

20 Newmarket Road  
Durham, NH 03824  
October 13, 2010

David Cederholm, P.E.  
Department of Public Works  
Stone Quarry Drive  
Durham, NH 03824

Dear Dave:

This letter is to state that we will allow access to our property for the repair and maintenance of the Mill Pond dam and associated structures. We have enjoyed a cooperative and mutually supportive relationship over the past 25 years and will do everything in our power to continue it.

We met with town and state officials after floods in 2006 and 2007 to discuss what problems they anticipated and what we could do about them. An engineer from the dam bureau stated that the biggest problem he could foresee was erosion of the soil on the right side of the dam. He suggested filling the foundation hole immediately below the control structure with large rip-rap. I did so at my expense and in a manner which preserved the original mill structure. On another occasion I discussed some problem areas with Grace Levergood. She advised me that a fence was needed. I put up a fence to guard the right training wall immediately below the dam. It was this fence which filled with debris and created a dam along the top of the right training causing the clay topping to erode through the rip-rap. I have tried to be a responsible property owner.

I have examined our deed and find no provision for access to the dam for purposes of maintenance and repair. We would be willing to amend the deed to reflect this need if this would facilitate your work. My understanding was that owner Freddy Jenkins refused access for the major repairs and installation of the Fish Ladder in 1974, so I understand your concern. Let us get together and draft something.

We recognize that the concern over who owns what. Do we own the dirt and you own the concrete? To facilitate repair and preservation we would consider deeding the waterfront portion where the mills stood and the foundations and stone-walls remain to the town for purposes of maintaining the dam and training walls. This is the plot shown in tax map 06-9-1.

I hope this letter fairly reflects our strong desire to cooperate with and support the town with the maintenance and preservation of the Mill Pond dam.

Sincerely



Stephen Burns