



TOWN OF DURHAM NEW HAMPSHIRE 03824
603/868-5571

LETTER OF INTENT
PURCHASE OF LORD PROPERTY

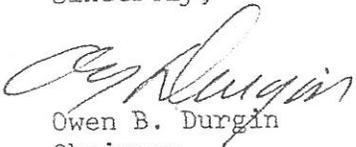
May 21, 1980

Dorothy and Richard Lord
Bennett Road
Durham, New Hampshire 03824

Dear Mr. & Mrs. Lord:

It is the intent of the Town of Durham that the 2.3 acres on the Lamprey River at Packers Falls, purchased from Dorothy and Richard Lord by the Durham Conservation Commission, be used for passive recreation. Provision will be made for limited parking for public access. The property will be posted stating that fires and alcoholic beverages will be strictly prohibited and that a 9:00 P.M. curfew will be enforced. Durham Police are arranging schedules to maintain reasonable surveillance of this area to enforce these restrictions.

Sincerely,


Owen B. Durgin
Chairman
Board of Selectmen

Pacheco Falls

17-55-1

RECEIVED

JUL 7 1980

FISHER, PARSONS & MORAN
ATTORNEYS-AT-LAW
42 MAIN STREET
DOVER, NEW HAMPSHIRE
03820

TOWN OF DURHAM, N.H.

HAROLD D. MORAN
ROBERT E. FISHER
RONALD B. WILLOUGHBY
EDWARD T. CLANCY
STEPHEN A. WHITE

LEWIS J. FISHER
1937-1977
Telephone
742-6131
742-6132
AREA CODE 603

July 3, 1980

Mr. Herbert Jackson
Chairman of Durham Conservation Commission
Durham Town Offices
Durham, NH 03824

Dear Herb:

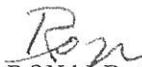
Enclosed herewith please find a deed from Dorothy Lord and Richard Lord to the Town of Durham and a plan showing the location of this property on file at the Strafford County Registry of Deeds.

As you are aware, the Selectmen of the Town wanted to have this deed recorded as soon as possible so they could place into effect the ordinance regarding the proposed use of this property. I filed this deed with the intention of re-recording the deed after the planning department had give its formal approval to the subdivision of the Lord property. Since the subdivision had not been formerly granted and neither was the plan on file at the Registry of Deeds at the time the deed was filed.

Upon my last visit to the Registry of Deeds I noted that the plan for the subdivision on file does not contain the notation "approved by the Durham Planning Board." The plan does, however, carry a notation that the same was reviewed by the Planning Board and the same was filed by the Chairman, Gail G. Ulrich.

Accordingly, I have some reservations at this point as to whether or not there was a valid subdivision allowing the Lord's to sell this parcel to the Town. I suggest that the minutes of the Durham Planning Board be reveiwed to determine if the subdivision was formerly approved; and if so, then I would feel more comfortable if the Planning Board marked their stamp of approval upon the plan on file at the Registry of Deeds.

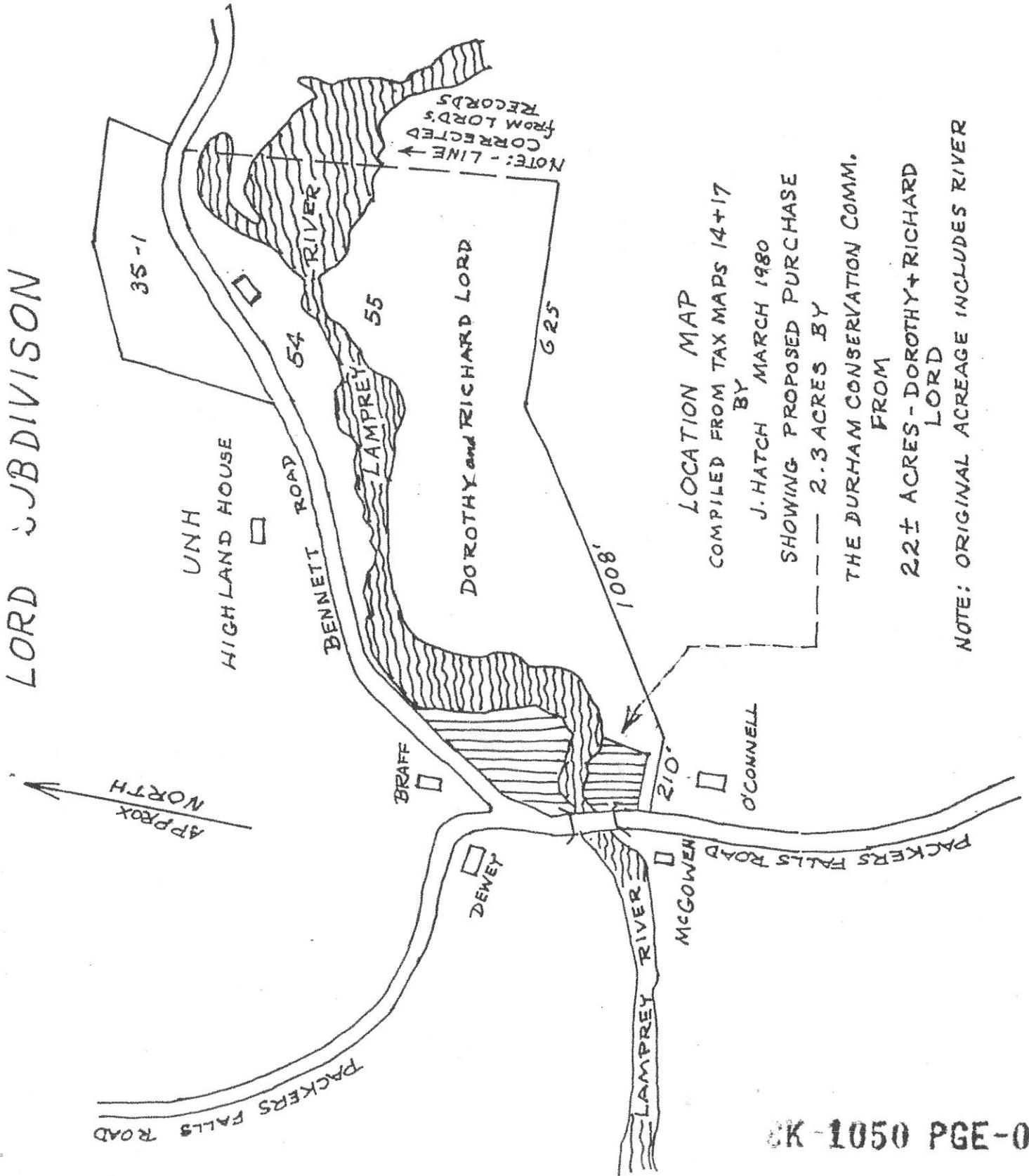
Very truly yours,



RONALD B. WILLOUGHBY

RBW/dlt

LORD SUBDIVISION



LOCATION MAP
COMPILED FROM TAX MAPS 14+17
BY J. HATCH MARCH 1980
SHOWING PROPOSED PURCHASE
2.3 ACRES BY
THE DURHAM CONSERVATION COMM.
FROM
DOROTHY + RICHARD LORD
NOTE: ORIGINAL ACREAGE INCLUDES RIVER

ROLLINS SUBDIVISION

The Minutes of the Rollins Subdivision Public Hearing were read and amended. Lincoln Peirce moved approval as amended, seconded by Peter Handy with Pat Samuels abstaining.

LORD SUBDIVISION

A. L. Winn reported on the Selectmen's Meeting, stating the differences of opinion regarding the proposed impact and management of the lot. A Committee is to be formed to outline the details of management, should the subdivision be approved. The Committee will consist of the Police Chief, Paul Gowen, Alan Edmond, George Crombie, and representatives of the Selectmen and Conservation Commission. When complete, the Conditions for Management will be given to the Planning Board. Peter Handy questioned the concern of the Planning Board regarding the Conditions for Management. Mr. Ulrich stated the role of the Planning Board was to decide whether or not the subdivision adheres to the ordinances. After discussion, Mr. Ulrich asked David Littlefield if he was in a position to take action on the Lord Subdivision, and Mr. Littlefield said there were no Findings or Conditions as yet. Mr. Peirce felt the Findings would relate to the purchase of the property, and not to management. Mr. Winn pointed out that it would be an undersized lot, and the conditions under which it was going to be used would become pertinent. Mrs. Samuels felt the Planning Board did have a responsibility regarding use of the lot. Mr. Winn explained why the Lords were willing to sell the land to the Town, and the added responsibilities this land would give to the Town. Mr. Ulrich pointed out that the Lords can only subdivide for purchase by the Town. Mr. Crombie said the Findings of Fact could be developed after the Planning Board had received the recommendations from the Special Committee appointed by the Selectmen.

The Board discussed many facts, Mr. Taube questioned why the subdivision proposal was before the board at this time. Mr. Taube noted that the Town already had an option to purchase this land. Even if Mr. Lord had to get subdivision approval before selling to the Town, all that the Planning Board can do is deny the proposal because the lot to be sold doesn't meet the acreage requirements. The matter should then be brought to the Zoning Board of Adjustment for a variance. Mr. Littlefield pointed out that the Lords still owned the property. Littlefield gave a history of the State purchasing land from Lyle Ford, and deeding what it did not want back to him; thus avoiding the subdivision process. After considerable discussion, Mr. Ulrich instructed David Littlefield to obtain an opinion from the Planning Board attorney, giving the background of this discussion. It was decided that A. L. Winn and G. Ulrich will work on the Lord Subdivision at the next work session.

LINN SUBDIVISION

Mr. Taube asked if the letters to abutters of the Linn Subdivision had been sent out. The location of the right of way was

At Packers Falls

DURHAM — Selectmen will meet with town Conservation Commission members and police to discuss concerns selectmen raised about the proposed purchase of land on both sides of the Landprey River at Packers Falls.

Packers Falls is owned by Richard and Dorothy Lord, who have offered to sell the 120,000-square-foot piece of land to the Conservation Commission for \$10,000. Provided the town enforce a 9 p.m. curfew on four parking spaces and prohibit fires and beverages.

Because Packers Falls is a popular recreation area, Selectmen chairman Owen Durgin and other selectmen said they were concerned that the purchase would encourage more recreational use of the scenic property. They also held reservations about the town's ability to maintain and police the area.

Past recreational use of the property has led to numerous disturbances, littering and illegally parked cars, selectmen said. Lord said he wasn't opposed to use of the area by fishermen, backpackers or swimmers but he did object to the "partying" going on there.

Lord, who attended last night's selectmen's meeting, said he believed the property would be in better hands if the Conservation Commission bought it. He indicated that he wants to sell the property before the warm summer months bring back picnickers and swimmers.

Non-withoughy of the Conservation Commission told the board his group recommended four parking spaces at the suggestion of town Public Works director George Crombie, who said parking along Packers Falls Road will be a problem no matter how many spaces

there were.

Durgin said the town would like to hold its decision until a more complete evaluation of the purchase could be made. He added that because private property upriver from the falls was being closed off to the public, "we're anticipating more trouble than in the past." Durgin said he would therefore want to consider the town's liability for policing the area.

Selectman Jim Chamberlin said he was reluctant to the purchase by the Conservation Commission because the property would be used for recreational purposes rather than for conservation.

"By putting parking in, you'll be inviting people to use the land and that's not the purpose of the Conservation Commission," Chamberlin said.

Small