

Durham Town Properties and Easements

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List updated: July 22, 2008

Town Held Easements with CC Oversight

Property Name	Street	Label	Owner	Resp Party	Map	Acres	Deed Restrictions	Notes
Davis Avenue	Davis/Fair-child area	B 1	Lot owners	NA	Map 1 4-1 thru 6 4-9 thru 11 4-19 thru 21	unk	DCC accepted a no-cut buffer easement on 4 different parcels that collectively back-up to many of the lots in this subdivision in 1981	Have found no evidence that the DCC has actively enforced this easement. The DCC at this time (11/08) has decided not to become actively involved.
			Unknown	NA	Map 1 Common Area A & B		The files include a Declaration of Covenants and Restrictions that indicates intent to convey two lots to a neighborhood assn that was never formed. The DCC was supposed to hold a CE on these lots.	Research re this easement was done in 2007 in response to an issue on an abutting lot. It appears that the land was never conveyed to the assn and therefore the CE was never deeded to the DCC.
Durham Point Rd Scenic Easement (Linn Pond Easement)	Rte 108/ Durham Pt Road/Sunny side Drive	F 16	?	DCC (SPNHF 2ndary)	M15, L15-08	3	To maintain the Property as undeveloped open-space for agriculture, ice skating, forestry and/or broad conservation purposes	Called "scenic easement" on the original subdivision plat, yet the language talks about purposes of conservation
Fogg	Mill & Packers Falls	None	Fogg	DCC	M14, L7-2 M14, L7-6	82.78 2.80		
Merrick	Canney	None	Merrick	DCC	M10, L11-5	25		Work out maintenance with the Merrick's
Orchard Drive Scenic Easement	Orchard Drive	None	Unk	DCC	? M6 L2-16 & 17 and 19 - 21	?	Found scenic easement doc in file conveyed in 1969 as a condition of approval for a subdivision. Easement has restrictions similar to below on additional lots.	Doc states that easement will be void if a similar easement is not placed on Town-owned land across the river at Town Meeting 1971. Now UNH land? Are there restrictions on it?

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Orchard Drive Scenic Easement	Orchard Drive	G – 11	Lot owners	DCC	M6, L2-22, 23, 24, 25	?	<p>Scenic Easement is reserved over the flood plain of these four lots. Defined as the land within 5 vertical feet of the mean water-mark. Reserved for the general benefit of the inhabitants of the Town of Durham. Restricts cutting of vegetation and excavation.</p> <p>Covenant for 15 years. Evergreens every 5 years. DCC has the right to comment on extinguishment.</p>	Easement conveyed in 1971
Oyster River Access Easement	Oyster River Rd	None	Current lot owner	DCC	? might be M6, L4-28	App 1/8	<p>Deed specifies perpetual right of access to the OR. Purpose for conservation. Restricts buildings, tree cutting, picnicking, camping, motorized vehicles. To be managed by DCC.</p> <p>No access via land.</p>	<p>Found map and description in file. Was owned by Silas Weeks – do more research.</p> <p>Looks like this was done at the same time as the Orchard Drive easements in an attempt to protect shoreline on both sides of the river.</p>