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Dwight Trueblood, Chair
Durham Conservation Commission
Town of Durham
8 Newmarket Road
Durham, NH 03824

RE: 1 Riverview Court, Durham, NH

Dear Chair Trueblood and Members of the Conservation Commission,

My husband and I are under agreement to purchase **1 Riverview Court**, a legally established **lot of record**, and we respectfully submit this letter in response to recent correspondence and communications urging denial of our application.

Due to the recent death of our son, we will not be present at the upcoming meeting. However, **our licensed wetland scientist will attend on our behalf** to answer questions and present professional, site-specific findings.

We appreciate the Commission's service and its obligation to review applications based on evidence, applicable ordinances, and state law. We ask only that this application be evaluated on those grounds, and not on speculation, exaggerated claims, or advocacy driven by personal opposition to development.

1. Legal Status of the Lot

1 Riverview Court is a **lawfully created lot of record**. Its status is not in dispute.

- The lot has been **professionally surveyed**
- It meets dimensional requirements
- It has been reviewed historically as a potential building lot
- Any approvals required are procedural, not prohibitive

Importantly, the **prior owner who donated the property** included a deed provision requiring his approval for construction within ten years. That provision **explicitly anticipates residential**

construction, and the current owner has confirmed he does not object to development if it is lawfully approved.

This alone undermines claims that the lot was understood to be permanently unbuildable.

2. Sea Level Rise and “Future Inundation” Claims

Assertions that the property will be underwater or subject to regular storm surge in the “not-too-distant future” are **speculative and not a regulatory standard** for denial.

- NH DES does **not prohibit construction** on tidal or coastal lots solely based on modeled sea-level projections
- The State requires evaluation of **existing conditions**, setbacks, elevations, and mitigation — all of which are being addressed
- Countless legally permitted homes in Durham and surrounding coastal towns are similarly situated

Policy discussions about climate change are important, but **they are not a lawful basis to deny a compliant application today**.

3. Tidal Boundary and Wetland Delineation

Claims that the tidal boundary has been inaccurately marked are **opinions**, not findings.

- Our application relies on **professional wetland delineation**, subject to DES review
- Isolated photographs or anecdotal observations do not override surveyed data
- Any discrepancies are appropriately resolved through the **DES process**, not public conjecture

This is precisely why trained scientists, not neighbors or former officials, are charged with making these determinations.

4. Tree Removal and Flooding Assertions

Statements suggesting that proposed tree removal will cause future flooding are **unsupported by site-specific analysis**.

- Shoreland and wetlands regulations already control clearing limits
- Erosion control, stormwater management, and replanting requirements mitigate runoff
- No hydrologic study has concluded that this project would increase flooding

Generalized fears do not substitute for engineering or environmental evidence.

5. Wildlife Concerns

While wildlife presence is valued, **abundance of wildlife alone is not grounds for denial** under current regulations. There has been no finding of endangered species habitat or regulatory prohibition affecting this lot.

6. Concerning Conduct and Misinformation

We are aware that a nearby former resident, who previously served in town government, has been actively contacting neighbors and encouraging opposition based on claims that the lot is “not buildable” or will be underwater. These representations are **factually inaccurate** and have resulted in a petition signed by individuals who were not provided complete or correct information.

We raise this not to criticize neighbors, but to respectfully caution the Commission against giving undue weight to advocacy rooted in misinformation, personal opposition to development, or heightened rhetoric.

7. Request to the Commission

We respectfully ask the Conservation Commission to:

- Evaluate this application based on **law, ordinance, and evidence**
- Give appropriate weight to **licensed professional testimony**
- Avoid decisions driven by speculation, fear, or pressure campaigns
- Allow the regulatory process to proceed as designed

We are committed to responsible development, environmental protection, and compliance with all applicable requirements. We believe the record supports approval, or at minimum, continued good-faith review without prejudgment.

Thank you for your time, professionalism, and service to the Town of Durham.

Respectfully,

Gretchen Meisner
East Wynfield Realty LLC