated cost for fencing at Spruce Hole. The town crew would be used:

Materials	\$287.00
Labor	<u>400.00</u>
Total	\$687.00

Jackson moved, Hatch seconded, that Mr. Crombie and the town crew be authorized to construct the fence. Hatch had walked over the fencing site with Crombie. The latter was notified of our decision.

Cheney reported that he had asked the Lee Planning Board to consider adopting a 50 foot stream bank easement similar to our proposal for Durham.

Discussion followed on procedures for commission members at the planning board public hearing, December 11. At this hearing any proposed changes in our proposals should be presented.

Jackson reported that Paul Schaefer has said he is ready to work out a walking easement for a portion of his land. This would tie into a planned walkway in this area.

Cheney suggested that we undertake the proposed easement along the brook and town dump as our next project. It was also suggested that we delineate, on a map at least, agricultural lands in Durham.

Meeting adjourned at 8:15 P.M.

Respectfully submitted,

OP Wallace, Jr.
Oliver P. Wallace, Sr.
Secretary



TOWN OF DURHAM
13-15 NEWMARKET ROAD
DURHAM, NH 03824-2898
603/868-5571

MINUTES
DURHAM CONSERVATION COMMISSION
MARCH 22, 1989

Next Meeting - Thursday April 13 7:30 P.M.

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

Meeting started 7:45.

1. Minutes of the Workshop meeting (February 23) were approved as amended. Minutes of the last regular meeting (February 8) were approved as read.
2. Dredge & Fill - No new Dredge & Fill applications. Chairman Roberts announced that the Bragdon project was approved by the State Wetlands board as submitted. Approval of Fish & Game project at Adams Point has not yet been received.
3. Correspondence & Commission Administration - Chairman Roberts.
 - A. Reported on favorable correspondence and phone conversation with the Ellingwoods regarding gift of property on Dame Road.
 - B. Reported communication with Hamby, Chair of Parks and Recreation. JOINT MEETING set for THURSDAY APRIL 20, 7:30.
 - C. Hatch read a proposed letter to George Walker re: Commission interest in his Crommett Creek property, proposing a meeting with the Town Administration and Commission representatives. Approved for typing tomorrow.
 - D. (See also 6 & 7).
4. Priorities for the TAC Committee.

Discussion started by Langley and Spang of the TAC Committee. After much general discussion pro and con on setting priorities for various properties. The idea of presenting such priorities to TAC at this time was abandoned. Ralph Freedman suggested that the Commission contact large land owners whose

properties the Commission considers special conservation values to the Town and ask that the Town be given first consideration in the event a sale is contemplated.

Langley then presented the Rist/Frost map - with the focus on Conservation issues. A number of omissions were noted and recorded by Chairman Roberts: Summary.

No indication of watershed protection on either the Lamprey or Oyster River. The Crommett Creek conservation corridor incomplete; should extend to Adams Point, No indication of Browne easement and Adams Point improperly labeled. No shoreline protection zone on Great and Little Bay indicated.

The objections to the Rist/Frost text centered on the little attention given to Conservation concerns; one and a half pages in their report for Conservation and Parks and Rec. Given Conservation's prominence in the responses to the questionnaire sampling Town opinion, the short length is unreasonable.

Roberts made a list of omissions for our 3 TAC members presentation at next TAC meeting.

5. 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.

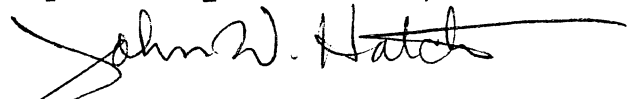
Site review scheduled for SAT. APRIL 1, 9:00 A.M.

6. Chairman Roberts reported on letter from the N. H. Assoc. of Conservation Commissions asking for dues. After discussion it was unanimously voted to pay our \$238. dues.

7. Chairman Roberts reported on an invitation to attend a conference on "Environmental choices in the 1990's", sponsored by University System of New Hampshire on April 4. Lloyd Heidgerd volunteered to attend.

8. Adjourned 10:40.

Respectfully submitted,



John W. Hatch
Secretary

APPROVED



TOWN OF DURHAM
13-15 NEWMARKET ROAD
DURHAM, NH 03824-2898
603/868-5571

MINUTES
DURHAM CONSERVATION COMMISSION
APRIL 13, 1989

Next meeting - Thursday May 11, 7:30 P.M.

Note: Thursday April 20, 7:30 meeting with Parks & Rec Committee.

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

Meeting started 7:35.

1. Minutes of the previous meeting were approved as amended.
2. Follow up on minutes:
 - A. Heidgerd reported on the April 4th conference, "Environmental Choices in the 1990's", especially the keynote speech by Stephen N. Taylor (N.H. Commissioner of Agriculture) who favored the innovative land usage planning advocated by Randall Arendt (U of Mass.)
 - B. Ellingwood gift of land on Dame Road; Freedman reported on talk with Dorothy Ellingwood stating that technical details of acquisition are being resolved.
 - C. Report on TAC of Comprehensive Planning:
 1. Hatch reported that corrections on the Rist-Frost map had been made and forwarded to the planners designating the title to be "Areas of Conservation Value" and distinguishing between farmland/open fields and conservation wildlife corridors and water supply/river corridors.
 2. Langley explained the changes in the zoning procedures discussed in the last TAC meeting. Much discussion followed regarding site review procedures and public input.

3. Dredge and Fill - Application for temporary log stream crossing by UNH on their Horti-farm property. Heidgerd and Hatch assigned site review - Friday April 14.
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.

5. Correspondence and Commission Administration - Chairman Roberts.
 - A. Reported letter from "Green Pastures Estates" Epping opposing Incinerator Proposal for Epping. After much discussion it was agreed that the Chair write Epping Conservation Commission for information of their concerns before we take a stand.
 - B. Penniman announced that nominations are being sought for various advisory committees on Pease Redevelopment; those affecting the environment are the committees of "Natural Protection" and "Toxic Cleanup". Penniman has an application form and others can be obtained at the Urban Forestry Center, Portsmouth.
 - C. Roberts announced "SPACE" conference on Current use at Deerfield Town Hall Tuesday April 25, 8:00 P.M.
 - D. Roberts reported on a Strafford County Bulletin Re: soil re-evaluation for productive farms on Current use. After discussion led by Langley it was resolved that McEvoy take this issue to the Council for dissemination to the working farms of the Town.

- E. Roberts reported on letter of thanks from the Society for Protection of N.H. Forests for our sponsoring of Carl Harter for their Conservation Camp.
6. Criteria for proposed Conservation Lands. -
Spang and Hatch presented a first step in developing a point system for lands of conservation interest based on one used by the Trust for N.H. Lands. After much discussion Spang xeroxed the detailed criteria used by the Trust and distributed them to the Commission. It was agreed that we would study these and propose our own number system at the next meeting.
7. Adjourned 10:25.

Respectfully submitted,

John W. Hatch, Secretary

MINUTES
DURHAM CONSERVATUION COMMISSION
JUNE 15, 1989

Next Meeting - Thursday, July 13, 1989, 7:30 PM

Present: John Hatch, Lloyd Heidgerd, David Langley,
Brian McEvoy, Clayton Penniman, Stephen
Roberts (Chairman), Judith Spang

Absent: Theodore Howard, Ronald Willoughby

Meeting started at 7:38 PM.

1. Minutes of the May 23, 1989 were read by Hatch. The changes were noted. Penniman moved to accept the Minutes as amended. Spang seconded the motion. All were in favor, the motion carried unanimously.

2. Dredge & Fill Applications

A. Robert Diberto - Route 108

Robert Diberto put forth an application for construction of a 24 foot wide commercial driveway with a culvert on Route 108, one mile south of Durham Point Road. Hatch, Heidgerd and Penniman were assigned to do a site review of the property. Roberts advised that Diberto be contacted about the site review. Hatch agreed to do so.

B. Cheney East - Sunnyside Drive - Tax Map 15 - lot 15-7

Cheney East put forth an application to fill an area of 200 square feet to provide for a 75 foot setback for a septic system. Hatch, Heidgerd and Penniman were assigned to do a site review of the property at the same time as the previous site review.

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.

4. New Business

A. Zoning Ordinance - Shoreland Properties

Spang recommended encouraging the Planning Board to require a 200 foot setback on Shoreland frontage on major rivers and streams along with the Oyster River and Great and Little Bays. After much discussion of various setback requirements on shoreland properties, Hatch suggested that the ordinance should be changed to state Great and Little Bays and significant rivers and streams. All agreed. Spang was asked to bring this issue before the Planning Board. She agreed to do so.

B. Fogg Farm - Development Rights

Spang mentioned being contacted by W. Fogg regarding selling the development rights of the Fogg farm to the Town. The Commission discussed the condition of the land and the possible uses for the property. A discussion ensued regarding availability of funds to acquire the development rights for the property.

McEvoy brought up the proposed purchase of the Wagon Hill Farm property and suggested the Conservation Commission give some input on possible uses for the property. Several uses were discussed. Penniman noted that the Research Reserve would be looking for a headquarters, he suggested

pursuing this as an option to receive matching funds for the property. Penniman was asked to look into this and report his findings to Mr. Freedman.

After further discussion on the quantity and quality of the Wagon Hill property, Spang mentioned that the 40 acres on the opposite side of Route 4 is undevelopable because of the poor quality of the soil. Hatch pointed out a few parts (on a map) that would be developable. McEvoy noted that the Town Council's thinking at present is to keep the 100 acres on the Great Bay for Town property and to sell the 40 acres on the opposite side of the road. Spang and Hatch noted that the 40 acres could not be sold for a subdivision use due to the quality of the soil.

Langley suggested the Commission look at the property and make suggestions to Mr. Freedman for proposed uses of it.

Roberts suggested that the Commission do resource management input on how the property could be utilized. Langley agreed to contrive a resource management report with help from other Commission members. He displayed and explained a similar report that he did on his property. Hatch advised that previous data had been gathered which could prove useful for the report on Wagon Hill Farm.

C. Department of Forest Resources - Questionnaire

Roberts read a letter from S. Bowman from the Department of Forest Resources at UNH concerning a questionnaire on the Town forests. She requested that a questionnaire be filled out and returned to her. Langley agreed to fill out the questionnaire with input from Hatch.

5. TAC Committee Report

A. Transfer Development Rights

Spang mentioned her concern, as well as the concern of others, on whether development right values should be pre-assigned to properties. She suggested a system should be devised to define the properties with transfer development rights. There was much discussion of the issue with several examples being cited for explanation of the process.

6. Priority List

Langley designed a priority system, the Conservation Classification System (CCS), to assess point values to various properties. He read the CCS and explained that the system he used was based on the LCIP system, but fitted to Durham.

Each of the point values was discussed, with suggestions and additions being noted.

The Commission reviewed what was being requested from them was; 1) a classification system
2) a priority list of properties.

Heidgerd suggested that the Commission choose 5 specific properties that they feel are important and assign point values to the land.

Hatch suggested that the Commission attempt to rate 2 large forest areas by using the CCS as a test of the system. After reviewing the areas on a map, the Commission agreed that it was difficult to assess point values without physically viewing the property.

Langley suggested that the Commission must;
1) come up with a complete point system
2) choose properties to be evaluated
3) assess point values to the properties.

Roberts suggested that a sub-committee be formed to design a complete list of properties to assign the point value system to. Langley, Penniman, Heidgerd and Spang volunteered to form the sub-committee. Wagon Hill Farm, Walker properties and the Fogg Farm were chosen as the first properties to examine.

7. Reorganization

Roberts notified the Commission of his resignation as Chairman and from the Commission altogether. After much discussion, Hatch agreed to accept the position of Chairman until December, with the cooperation of other members.

8. Meeting adjourned at 10:40 PM.

MINUTES
DURHAM CONSERVATION COMMISSION
JULY 13, 1989

Next Meeting - Thursday, August 10, 1989, 7:30 PM.

Present: John Hatch, Lloyd Heidgerd, David Langley,
Brian Mcvoy, Clayton Penniman, Judith Spang,
Ronald Willoughby

Meeting started at 7:34 PM.

1. Meeting Minutes

Penniman moved to accept the Minutes of the June 15, 1989 Meeting. McEvoy seconded the motion. Langley noted a spelling error. All were in favor of accepting the Minutes with the spelling correction being made. The motion carried unanimously.

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.

B. Hatch noted the vacancies in the Conservation Commission and asked if any members had suggestions for people to fill the vacancies. Hatch stated that he had contacted Mrs.

Hubbe about the opening and asked her to send her resume to the Town Administrators Office for review.

Spang suggested that the Commission try to recruit people who were conservation activists.

Several people were suggested and discussed by the Commission.

C. Hatch informed the Commission that Langley had answered the questionnaire from UNH regarding the Town's forests. He noted that he came up with a figure of 206 acres of Town forest land and 653 acres of University forest land.

D. Hatch informed the Commission that he had appeared at the ZBA meeting on July 11, 1989 to speak in favor of the Allen Farm Project by Farrell, Martin and Pulitzer.

E. Hatch read the letter he wrote from the Conservation Commission to the Wetlands Board in Concord regarding the Wiswall Dam Hydro plant and the Commissions concerns about it. Hatch advised that he had not received a written response to the letter yet.

3. Dredge & Fill Applications

A. R. Diberto application had been approved after a site review.

B. Cheney East-Sunnyside Dr. application was recommended for denial after a site review by Richardson and the site review team.

C. New Hampshire Fish and Game application - 2 Hazen Dr. for a boat ramp on Adams Point had been approved.

D. D. Thompson application for construction of a 56 foot long, 6 foot wide permanent pier was conditionally approved.

E. Macalpine application for a 70 foot long, 6 foot wide pier was conditionally approved.

Spang commented on the Wiswall Dam issue and stated that she felt the Conservation Commission should take some action to educate the public on the wild and scenic aspects of the River. She informed the Commission of the status of the project.

4. Shoreland Protection Zone Changes

McEvoy addressed the Commission on the SPZ and informed them of his conversation with T. Thompson regarding his feelings on the SPZ. McEvoy informed the Commission of

Thompsons suggested changes. McEvoy stated that he felt these requests were reasonable for the Commission to discuss and work with to arrive at settlement, rather than to allow the SPZ to be removed from the Ordinance.

Hatch reviewed the SPZ by each section for Commission discussion. After extensive discussion of the SPZ regarding public input received upon it the Commission decided on several changes to include; 1) setbacks to be 100 feet on Great and Little Bays, including tidal section tributaries; Folletts Brook, the Oyster River and Lamprey River and 75 foot setback for the Secondary Perennial Brooks; 2) the removal of section B-3 and B-6 from 10-3.0; 3) the restructuring of section 10-4.0 on Vegetation Management; 4) the deletion of all of section 10-5.0 except for B; 5) the deletion of 10-6.0. Other changes in the wording of the document were noted.

Spang mentioned that there was no minimum Shorefrontage requirement stated in the Dimensional Controls of the RC zone and suggested that the issue be brought to the Planning Board's attention.

5. Langley handed out the Conservation Classification System he had been working on for the members to review.

6. Meeting adjourned at 10:53 PM.