

## April Talon

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**From:** Todd Selig  
**Sent:** Tuesday, January 12, 2021 11:40 AM  
**To:** shawn finnegan; external forward for kmarple; johnny c  
**Cc:** April Talon; Richard Reine  
**Subject:** Re: town dam - feedback from Shawn Finnegan and John Cerullo

Dear Shawn and John,

Thank you very much for this feedback concerning the future of the Mill Pond Dam on the Oyster River. I know the members of the Council will appreciate it.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** shawn finnegan <shawniekins49@gmail.com>  
**Date:** Tuesday, January 12, 2021 at 11:35 AM  
**To:** Todd Selig <tselig@ci.durham.nh.us>, "kittyfmarple@comcast.net" <kittyfmarple@comcast.net>, johnny c <john.cerullo@unh.edu>  
**Subject:** town dam

Dear Todd and Kitty,

We would like to reiterate our opposition to maintaining the Durham town dam, for reasons of best environmental practices and cost.

Shawn Finnegan and John Cerullo  
7 Simons Lane, Durham

## April Talon

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**From:** Todd Selig  
**Sent:** Tuesday, January 12, 2021 11:18 AM  
**To:** Scot Calitri  
**Cc:** April Talon; Richard Reine  
**Subject:** Re: Thank You - The Mill Pond Dam and the Oyster River - following up with Scot Calitri

Dear Scot,

I know the Council will appreciate this feedback. Thank you for being active in this important discussion.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
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**From:** Scot Calitri <[smcalitri@gmail.com](mailto:smcalitri@gmail.com)>  
**Date:** Tuesday, January 12, 2021 at 11:01 AM  
**To:** Durham Town Council <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>  
**Subject:** Thank You - The Mill Pond Dam and the Oyster River  
**Resent-From:** <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>

A sincere thank you to the Town Council, peripheral councils and other volunteers in the community. Without you we would not have the voice or opportunity to do the right things! I will be glad to serve in the future and will seek out further involvement for sure.

I was honored to speak first last night at the 1/11 meeting and have included my words below as best as I can remember. A few additional comments to help with a prudent and timely decision:

- Those speaking for the removal of the dam based their points in facts and data. I read the reports, national studies and looked at the statistics of native species as well as invasives. My points were **researched, factual and data based**. I was frankly appalled at the level of fabrication and "alternative facts", especially by those with advanced degrees, environmental experience and those that should know better. I do believe that at least one new species was created during the discussion though...

- **Damming without dredging is a perfect combination of the worst options.** Yes, we have a deteriorating human-made structure to deal with, but we also have a more important deteriorating water body issue. This is not a result of industrial activity, but simply a concentration and siltation caused by the dam itself. We wonder why the fish runs have deteriorated heavily over the last 30 plus years? Please note that the sediment mitigation is included and fully addressed in the Dam Removal option. Thankfully this is also the fiscally responsible option for us and our peer taxpayers.

- Please look into the studies that Mitch Kalter provided the town on property values. Mitch, who did live on Laurel Lane as an abutter did extensive research on the property value changes in these types of environmental situations. I want to note that **a home on a flowing river such as Hamel Brook would still be classified as "waterfront"** and in this situation the homeowners would be able to see the bottom of the riverbed due to the increased health of the waterway. The visibility of the Mill Pond waters continue to decrease due to our actions.

- Yes the property where the Mill Pond is now will change both in appearance and usage. We can directly relate to this as the trailhead for the Sweet Trail is legally on our property and we're in the process of granting the town land usage to put in a formal, expanded parking area for the public. **Change will happen** and at least we're getting our kids outside and better appreciating the world around us. Our trailhead usage down here has increased five-fold in the last year. We adjust.

- The upstream dam may be another issue to deal with at a later date, but is not the discussion here. Even a mile plus of healthy water is a world better than where we are now. These fish species, especially the herring runs that are down about 95% since 1992 spawn most successfully in **moving fresh water**. The fish ladder (note it is normally open), stagnant anoxic impoundment and lack of continuous flow is what is choking out these species. We cannot afford to kill this river for the next generation by repairing the dam because there are additional barriers upstream and some of our residents are resistant to change. History started way before European settlement.

I do appreciate the Democratic process as it is an honor and privilege to be discussing these types of issues while some of our planet and neighbors are in such strife. I feel more than a bit spoiled, but the timing and importance of the issues are driving my efforts. I try to at least understand the viewpoints of the individuals pushing to rebuild the dam which is made up most significantly of abutters. We've spent very significant funds on consultants and reports, herein lies the answers.

Stay safe and healthy. Thanks again for your leadership, time and brain power.

- Scot Calitri  
125 Longmarsh Road

*"A small boy lived by the ocean. He loved the creatures of the sea, especially the starfish, and spent much of his time exploring the seashore. One day he learned that there would be a minus tide that would leave the starfish stranded on the sand. The day of the tide he went down to the beach and began picking up stranded starfish and tossing them back into the sea.*

*An elderly man who lived next door came down to the beach to see what he was doing. 'I'm saving the starfish,' the boy proudly declared. When the neighbor saw all of the stranded starfish, he shook his head and said, 'I'm sorry to disappoint you young man, but if you look down the beach one way, there are stranded starfish as far as the eye can see. And if you look down the beach the other way, it's the same. One little boy like you isn't going to make much of a difference.'*

*The boy thought about this for a moment. Then he reached his small hand down to the sand, picked up a starfish, tossed it out into the ocean and said, 'I sure made a difference for that one.'*

- Author Unknown

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### Scot's 1/11 Discussion

Thank you for the opportunity to speak as I understand that many of us have passionate ties to the outcome of this issue. We need to acknowledge that it is simple for us to speak on behalf of our townspeople and human made artifacts.

It is more difficult for the flora, fauna and fishes to have a voice. Along with our conservation committee, we need to speak for those who do not have a voice. To this end, your conservation committee has already recommended the careful removal of the Mill Pond Dam. This was a 7-0 unanimous vote with one abstaining.

Our family lives at the end of Longmarsh Road, at the very headwaters of Hamel Brook, one of the largest tributaries of the Oyster River and the Mill Pond impoundment.

This is one of those rare alignments where the economic, environmental and historical desires can all be satisfied. We need to remember that the history here started long before the Durham area was settled by Europeans.

Economically, the dam removal, which is known as "Option 5" is about \$3M less to our town based on preliminary estimates. Stated a bit differently, removing the dam saves us and our families real money. Doing the right thing on average will save more than 1000 dollars per Durham household. Without getting too deep, there are many federal and non-profit organizations actively funding dam removal projects including US Fish and Game, American Rivers and Trout Unlimited if needed.

The town also has studies noting that property values do not diminish in a responsible dam removal situation but can actually increase. There is also the possibility that property insurance premiums of the abutters are reduced due to the decreased risk of flood damage. I believe that the proposed repair option would still need a state waiver as it does not satisfy the 50 or 100 year flood mitigation requirements.

Environmentally, removal of the dam is tremendous. Paraphrasing several national organizations both governmental and non-profit, "removal of a dam is the most effective action that can be taken to restore the health of a river system". The overwhelming trend in our country is to remove dams and restore river systems, not solidify dams that choke the life out of the waterways. The United States is now removing about 100 significant dams per year and this trend is accelerating. 26 individual states removed dams in 2019. All of our fishery related agencies unanimously support dam removals.

This is a dam not producing hydroelectric power or agricultural irrigation. It is however blocking struggling fisheries including federally endangered American eel, two species of river herring and smelt and has extirpated salter brook trout, federally endangered and protected atlantic salmon, American shad and others. The poor water quality continues to deteriorate in the current impoundment and is already hampering the paltry anadromous runs we still have. The Oyster River is worlds away from the target fishery model developed and documented by the state. The dam is currently classified as a "hazard" by the state of New Hampshire.

Some still believe that fish ladders are the answer. Over and over, science shows that species and sub-species still die off in rivers with operable fish ladders. Our herring runs are down about 95% even since 1992. At the same time runs are rapidly recovering in towns like Exeter where the dams have been removed with no adverse affects.

Historically, there is a way for all parties to win. The town's consultants offered a creative and practical option of leaving the side dam abutments. This memorializes the history of the dam itself and leaves physical artifacts for generations to come. Remember that history starts well before the European arrival and subsequent dam building of the last few 100 years. The native peoples that lived in the area used the Oyster River for at least 10,000 years before the dam was put in place. The native wildlife for millions more. What can exemplify historic stewardship any more than to best restore the area to a state before Western exploration and settlement. Dam removal while leaving the abutments is ideal.

It is a rare alignment when the road to restoration and conservation is also the economically prudent choice. We need to take advantage of this and remove the Mill Pond Dam, restoring the natural flow of the Oyster River.



## April Talon

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**From:** Todd Selig  
**Sent:** Tuesday, January 12, 2021 11:16 AM  
**To:** April Talon; Richard Reine  
**Subject:** FW: point of information re: tonight's conversation - feedback from diane freedman

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**From:** "Freedman, Diane" <Diane.Freedman@unh.edu>  
**Date:** Monday, January 11, 2021 at 10:12 PM  
**To:** Durham Town Council <council@ci.durham.nh.us>  
**Subject:** Fwd: point of information re: tonight's conversation  
**Resent-From:** <council@ci.durham.nh.us>

Diane P. Freedman  
author of *\_Midlife with Thoreau: Poems, Essays, Journals\_* (Hiraeth, 2015)  
Hiraethpress.com  
Professor of English  
Core Faculty Member in Women's Studies  
University of New Hampshire  
Durham, NH 03824  
dpf@unh.edu

Begin forwarded message:

**From:** "Freedman, Diane" <Diane.Freedman@unh.edu>  
**Date:** January 11, 2021 at 9:47:03 PM EST  
**To:** coucil@ci.durham.nh.us  
**Subject:** point of information re: tonight's conversation

The speakers who speak of danger of the "high hazard" dam are misunderstanding what the state has clarified (though not through its nomenclature). It is thought to be in high danger of breaking/not fully holding IF there is a 100-year type flood event. It is not perceived to be in a position to cause damage to properties or persons (except for the abutment of the dam/edge of the Bodo/Burns property, the situation for which they have offered to signed a waiver, change their deed, etc.)

Diane P. Freedman  
author of *\_Midlife with Thoreau: Poems, Essays, Journals\_* (Hiraeth, 2015)  
Hiraethpress.com  
Professor of English  
Core Faculty Member in Women's Studies  
University of New Hampshire  
Durham, NH 03824  
dpf@unh.edu

## April Talon

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**From:** Todd Selig  
**Sent:** Tuesday, January 12, 2021 11:15 AM  
**To:** sean moriarty  
**Cc:** April Talon; Richard Reine  
**Subject:** Re: Hearing - following up with Sean Moriarty

Thank you, Sean. We will share this feedback with the Council.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** sean moriarty <[spmoriarty17@yahoo.com](mailto:spmoriarty17@yahoo.com)>  
**Date:** Monday, January 11, 2021 at 9:23 PM  
**To:** Todd Selig <[tselig@ci.durham.nh.us](mailto:tselig@ci.durham.nh.us)>  
**Subject:** Hearing

I cant call in right now, but my vote is for removal if it comes up. Thanks!

Sent from [Mail](#) for Windows 10

## April Talon

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**From:** Todd Selig  
**Sent:** Tuesday, January 12, 2021 11:14 AM  
**To:** Dionne, Michael  
**Cc:** April Talon; Richard Reine  
**Subject:** Re: Mill Pond Fishway - an email from Michael Dionne responding to statement from Larry Harris

Dear Michael,

Thank you for this feedback. We shall share it with the Council.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** "Dionne, Michael" <Michael.A.Dionne@wildlife.nh.gov>  
**Date:** Monday, January 11, 2021 at 8:33 PM  
**To:** Todd Selig <tselig@ci.durham.nh.us>  
**Subject:** Mill Pond Fishway

Hi Todd,

I just wanted to make a comment about what Larry Harris talked about. I have operated the fishway on Mill Pond for 20+ years. The fishway has been in continuous operation since 1976. It is a Denil design fishway and according to USFWS fish passage specialist cannot be used as a downstream fish passage. It has never been operated as a downstream passage.

Thanks, Mike Dionne

## April Talon

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**From:** Todd Selig  
**Sent:** Tuesday, January 12, 2021 11:12 AM  
**To:** Mike Pazdon  
**Cc:** April Talon; Richard Reine  
**Subject:** Re: The dam - following up with Mike Pazdon

Dear Mike,

Thank you very much for this feedback. I know the Council will appreciate it.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Michael Pazdon <mpazdon@comcast.net>  
**Date:** Monday, January 11, 2021 at 7:35 PM  
**To:** Durham Town Council <council@ci.durham.nh.us>  
**Cc:** Todd Selig <tselig@ci.durham.nh.us>  
**Subject:** The dam  
**Resent-From:** <council@ci.durham.nh.us>

*Please consider this my input for the current public hearing.*

*As you may recall, I am for removing the impediment to the natural flow of the Oyster River. As pointed out by the Conservation Commission, more needs to be done, but this is a start at restoring the natural flow, passage for fish and wild life and contributing to the restoration of the Great Bay estuary.*

*The Historical group has made a few points which I consider to be vane, as the River is 10,000 years or so old and has more history than Durham. As well history is subject to editorializing by who writes it down. The dam was built to make money with no regard for the effect on the natural species or long term effects. Those that make the case for to "appearance" of the area – I can understand this – support an unnatural interference with the estuary.*

*Reading the report from the engineers, I see the benefits and cost of removal are the best choice. This is based on the science of the study, not the politics, so let's follow the science and not the politics.*

*I have been walking and boating on the Great Bay for 65 years and I have seen the degradation due to interference from all the surrounding communities. As a Town, we are doing well on the sewage side, but this is not the total effect we have. The dam is an interference to the natural process of the estuary.*



*As an aside, I remember when the winters were cold enough to make good ice on the pond, but we have an ice rink we support and if the Town was to support this as a useful purpose for the pond, we would be probably be sued if someone falls through the ice.*

*So let's stay with our theme of Sustainability, let the river run free and help restore the estuary to better health.*

*Thank you for your attention and thank you for your time spent as councilors. Mike*

*Mike Jazdon*

**603-770-9414**

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 5:54 PM  
**To:** Michael Bicks  
**Cc:** April Talon; Richard Reine; Jim Rice  
**Subject:** Re: The Oyster River Dam

Dear Michael,

Thank you very much for your feedback regarding the dam on the Oyster River. I know the members of the Council will appreciate it.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
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**From:** Michael Bicks <michaelbicks@littlebaypictures.com>  
**Date:** Monday, January 11, 2021 at 5:17 PM  
**To:** Durham Town Council <council@ci.durham.nh.us>  
**Subject:** The Oyster River Dam  
**Resent-From:** <council@ci.durham.nh.us>

Dear council members, sorry about the lateness of this email. I am writing in support of eliminating the dam and restoring the river to its natural state. As I am sure you are aware in the past few years there has been a movement to return rivers to their original path. This is due in large part to an understanding of the damage that they have done, in particular to fish populations.

I am fortunate to live on the bay and am acutely aware it's tenuous ecological hold. The more we can do to support its tributaries the better.

I know that there is a desire to put this to a community vote. To do that would be to shirk your responsibility. It is clear in this case what the right thing is.

Please do it.

All the best

Michael Bicks/Ellen Schlefer 28 Colony cove road

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 5:13 PM  
**To:** rachel rouillard; April Talon  
**Cc:** Richard Reine  
**Subject:** Re: Mill Pond dam removal - an email from Rachel Rouillard

Dear Rachel,

Thank you very much for this feedback regarding the dam on the Oyster River. It has been forwarded along to the Council.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
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**From:** rachel rouillard <rachellrouillard@gmail.com>  
**Date:** Monday, January 11, 2021 at 5:11 PM  
**To:** Todd Selig <tselig@ci.durham.nh.us>, April Talon <atalon@ci.durham.nh.us>  
**Subject:** Mill Pond dam removal

Good afternoon Todd and April:

I'm aware of the public hearing this evening, regarding the Mill Pond dam. Although these issues are very complex, I wanted to weigh in with support for dam removal, because of all of the benefits that come with removal over time. This is my personal position as a resident, and not in my role as PREP Director. PREP doesn't take positions on local issues such as these, although we do have dam removal as an action plan in our Comprehensive Conservation Management Plan, to facilitate fish returns and reestablish natural processes of our riverine systems.

Thank you,

Rachel

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 5:07 PM  
**To:** April Talon; Richard Reine  
**Subject:** FW: Comments for Mill Pond Dam hearing

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**From:** Cat Ashcraft <catashcraft@gmail.com>  
**Date:** Monday, January 11, 2021 at 5:01 PM  
**To:** Durham Town Council <council@ci.durham.nh.us>, Jennie Berry <jberry@ci.durham.nh.us>  
**Subject:** Comments for Mill Pond Dam hearing  
**Resent-From:** <council@ci.durham.nh.us>

Dear Durham Town Council,

I am writing to share my perspective on the decision about the Mill Pond Dam. The decision about the Durham Mill Pond Dam, like other environmental conflicts, involves complex tradeoffs between different natural resource uses and diverse stakeholders and will have a significant impact on public resources. In the case of the Mill Pond Dam, I feel the benefits dam removal provides for public safety, restoring habitat for fish and other wildlife, and overall ecosystem health outweigh the importance of preserving the structure. I support Alternative #5: Dam removal.

As an introduction, I live in Durham in the Foss Farm neighborhood that is adjacent to the Oyster River. I am an Assistant Professor of Natural Resources and the Environment at the University of New Hampshire with research interests in environmental policy and planning, with particular interests in water issues, climate adaptation, and negotiation and public dispute resolution.

Consistent with the Oyster River's designation under the New Hampshire Rivers Management and Protection Program, a decision to remove the Mill Pond Dam, will help, "...protect our state's significant river resources for the benefit of present and future generations" (for more information on the NH Program see [here](#)).

- Increasing intensity of rainfall in the Northeast increases the public safety hazard posed by the dam to downstream residences and public spaces. Removing the dam will do more to **improve public safety** over the long run, in comparison to stabilizing the dam.
- Removing the dam is **fiscally responsible**. If the Town decides to stabilize the dam, it will cost Durham over \$4,000,000. A decision to remove the dam will cost around \$1,300,000, but will be eligible for federal, state, and nonprofit grants, for example through the NH Aquatic Resource Mitigation Fund. If the Town decides to remove the dam, Durham can expect to pay less than the \$1,300,000.
- Removing the dam will provide **ecosystem benefits** for water quality, coastal resilience, and habitat and passage for fish and other species, such as blueback herring and sea lamprey. Removal will also provide ecosystem **benefits along the Oyster River and to other towns** that collaborate on the Oyster River Management Plan. A decision by Durham to remove the



Mill Pond Dam could catalyze considerations by UNH to remove or modify its dam upstream of the Mill Pond Dam to improve fish passage, which would provide even greater ecosystem benefits to the watershed.

- Restoring the river reconnects the Town and Oyster River system, also called Shankhassick with **Native American heritage**. Presenting a decision to remove the dam as a decision against preserving Durham's industrial heritage sets up a false choice. Many New England towns have removed dams and improved opportunities to communicate and connect with their industrial history (for example the Town of Exeter), for example through new interpretative signage and photographs.

Finally, **stewardship for the public interest**. In New Hampshire, water flowing by or through a property and fish, wildlife, and marine resources are held in trust by the state and stewarded for the benefit of the public. In addition to the important perspectives voiced through town comments and meetings, I urge the Town Council to consider the broader public interest because the decision Durham makes will have significant impacts on public resources. Several colleagues and I conducted statewide public opinion polling to learn about what New Hampshire residents would like to see happen to dams, in general. We learned that most NH residents have not heard about the issue of removing old dams, but when asked 67% think such dams should be removed in some or most cases, while only 18% do not think any dams should be removed. The more people have heard or read about dams, the more likely they are to support dam removal (more [here](#)). When asked about commonly heard arguments in favor of keeping dams, a majority prefer to remove dams when the alternative is to keep them for maintenance of waterfront property values, preservation of industrial history, or maintenance of lake- and pond-based recreation (more [here](#)). The only alternative where a majority prefers to keep dams is when dams are for hydropower generation. Implementing whatever decision Durham makes will require the use of public funds, the time and effort of public officials, and will impact public natural resources. To ensure that taxpayers' contributions are properly allocated, I hope the Town Council will keep in mind this information about the perspectives of a diverse and representative group of NH residents as a complement to the information from Town hearings and comments.

I appreciate the diverse perspectives on this issue and the Town Council's time and energy. I urge the Town Council to support removal of the Mill Pond Dam.

Best Regards,  
Catherine Ashcraft

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 5:04 PM  
**To:** April Talon; Richard Reine; Jim Rice  
**Subject:** FW: Letter for public input on the Mill Pond Dam  
**Attachments:** Durham Town Council Letter 1.11.2021\_NLD.pdf

All,

For your general information.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** "Diessner, Natallia" <nhe4@wildcats.unh.edu>  
**Date:** Monday, January 11, 2021 at 4:59 PM  
**To:** Durham Town Council <council@ci.durham.nh.us>  
**Cc:** Todd Selig <tselig@ci.durham.nh.us>  
**Subject:** Letter for public input on the Mill Pond Dam  
**Resent-From:** <council@ci.durham.nh.us>

Dear Council Members,

I am submitting the attached letter in hopes that it can contribute to tonight's discussion on the Mill Pond Dam on the Oyster River. If allowed and possible, please read this into the record. For transparency purposes, I am not a Durham resident but I am a full-time graduate student at the University of New Hampshire with a study directly relevant to this discussion.

Thank you for considering my input.

Sincerely,

**Natallia Leuchanka Diessner**

Ph.D. Candidate, Natural Resources & Environmental Studies  
Dissertation Year Fellow, Graduate School  
Senator, Graduate Student Senate  
University of New Hampshire, Durham, NH, USA  
E-mail: [nhe4@wildcats.unh.edu](mailto:nhe4@wildcats.unh.edu)

January 11, 2021

Durham Town Council  
8 Newmarket Road  
Durham, NH 03824

Dear Council Members,

I am a doctoral candidate in the Natural Resources and Environmental Studies degree program at the University of New Hampshire. I am writing to you in advance of tonight's Durham Town Council meeting and public hearing on the Mill Pond Dam to ask you to consider perspectives from the broader community regarding the future of Oyster River's Mill Pond Dam.

Specifically, I would like to share a recent study I co-authored along with my colleagues – I believe this might be of interest to you considering the discussion regarding removal of the Mill Pond Dam on the Oyster River. The peer-reviewed study is titled "I'll be dammed! Public preferences regarding dam removal in New Hampshire" and was published on November 18, 2020 in the scientific, peer-reviewed journal *Elementa: Science of the Anthropocene*. The full study can be found in [this](#) link and the condensed version in a form of a policy brief can be found in [this](#) link. It is important to note that this study went through a thorough peer-review process, and that peer-reviewers are anonymous and have no conflicts of interests related to any of the authors, which makes the review process even more rigorous.

The aforementioned study outlines findings from three telephone surveys conducted with over 1,500 people in New Hampshire (NH) over the course of February, April, and August 2018. Data was collected using random sampling of cell and landline phone numbers and adults within households were randomly selected. The survey asked respondents a series of questions regarding opinions around dam removal in NH. Two of the key findings of the study are as follows:

- (1) A majority of respondents across all three surveys prefer to remove dams when the alternative is to keep them for maintenance of waterfront property values, preservation of industrial history, or maintenance of lake- and pond-based recreation.
- (2) A majority of survey respondents prefer to keep dams when dams are used for hydropower generation.

While the survey did not specifically focus on the Mill Pond Dam in Durham, findings of this study can supplement input heard at the meeting, as results reveal the importance of considering opinions of a more demographically representative public in decisions about dams that often involve the use of public funds.

I imagine that the decision about the future of the Mill Pond Dam may not be an easy one to make, as the dam holds value to community members with diverse interests and historic ties to the site. I urge you to please consider these diverse interests and voices throughout your decision-making process. For example, when considering the historic value of the site, please also consider the pre-colonial indigenous history of the Oyster River. Incorporating diverse perspectives into your decision-making will result in a more democratic process and equitable outcomes.

As a co-author of this study, I am happy to have a follow-up conversation, should any members of the Council have questions for me. I appreciate your time and thank you for the opportunity to share my opinion from a data-based perspective.

Sincerely,

Natallia Leuchanka Diessner  
PhD Candidate, Natural Resources & Environmental Studies  
University of New Hampshire, Durham, NH



## April Talon

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**From:** Dennis Meadows <latailled@aol.com>  
**Sent:** Monday, January 11, 2021 4:29 PM  
**To:** April Talon  
**Cc:** PWalker@VHB.com  
**Subject:** From Dennis Meadows: Peter's points

April,

During my 40 years directing policy institutes at MIT, Dartmouth, and UNH I wrote many reports like the one vbh submitted. I remain enormously impressed by their work. Frankly, I cannot imagine how they did that study for the amount they were paid. No study is perfect, but I have not found any important errors or inconsistencies in their work. On the contrary, their study was an amazingly comprehensive. And I have actually read the entire 158 pages.

Thus it is important to me that my memo was not misunderstood.

Fact. 1: Generally speaking I am in favor of removing dams. But the special history and location of the Mill Pond Dam make it an exception. Among many considerations is that sea level rise will affect the area behind the dam, if we remove it. Salt intrusions and storm surges will affect it in ways we cannot now predict with any confidence, but climate change and 350 year's of accumulated silt both make a fantasy of the idea we can return that reach to its pristine state of 350 years ago.

Advocates of removal cite Exeter, where I think removal was the correct policy. They don't cite Newmarket, where it was the wrong policy. I think even NH Fish and Game came to decide it was better for the dam and fish ladder to remain in Newmarket.

Fact 2: I believe we are in full agreement about this. I appreciate Peter's more precise numbers on the gain to fish habit. It does not affect my point.

| The cost estimates were prepared and checked by our engineering team using best practices. If Dennis has found errors or ambiguities, then VHB is prepared to issue clarifications or corrections as needed.

Fact 3: My point about cost numbers was directed 100% to the Town Council, not to vbh. I think the vbh numbers are the best we can do. I was only cautioning the Council that cost should not be the main determinant of the dam decision. We should focus on goals before budgets, not on budgets before goals.



## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 8:32 AM  
**To:** Denis, Clyde  
**Cc:** April Talon; Richard Reine; Jim Rice  
**Subject:** Re: Mill Pond Dam removal

Dear Clyde and Jan,

Thank you very much for this email concerning the future of the Mill Pond Dam on the Oyster River. I know the Council will give it careful consideration as part of its decision making process.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

*Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!*

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**From:** "Denis, Clyde" <Clyde.Denis@unh.edu>  
**Date:** Monday, January 11, 2021 at 8:28 AM  
**To:** Durham Town Council <council@ci.durham.nh.us>  
**Cc:** Joshua Meyrowitz <prof.joshua.meyrowitz@gmail.com>  
**Subject:** Mill Pond Dam removal  
**Resent-From:** <council@ci.durham.nh.us>

To Durham Town Council-

I am writing you ahead of today's January 11, 2021 meeting in respect to the question of removing the dam at Mill Pond.

My wife and I --having been long-term residents of the Faculty Area since 1983 --are very strongly in favor of retaining the Mill Pond Dam.

There are four reasons for why we do not want the dam to be removed.

1. Visually and scenically, the presence of the dam creates a pond and waterway that is a unique habitat and ecological system. From our observation of almost forty years, this centrally located Mill Pond in Durham attracts an abundance of migrating and resident birds. It hosts a diverse group of other animals that we and the community have enjoyed. Because such areas are rare in Durham, removing the dam would destroy this environment and severely delimit the fresh water locations in the town where such bountiful life can be observed.

2. The Mill Pond and waterway provide unparalleled winter recreation activities —once the ice freezes over. Again, we have observed many community members each season use this area for skating, skiing, walking, and rambling. Removal of the Mill

Pond Dam would very significantly affect residents' abilities to enjoy these outdoor activities in the community. Consequently, the loss of the pond would have a considerably negative effect on the integrity and commonality of our community.

3. As a property owner in the Faculty Area, we are very much concerned about the impact of removing the Mill Pond Dam on our property values and on congestion in the area. I would expect that most —if not all --of the owners of property directly adjacent to the Oyster River and its associated waterway bought their lands because it was next to water. A significant water boundary would have provided the benefits mentioned above and also warm weather use. Importantly, such a waterway would have reduced the ability of people to access their properties from the water side. The benefit of this isolation cannot be overestimated.

These benefits would have increased the property values of the abutting homes. Correspondingly, property values of the Faculty Area would have increased. Removal of the dam and eradicating this significant waterway will decrease the property values of abutting homes and those of the larger area.

Moreover, without a waterway, it would be expected that an increased number of people during all seasons will be able to wander up the former river area and its attached waterway and destroy the isolation that the waterways used to provide, especially in the warmer months.

4. Removal of the dam will make Durham a much less attractive place to live. Any individual —whether it be a resident or the visiting family of a prospective student to the University —will have enjoyed and been enriched by this unique gateway to the community. Removing the pond would diminish even this first drive-by --and continual immersion —of an attractive waterway.

Overall, we find only considerable negative effects of this dam removal.

We also strongly encourage the Town Council to put this issue up to a vote of the Durham residents in order to properly assess their views on this matter.

Thank you for your considerations.

Clyde and Jan Denis

29 Garden Lane  
Durham, NH

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 8:33 AM  
**To:** h. heilbronner  
**Cc:** April Talon; Richard Reine; Jim Rice; Karen Edwards  
**Subject:** Re: T.C. 12/11 meeting on M.P. Dam

Dear Mrs. Heilbronner,

Thank you very much for this email concerning the future of the Mill Pond Dam on the Oyster River. I know the Council will give it careful consideration as part of its decision making process.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

*Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!*

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**From:** Karen Edwards <[kedwards@ci.durham.nh.us](mailto:kedwards@ci.durham.nh.us)>  
**Date:** Monday, January 11, 2021 at 8:12 AM  
**To:** Todd Selig <[tselig@ci.durham.nh.us](mailto:tselig@ci.durham.nh.us)>, Allan Howland <[al.howland.13@gmail.com](mailto:al.howland.13@gmail.com)>, Andrew Corrow <[andrew\\_corrow@yahoo.com](mailto:andrew_corrow@yahoo.com)>, Carden Welsh <[cnwelsh@me.com](mailto:cnwelsh@me.com)>, Dinny Waters <[dinny.tod@gmail.com](mailto:dinny.tod@gmail.com)>, 'Jim Lawson' <[lawsonje24@comcast.net](mailto:lawsonje24@comcast.net)>, "'kittyfmarple@comcast.net'" <[kittyfmarple@comcast.net](mailto:kittyfmarple@comcast.net)>, Sally Needell <[sneedelltc@gmail.com](mailto:sneedelltc@gmail.com)>, Sally Tobias <[Sally.tobias@me.com](mailto:Sally.tobias@me.com)>, Wayne Burton <[wburton@northshore.edu](mailto:wburton@northshore.edu)>  
**Cc:** Jennie Berry <[jberry@ci.durham.nh.us](mailto:jberry@ci.durham.nh.us)>  
**Subject:** FW: T.C. 12/11 meeting on M.P. Dam

Karen Edwards  
Administrative Assistant  
Town of Durham  
8 Newmarket Road  
Durham, NH 03824  
(603) 868-8064

-----Original Message-----

From: Phyllis Heilbronner [<mailto:h.heilbronner@comcast.net>]  
Sent: Sunday, January 10, 2021 5:45 PM

To: Karen Edwards

Subject: T.C. 12/11 meeting on M.P. Dam

Dear Karen, I'm not sure at this late date if you are the one to receive this, but yours is the address in my book, so could you forward this before the T.C. meeting tomorrow night?

To the Town Council members re the meeting 11/2021 on the Mill Pond Dam:

I strongly urge the Town Council to take a long view perspective on the 2 options being considered for the dam. Please consider option 5 on rehabilitation. I know from past experience, for comparison purposes, that once something is done, it can't be undone. Wisdom prevailed at the time Durham purchased Wagon Hill Farm, although the cost was considered high. Once gone to developers, it never could have become the treasure the members of the Town Council perceived. The dog and parking problems can be fixed, but once it was in private hands, it would never be the town treasure it has become.

The situation with the Mill Pond and Oyster River is comparable in the worth of being saved as a town treasure. My property abuts the river, so I have a personal interest in seeing daily how much it and the estuary beyond the dam are used and enjoyed by families, students, bird watchers, recreationers, etc. Taking down the dam would forever change what is now and can still be in the future a wonderful resource and signature of what the town of Durham values and makes Durham and the university such a beautiful place to live and learn. With last summer's heat (nice to think about right now), it was a wonderful refuge for so many, and one hopes can be again this summer, with the virus under control. Having a safe and scenic place to walk continues, as I know from my own frequent walks down to the landing. Winter is lovely there, too.

Please don't take that away and hold back on any decision that keeps the option open to look at how the dam can be saved. Generations from now, in addition to those of us who now see its great community value, will be grateful for your wisdom.

Thank you for your consideration, Phyllis Heilbronner, 51 (and 53) Mill Pond Rd.



## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 9:09 AM  
**To:** Freedman, Diane  
**Cc:** April Talon; Richard Reine; Durham Town Council; Jim Rice  
**Subject:** FW: Mill Pond/Oyster River Dam  
**Attachments:** freedman.millpond.pdf

Dear Diane,

Thank you for this very thoughtful feedback. I know the members of the Council will appreciate it.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

*Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!*

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**From:** "Freedman, Diane" <Diane.Freedman@unh.edu>  
**Date:** Sunday, January 10, 2021 at 9:17 PM  
**To:** Jennie Berry <jberry@ci.durham.nh.us>, Durham Town Council <council@ci.durham.nh.us>, Todd Selig <tselig@ci.durham.nh.us>  
**Subject:** Mill Pond/Oyster River Dam  
**Resent-From:** <council@ci.durham.nh.us>

January 19, 2021

Dear Council Members,

First, I apologize for the length of this letter and am grateful for your attention to it! I have spent thirty years along the impoundment dammed by the Oyster River Dam and have worked to maintain its quality (I served on the Mill Pond Task Force of the Durham Conservation Commission and am responsible for the signs about not feeding the wild fowl, the Master Plan Committee, and the Parks and Recreation Committee; I have written a book of poems and essays centered around what I have observed here; I teach university courses in nature writing; and I have written and spoken to the Town before on issues pertinent to the Oyster River dam and impoundment area). I have reviewed all the Mill Pond documents available on this site:

[https://www.ci.durham.nh.us/boc\\_conservation/mill-pond-park-dam-including-milne-property](https://www.ci.durham.nh.us/boc_conservation/mill-pond-park-dam-including-milne-property).

I support stabilizing the Oyster River Dam and its four-century-plus ecosystem (both biological and cultural). Thus, I concur with the views expressed by, among others, Dennis Meadows, Larry Harris, Beth Olshansky, Jeff Hiller, and Joan Bigwood Osborn.

While recognizing a different ecosystem perhaps existed previously, there have been too many changes, too much sedimentation, and there will be too many invasive plant species to easily facilitate the restoration to which some others seem committed. Moreover, the global seas will rise. Finally, as Dennis Meadows points out, with a new administration, there may well be funds to assist in dam restoration. The state suggests it already has low-interest loans available to those who would restore a dam for the many purposes ours serves.

I elaborate below many of my reasons for advocating what I do.

-The Ambursen dam itself is of HISTORICAL significance and on the NH Registry of Historic Places (one of 7 to save, it was thought), but so is the dam site itself, as there were dams before the present one. Thus, even if the present dam is refurbished or replaced, it is both the dam and the pond and the upriver beyond that have been central to Town and university history and memories. I take special notice of the recent letter of the HDC provided to the Council.

-Moreover, while removing dams holds ecological value in many places, the research is not in fact clear or strong on dam removal on small waterways or in New Hampshire and certainly not on a LOW-GRADIENT, LOW-FLOW, SMALL DAM IN THE HEART OF TOWN, IN ITS HISTORIC DISTRICT.

-The dam is beloved not only in the minds of residents but that of visitors, tourists, and members of the university community.

-In a Town that deeply values open land and public parks, the pond/impoundment is a defacto park or OPEN LAND, already possessed. If public funds are needed to restore the dam or raise it (which will increase the body of water, at least they will not be needed to purchase and create the open space in the first place).

-Its great reach affords complex scenic views and recreational activities and a DIVERSE ECOSYSTEM. Bear, coyote, bobcat, mink, otter, muskrat, beaver, fox, cormorant, osprey, great blue heron, kingfisher, seagull, swallows, bats, dragonflies, butterflies, painted turtles, snapping turtles, red-eared sliders, the rare blanding's turtle, green frogs, bull frogs, spring peepers, salamanders, sunfish, perch, ducks, mergansers, geese, swans, and waterlilies have all been seen, not a monoculture or full wall or screen of glossy buckthorn and deciduous trees climbing with poison ivy. The extensive open space and many of these species will suffer with dam destruction and removal.

-The impoundment itself performs due diligence at KEEPING BACK GLOSSY BUCKTHORN, JAPANESE KNOTWEED, POISON IVY, PURPLE LOOSESTRIFE AS WELL AS MOSQUITOES AND TICKS, all species global warning is posited to make more prevalent, the latter of which carry disease. It is the view of many that removal of the dam will make the battle against these invasives that much harder and way more costly in the heart of our Town.

-It also keeps down the threat of these species on contiguous landscapes, the three dozen or more abutting residences, and those farther away, too, those yards where birds and animals disseminate seeds. The fewer plants one place, the fewer in others, in other words. Thus the water and what it achieves makes for greater resident enjoyment of their space, public and private.

-The entire impoundment offers (free!) RECREATION good for PUBLIC HEALTH and MENTAL WELL-BEING. In seasons with open water, the impoundment floats boats; in winter, the full length of the impoundment it hosts skaters, skiers, snowshoers, winter walkers, serving as a destination but also as a frozen bridge to and from the Foss Farm trails at the upper reaches and the MacDonald preserve in the middle and the Milne park and Mill Pond park as one moves closer to the dam. The former impoundment will be impassable to humans were the dam to be removed. Removing the dam will not mean a free-flowing river or a place that freezes evenly enough for one to risk walking along it without muck or suck.

-To the 35 residents of my street, Laurel Lane, losing the dam means loss of our backyard place to skate, walk, snowshoe, ski, boat, and meet up with community members while doing so (not to mention lowered property value). Our car-free direct route to the many woods along the river goes away (the trail starts directly across from the properties at the Newmarket end of Laurel Lane). The waterway now leads us now to Foss Farm trails and beyond. Losing it, we on Laurel Lane will lose our room to roam without hitting busy route 108. On this short street we have no other resources. We will lose, I daresay, the strongest reasons most of us chose this street on which to reside and the reason we are willing to pay high taxes.

-The dam helps keep in place the SEDIMENT that the vhb team discusses will be mobilized through dam removal. As Dennis Meadows has noted in a correspondence to neighbors:

page 54 of the report states “In total, dam removal is expected to cause increase [to] the sediment load to the tidal reach beyond NH 108 by more than 262,000 ft<sup>3</sup> in 50 years.” To visualize this 262,000 ft<sup>3</sup> spread 2" deep would cover an area almost four times the size of the Mill Plaza. [The report indicates] “various metals including arsenic, cadmium, chromium, lead, and mercury (plus pesticides and polycyclic aromatic hydrocarbons) were also detected in the sediment samples.” [According to VNB, at every sampling station above the dam a metals concentration was found that] “indicates high risk of adverse effects to ecological receptors . . . accumulated sediments will remobilize.”

(If dredging is recommended, it will be easier to dredge out sediment above a dam than below it, in tidal waters.)

-Occasional draw downs when the dam has been opened have revealed to us that if the fullness of the river and beyond goes away, the now impounded area will grow glossy buckthorn, brambles, poison ivy, purple loosestrife, lose the open water that keeps off ticks and attracts the balance of creatures that keeps away the mosquitoes that attend the tidal parts of town and the deep woods. It will be a forest of glossy buckthorn impassable on foot by humans except in places cleared out (ask the owners of the Mill Pond Center property about their path along the pond edge or check out the island by the Olson home), harboring more ticks and mosquitoes than at present. It will likely be smelly.

-The edges of the Mill Pond itself on the Town side were largely impassable and inaccessible (and the view of the pond obscured) until resident Julian Smith and other volunteers did some regular clearing and adding of granite boulder benches. Thus, we should know it is not as though un-damming the river will suddenly signal a time of no or low maintenance. Dam removal may mean a temporary open channel for a small part of the area closest to the Mill Pond, but upstream, it will be mud flats, plant matter, trees, little hot pots and spots of wet. It will be fish, frogs, and turtles in a barrel--indeed, in a skillet--for herons, seagulls, cormorants. Then the narrow and shallow channel itself will be crowded in with shrubbery, trees, poison ivy. It will be too wet to walk on and too uneven and vegetated for skiing. It will not be navigable by boat. The problem of the river is constraints upstream and infill not only from eutrophication but road washout such that, as Jeff Hiller points out, opening the dam at times can help the fish (for which a fish ladder was created) without the entirety of the ecosystem--biological, cultural--being destroyed.

-Anyone in Durham can see this fill in with undesireables even if they do not walk in the woods--just about anywhere roadway edges have been disrupted, as by the recent expansion of route 108, invasives (poison ivy, that invasive mustard-related plant) or simply nuisance vegetation thrives, and its removal/maintenance is likely under or not calculated in the cost of making such changes as the Town or the State have. Other experiences with the difficulty of invasives include the Doe Farm experiment and the knotweed that tasks Public Works along Mill Pond Road.

-Several of us have provided photographs to the Town of what the area looks like when the dam has been opened. It is NOT a pretty sight and though less unsightly perhaps decades after dam removal—it will also likely not even be the “meadow” Dennis Meadows says might be the outcome of doing nothing but a “sight” no humans can get to because of the whip-like glossy buckthorn. Better occasional openings of the dam than a permanent one.

-Thus, maintenance of the aftermath of a removed dam, even just in the immediate pond area let alone the upstream “pond,” will likely be just as or more costly than dam and pond maintenance would be.

-Dam removal means the likely loss of PROPERTY-TAX REVENUE through re-assessments of land whose resources and quality of life will have been significantly diminished.

-The Newmarket dam over the Lamprey River is far larger and likely more expensive to repair and maintain, but Newmarket recognized the social, aesthetic, economic, recreational, historic benefits and more of keeping it even with the much greater flow at its place along its river than ours would ever enjoy. Like Newmarket, Durham is on the scenic Mill byway.

I urge that all aspects, including history, scenery, health, art, recreational activity, our human and non-human community, property values, and the practicality of doing what is simplest and most known, be taken into account. [For those who have not walked or boated the length of the impoundment (up to Hamill Brook), residents have long provided photographs to the Town of the pond in all seasons as well as the pond at drawdown (I know I have along with Leslie Schwartz, Jerry Olson, Andrea Bodo) and photographs have appeared in Town annual reports, the Town website, the Mill Pond webpages, Friday updates, and *Foster's Daily Democrat*.]

Thank you again for your time and attention to this important asset.

Most sincerely,

Diane P. Freedman



January 19, 2021

Dear Council Members,

First, I apologize for the length of this letter and am grateful for your attention to it! I have spent thirty years along the impoundment dammed by the Oyster River Dam and have worked to maintain its quality (I served on the Mill Pond Task Force of the Durham Conservation Commission and am responsible for the signs about not feeding the wild fowl, the Master Plan Committee, and the Parks and Recreation Committee; I have written a book of poems and essays centered around what I have observed here; I teach university courses in nature writing; and I have written and spoken to the Town before on issues pertinent to the Oyster River dam and impoundment area). I have reviewed all the Mill Pond documents available on this site: [https://www.ci.durham.nh.us/boc\\_conservation/mill-pond-park-dam-including-milne-property](https://www.ci.durham.nh.us/boc_conservation/mill-pond-park-dam-including-milne-property). I support stabilizing the Oyster River Dam and its four-century-plus ecosystem (both biological and cultural). Thus, I concur with the views expressed by, among others, Dennis Meadows, Larry Harris, Beth Olshansky, Jeff Hiller, and Joan Bigwood Osborn.

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(If dredging is recommended, it will be easier to dredge out sediment above a dam than below it, in tidal waters.)

-Occasional draw downs when the dam has been opened have revealed to us that if the fullness of the river and beyond goes away, the now impounded area will grow glossy buckthorn, brambles, poison ivy, purple loosestrife, lose the open water that keeps off ticks and attracts the balance of creatures that keeps away the mosquitoes that attend the tidal parts of town and the deep woods. It will be a forest of glossy buckthorn impassable on foot by humans except in places cleared out (ask the owners of the Mill Pond Center property about their path along the pond edge or check out the island by the Olson home), harboring more ticks and mosquitoes than at present. It will likely be smelly.

-The edges of the Mill Pond itself on the Town side were largely impassable and inaccessible (and the view of the pond obscured) until resident Julian Smith and other volunteers did some regular clearing and adding of granite boulder benches. Thus, we should know it is not as though un-damming the river will suddenly signal a time of no or low maintenance. Dam removal may mean a temporary open channel for a small part of the area closest to the Mill Pond, but upstream, it will be mud flats, plant matter, trees, little hot pots and spots of wet. It will be fish, frogs, and turtles in a barrel--indeed, in a skillet--for herons, seagulls, cormorants. Then the narrow and shallow channel itself will be crowded in with shrubbery, trees, poison ivy. It will be too wet to walk on and too uneven and vegetated for skiing. It will not be navigable by boat. The problem of the river is constraints upstream and infill not only from eutrophication but road washout such that, as Jeff Hiller points out, opening the dam at times can help the fish (for which a fish ladder was created) without the entirety of the ecosystem--biological, cultural--being destroyed.

-Anyone in Durham can see this fill in with undesireables even if they do not walk in the woods--just about anywhere roadway edges have been disrupted, as by the recent expansion of route 108, invasives (poison ivy, that invasive mustard-related plant) or simply nuisance vegetation thrives, and its removal/maintenance is likely under or not calculated in the cost of making such changes as the Town or the State have. Other experiences with the difficulty of invasives include the Doe Farm experiment and the knotweed that tasks Public Works along Mill Pond Road.

-Several of us have provided photographs to the Town of what the area looks like when the dam has been opened. It is NOT a pretty sight and though less unsightly perhaps decades after dam removal--it will also likely not even be the “meadow” Dennis Meadows says might be the outcome of doing nothing but a “sight” no humans can get to because of the whip-like glossy buckthorn. Better occasional openings of the dam than a permanent one.

-Thus, maintenance of the aftermath of a removed dam, even just in the immediate pond area let alone the upstream “pond,” will likely be just as or more costly than dam and pond maintenance would be.

-Dam removal means the likely loss of PROPERTY-TAX REVENUE through re-assessments of land whose resources and quality of life will have been significantly diminished.

-The Newmarket dam over the Lamprey River is far larger and likely more expensive to repair and maintain, but Newmarket recognized the social, aesthetic, economic, recreational, historic benefits and more of keeping it even with the much greater flow at its place along its river than ours would ever enjoy. Like Newmarket, Durham is on the scenic Mill byway.

I urge that all aspects, including history, scenery, health, art, recreational activity, our human and non-human community, property values, and the practicality of doing what is simplest and most known, be taken into account. [For those who have not walked or boated the length of the impoundment (up to Hamill Brook), residents have long provided photographs to the Town of the pond in all seasons as well as the pond at drawdown (I know I have along with Leslie Schwartz, Jerry Olson, Andrea Bodo) and photographs have appeared in Town annual reports, the Town website, the Mill Pond webpages, Friday updates, and *Foster's Daily Democrat*.]

Thank you again for your time and attention to this important asset.

Most sincerely,

Diane P. Freedman



## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 9:13 AM  
**To:** Carolyn Singer  
**Cc:** April Talon; Richard Reine; Jim Rice  
**Subject:** FW: Letter to Town Council  
**Attachments:** Singer Popecki Family Letter to TC re- Mill Pond Dam.docx

Dear Carolyn,

Your letter has been shared with the Council. I think you raise a very thoughtful point about the financial support and attention given to open space versus historical resources over the last 20 years. Thank you.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

*Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!*

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**From:** Carolyn Singer <nhgrantwriter@aol.com>  
**Reply-To:** Carolyn Singer <nhgrantwriter@aol.com>  
**Date:** Sunday, January 10, 2021 at 8:30 PM  
**To:** "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>  
**Cc:** Todd Selig <tselig@ci.durham.nh.us>, Jennie Berry <jberry@ci.durham.nh.us>  
**Subject:** Letter to Town Council

Hello Kitty,

Would you mind passing this letter on to the TC. I'm afraid because of my email address it might go into their spam.

Thanks very much,

Carolyn Singer, Margot Popecki, and Mark Popecki

**Date: January 10, 2021**  
**From: Carolyn Singer, Margot Popecki, and Mark Popecki**  
**To: The Durham Town Council**  
**Re: Support of Alternative #3 – Mill Pond Stabilization**

To date you have received many thoughtful and compelling letters on why the Mill Pond Dam should be stabilized: its importance as a gateway to Durham, its high value as a cultural/historical resource, its role in the development of Durham, its role in increasing property values, its importance as a technological innovation, and its role in fostering civic enjoyment and pride. I hope you will give these letters the serious attention they deserve.

Environmentalists want the Mill Pond Dam removed, the historic preservationists want it preserved, and, well, the community just wants to retain its special places. The bottom line is that we all share the same core values. We all want to protect resources that provide significant benefits to Durham's residents.

But, let's talk about how Durham has approached conserving land versus how it has approached the protection of historical resources. Because, I notice a clear bias.

In spending some time on the Town's website, I was struck by the large number of conservation areas owned and managed by the Town:

- Doe Farm
- Longmarsh Preserve
- Milne Nature Sanctuary
- Oyster River Forest
- Oyster River Greenway
- Spruce Hole Bog Conservation Area
- Stevens Woods
- Stolworthy Wildlife Sanctuary
- Thompson Forest

As a Durham resident I love this, both because of the environmental protections they offer, and because I like to walk 2 to 4 miles a day.

As I continued to investigate the website, I found that in 2003 Durham approved a warrant article authorizing a \$2.5M bond to fund land conservation projects in Durham. And, in just the period between 2004-2008, Durham purchased the Mill Pond Center Easement for \$70,000, The Emery Farm Easement for \$425,000, the Merrick Easement for \$75,000, the Langley Farm Easement for \$300,000, the Beaudette Woodlot for \$200,000, the Fogg Farm Easement for \$695,000, and the Roselawn Farm Easement for \$170,000. Again, remember this was just for the period 2004-2008, I suspect a lot more funds for easements have been spent since then.

I then turned to look to see what the Town listed as its historical assets. I saw five.

- Hamilton Smith Memorial Chapel
- Old Brick Town Hall
- Town Pound (stone structure)
- Wagon Hill Farm
- Mill Pond Dam

Hamilton Smith Memorial Chapel is in the Durham Historic District, is listed on the New Hampshire State Register of Historic Places, and is on the National Register of Historic Places.

The Old Brick Town Hall is in the Durham Historic District, and is listed on the New Hampshire Register of Historic Places, and the National Register of Historic Places. Measured drawings and photographs of the Old Brick Town Hall were documented as part of the Historic American Buildings Survey and are preserved at the Library of Congress.

The Chesley Farm House at Wagon Hill Farm was just listed on the New Hampshire State Register of Historic Places in 2020. It would have been eligible for the National Register of Historic Places had the barn not been demolished in 2017.<sup>1</sup>

Last but certainly not least, the Mill Pond Dam is in the Durham Historic District, is listed on the NH State Register of Historic Places and was determined to be eligible for the National Register of Historic Places, a listing reserved for America's most important historical resources – eligible in a whopping 10 categories no less.

**With these designations affirming local, state, and national importance, these historic and cultural resources must receive the same level of protection and standard of care as Durham's vast conservation lands.**

My points:

- **Durham's historical and cultural resources have been given short shrift (either intentionally or unintentionally).** Even the Town's most obvious and valuable historic structures have, for decades, been systemically ignored.
- I am unaware of any historic or cultural resource having a defined "useful life." The site of the Mill Pond Dam has existed for more than 300 years – its loss would add to the ongoing erosion of the authenticity of Durham's man-built landscape and our connection to it.
- **The ratio of conservation investment to historic resource investment in Durham is skewed.** The removal of Mill Pond Dam would only compound that inequity. Its removal would further deprive Durham residents of one of its most iconic historic and cultural structures.
- According to the Town's 2011 Master Plan Survey 84% of citizens who completed the survey, "agree" or "strongly agree" that the Town should preserve historic structures in order to protect and promote historic and cultural character. Don't their views matter?
- While the Town has significantly increased access to conservation lands, **more than 29 historic properties in Durham have been destroyed, stolen (or scheduled for demolition) in recent years.**
- Larry Harris and Dennis Meadows both state removal of the dam will not necessarily "restore nature." Trust them – they have expertise in this area. **Work to preserve what**

**few historic resources Durham has left. Give the same respect, consideration, and financial support to historic resources as you do to conservation lands.**

- Efforts to revitalize the downtown and support local businesses are bolstered by attractive gateways to the community. Understanding the economic value of historic preservation can help local businesses thrive. Simply put, visitors go to communities that are physically attractive.
- **in 2003 Durham approved a warrant article authorizing a \$2.5M bond to fund land conservation projects in Durham. At the very least, the citizens of Durham should have the same opportunity to vote on a warrant article to determine the future of the dam should the Town Council consider its removal.**
- The Town Council needs to strongly support efforts by the Durham Historical Association and the Durham Historic District Commission/Heritage Commission to improve standards of care for all Town owned historical resources.

Please support Alternative #3 Dam stabilization.

Footnotes:

<sup>1</sup>Through the efforts of Nancy Sandberg, the Town is prepared to address the neglect/deferred maintenance of the Old Town Hall and the Chesley Farmhouse at Wagon Hill Farm with the exhaustive historic structure reports conducted by Aaron Sturgis in 2019.

It is important to note the historic barn at Wagon Hill Farm was demolished as recently as 2017 with an inappropriate replacement structure put in its place. - eliminating the barn's authenticity, historical significance, and financial value.

Carolyn Singer  
Margot Popecki  
Mark Popecki  
5 Woodridge Road  
Durham, NH 03824



## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 9:16 AM  
**Cc:** April Talon; Richard Reine  
**Subject:** \*FW: [POSSIBLE SPAM] Mon Jan 11 7p – Council Hearing: Mill Pond Dam to go? (+ more Durham Drama) - info. from Joshua Meyrowitz

**Importance:** Low

Dear Members of the Council,

For your general information.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

*Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!*

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**From:** Joshua Meyrowitz <Joshua.Meyrowitz@unh.edu>  
**Date:** Sunday, January 10, 2021 at 6:49 PM  
**To:** "Prof.Joshua.Meyrowitz@gmail.com" <Prof.Joshua.Meyrowitz@gmail.com>  
**Subject:** [POSSIBLE SPAM] Mon Jan 11 7p – Council Hearing: Mill Pond Dam to go? (+ more Durham Drama)

*NOTE: This email is formatted to read on laptop/computer screen – or on mobile device held horizontally. If you prefer to see the text of this email in an MS-Word doc, or if any of the provided links do not work, or if you have any other comments, questions, or suggestions (or offers of help!), please let me know. And if you know of other neighbors who might want to be added to the list for my bi-weekly updates, do share! – j m*

Dear Durham Neighbors,

There's a lot more Durham drama this week/month than is suggested in recent *Foster's* stories about dog poop and parking congestion at Wagon Hill Farm. If you support or oppose any or all of the Town-altering proposed changes described below, please let your voice be heard! **(Zoom links to upcoming meetings [here](#).)**

**<> The Town Council could vote on Mon to remove Mill Pond Dam (and Pond)** – removal is supported by the [Conservation Commission](#) and opposed by [Historic District Commission](#) & [Durham Historic Assoc](#); with residents deeply split, some calling for a ballot referendum instead of a Council Vote.

Join the Public Hearing on Monday ([agenda](#)). To speak over Zoom video, click on “Participants,” then click “Raise Hand” at the bottom to be recognized. Brief, polite comments are best. Studying some of the documents first could help!

Unfortunately, however, I can find no online site with all resident written input on the Dam since the debate began, despite multiple requests for such postings. That omission has hampered our ability to learn from and to be influenced by each other and to identify the best action. Many of the letters that people have forwarded to me offer much more nuanced analyses and suggestions than those in the hired consultant’s impressive [presentations](#), [reports](#) and [summaries](#). (See, for example, resident letters [here](#) and [here](#)). If you know of key postings/letters I might not have seen, let me know. **See more detailed info on this issue toward the end of this email.**

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<> On Wed Jan 13, the Planning Board (PB) is re-opening the Public Hearing on major [Zoning Amendments for Downtown](#), as [revised](#), which could bring 5-story buildings and drive-thrus. Public input led to changes/improvements; more public input could do the same!

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<> The Planning Board (PB) is again being asked to approve a massive football-field size [180-spot parking lot on Church Hill](#) (to be built on a proposed human-made mound of 16,000 tons of fill, held together by a 25-foot tall cinder-block retaining wall, topped with a 30” black aluminum fence, eliminating 1.3 acres of woods on an iconic lot that steeply slopes toward the Chesley Marsh & College Brook flood zone). On Jan 13 ([agenda](#)), the PB is scheduled to have a preliminary discussion (*not* a public hearing) of Conditional-Use criteria as they apply to this project; the Public Hearing continues on Jan 27. Also scheduled for Jan 13 are questions to the author of the submitted [Traffic Report](#). See [Citizen Comments](#) on this project, including [mine](#) outlining mismatches with Conditional-Use criteria, and critical questions about the validity of the applicant’s Traffic Report raised by [Dennis Meadows](#). [*Note that if you wrote a letter to the Planning Board on the “preliminary” design a year ago, you should revise & resubmit, as the earlier letters are not part of the current formal-application review.*]

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<> PB continues Public Hearing on controversial [Gerrish Extension](#) for 15 units on a 16-acre lot with wetland impact. Site Walk (noon Jan 13, corner Ambler/Gerrish), Public Hearing (Jan 13 7p) – neighbors claim there’s another access route with no wetland damage that is not being considered. (Watch ConCom [Dec 28 2020](#) resident input.)

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<> Continued Jan 27 PB Public Hearing on Colonial Durham Associates’ (CDA’s) [Mill Plaza proposal](#) for adding two multistory mixed-use buildings with expanded commercial space and 258 “student beds.” This hearing is the first to follow the Conservation Commission Jan 4 recommendation, detailed further below, for restoration of *zoning-required* 75’ wetland buffer free of impervious surfaces (which, *if* embraced by PB, would require changes to site plan). The plan still entails leaving the 52-yr old grocery building as it is, blasting away 1.1-acre of thickly vegetated hillside between current Bldg 2 and



Main St student housing. Hannaford won't approve the current site plan without the added Church Hill parking structure that would displace another 1.3 acres of adjacent woods, virtually eliminating Durham's remaining downtown urban forests. See tentative remaining [review schedule](#) and [Citizen Comments](#).

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<> Jan 20-Jan 29: Filing period for local March elections (including THREE Town Council seats).

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**Outline of Recent/Ongoing Events** (see details on selected items further below)

<> Dec 16 – PB Plaza Site Walk was brief “blindfold walk,” ignoring most basic [site-walk criteria](#)

<> Dec 16 – PB *again* displays confusion re: [required](#) Plaza Fiscal-Impact Analysis (FIA) ([video](#))

<> Dec 28 – ConCom is convinced by presentation in favor of Mill Pond Dam removal ([video](#))

<> Dec 28 – ConCom hears Gerrish Subdivision proposal details & spirited resident input ([video](#))

<> Jan 4 – ConCom calls for *restoring* required 75' wetland buffer along Brook in Plaza ([video](#))

<> Jan 7 – After Dam presentation & public input; HDC passes motion to preserve Dam ([video](#))

<> Residents in FB Group “[Responsible Plaza Development](#)” offer unique postings/comments

<> Foster's [Oyster River Rotner Bridge](#) (Thompson Ln/Orchard Dr) almost done! ([contrib form](#))

**More detail on selected Recent Events**

<> **Dec 16 – PB Plaza Site Walk was brief “blindfold walk,” ignoring most basic site-walk criteria**

In early December, residents with experience with site walks detailed for the Planning Board the essential requirements for a legitimate site walk for the current Mill Plaza proposal: [Robin Mower 12-1-20](#) & [Diane Chen 12-1-20 #2](#). Finally – members of the public thought – the Planning Board would extract the basic details of the Mill Plaza site plan that we have been requesting, without success, for 12 months: all structure boundaries marked (buildings, retaining walls, etc.), the 1.1-acre section of the targeted-for-destruction wooded hillside clearly marked, identified site boundaries, info on enhanced buffers to meet stringent conditional-use criteria that apply to this proposal, building and retaining wall and raised-surface heights indicated by Fire Dept & Public Works ladders, and viewings from Brookside Commons, Faculty Rd, Chesley Drive, etc. to compare actual sights with suspect illustrations submitted by the applicant.

Yet, almost none of what is required and was outlined in those two letters to the Board took place, even with residents present requesting it and reminding the Board chair of the submitted letters. Just about the only key things done involved a few cones marking *selected* corners of buildings and having *one* fire-engine ladder present to illustrate first the height of proposed Building B and then the height of proposed Building C. I tried to run to all adjacent residence areas, and Contract Planner Rick Taintor took [pictures](#) from the College Brook footbridge and from Chesley Dr. But the single fire ladder was not up for long at each of the two locations, and no PB members went to look from beyond the core of the site. Moreover, the whole site walk was finished in an hour, much less time than the more dedicated



Conservation Commission took for a narrower focus on the wetland implications of the site plan on Nov 20.

**(A possible reason for lack of focus on resident letters?** I just learned last week that the Planning Dept has quietly stopped its long-held policy of mailing *all* resident letters in hard copy to Board members in their pre-meeting weekend packets *when the public input is extensive*, which to my mind, is exactly the circumstance under which hard-copy documents are essential for Board members to be able to do careful review! This may explain why some Board members seem unfamiliar with, or forgetful of, the public input.)  
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<> **Dec 16 – PB again displays confusion re: [required Plaza Fiscal-Impact Analysis \(FIA\) \(video\)](#)**

The Planning Board was scheduled to have a Public Hearing in April 2020 (nine months ago!) about whether to commission an *independent* Fiscal Impact Analysis (FIA) on the overall impact on the Town of the proposed CDA Mill Plaza site, given the narrow data in the [applicant's submitted FIA](#). Overall fiscal impact goes far beyond that the Plaza site, in isolation, would have greater tax value after development than now (not a very high bar!). Moreover, such an overall study is, according to Attorney Mark Puffer (representing residents) *required* for a Conditional-Use proposal. (For example, if adding 258 student beds to Mill Plaza leads to more distant student housing turning to non-students as renters at a lower rent, particularly with the coming demographically driven significant enrollment drop from 2025 on, that could lead to other rental units losing tax value.) See my summary of [resident critiques of the narrow FIA submitted by CDA](#).

That Public Hearing on an independent FIA was delayed first to May 13, when the Board violated Public Hearing rules by not allowing members of the public to speak, while allowing the applicant (CDA) to dissuade the Board from approving an independent FIA (at least until CDA submitted a report it claimed would show whether the site plan would negatively impact the tax value of immediately adjacent homes, which is a narrower and quite different issue than an overall FIA – and also one that CDA addressed with a laughably absurd submission, as documented in [my](#) and many other residents' detailed critiques of the submitted "appraisal," e.g., [Currans & Wards](#)).

Although the Planning Board received **seventeen letters** (14 from residents, three from Attorney Mark Puffer) on what the letter writers detail as an inadequately narrow FIA submitted by CDA and the need for the independent FIA, the Board discussions were riddled with confusion over what report they were discussing and what was in it, as on Sept 23. (*Again, perhaps the new policy of not always sending hard copies of public input to Board members affected the ability of Board members to keep track of public input on the FIA.*)

Following the Sept 23 confusion, resident Diane Chen, with professional experience with FIAs, tried to set the Board straight, summarizing in a [one-page Oct 8 letter](#) the failures of the CDA FIA, as outlined in the prior letters the Board had received. That Chen letter apparently led to the topic re-emerging on PB agendas for subsequent meetings – but never actually being discussed until 10 weeks later! Then on Dec 16 at close to 11pm, the Board was understandably tired and seemed to have no clear recollection of the Chen letter, let alone the 17 letters cited and summarized in it, and almost dismissed the issue again after



bringing up topics that had almost no relationship to the submitted FIA or the resident and attorney letters. That led me to make a rather strong public-comment at 11:01pm ([video](#)). Some board members acknowledged being unprepared to revisit the issue at that moment, and discussion was extended to a future meeting (possibly Jan 27), and Contract Planner Rick Taintor offered to help the Board reconstruct their prior discussion of this topic.

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<> **Jan 4 – ConCom calls for restoring required 75’ wetland buffer in Plaza ([video](#))**

One of the four criteria for receiving a Conditional-Use permit to infringe on shoreland and wetland setbacks is that there is no alternative location for what a developer wants to put in the setbacks. With its proposed massive, almost edge-to-edge structures (and really *beyond* the edge with the planned blasting away of 1.1-acre of thickly vegetated hillside between the Plaza and Main St student housing to accommodate a massive Building C), CDA has proposed infringing on the wetland setback along College Brook with 45 parking spaces, a retaining wall, utilities, and an underground jellyfish detention system.

The Conservation Commission found in an earlier (2014) Durham proposal [8 Mathes Terr & 15 Madbury Rd Project](#) what seemed to be a parallel problem with the CDA proposal. The 2014 Conservation Commission wrote: *An alternative location outside of the wetland setback area would be feasible if the project was designed differently, and the scale of the building was reduced. There did not seem to be any practical reason that the construction needed to extend into the buffer area other than the developers were trying to make the building capacity as large as possible.... An alternative location outside of the wetland setback area would be feasible with a smaller building design...*

That type of reasoning informed the ConCom advice to the PB, excerpted below, though it was not explicitly included in the text of recommendation (subject to my transcribing errors and possible further refinements by the Commission):

*The Conservation Commission recommends that the Mill Plaza redevelopment be redesigned to restore a 75-foot vegetated wetland buffer devoid of impervious surfaces to achieve functions including, but not necessarily limited to, stormwater management working in concert with engineered systems, increased flood-plain capacity to the extent possible to reduce flooding impact on the opposite side of College Brook reported by the residents in that area, increasing habitat area, especially if existing habitat will be lost on the opposite side of the site, buffering light and noise pollution for the stream system and adjacent residences, improving green space and aesthetics. To achieve these functions, the Conservation Commission expects that the buffer would need to include not only an increase in habitat area but also sufficient height and density in vegetation. Exceptions to this recommendation would be at the entrance to the parking lot and the minimum distance needed to safely turn away from the wetland, and the gravel wetland proposed at the opposite end of the site....*

The full recommendation was approved 6-1, with the Planning Board rep to the ConCom voting “no.”

(You can see more on the 4 Conditional-Use criteria for wetland setback incursions, as debated by the 2009 Conservation Commission with respect to the Mill Plaza trying to add a number of for-rent parking

spaces within the setbacks on slides #8 & #9 in this presentation to the Conservation Commission: [Joshua Meyrowitz 11-19-20.](#))

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### Upcoming Events

- <> Jan 11, 7p – Town Council Public Hearing on Mill Pond Dam (remove or stabilize?)
- <> Jan 13, noon – Gerrish Extension site walk (meet at corner of Ambler & Gerrish)
- <> Jan 13, 7p – PB Hearings: Downtown Zoning, Gerrish Subdivision
- <> Jan 13, 7p – PB pre-discussion of Church Hill CU criteria & traffic report
- <> Jan 20-Jan 29: Filing period for local March elections (including THREE Town Council seats).
- <> Jan 27, 7p – PB Climate Action Master Plan & Public Hearings on Church Hill & Mill Plaza
- <> Feb 1 – [UNH plans for students to return to Durham - with COVID pretests](#)
- <> Tu March 9 2021 – Town Elections, including 3 Council Seats

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### More detail on Mill Pond Dam removal/stabilization debate

#### <> Jan 11, 7p – Town Council Public Hearing on Mill Pond Dam (remove or stabilize?)

Debates about the future of the Mill Pond Dam have centered around short- and long-term costs of different options (to the extent predictable), environmental impact (not entirely predictable either), appearance, odors (for tidal waters coming upstream), historical significance of dam, the “sense of place” the dam has created for Durham, recreational impact, property value impact of (and lower taxes from) homes that now have “waterfront property,” wildlife and plant changes, etc.

See [chart](#) of Dam Stabilization vs. Dam Removal, as the two of 5 options that are of prime focus now. See more extensive docs [here](#). Documents about the Mill Pond Dam are scattered across numerous Durham Town pages, including [here](#) and [here](#). See Town Committee [Statements/Recommendations](#) for the sharply contrasting recommendations.

Local recent newspaper stories (e.g., [June 11 2020](#)) suggest that the Town Administrator and Council have been inclined to remove the dam, arguing that it serves no significant purpose “except historic value.”

Debates of the Dam’s future go back some years, as seen in this 2017 column: [Our View: No easy solution for Mill Pond, dam](#). As I mentioned in opening to this email, I’ve seen some compelling letters on multiple perspectives on the Dam that are more nuanced than the publicly posted Dam Feasibility Study documents. But I’d like to see the full range of submitted letters over the years. I’ve been writing to Town officials for two years to request that resident letters that have been submitted on the Mill Pond Dam be posted in one place so that we can learn from each other and possibly alter each other’s thinking and have a better chance of reaching a consensus and a good solution to such a complex and costly issue.



I've been told that I would have to make a formal Right-to-Know request to see the letters written by my neighbors.

In better news, I was successful in encouraging Town Planner Michael Behrendt to post the few letters sent to the Historic District Commission (HDC) in advance of their Jan 7 meeting. See those [here](#). The HDC chair Andrew Corrow invited additional public input (even after they completed their recommendation), and perhaps further letters on the Dam sent to the HDC via Michael Behrendt would be posted there if not on a more general Town or Council site.

**Missing angles?** Although I initially found the presentations from the Town's consultant, Peter Walker of VHB, rather convincing and complete regarding environmental and scientific arguments (vs. what is sometimes characterized as "emotional" support for the Dam), recently written letters have led me to doubt that all the environmental facts have been taken into account in the posted Feasibility Study documents and related presentations. As just two examples, see the letters from the former chair of the UNH Biology Department, [Larry Harris](#), and the letter from internationally famous policy analyst [Dennis Meadows](#). The Conservation Commission did not see these and other possibly similar letters before their detailed and well-framed motion to remove the Dam was crafted and submitted, based on the environmental variables as they understood them from the VHB presentation on Dec 28. I think these two letters suggest the need for the Council to post all submitted resident letters to allow for fuller debate and analysis. I believe that we all have a lot more to learn from each other before finalizing such an important decision.

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As always, keep an eye on the [Mill Plaza CUP site](#) & [Citizen Comments](#) for recent and new additions (including those mentioned here). See more on the [Church Hill application](#) and see [Citizen Comments](#) on Church Hill parking mound. Also pay attention to the [Downtown Zoning Amendment](#) documents, including resident comments.

Stay safe and healthy, and stay tuned -- and *engaged!*

Best, Joshua

7 Chesley Drive, Durham, NH 03824

H—603-868-5090

**P.S. Watching/Participating:** The PB meetings are "hybrid" (the Chair & some Board members are in the Council Chambers; the others are on Zoom). The upcoming Council meetings are on Zoom only. **Members of the public can offer public comments from the podium in the room at the hybrid meetings or via Zoom audio/video or phone audio.** The meetings can be watched live on cable TV Ch 22 or DCAT streaming (and later "on demand").

To participate in the Planning Board and other meetings via Zoom, *register in advance* [here](#). After registering, you will receive a confirmation email containing information about joining the meeting. **Even very brief comments can have a powerful impact, as they are "public events" that Board members**

and other members of the public “witness,” and the comments make it into the minutes (which the Board has to review and approve at a subsequent meeting). *Submitting letters in addition to speaking is the dynamic-duo of public input.*

**Submitting letters to the Town Council:** Write to Durham Town Council <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)> (which also reaches Todd Selig and Administrative Assistant Jenny Berry). Current Council members (with the length of their terms) are listed [here](#).

**Submitting Letters for Any Planning Board (PB) Application:** To assure that the PB receives your letter (*on non-Mill Plaza issues*) prior to any Wednesday Public Hearing, write no later than 5 pm on Mondays to Michael Behrendt, Town Planner, [mbehrendt@ci.durham.nh.us](mailto:mbehrendt@ci.durham.nh.us) and/or to Karen Edwards, Administrative Assistant, [kedwards@ci.durham.nh.us](mailto:kedwards@ci.durham.nh.us). (See more details on timing of letters at the end of all PB agendas.) Until recently, letters submitted by the Thursday prior to a meeting (or even by 9:30am Fri morning) would get the maximum exposure to the Board by being mailed in hard copy with their pre-meeting weekend packets, *if* the letters are on topics on the agenda for that upcoming meeting. I just learned in early January, that this policy was quietly changed to not always sending the letters in hard copy, if the public input is extensive. (In my experience with reviewing complex issues, however, the logical practice is the opposite: the more extensive the material to review, the more essential it is to have it in hard copy for highlighting, annotating, organizing in separate piles/folders, etc.).

**For letters regarding the Mill Plaza,** please write your respectful “Dear Planning Board Members” email to Karen Edwards & to “Contract Planner” Rick Taintor [rtaintor@ci.durham.nh.us](mailto:rtaintor@ci.durham.nh.us), hired by Durham at \$125/hr after regular Planner Michael Behrendt critiqued an earlier Plaza plan (Site Plan #7) in November 2017 and was removed from oversight of the Mill Plaza review process by Town Administrator Todd Selig. Karen Edwards posts and distributes the letters; Rick Taintor tells me he does not forward emails he receives unless explicitly asked to do so. If I were on the Board, I would want to receive clearly written and polite letters in a large, readable font (12 pt or larger), broken up into paragraphs. For the most control over your formatting (such as not running over into a new page with just one or a few lines), MS-Word documents can be “saved as PDF” and then submitted as email attachments.

To be added to the Town Planner’s email list with updates on meetings and agendas, write to Michael Behrendt.

DUR J Jan 11 PH + Jan 9 2021 11.5 / 11 / 1.27 / 1.6

*Joshua Meyrowitz, Ph.D.  
Professor Emeritus  
Department of Communication  
Horton Social Science Center  
University of New Hampshire  
Durham NH 03824-2616  
603-862-3031 – 24-hr voice mail  
[joshua.meyrowitz@unh.edu](mailto:joshua.meyrowitz@unh.edu)  
<https://unh.academia.edu/JoshuaMeyrowitz>*



## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 9:18 AM  
**To:** john parsons  
**Cc:** April Talon; Richard Reine; Jim Rice; Christine J. Soutter  
**Subject:** Re: Remove the Mill Pond Dam - from John Parsons

Dear John,

Thank you very much for this feedback concerning the Mill Pond Dam on the Oyster River. We shall share it with the members of the Council for their review and consideration this evening.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** john parsons <jparsons62752@gmail.com>  
**Date:** Sunday, January 10, 2021 at 2:41 PM  
**To:** Todd Selig <tselig@ci.durham.nh.us>  
**Subject:** Mill Pond Dam

Good Morning, Todd -

I am writing to urge the town council to remove the mill pond dam.

Others have written about the environmental benefits of restoring the free-flowing river. Some have reminded us that history did not begin with the construction of this dam - or even with the building of the first dam on that spot in the 1600s. And the financial picture is quite clear. I need not repeat details of any of these topics of discussion.

The usefulness of this dam is long gone. It serves now only to provide limited recreation in winter and very limited recreation in warmer weather. There are other places to skate and watch wildlife in town and other, better, places to boat. The mill pond itself is sick - with too much nitrogen and too little oxygen, and I urge the council not to be swayed by the disingenuous, scare-tactic photos of the 2008 draw-down or the recent scenes of the Lamprey River during Newmarket's dam project. Nature will quickly begin to restore itself if we give nature a fair opportunity.

We can save money and improve our local environment at the same time by removing the dam.

I, too, used to enjoy skating on the mill pond and the river with my family, but I can't justify spending way too many taxpayer dollars to preserve a landmark of limited historical and recreational value, especially when the alternative can restore the river to a much healthier state.

Thanks for your consideration.

Regards.

John Parsons,

16 Stevens Way

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 9:20 AM  
**To:** April Talon; Richard Reine  
**Subject:** FW: Mill Pond Dam

Dear April and Rich,

For your general information.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** "kittyfmarple@gmail.com" <kittyfmarple@gmail.com>  
**Date:** Sunday, January 10, 2021 at 2:08 PM  
**To:** Daniel Day <rbdan@comcast.net>  
**Cc:** Durham Town Council <council@ci.durham.nh.us>, Jennie Berry <jberry@ci.durham.nh.us>, Todd Selig <tselig@ci.durham.nh.us>  
**Subject:** Re: Mill Pond Dam  
**Resent-From:** <council@ci.durham.nh.us>

Hi Daniel.

Thank you for this thoughtful perspective regarding the Mill Pond Dam. It is part of the public record.

Kitty Marple

On Jan 10, 2021, at 1:59 PM, Daniel Day <[rbdan@comcast.net](mailto:rbdan@comcast.net)> wrote:

To the Durham Town Council:

I am writing to urge you to protect, preserve, and restore one of Durham's most beloved historical resources, the Mill Pond Dam. For me, the dam is a constant reminder of the town's true history.

Many UNH students, visitors, and new residents are completely unaware that our town was settled over 250 years before the Durham campus even opened. I often take those

people down to the Landing where they are fascinated to see how our town was really founded. Durham has long been synonymous with UNH, but this dam is ultimately the heart of our town and the soul of our true identity.

The Oyster River will never be a free-flowing river as the dam upstream isn't going away. Instead, I urge the Council to take immediate steps to stabilize the dam, working with the Division of Historical Resources to make sure that much of the stabilization efforts can honor the dam's historical integrity as much as possible. I also urge the Town to come up with a long-term plan to address the present environmental concerns in Mill Pond, considering many of the ideas that advocates of the dam's preservation have proposed.

Sincerely,

Daniel Day

89 Bagdad Rd.  
Durham, NH 03824  
(603) 397-2526  
[rbdan@comcast.net](mailto:rbdan@comcast.net)

## April Talon

---

**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 9:36 AM  
**To:** Brian Keegan  
**Cc:** April Talon; Richard Reine; Christine J. Soutter; Jim Rice  
**Subject:** \*FW: In support of Mill Pond Dam Removal - from Brian Keegan  
**Attachments:** River Towns Research Brief Online 8.14.19.pdf

Dear Brian,

Thank you very much for this feedback. I know the members of the Council will appreciate it.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Brian Keegan <[info@oysterrivercycle.com](mailto:info@oysterrivercycle.com)>  
**Date:** Saturday, January 9, 2021 at 8:28 PM  
**To:** Durham Town Council <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>  
**Subject:** In support of Mill Pond Dam Removal  
**Resent-From:** <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>

Town Councilors,

The Mill Pond dam has served its purpose and its time has passed. We are at an inflection point that we could make a choice to move forward and embrace a natural course or attempt to rebuild a manmade barricade. As a local tax paying resident, I do not feel that I would like my tax dollars spent on a replacement that would require ever larger investments in the future. As a partner in a local business, I am in favor of removal because of the local economic benefits of having a free-flowing river close to the heart of town.

Towns throughout the state who have made the effort to highlight the rivers that run near their downtowns have shown great benefits to the local economy. Locally Exeter has seen an increase in the number of businesses in there downtown and has helped to attract more visitors. We can take the first steps by removal that will contribute to a better forward focused community that will attract new visitors who will discover the vibrant community we have.

Towns that work to highlight free flowing rivers benefit economically by attracting diverse businesses that help to enhance the community. By enhancing our local economy, we can start to attract more people to see Durham as a



desirable destination for more than just visiting UNH and show off all of the amazing open spaces we have just outside of our downtown.

Thank you for your time and appreciate your work. Please see attached Research Brief about River Towns in NH produced by local resident Shannon Rogers (she is also my wife).

Brian Keegan -Partner and General Manager Oyster River Cycle and Sport  
112 Madbury Rd  
Durham

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 9:36 AM  
**To:** Christine J. Soutter; April Talon; Richard Reine; Jim Rice  
**Subject:** FW: Mill Pond - feedback from Bernadette Komonchak

All,

For your information.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** "kittyfmarple@gmail.com" <kittyfmarple@gmail.com>  
**Date:** Saturday, January 9, 2021 at 8:12 PM  
**To:** Bernadette Komonchak <bernie\_nh@hotmail.com>  
**Cc:** Durham Town Council <council@ci.durham.nh.us>  
**Subject:** Re: Mill Pond  
**Resent-From:** <council@ci.durham.nh.us>

Hi Bernadette.

Thank you for sending your perspective along. We do appreciate it and it is part of the public record.

Kitty Marple

On Jan 7, 2021, at 6:26 PM, Bernadette Komonchak <[bernie\\_nh@hotmail.com](mailto:bernie_nh@hotmail.com)> wrote:

I attended, along with many townspeople, the meeting held many years ago to determine the fate of Mill Pond. Two groups for whom I have high regard, the conservation group and the historical society, presented their cases. Following that meeting the town council elected to do nothing except allow the pond to degrade to the sad condition it is in now. One thing I remember from that meeting is that there are a number of other dams above ours. If the goal is restoration of the river, wouldn't a state program be a better course? Is taking our one dam down going to achieve the goal of the conservationists? I have also heard rumblings about turning the pond lands into a park. I am for leaving it in its natural state so we can continue to observe the wildlife around the pond.

For those of us with long memories, we mourn the loss of the pond as a gathering place for skaters from all over Durham. Young kids, teenagers, UNH students and oldsters all congregated on the pond. On moonlit nights, teenagers

from Faculty neighborhood extended the skating into the night. Neighborhood children, now grown, have fond memories of those days.

I acknowledge that my affection for the pond is based on my 47 years of walking there and on to the estuary below the dam. Removing the dam would surely eliminate the pond and reduce the water entering the bay to a small stream. It's hard for me to picture that. I have friends who are more recent arrivals to Durham who view the pond as an eyesore. As I've said before, there are lovers of parks and lovers of nature with all its wildness and complexity. I'm in the second category.

Bernadette Komonchak  
1 Thompson Lane

Sent from Jupiter

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 9:43 AM  
**To:** Brooke Baldwin  
**Cc:** April Talon; Richard Reine; Christine J. Soutter; Jim Rice  
**Subject:** \*FW: Mill Dam letter - support for dam removal from Brooke Baldwin  
**Attachments:** Mill Pond Dam letter.pdf

Dear Brooke,

Thank you very much for this feedback concerning the future of the Mill Pond Dam on the Oyster River. I know the members of the Council will appreciate it and consider carefully the perspective you raise.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
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**From:** Brooke Baldwin <[brookebaldwin@outlook.com](mailto:brookebaldwin@outlook.com)>  
**Date:** Saturday, January 9, 2021 at 6:39 PM  
**To:** Todd Selig <[tselig@ci.durham.nh.us](mailto:tselig@ci.durham.nh.us)>, Jennie Berry <[jberry@ci.durham.nh.us](mailto:jberry@ci.durham.nh.us)>, April Talon <[atalon@ci.durham.nh.us](mailto:atalon@ci.durham.nh.us)>  
**Subject:** Mill Dam letter

Attached please find my letter in support of the removal of Mill Pond dam.

Thank you,  
Brooke Baldwin



January 8, 2020

Dear Durham Town Council members,

I write to express my strong support for removal of the Mill Pond dam.

I grew up in Maine, a state that is at the forefront of dam removal and the sustainable harvesting of alewife, a keystone species known as the “fish that feeds all.” In a number of locations in Maine, I have witnessed the absolute majesty of a free-flowing river full of fish, primarily alewife. Words cannot entirely express the awe I feel when I see the water dark with fish bodies as they come into freshwater rivers, lakes and streams to spawn. I equate this experience to what people felt when flocks of passenger pigeons used to darken the sky in their multitudes.

When the fish return, the entire ecosystem blossoms. Osprey, eagles and gulls circle overhead. Stripers and sturgeon follow the schools of alewives. Loons, cormorants dive to feast upon the fish. Raccoons, bobcat and bear also dine upon the spoils.

Mill Pond dam cuts off acres of vital habitat for alewife. The current fish ladder is an inadequate band aid and the effects of climate change on water levels makes the fish ladder more useless still.

History did not begin with the advent of man. Please restore the Oyster River to its natural, historic beauty.

Sincerely,

Brooke Baldwin, Durham resident

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 9:46 AM  
**To:** April Talon; Richard Reine; Jim Rice; Christine J. Soutter  
**Subject:** FW: Mill Pond Dam - from Jeffrey Hiller  
**Attachments:** Hiller Dam 01092021.docx

All,

For your information.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** JEFFREY HILLER <[jeffreyhiller@comcast.net](mailto:jeffreyhiller@comcast.net)>  
**Date:** Saturday, January 9, 2021 at 4:51 PM  
**To:** Durham Town Council <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>  
**Subject:** Fwd: Mill Pond Dam  
**Resent-From:** <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>

To our esteemed Council members:

My apologies for missing the deadline to enclose feedback for the upcoming meeting. I would very much appreciate if you could please consider the enclosed in Dam discussions.

Thank you very much for your service, you are all saints in my book!

----- Original Message -----

From: JEFFREY HILLER <[jeffreyhiller@comcast.net](mailto:jeffreyhiller@comcast.net)>  
To: "jberry@ci.durham.nh.us" <[jberry@ci.durham.nh.us](mailto:jberry@ci.durham.nh.us)>  
Date: 01/09/2021 4:05 PM  
Subject: Mill Pond Dam

Jennie, I would appreciate it if you would include this enclosed with the information being provided to the Town Council regarding the Mill Pond dam. Thanks much!

DATE: January 9, 2021

FROM: Jeffrey Hiller 6 Laurel Lane Durham, NH 03824

TO: Durham Town Council

RE: Oyster River Dam at Mill Pond

I would like to express to the Town Council my strong support for dam stabilization.

First, while the estimates in the 11/13/2020 Executive Summary for the Dam Feasibility study are just that, estimates, it is quite clear the cost to stabilize only (no dredging) are substantially less than removal. An estimate of \$485k to stabilize verses \$1.3M to remove, which is almost 3 times the cost. I understand there may be grant funding to defray some of the removal costs, but I would be of the opinion that taxpayers ultimately pay that cost, nothing is free.

Second, I am not even sure of the legality of removing a dam after a community has built up around it. Looking at Google Earth, there appears to be at least 20 waterfront lots that will be impacted quite severely by dam removal. A quick Google search of the 'legality of dam removal' results in many litigation efforts, past and present. The most recent appears to be a case in Georgia as recent as November 25, 2020 where a federal court ruled the U.S. Army Corps of Engineers cannot demolish a dam downriver from Augusta if it does not maintain the current water level. Has the Town considered the legality and potential associated legal costs of defending dam removal? I am by no means a lawyer, but I have to imagine there are significant (aka expensive!) legal considerations.

Third, I would have to imagine the 20 plus waterfront owners that will be forever severely impacted by dam removal would be entitled to a substantial/permanent property tax credit since they would no longer have a 'usable' waterfront lot. Has the Town estimated and considered the impact of this lost revenue?

The numbers aside, I cannot fathom how severely disfigured the scenic view will be forever more from Newmarket Road. From the renderings provided with the Town's feasibility study, it looks like a completely different town. I am sorry, but as a citizen of this Town, I am left scratching my head how we could really take such a beautiful and historic view and purposely spend more money to make it look that bad! I think everyone involved in this decision needs to weigh heavily the physical/permanent impact and scenic toll of dam removal.

I will absolutely agree that the river 'restorationists' should have an opportunity to express their viewpoint, and our Town should make this extremely important decision with all viewpoints considered. It would be my opinion that given this dam has existed for nearly 400 years, this is not river restoration. It is the complete and permanent destruction/annihilation of a nearly 400-year-old eco-system. Do we really and truly understand that impact? I am of the opinion that we would be kidding ourselves if we said we did.

Thank you for the opportunity to add my input to this extremely complex issue. I wish you all the best as you proceed, and definitely thank you for your service.

Sincerely,

Jeffrey Hiller



## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 10:13 AM  
**To:** James Munsey  
**Cc:** April Talon; Richard Reine; Christine J. Soutter; Jim Rice  
**Subject:** \*Re: Mill Pond Dam - feedback from Jim and Deborah Munsey

Dear Jim and Deborah ,

Thank you very much for your email concerning the future of the Mill Pond Dam on the Oyster River. I know the members of the Council will appreciate it.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Jim Munsey <[munseysports@aol.com](mailto:munseysports@aol.com)>  
**Date:** Saturday, January 9, 2021 at 4:56 PM  
**To:** Durham Town Council <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>  
**Subject:** Fwd: Mill Pond Dam  
**Resent-From:** <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>

FYI...

Thanks,

Jim

Begin forwarded message:

**From:** James Munsey <[munseysports@aol.com](mailto:munseysports@aol.com)>  
**Subject:** Mill Pond Dam  
**Date:** January 9, 2021 at 10:48:52 AM EST  
**To:** "[jberry@ci.durham.nh.us](mailto:jberry@ci.durham.nh.us)" <[jberry@ci.durham.nh.us](mailto:jberry@ci.durham.nh.us)>  
**Cc:** Deborah Munsey <[debmunsey@aol.com](mailto:debmunsey@aol.com)>

Good Morning Ms. Berry,

My wife Deborah and I own the home at 17 Old Landing Rd., which is the first house downstream from

the Mill Pond dam.

We've had the opportunity to review the various studies and recommendations put forth by the Conservation Commission and HDC and appreciate all the time and effort by all concerned regarding the dam options.

It is our belief that Alternative 3 of the VHB Report, dam stabilization without the dredging outlined in Option 1 , would be the best alternative under the circumstances.

Thanks for the Town Council's consideration.

Regards,

Jim Munsey

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 10:19 AM  
**To:** April Talon; Richard Reine; Christine J. Soutter; Jim Rice  
**Subject:** FW: From Dennis Meadows: responding to Karo's questions

All,

For your general information. Jim, Please note the reference to assessments.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Jennie Berry <jberry@ci.durham.nh.us>  
**Date:** Monday, January 11, 2021 at 10:16 AM  
**To:** Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew\_corrow@yahoo.com>, Carden Welsh <cardentc2@gmail.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>  
**Subject:** FW: From Dennis Meadows: responding to Karo's questions

Dear Council members,

For your information.

Jennie--

---

**From:** Dennis Meadows [latailled@aol.com]  
**Sent:** Monday, January 11, 2021 7:41 AM  
**To:** Jen Berry  
**Subject:** From Dennis Meadows: responding to Karo's questions

Jennie,

Last Friday Doug Karo sent you a letter with 3 questions about the Mill Pond dam. I'm as able as anyone to answer the questions, so I did. I put below the text I sent him. If you sent his letter on to others, it probably would be useful, and save some of them

time, to forward my reply to them as well. If you did not send his letter on, then dump mine also.

Regards,

Dennis

=====

Doug,

Josh sent out a copy of your January 8 e-mail to the list of those interested in the dam issue. I am writing to provide some information relevant to your questions.

#### 1A. No Action

The consultants quit considering Alternative 1 at the direction of the Council, and I think that was the correct decision. Although I have come to support keeping the dam, I do not consider "No Action" to be a viable option. I believe that leaving the dam as it is will lead to its failure within a few years. I don't think that a storm eventually breaching the dam would cause tremendous damage downstream, but it would make it impossible to restore the dam. Then it would have to be removed, and the cost would be higher than stabilizing or removing the dam today. Those hoping to keep the dam should push for its stabilization. Those who wish to remove it should push to do that cleanly now, rather than waiting for nature to do it in a messy fashion over the next decade.

#### 1B. Litigation

I agree that the potential legal costs of different options should be included. Noone can not predict with any confidence what they might be. They would most likely be associated with lawsuits filed by residents who own property bordering on the current reservoir. I studied the assessors' data base and determined that 25 residences would be affected by dam removal. Their combined assessed value is about \$10 million.

#### 2. Gifts

You asked whether any commitments related to the dam and the Mill Pond had been made by Durham in connection with gifts it has received. As far as I know, my recent gift to Durham of the 5 acre pasture abutting the Mill Pond was the largest gift the town has received in the past few decades. I can state unequivocally that I decided it was important for Durham to own that land irrespective of the Mill Pond's fate. The dam and the pond were not mentioned even once in my correspondence with Todd and the Council about conveying the land.

I don't know of any other gifts to Durham related to the dam and the Mill Pond. If there have been any, Todd would have to reply to your question about them.



## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 10:19 AM  
**To:** April Talon; Richard Reine; Christine J. Soutter; Jim Rice  
**Subject:** FW: For Town Council: Dam

---

**From:** Jennie Berry <jberry@ci.durham.nh.us>  
**Date:** Monday, January 11, 2021 at 10:14 AM  
**To:** Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew\_corrow@yahoo.com>, Carden Welsh <cardentc2@gmail.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>  
**Subject:** FW: For Town Council: Dam

Dear Council members,

For your information

Jennie--

---

**From:** Lisa Hamilton [[lisa@macobserver.com](mailto:lisa@macobserver.com)]  
**Sent:** Monday, January 11, 2021 9:57 AM  
**To:** Jen Berry  
**Subject:** For Town Council: Dam

Hi Jen,

Please pass the following on to the Town Council members.

Thanks!

Lisa

Dear Durham Town Council members,

I write to express my strong support for removal of the Mill Pond dam on the Oyster River.

Removing the dam is in the best interests of public safety. The original objective of most dams is to hold back water. In doing so, dams create the potential for significant property damage, injury, and loss of life if the dam is breached, sending a volume of water much greater than the river channel and floodplain have been sculpted over geological time to accommodate.

Indeed, the primary reason that funds are available to support dam removal initiatives is that dam removal represents one of the most significant acts of environmental restoration that we can take, especially at the local level. A dam changes everything that defines a river ecosystem: water flow, water temperature, sediment transport, nutrient dynamics, species composition, habitat structure and connectivity, and more.

Environmental restoration is not only important for the intrinsic worth of non-human resources – species, habitats, and ecological processes – but also for the value these resources provide to people. There is an intrinsic bias toward thinking about cultural and historical value solely in terms of built assets, such as buildings, artwork, and dams. The historical significance and listing of the dam are widely touted as a priority reasons for keeping it in place. However, a natural, open, free-flowing river also has important cultural and historical value, especially Indigenous peoples' heritage. Prior to the past few centuries following European settlement of our region, Abenaki people called this area for home for millennia. Their lives were tightly bound to natural resources and seasonal cycles, and rivers and the species they house were central features. As a community, Durham has made important statements in support of Indigenous peoples. We now have an opportunity to make this support much more tangible by recovering one piece of Indigenous heritage. New Hampshire's Indigenous community is speaking up on the fate of the Mill Pond dam, and I strongly urge you to listen closely to their voices.

Importantly, choosing the responsible course of dam removal does not mean forsaking the historical value of the dam. Removal can be done in a way that retains a portion of the structure, allowing the river to flow freely while also showing the design, scale, and engineering features of the dam. We can also think creatively about riverside installations including signage, artifacts, models, and art that tell the story of the river and all of the people and wildlife that have relied upon it.

Although this is a local decision that will most affect our local community, the significance of this decision is more far-reaching. The Oyster River is a Protected River under the New Hampshire Rivers Management and Protection Program, reflecting the recognized significance of the river for the state as a whole. Even in the absence of that designation, migratory fishes inextricably connect the Oyster River to Great Bay, the Gulf of Maine, and the wider Atlantic Ocean. River herring and American eels are federally listed as 'species of concern', a warning that they could become listed as threatened or endangered in the absence of concerted conservation action. These species benefit ecosystems, fisheries, recreation, and wildlife tourism, and we have an opportunity to contribute to enhancing all of these values.

Thank you for considering my views on this important decision. We are not the first community to consider this question. Almost without exception, communities that choose to remove dams, restore ecosystems, and recover lost heritage come to see that the benefits exceeded their expectations. In fact, in many cases detractors later recognize that removal was the right course of action and enjoy the beauty, wildlife, and recreation that were recovered. I expect that our community will go through that same evolution.

Sincerely,

Lisa Hamilton  
18 Denbow Rd  
Durham, NH 03824

Lisa Hamilton  
[lisa@macobserver.com](mailto:lisa@macobserver.com)  
603-285-5311  
18 Denbow Rd  
Durham, NH 03824



## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 10:21 AM  
**To:** April Talon; Richard Reine; Christine J. Soutter; Jim Rice  
**Subject:** FW: Our comments about the Durham dam, from General Sullivan House

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**From:** Jennie Berry <jberry@ci.durham.nh.us>  
**Date:** Monday, January 11, 2021 at 10:19 AM  
**To:** Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew\_corrow@yahoo.com>, Carden Welsh <cardentc2@gmail.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>  
**Subject:** FW: Our comments about the Durham dam, from General Sullivan House

Dear Council members,

For your information.

Jennie--

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From: Joanie Bigwood Osborn [[joanbigwood@gmail.com](mailto:joanbigwood@gmail.com)]  
Sent: Sunday, January 10, 2021 9:42 AM  
To: Jen Berry  
Subject: Our comments about the Durham dam, from General Sullivan House

We want to express in one voice our belief that the Durham dam is an essential part of the overall charm of the Historic District, and like General Sullivan House itself, lends not only historic continuity to our beautiful "gateway" into town, but also adds aesthetic value to this renowned New England destination. From what we understand, the dam does not pose a significant threat to the environment as it stands. Granted, in its inception it interrupted the flow of fish migration but that was a long, long time ago and what has resulted in the form of our historic mill pond is an entirely different, but perfectly valid ecological response.

The Osborns say keep the dam, do not dredge the pond but rather let the organic processes of that pristine wilderness take matters into its own hands, and if one day, 100 years from now, the whole pond is a picturesque wetlands, choked with algae bloom, so be it. It will continue to be home to a great variety of local wildlife, the tumbling water by the side of the road will continue to add to the pleasant experience of crossing the Oyster River into town, and the town of Durham will avoid dismantling yet another historic landmark that lends to our appeal.

From our vantage point, removal of the dam will not have any practical consequences whatsoever, since we are situated downriver in our little oceanfront harbor. Our opinion is not motivated by self-interest in any way. We simply feel that the Historic District with its historic dam coalesces to create a thing of beauty of which we can all be proud. The wildlife in and around the Mill Pond would no doubt agree that removing the dam would seriously damage the ecosystems which have been established over many years, the townsfolk would feel the loss of a treasured spot, and our visitors would be deprived of the simple pleasure of a waterfall welcoming them or sending them on their way on 108. Falling water is one of nature's, and civilization's great delights; just ask Frank Lloyd Wright.

Let's save our resources, and avoid ecological disturbance all at once by leaving the dam alone. No dredging, minimal upkeep, and a happy little hamlet in and around the beautiful Mill Pond.

Yours sincerely,

Jeff and Joan Osborn  
General Sullivan House  
Durham NH



## April Talon

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**From:** Brian Keegan <info@oysterrivercycle.com>  
**Sent:** Monday, January 11, 2021 10:27 AM  
**To:** Todd Selig  
**Cc:** April Talon; Richard Reine; Christine J. Soutter; Jim Rice  
**Subject:** Re: \*FW: In support of Mill Pond Dam Removal - from Brian Keegan

Todd and everyone else,

Thank you for taking the time to read this and take it into consideration. The environmental impact of removing the dam is very well documented as a positive but think that the economic impact has not been.

Even if I was not a part of a local business, I would be in support of removal for the enhanced recreation opportunities it would create. Working in the outdoor industry over the last year has been overwhelming in the increase in demand. The increase not only positively impacts direct services for the outdoor recreation industry but all businesses with in a community.

Durham has an amazing amount of outdoor recreation potential but an honest assessment is that we are not taking full advantage of it. Removal of the Mill Pond dam would be a good first step to increase the recreation opportunities not only for our community members but for visitors to our town.

Thank you

Brian Keegan  
Oyster River Cycle and Sport  
603-815-4927  
[Website](#)

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**From:** Todd Selig <tselig@ci.durham.nh.us>  
**Sent:** Monday, January 11, 2021 9:35 AM  
**To:** Brian Keegan <info@oysterrivercycle.com>  
**Cc:** April Talon <atalon@ci.durham.nh.us>; Richard Reine <rreine@ci.durham.nh.us>; Christine J. Soutter <csoutter@ci.durham.nh.us>; Jim Rice <jrice@ci.durham.nh.us>  
**Subject:** \*FW: In support of Mill Pond Dam Removal - from Brian Keegan

Dear Brian,

Thank you very much for this feedback. I know the members of the Council will appreciate it.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

*Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!*

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**From:** Brian Keegan <info@oysterrivercycle.com>  
**Date:** Saturday, January 9, 2021 at 8:28 PM  
**To:** Durham Town Council <council@ci.durham.nh.us>  
**Subject:** In support of Mill Pond Dam Removal  
**Resent-From:** <council@ci.durham.nh.us>

Town Councilors,

The Mill Pond dam has served its purpose and its time has passed. We are at an inflection point that we could make a choice to move forward and embrace a natural course or attempt to rebuild a manmade barricade. As a local tax paying resident, I do not feel that I would like my tax dollars spent on a replacement that would require ever larger investments in the future. As a partner in a local business, I am in favor of removal because of the local economic benefits of having a free-flowing river close to the heart of town.

Towns throughout the state who have made the effort to highlight the rivers that run near their downtowns have shown great benefits to the local economy. Locally Exeter has seen an increase in the number of businesses in there downtown and has helped to attract more visitors. We can take the first steps by removal that will contribute to a better forward focused community that will attract new visitors who will discover the vibrant community we have.

Towns that work to highlight free flowing rivers benefit economically by attracting diverse businesses that help to enhance the community. By enhancing our local economy, we can start to attract more people to see Durham as a desirable destination for more than just visiting UNH and show off all of the amazing open spaces we have just outside of our downtown.

Thank you for your time and appreciate your work. Please see attached Research Brief about River Towns in NH produced by local resident Shannon Rogers (she is also my wife).

Brian Keegan -Partner and General Manager Oyster River Cycle and Sport  
112 Madbury Rd  
Durham

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 10:59 AM  
**To:** Chapman, Garrett  
**Cc:** April Talon; Richard Reine  
**Subject:** Re: Alternative Actions for the Mill Pond Dam - from Garrett Chapman of the NH Commission for Native American Affairs

Dear Mr. Chapman

Thank you very much for this thoughtful feedback regarding the future of the Mill Pond Dam on the Oyster River. I have shared it with the members of the Council for their review and consideration as part of tonight's meeting.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Garrett Chapman <Garrett.Chapman@unh.edu>  
**Date:** Monday, January 11, 2021 at 10:42 AM  
**To:** Todd Selig <tselig@ci.durham.nh.us>  
**Subject:** Alternative Actions for the Mill Pond Dam

Mr. Todd Selig,

I hope this email finds you well and healthy during this pandemic. Last week I learned that the Mill Pond Dam is to be discussed tonight at the Town Council meeting. In the past you have solicited my perspective on matters that effect the Indigenous community, and I would like to share an opinion on this topic if you will have it. No doubt tonight you will hear compelling arguments on both sides of the issue. I expect the top reason to keep the dam will be its roots in colonial Durham and the role it played for the community during that time period. Respectfully, I don't think that is enough to keep it.

Durham is one of the most progressive towns I have had the pleasure of being a part of, and never have I believed it makes its decisions with both eyes in the rearview mirror. With eyes towards the future, I'll offer a few counters to the idea of keeping the dam up. First, the accountant in me knows this declining structure is a tremendous liability, not only in reality, but on the town's balance sheet as well. The cost to preserve it and its deferred maintenance, must exceed its useful value. This is particularly significant when I have also heard that there is federal funding available to remove the dam and the burden on the Durham citizens will be minimal or non-existent. Then, while I agree it is, of course, a part of Durham's history, it is not the town's only narrative. Long before the colonists arrived, the area surrounding the dam was a source of life for the Abenaki people. The time with the dam only represents a small period when humans occupied this area.



In my final thought I will offer this vision of the Mill Pond Dam area. With the dam removed, the area should slowly return to its original eco-system – the way the creator intended it to be. Working with local indigenous leaders and historians, Durham can transform the area into a site of remembrance for both sides of the colonial narrative. Durham will be ushering in an era of sustainability and knowledge for its citizens, most importantly its youth, to understand the full history of this critical location for all who have occupied it.

As always, respectfully,

Garrett Chapman  
*Associate Athletic Director, Finance*



Central Administration Business Service Center  
Suite 111 | 121 Technology Dr. | Durham, NH 03824

Department of Intercollegiate Athletics  
145 Main St. | Durham, NH 03824

Phone: 603-862-4503 | Fax: 603-862-2696



## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 11:04 AM  
**To:** April Talon; Richard Reine  
**Subject:** FW: Mill Pond Dam -comment from Gengarely & Pratt  
**Attachments:** MillPond\_Comment\_Gengarely\_Pratt\_1\_11\_21.pdf

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**From:** Lara Gengarely <laragengarely@gmail.com>  
**Date:** Monday, January 11, 2021 at 9:58 AM  
**To:** Durham Town Council <council@ci.durham.nh.us>  
**Subject:** Fwd: Mill Pond Dam -comment from Gengarely & Pratt  
**Resent-From:** <council@ci.durham.nh.us>

To: Durham Town Council

Please see our written comments to be submitted to this evening's Pubic Hearing with respect to the Mill Pond Dam.

From: L. Gengarely & A. Pratt, Durham, NH

----- Forwarded message -----

**From:** Lara Gengarely <laragengarely@gmail.com>  
**Date:** Mon, Jan 11, 2021 at 9:45 AM  
**Subject:** Mill Pond Dam -comment from Gengarely & Pratt  
**To:** <jberry@ci.durham.nh.us>

Ms. Berry,

We would like this document to be included as a written comment during the Mill Pond Public Hearing this evening (see pdf attached). Unfortunately we cannot attend the actual Zoom meeting this evening.

Please confirm you received this.

Best,  
Lara

Albert Pratt, PE  
Lara Gengarelly, Ph.D.  
42 Bennett Road  
Durham, NH 03824

Dear Durham Town Council Members,

Given that we are unable to attend the January 11, 2021 Public Hearing, we are writing in **strong support of Alternative 5-Dam Removal** as described in the Oyster River Dam at Mill Pond Feasibility Study (November 2020).

While we acknowledge the historic value of the Mill Pond Dam, it clear based on the comprehensive feasibility study and past decade of extensive research that dam removal will have numerous ecological benefits while being the most cost effective long-term solution to the dam deficiencies and water quality impairments.

Given our combined background in ecology and water resource engineering, we really appreciate the excellent and very thorough nature of the Feasibility Study. This study in our opinion provides overwhelming evidence to support the decision to remove the dam. Furthermore, as citizens of Durham and having close ties to Durham since our days at UNH in the 1980's & 1990's, we would like to express our opinion on a somewhat personal note. We are proud of our community for its history of making science-based decisions to address community issues. Decisions that the Town has made to protect land through conservation easements, upgrade the water and wastewater treatment facilities, incorporate storm water management practices, and maintain trails on Town conservation lands have all aligned with a commitment to environmental stewardship. A decision to remove the Mill Pond Dam follows this approach of understanding the importance of our relationship to, and our impacts on our natural surroundings. By removing the dam, we can allow the associated ecosystem to rebound to a more natural state and in doing, continue to demonstrate our commitment as a Town to support and enhance the natural systems in our community.

We appreciate your consideration of the dam removal as the best option, and look forward to finally seeing some resolution on this issue.

Thank you.

Sincerely;

Al Pratt, PE



Lara Gengarelly, Ph.D.



## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 11:09 AM  
**To:** April Talon; Richard Reine  
**Subject:** FW: [POSSIBLE SPAM] January 11, 2021 Durham Town Council Meeting Agenda Item: XI. A. Unfinished Business  
**Attachments:** Durham\_Mill\_Pond\_Dam\_Oyster\_River1.pdf  
**Importance:** Low

Dear April and Rich,

As they say in police circles, "Aha!" I have found the missing letter lost in a sea of emails...

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Paul Pouliot <cowasuck@tds.net>  
**Date:** Monday, January 11, 2021 at 9:49 AM  
**To:** Durham Town Council <council@ci.durham.nh.us>, Todd Selig <tselig@ci.durham.nh.us>  
**Cc:** Kathleen Blake <kathleeninhcc@gmail.com>, Jake Kritzer <jake.kritzer@gmail.com>  
**Subject:** [POSSIBLE SPAM] January 11, 2021 Durham Town Council Meeting Agenda Item: XI. A. Unfinished Business

Kwai Hello to the - Durham Town Council and Mr. Todd I. Selig, Town Administrator

Please accept the attached letter relevant to the:  
January 11, 2021 Town Council Meeting Agenda Item: XI. Unfinished Business  
A. Public Hearing on Alternative Actions for the Mill Pond Dam

Respectfully we request that you favorably consider the removal of the Mill Pond Dam on the Oyster River for the reasons stated in our letter of January 10, 2021.

Sincerely,

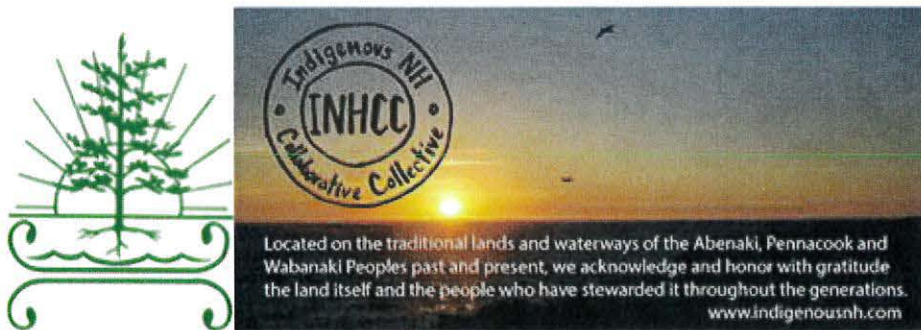
Denise K. Pouliot, Sag8moskwa and Artist  
Paul W. Pouliot, Sag8mo and THPO  
Cowasuck Band of the Pennacook-Abenaki People  
COWASS North America, Inc.  
Abenaki Nation of Vermont, Inc.

PO Box 52  
840 Suncook Valley Road  
Alton, NH 03809  
Telephone: (603) 776-1090  
Email: [cowasuck@tds.net](mailto:cowasuck@tds.net)  
Website: [www.cowasuck.org](http://www.cowasuck.org)  
NEDOBAK Help Line (211- I&R): (800) 566-1301  
Facebook: Cowasuck Band of the Pennacook-Abenaki People  
Federal 501(c)3 #: 22-3229024

Indigenous Advisors / Indigenous NH Collaborative Collective  
<https://indigenousoh.com>

Indigenous Advisors and Affiliate Faculty - University of New Hampshire (Native American and Indigenous Studies Minor)

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**Cowasuck Band of the Pennacook - Abenaki People**  
**COWASS North America, Inc.**  
**The Abenaki Nation of Vermont, Inc.**  
**840 Suncook Valley Road**  
**P.O. Box 52**  
**Alton, NH 03809-0052**  
**(603) 776-1090**



10 January 2021

Durham Town Council and Town Administrator  
Town Administrator's Office  
8 Newmarket Road  
Durham, NH 03824

[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)  
[administrator@ci.durham.nh.us](mailto:administrator@ci.durham.nh.us)

Subject: PLEASE REMOVE the Oyster River Mill Pond Dam  
January 11, 2021 Town Council Meeting Agenda Item: XI. Unfinished Business  
A. Public Hearing on Alternative Actions for the Mill Pond Dam

Dear Durham Town Council and Mr. Todd I. Selig, Town Administrator:

Greetings, we are the Cowasuck Band of the Pennacook - Abenaki People, the Indigenous people who are the current and past residents of this area of N'dakinna (our homelands) now known as Durham, New Hampshire. Many of the town residents, especially "Durham United," know of us, as we were the major proponents in your efforts to change Columbus Day to Indigenous Peoples Day. We were honored to participate in the process that made Durham the first town in New Hampshire to act on this issue towards social and racial justice. We now ask you for the same level of support for environmental justice.

We request that you favorably consider and act to remove the Mill Pond Dam on the Oyster River and return it to its natural and original state. Our distant ancestors created a river bed stone "fish-weir" in this general location. It was used for fishing for millennia until the colonial settlers forced us out of the area. When the first dam was created for industrial purposes in the early 1600's it destroyed this important food generating resource and location.

We were participants in the Exeter River dam removal and as such we have had experience in issues that a project such as this raises. At the forefront are the public-property safety issues along with environmental factors that have to be weighed against the repair costs and other unknown long term maintenance costs versus the one time expense to restore the river bed and shore lines to their original natural state.

Based on similar dam removal/repair projects the environmental and public safety related issues are simple to study and resolve. We also understand that available funding resources are biased towards river reclamation projects. The more illusive issues of public interest are historical and environmental relevance. The current dam, built in 1913, has little historical bearing on the past industrial development of the river. We believe that the town would be best served by re-creating the original "fish weir" while returning the river back to its more natural state. By completing this renovation the town could return this location back into a historically significant focal point that the town and State could promote as a open public educational space while potentially increasing area tourism.

Public reaction studies related to similar dam removal projects have reported that after completion, the overwhelming public opinion was very favorable because it improved the overall quality of all life at that location. Based on the Exeter dam removal, the public started to observe various fish species returning to their instinctive migratory patterns to complete their reproduction life cycles. Most often the American Eel, and Alewife return within one year of habitat renewal. The removal of the dam will also greatly improve the river water quality by allowing the natural cycles of "ice-out" and tidal changes to flush the accumulated dam pollutants and related silt out to sea. The list of comments to support dam removal is extensive so in summary, we encourage the town to consider our opinion and position to remove the dam and reestablish the Oyster River to its original Creator given condition.

Respectively,

Denise K. Pouliot, Sag8moskwa

Paul W. Pouliot, Sag8mo

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 11:17 AM  
**To:** Richard Reine; April Talon; Jim Rice  
**Subject:** FW: Dam Removal

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**From:** "kittyfmarple@gmail.com" <kittyfmarple@gmail.com>  
**Date:** Saturday, January 9, 2021 at 10:17 AM  
**To:** Robert Heuchling <rheuchling@comcast.net>  
**Cc:** Durham Town Council <council@ci.durham.nh.us>  
**Subject:** Re: Dam Removal  
**Resent-From:** <council@ci.durham.nh.us>

Hi Bob. Thanks for your comment. It is part of the public record.

Hope you and Sally are doing well.

Kitty

On Jan 7, 2021, at 9:38 PM, Robert Heuchling <[rheuchling@comcast.net](mailto:rheuchling@comcast.net)> wrote:

Dear Council Members,

I am certainly no expert in the field, but I have read comments and opinions dealing with what to do about the dam from others who are. It seems to me the most prudent thing to do is remove the dam and allow the river to flow freely. Thanks to those who have put so much time and energy into this study.

Respectfully,  
Bob Heuchling  
Durham Resident

Sent from my iPhone

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 11:26 AM  
**To:** Bridget Finnegan; Jen Berry  
**Cc:** April Talon; Richard Reine; Jim Rice  
**Subject:** \*Re: Remove the dam - following up with Bridget Finnegan

Dear Bridget,

Thank you very much for this feedback relative to the future of the Mill Pond Dam on the Oyster River. I know the members of the Council will appreciate it as part of their deliberations.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Bridget Finnegan <[bridgetfinnegan33@gmail.com](mailto:bridgetfinnegan33@gmail.com)>  
**Date:** Saturday, January 9, 2021 at 9:39 AM  
**To:** Jennie Berry <[jberry@ci.durham.nh.us](mailto:jberry@ci.durham.nh.us)>  
**Cc:** "'kittyfmarple@comcast.net'" <[kittyfmarple@comcast.net](mailto:kittyfmarple@comcast.net)>, Todd Selig <[tselig@ci.durham.nh.us](mailto:tselig@ci.durham.nh.us)>  
**Subject:** Remove the dam

Hello all,

I am writing in favor of the option to remove the dam and let the Mill Pond/ Oyster River return to its original natural state.

Not only is it the most cost effective option but it is better for the planet.

Thank you.

Bridget Finnegan  
26 Cedar Point Rd



## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 11:28 AM  
**To:** Benjamin Chandran  
**Cc:** April Talon; Richard Reine; Jim Rice  
**Subject:** Re: Please remove Mill Pond Dam

Thank you, Ben. I know the Council will appreciate this feedback.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Benjamin Chandran <[benjamin.chandran@unh.edu](mailto:benjamin.chandran@unh.edu)>  
**Date:** Monday, January 11, 2021 at 11:23 AM  
**To:** Durham Town Council <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>  
**Subject:** Please remove Mill Pond Dam  
**Resent-From:** <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>

Dear Durham Town Council,

I am writing to express my strong support for removing the Mill Pond Dam.

Removing the dam will save the town millions of dollars, restore the river to its natural state as a functional ecosystem, and honor the history of the river and its historical use over thousands of years by the Native Americans who inhabited this area.

Sincerely,

Ben Chandran  
23 Surrey Lane  
Durham, NH 03824



## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 11:32 AM  
**To:** Sowers, Jeannie  
**Cc:** April Talon; Richard Reine; Jim Rice  
**Subject:** FW: Letter in support of REMOVING Mill Pond Dam  
**Attachments:** Jeannie Sowers Mill Pond Letter Jan 2021.pdf

Dear Jeannie,

Thank you very much for this feedback regarding the future of the Mill Pond Dam on the Oyster River. I know the member of the Council will appreciate it.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** "Sowers, Jeannie" <Jeannie.Sowers@unh.edu>  
**Date:** Monday, January 11, 2021 at 11:17 AM  
**To:** Durham Town Council <council@ci.durham.nh.us>  
**Subject:** Letter in support of REMOVING Mill Pond Dam  
**Resent-From:** <council@ci.durham.nh.us>

Jeannie Sowers  
23 Surrey Lane  
Durham, NH 03824

January 11, 2021

Dear Durham Town Council,

I am writing to you in full support of the Conservation Commission's recommendation to remove the Mill Pond Dam. I have written you previously in support of dam removal, which as you know has been under extensive study and debate for years now. After reviewing the feasibility studies, costs, and environmental studies, I am fully in support of removal as it makes sense to do so environmentally, historically, and financially.

As an introduction, I have lived in Durham for 8 years and in the Town of Madbury for 7 years before that, where I sat on the Zoning Board. I am also a Professor of Political Science at University of New Hampshire with

research interests in environmental politics and policy. My particular focus is on issues of water management, climate adaptation, and environmental coalition-building for policy change.

I strongly urge you to remove the dam. I support restoration of the Oyster River watershed. I also support the Town of Durham as a place that prioritizes Native and Indigenous history as well as settler and industrial history, and one that conserves natural and financial resources for the benefit of future generations. As someone who has followed these debates for a long time, I am very dismayed by assertions that the dam is essential to our "history." Whose history? Over what time frame?

The cost case for removing the dam is clear. The decision has significant repercussions for the financial health of the town, for taxpayers, and for keeping Durham even modestly affordable for a range of families. As a Town, we should not be making decisions that hurt the financial wellbeing of residents for a long time to come.

I also have asked those opposed to removing the dam to take seriously the successful removal of the dam in the town of Exeter. I am frequently in Exeter and enjoy walking their waterfront as do many others. The natural variability of the river makes for a stunning, everchanging riverine system that provides aesthetic as well as environmental benefits.

In short, I believe our Town will benefit greatly from dam removal. I believe it will strengthen our sense of environmental and financial stewardship. I believe it will reinforce our sense of community as one that believes in environmental restoration and nuanced historical understandings.

I strongly urge you to give this matter your most serious consideration and I thank you for your continued service in listening to all concerned citizens of the town. Please remove the Mill Pond Dam!

Sincerely,

Jeannie Sowers

Jeannie Sowers  
23 Surrey Lane  
Durham, NH 03824

January 11, 2021

Dear Durham Town Council,

I am writing to you in full support of the Conservation Commission's request to remove the Mill Pond Dam. I have written you previously in support of dam removal, which as you know has been under extensive study and debate for years now. After reviewing the feasibility studies and environmental studies, I am fully in support of removal as it makes sense to do so environmentally, historically, and financially.

As an introduction, I have lived in Durham for 8 years and in the Town of Madbury for 7 years before that, where I sat on the Zoning Board. I am also a Professor of Political Science at University of New Hampshire with research interests in environmental politics and policy. My particular focus is on issues of water management, climate adaptation, and environmental coalition-building for policy change.

I strongly urge you to remove the dam. I support restoration of the Oyster River watershed. I also support the Town of Durham as a place that prioritizes Native and Indigenous history as well as settler and industrial history, and one conserves natural and financial resources for the benefit of future generations. As someone who has followed these debates for a long time, I am very dismayed by assertions that the dam is essential to our "history." Whose history? Over what time frame?

The cost case for removing the dam is clear. The decision has significant repercussions for the financial health of the town, for taxpayers, and for keeping Durham even modestly affordable for a range of families. As a Town, we should not be making decisions that hurt the financial wellbeing of residents for a long time to come.

I also have asked those opposed to removing the dam to take seriously the successful removal of the dam in the town of Exeter. I am frequently in Exeter and enjoy walking their waterfront as do many others. The natural variability of the river makes for a stunning, everchanging riverine system that provides aesthetic as well as environmental benefits.

In short, I believe our Town will benefit greatly from dam removal. I believe it will strengthen our sense of environmental and financial stewardship. I believe it will reinforce our sense of community as one that believes in environmental restoration and nuanced historical understandings.

I strongly urge you to give this matter your most serious consideration and I thank you for your continued service in listening to all concerned citizens of the town. Please remove the Mill Pond Dam!

Sincerely,

Jeannie Sowers



## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 11:33 AM  
**To:** Charles Blitzer  
**Cc:** April Talon; Richard Reine; Jim Rice  
**Subject:** Re: Durham Dam Removal

Dear Mr. Blitzer,

Thank you very much for this feedback regarding the future of the Mill Pond Dam on the Oyster River. I know the member of the Council will appreciate it.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Charles Blitzer <Charles@blitzer.org>  
**Date:** Friday, January 8, 2021 at 8:11 PM  
**To:** Durham Town Council <council@ci.durham.nh.us>  
**Subject:** Durham Dam Removal  
**Resent-From:** <council@ci.durham.nh.us>

Dear Council Members,

I am writing as an advocate for Removal of the Durham Dam. It's removal makes environmental, fiscal, & recreational sense.

- 1) ENVIRONMENTAL - allowing the river to flow freely will restore the natural habitat and return native fisheries
  - 2) FISCAL - The cost to restore the dam & dredge (repeatedly) the mill pond the dam holds is far more expensive than to allow a natural restoration.
  - 3) RECREATIONAL - a restored and healthy river will quickly become a recreation area for the town. The Exeter & Bellamy restorations are excellent examples of how quick a recovery can be.
- Lastly, as to the dam's historical value. This dam is neither the original nor a particularly unique form of dam. It has been present in its current form for approximately 100 years having replaced earlier versions. The mill it served has long since ceased it's grinding.

Durham has a strong history of doing the correct thing for the environment & I hope this will be one more action the town can take for our future.

Thank you for your work & for your consideration,  
Sandy Blitzer



## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 11:33 AM  
**To:** April Talon; Richard Reine  
**Subject:** FW: Mill Pond dam removal - letter in support  
**Attachments:** Mill Pond Dam - support of removal.docx

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**From:** Jessica Ernakovich <jessica.ernakovich@gmail.com>  
**Date:** Friday, January 8, 2021 at 5:52 PM  
**To:** Durham Town Council <council@ci.durham.nh.us>  
**Subject:** Mill Pond dam removal - letter in support  
**Resent-From:** <council@ci.durham.nh.us>

Dear Durham Town Council,

Please find the attached letter in **support** of the removal of Mill Pond dam.

Best,  
Jessica Ernakovich  
13 Sunnyside Dr., Durham

1/8/2021

Dear Durham Town Council,

It has come to my attention that the dam at Mill Pond is out of compliance and requires removal or remediation. I am submitting this letter in support of the **removal** of the Mill Pond dam on the Oyster River.

In my experience both studying and teaching about the ecology of natural systems, it is not often that doing the “right” thing for the integrity of the environment aligns with the economics of a choice. This is one of those rare instances where the cheaper option is also better for the ecology of the system. There are overwhelming ecological benefits to the removal of the dam. To name a few, it will restore our coastal wetlands and potentially sequester carbon, revitalize the natural nitrogen cycle and reduce the burden of eutrophication on the ecosystem, and reduce barriers for fish migration and thus provide food for birds of prey. In addition, the cost to the town is not only lower now, but I anticipate that restoring area will increase our resilience in the face of a changing climate.

It seems that the arguments for remediating the dam are based on either aesthetics and/or history. I find neither of these arguments compelling. The dammed water in Mill Pond is an eyesore—stagnant much of the summer with harmful algal blooms. Second, to consider a dam built in this century historical is an insult to the long history of the native people of this region, not to mention the history of the land before their arrival on the continent. New beauty will be found in the recovery of the wetlands, and we will form a new history as we and our children build relationships with this riverine-wetland-coastal network.

Thank you for hearing the concerns of the town during your consideration of this important choice.

Best,

Jessica Ernakovich  
PhD Ecology  
13 Sunnyside Dr. Durham



## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 11:35 AM  
**To:** jake.kritzer@gmail.com  
**Cc:** April Talon; Richard Reine  
**Subject:** FW: Comments on Mill Pond dam from Jake Kritzer\*  
**Attachments:** J. Kritzer comments on Mill Pond dam.docx

Dear Jake,

Thank you very much for this feedback regarding the future of the Mill Pond Dam on the Oyster River. I know the member of the Council will appreciate it.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
[a](mailto:tselig@ci.durham.nh.us): 8 Newmarket Rd., Durham, NH 03824 USA  
[t](tel:603.868.5571): 603.868.5571 | [m](tel:603.817.0720): 603.817.0720 | [w](http://www.ci.durham.nh.us): [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Jake Kritzer <jake.kritzer@gmail.com>  
**Date:** Friday, January 8, 2021 at 4:53 PM  
**To:** Todd Selig <tselig@ci.durham.nh.us>, April Talon <atalon@ci.durham.nh.us>, Jennie Berry <jberry@ci.durham.nh.us>  
**Subject:** Comments on Mill Pond dam

Dear Todd, April, and Jen,

Please find attached my comments on Mill Pond dam for consideration by the Town Council. I echo the submission by the Conservation Commission here, but submit these comments as a private citizen and address issues beyond the environmental concerns.

Thank you for passing along my comments, and please let me know if you have any questions or difficulties. I hope that 2021 is off to a great start for all of you.

Best wishes,  
Jake Kritzer

January 8, 2020

Dear Durham Town Council members,

I write to express my strong support for removal of the Mill Pond dam on the Oyster River based on four important benefits for our community and state:

First and foremost, removing the dam is in the best interests of **public safety**. The original objective of most dams is to hold back water. In doing so, dams create the potential for significant property damage, injury, and loss of life if the dam is breached, sending a volume of water much greater than the river channel and floodplain have been sculpted to accommodate over geological time. Residences and public parks sit downstream of the dam, which put people in harm's way should this failing and obsolete structure give way. Communities across the nation have suffered this fate. As global climate change continues to unfold, these risks are becoming greater. One manifestation of climate change in the Northeast has been much wider swings in precipitation, including more frequent drought and flood events. Both have environmental impacts and introduce significant safety risks.

Safety risks can be reduced, although not eliminated, by stabilizing the dam. However, this course of action is not consistent with **fiscal responsibility**. The dam feasibility study estimates that stabilization will cost on the order of \$5M, whereas removal will cost approximately one-third as much. Furthermore, multiple grant programs from government agencies, environmental organizations, and sportfishing organizations can support removal costs, which can bring the local financial burden well under \$1M. This means that the costs to the Town of stabilization versus removal will likely differ by an order of magnitude. Furthermore, removing the dam introduces opportunities to not only cut costs but also create economic activity through new recreational opportunities. Town resident and small business owner Brian Keegan has made compelling arguments about the possibilities for economic revitalization presented by removing the dam. I urge you to listen carefully to Brian and other environmentally-minded civic leaders.

Indeed, the primary reason that funds are available to support dam removal initiatives is that dam removal represents one of the most significant acts of **environmental restoration** that we can take, especially at the local level. I serve on the Town's Conservation Commission, and as a private citizen echo the recommendation and rationale submitted by our Commission in support of dam removal. There are few human activities that so fundamentally change a healthy, natural ecosystem as significantly as construction of a dam (dynamite fishing on coral reefs and clear-cutting of forests are two that come to mind). A dam changes everything that defines a river ecosystem: water flow, water temperature, sediment transport, nutrient dynamics, species composition, habitat structure and connectivity, and more. The Conservation Commission submission summarizes these issues, which are outlined in much more detail in the feasibility study report. It is notable that state and federal agencies charged with stewardship of natural resources almost without exception endorse dam removal as the most environmentally responsible course of action, including the New Hampshire Department of Fish and Game and the National Oceanic and Atmospheric Administration.

Environmental restoration is not only important for the intrinsic worth of non-human resources – species, habitats, and ecological processes – but also for the value these resources provide to people. There is an intrinsic bias toward thinking about cultural and historical value solely in terms of built assets, such as buildings, artwork, and dams. The historical significance and listing of the dam are widely touted as priority reasons for keeping it in place. However, a natural, open, free-flowing river also has important cultural and historical value, especially **Indigenous peoples' heritage**. Prior to the past few centuries following European settlement of our region, Abenaki people called this area home for millennia. Their lives were tightly bound to natural resources and seasonal cycles, and rivers and the species they house were central features. As a community, Durham has made important statements in support of Indigenous

peoples. We now have an opportunity to make this support much more tangible by recovering one piece of Indigenous heritage. New Hampshire's Indigenous community is speaking up on the fate of the Mill Pond dam, and I strongly urge you to listen closely to their voices.

Importantly, choosing the responsible course of dam removal does not mean forsaking the historical value of the dam. Removal can be done in a way that retains a portion of the structure, allowing the river to flow freely while also showing the design, scale, and engineering features of the dam. We can also think creatively about riverside installations including signage, artifacts, models, and art that tell the story of the river and all of the people and wildlife that have relied upon it. I envision a **Coastal Heritage Park** that brings together the **natural, Indigenous, and industrial heritage** connected to the river. This would be an incredibly unique asset for our community and visitors, not to mention a rare public commemoration of the Indigenous peoples that first called this area home. We have lost too much Indigenous heritage, but it is neither gone nor forgotten. We have an opportunity to help reclaim that heritage.

As we make this important decision, it will be critical to focus not on what we will lose but rather on what we will gain. Roanne Robbins, my fellow Conservation Commission member, addresses loss and gain rather eloquently in her comments on this issue. The truth is that we will lose very little. We will lose most, but not all, of the structure, but can still preserve its story while also painting a much more complete and rich picture. We will lose the impoundment, but it is an artificial and dysfunctional ecosystem that will be replaced by something much more natural. Sediment and nutrient accumulation, disruptions in flow and temperature regimes, and declines in native species and habitats alongside accommodation of invasive species and habitats all make this a very one-sided trade-off. Beauty is, of course, in the eye of the beholder, but in my view the aesthetic value of a flowing river and restored riverbank will be vastly greater than the unnatural and nonfunctional stagnant pond we now have.

In closing, I would like to underscore that, although this is a local decision that will most affect our local community, the significance of this decision is more far-reaching. The Oyster River is a Protected River under the New Hampshire Rivers Management and Protection Program, reflecting the recognized significance of the river for the state as a whole. Even in the absence of that designation, migratory fishes inextricably connect the Oyster River to Great Bay, the Gulf of Maine, and the wider Atlantic Ocean. River herring and American eels are federally listed as 'species of concern', a warning that they could become listed as threatened or endangered in the absence of concerted conservation action. These species benefit ecosystems, fisheries, recreation, and wildlife tourism, and we have an opportunity to contribute to enhancing all of these values.

Thank you for considering my views on this important decision. We are not the first community to consider this question. Almost without exception, communities that choose to remove dams, restore ecosystems, and recover lost heritage come to see that the benefits exceeded their expectations. In fact, in many cases detractors later recognize that removal was the right course of action and enjoy the beauty, wildlife, and recreation that were recovered. I expect that our community will go through that same evolution. I look forward to working with all interested stakeholders in seizing the unique opportunity before us, and would be happy to answer any questions you might have on my perspective.

Sincerely,



Jake Kritzer  
[jake.kritzer@gmail.com](mailto:jake.kritzer@gmail.com)  
(617) 869-1336



## April Talon

---

**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 11:44 AM  
**To:** sean moriarty  
**Cc:** Jen Berry; April Talon; Richard Reine  
**Subject:** Re: Oyster River Restoration - Dam Removal - following up with Sean Moriarty

Dear Mr. Moriarty,

Thank you very much for this feedback regarding the future of the Mill Pond Dam on the Oyster River. I know the member of the Council will appreciate it.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** sean moriarty <spmoriarty17@yahoo.com>  
**Date:** Friday, January 8, 2021 at 6:04 PM  
**To:** April Talon <atalon@ci.durham.nh.us>  
**Cc:** Todd Selig <tselig@ci.durham.nh.us>, Jennie Berry <jberry@ci.durham.nh.us>  
**Subject:** Oyster River Restoration - Dam Removal

Hi April,

As a lifelong Durham resident and natural resource professional, I wanted to share my position regarding the Mill Pond dam on the Oyster River.

Just to give you some personal background; I am a hockey lifer who skated on the Mill Pond (as well as many other ponds in town) both as a kid and as an adult and also had a few great times with my boys out there when the conditions allowed for it. My father remembers the days when Smitty would plow the pond off with his truck, so I do have an appreciation for the sentiment that many have about how the pond has been utilized **in the past** for certain types of recreation.

However; as much as I appreciate the sentimental value that many place on the Mill Pond, there are a few points I would like to make in favor of dam removal/river restoration:

- 1) Repairing the dam and subsequent long-term maintenance would place an impractical economic burden on us taxpayers when we are already in very uncertain times and building a new middle school.



- 2) By not removing the dam, we would be missing out on a great opportunity to go one step further in restoring the estuary. As a community, Durham said **NO** to an oil refinery in Great Bay back in the 70's. Additionally the Nature Conservancy has been instrumental in protecting land that otherwise would have been developed in the Great Bay watershed. Now we have a chance to restore a length of the Oyster River to its natural state up-to the UNH reservoir. The Oyster River is part of a greater coastal system and is a water of the United States; therefore, land use decisions regarding it need to consider the 'big picture' and not be hyper focused on what abutters and historic folks want in the relative 'short-term'. The decision we make as a town will be recognizable in the long-term one way or another after we are gone; or until the next inspection fails in 50 years or so and we still have a stagnant, eutrophic body of water which isn't conducive to blueback herring spawning, if we have any left at that point.
- 3) The argument of "It's always been there" is what I am hearing from most 'pro-dam repair' folks. I would ask them to define "always"? I am sure local tribes would love to have some input on that topic.

I certainly respect the feelings of my fellow residents who want to keep the dam for either sentimental, "historic", or property interests. I've worked on many controversial projects and there is always a "not in my backyard" component that fuels the opposition and I do appreciate where these folks are coming from. However, this is a great opportunity to correct a poor land-use decision and in turn, we could somehow commemorate the settlers who first built the dam to power the mill with a monument while keeping some of the old remnants that don't impede tidal flow.

Now that it's 2021 we: 1) don't need to make grist anymore, and 2) have an obligation as stewards to the greater coastal system connected to the Atlantic Ocean. Therefore, this should be a no brainer for the community if we just look at the economics, science, and consider the much purer history that was here long before we arrived and started making a mess of this estuary and other river systems.

Thanks for taking the time to read this and feel free to reach out anytime.

Best regards,

Sean P. Moriarty  
603-970-1536

Sent from [Mail](#) for Windows 10

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 12:00 PM  
**To:** Douglas Worthen; Andrea Bodo; Michael Behrendt; PWalker@vhb.com; richreine@gmail.com  
**Cc:** April Talon  
**Subject:** \*Re: Regarding Tonight's Meeting and Discussion - doug worthen

Dear Doug,

Thank you very much for this feedback regarding the future of the Mill Pond Dam on the Oyster River. I know the member of the Council will appreciate it.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Douglas Worthen <dougworthen@gmail.com>  
**Date:** Monday, January 11, 2021 at 11:53 AM  
**To:** Andrea Bodo <afbodo@gmail.com>, Michael Behrendt <mbehrendt@ci.durham.nh.us>, "PWalker@vhb.com" <PWalker@VHB.com>, Richard Reine <richreine@gmail.com>, Todd Selig <tselig@ci.durham.nh.us>  
**Cc:** Beth Olshansky <Beth.Olshansky@comcast.net>, Tom Toye <tom@arthurthomasproperties.com>, Larry Harris <larry.harris@unh.edu>  
**Subject:** Regarding Tonight's Meeting and Discussion

Dear members of the Durham Town Council and concerned members of our community,

My family has owned the Falls House on the Durham Side of the Dam since 1929. I have put over \$150,000 in improvements to the home, and lived in the house from 1978 to 2008. I would like to return there in my upcoming retirement.

My son grew up in this house. Now an avid hockey player, he was included in pickup hockey games with UNH students from the age of seven. For Durham residents, this was not unusual. Notably with less gender-bias, many of his friends also learned the game from the older college students. (Sadie Wright-Ward was among the children in this group. Her NCAA Hockey statistics can be found [here](#).) These informal interactions became mentorships that have shaped our residents' lives. Canoeing and fishing have been a constant part of the view out the windows of my house. This body of

water has sustained literally hundreds of years of recreational activity. The inestimable value of this social, aesthetic, and recreational activity should not be underestimated. Without the dam, the pond would disappear.

After nearly four hundred years, an entire ecosystem has developed both above and below the falls. The fish ladder on the north side of the dam has been highly effective, and New Hampshire Fish and Game have decades of data to verify this statement. At times the water has been drawn down so that the Mill Pond was revealed to be a fetid stream. It would not be a large enough body of water to sustain the black back herring that leave the brackish water to spawn in the fresh waters of the mill pond. These fish in turn feed birds and other wildlife in Great Bay.

The legal statute requiring documentation and protection of the archeological artifacts which are partially hidden by today's Mill Pond would incur major expenses for the Town of Durham. Going back to the seventeenth century, there are artifacts that indicate that a dam was in place nearly one hundred years before Durham was incorporated as a town. An example of such an artifact is the stone retaining wall that extends hundreds of feet along my side of the pond, where the water runs deep. Photographs taken during pond drawdowns document historically significant evidence that would need to be preserved should the dam be removed. The legal ramifications that would ensue should the Town overlook even this single issue would be costly.

I am disappointed in the process by which the Town of Durham has gone about gathering information about this project. Rather than speaking to me directly, my tenants have been contacted about the project. Just before Thanksgiving, I was asked to keep one of my parking spots free so that the town could "have a truck back into the town park". There was no mention of the huge and unsightly structure that was built in order to support the weight of the truck. Will that structure now be removed? It already covers important archeological evidence of the sawmill that was on my side of the dam. It is an eyesore.

As a college professor, I know that Zoom discussions dilute the interaction of meetings of over ten participants. Using this platform will disenfranchise those who are unfamiliar with it. There is no urgency for the Town to make these decisions now. I therefore suggest that the June 15th meeting be indefinitely postponed.

If there is to be a fair and honest discussion of this project, it will need to include fact-based and rational consideration of all the ramifications that disturbing the keystone of Historic District would cause. In the future, please communicate with me personally about issues that affect my property. I have read the proposals of the future of the dam online, but I am a "stakeholder" and an abutter of the Town's property, and your letter is a welcome but belated communication.

**Dr. Douglas E Worthen**

Douglas Worthen  
[dougworthen@gmail.com](mailto:dougworthen@gmail.com)



## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 12:53 PM  
**To:** April Talon; Richard Reine; Jim Rice; Christine J. Soutter  
**Subject:** FW: [POSSIBLE SPAM] January 11, 2021 Durham Town Council Meeting Agenda Item: XI. A. Unfinished Business  
**Attachments:** Durham letter regarding dam.docx

All,

For your general information.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Kathleen Blake <kathleeninhcc@gmail.com>  
**Date:** Monday, January 11, 2021 at 12:12 PM  
**To:** "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>  
**Cc:** Paul Pouliot <cowasuck@tds.net>, Durham Town Council <council@ci.durham.nh.us>, Todd Selig <tselig@ci.durham.nh.us>, Jake Kritzer <jake.kritzer@gmail.com>  
**Subject:** Re: [POSSIBLE SPAM] January 11, 2021 Durham Town Council Meeting Agenda Item: XI. A. Unfinished Business  
**Resent-From:** <council@ci.durham.nh.us>

Hello Kitty,

I am just checking to make sure that the council has received my letter as well? Just in case you have not, I have attached it.

Very best regards,  
Kathleen Blake

On Mon, Jan 11, 2021 at 10:08 AM Katherine Marple <[kittyfmarple@gmail.com](mailto:kittyfmarple@gmail.com)> wrote:

Hi Denise and Paul.

Thank you for your input. It is part of the public record.



16 Redden Street  
Dover, NH 03820  
5 January 2021

Dear Durham Town Council,

I am writing to you in full support of the Conservation Commission's quest to remove the Mill Pond Dam. For those of you whom I have not met, I am the Chair of the New Hampshire Commission on Native American Affairs, an affiliate member of the UNH Indigenous Studies Minor Program, a member of the New Hampshire Indigenous Collaborative Collective, and tribal council woman and spiritual leader of the Koasek Traditional Band of the Sovereign Abenaki Nation. Additionally, I am a retired environmental scientist and educator.

The town of Durham has been a pioneer in partnering with our local indigenous community for the betterment of relations between us. We have been honored to widely recognize your foresight and commitment to making Durham a welcoming place for all. As an indigenous woman, I urge you to consider extending that welcome to other members of our community, i.e., all living things of a fully functional natural ecosystem. It has been many years since this was the case in Durham. The unnatural barrier that dams impose destroys the natural ecosystem. I am sure that the conservation commission will provide more information on these scientifically document details.

I recommend you reach out to the town of Exeter, who removed their dam a few years ago. This action was a resounding success. The river is much more beautiful today and has returned to a fully functioning riverine system. Within the first year, the natural river had already begun to heal. For example, the alewives returned that year. When we respect the Earth, we are given respect in return.

Some may be concerned about the historical significance of the dam. However, I would urge you to consider the entire history of this place. The dam destroyed the river that the Abenaki Ancestors knew and loved for **over 12,000 years**. There is a strong relationship between our people and this place that we have called home for all these years. There were fishing weirs in Durham. Perhaps they are still there, buried within the millpond. Merely citing concern about the history since the dam was erected discounts all the history that came before it.

Our indigenous community would be honored to work with the town of Durham should you make the laudable decision to remove the dam. In Exeter, we did two healing ceremonies for the river, one before the beginning of deconstruction, and one welcoming back the natural system afterwards. We stand ready and able to do the same for the Oyster River. I strongly urge you to give this matter your most serious consideration.

Very best regards,

Kathleen Blake

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 11, 2021 3:14 PM  
**To:** Pele Harrison; Durham Town Council  
**Cc:** Jen Berry; April Talon; Richard Reine  
**Subject:** Re: Mill Pond Dam Stabilization

Dear Pele, Sean, Darwin, and Mailes,

Thank you very much for this thoughtful email concerning the future of the Mill Pond on the Oyster River. I know the Council will consider it carefully as it weights next steps regarding the dam.

Todd

Todd I. Selig, Administrator  
Town of Durham, NH  
**a:** 8 Newmarket Rd., Durham, NH 03824 USA  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

*Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!*

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**From:** Pele Harrison <peleharrison@yahoo.com>  
**Date:** Monday, January 11, 2021 at 3:12 PM  
**To:** Durham Town Council <council@ci.durham.nh.us>  
**Cc:** "tsellig@ci.durham.nh.us" <tsellig@ci.durham.nh.us>, Jennie Berry <jberry@ci.durham.nh.us>  
**Subject:** Mill Pond Dam Stabilization  
**Resent-From:** <council@ci.durham.nh.us>

Dear Council Members,

I also must weigh in with our support of Dam Stabilization.

I grew up at 56 Oyster River Rd. in the 1970's and '80's, where the Oyster River meets the Mill Pond impoundment, and have recently returned with my family to enjoy all the benefits of life in Durham. Including, close to my heart, the river, pond and backwaters. We are the new residents at 55 Mill Pond Rd., the Olson's home, and our 2 sons are at the rivers' edge every day.

Just as my sister and I did as kids, we depend on the joy of wildlife sightings, canoeing, kayaking, fishing, swimming (yes! swimming), skating, x-country skiing, snow shoeing and walking in, on or by the river and pond. As a visual person I can "see" how the waterway would change. As mentioned by so many concerned residents we would have nothing left of the USEFUL waters of the impoundment. It would be an impassable, mucky breeding ground for mosquitos and invasive species; glossy buckthorn is an invader to battle, constantly. Not an 18' wide waterway.....

It makes me so happy to see people, kids and adults out enjoying the views of the pond, skating and playing hockey. I'm teaching my kids how to skate and the pond is their playground in winter. A tidal marsh will not work as a recreational space.

I urge you to PLEASE put this issue on the March ballot, to listen to those who want to preserve AND conserve. Four hundred years of Durham legacy is worth saving.

Thank you so much,  
Pele, Sean, Darwin & Mailes Harrison  
55 Mill Pond Rd