



TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

www.ci.durham.nh.us

6:00 PM

IAW RSA 91-A:2 I (a) & (b): Consultation with legal counsel relative to the Durham Police Officers Association (DPOA) Collective Bargaining Unit contract

Note: The above meeting is not open to the public

NOTICE: Although members of the Town Council will be meeting in the Council chambers, the Council meetings are still available for members of the public to participate via Zoom or in person.

AGENDA

DURHAM TOWN COUNCIL

MONDAY, FEBRUARY 7, 2022

DURHAM TOWN HALL – COUNCIL CHAMBERS

7:00 PM

NOTE: The Town of Durham requires 48 hours notice if special communication aids are needed.

- I. Call to Order**
- II. Town Council grants permission for fewer than a majority of Councilors to participate remotely**
- III. Roll Call of Members.** Those members participating remotely state why it is not reasonably practical for them to attend the meeting in person
- IV. Approval of Agenda**
- V. Special Announcements – None**
- VI. Public Comments (*) – Please state your name and address before speaking**
- VII. Approval of Minutes**
November 29, December 6, and December 20, 2021, and January 10, 2022
- VIII. Councilor and Town Administrator Roundtable**
- VIX. Report from the UNH Student Senate External Affairs Chair or Designee**

- X. Unanimous Consent Agenda** *(Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote)*
- A. **RESOLUTION #2022-01** amending Resolution #2007-14 dated April 23, 2007 Creating an Energy Steering Committee (later renamed “Durham Energy Committee”) by adding two additional citizen members, thereby increasing the membership from nine (9) to eleven (11) members
 - B. **FIRST READING ON ORDINANCE #2022-01** amending Chapter 153 “Vehicles and Traffic”, Section 153-30 “Business Permit Parking Areas” of the Durham Town Code to add the 66 Main Street Parking Lot and to also update information where needed within the section
- XI. Committee Appointments** - None
- XII. Presentation Items**
- A. Proposal to convey 36.6-acre Pike property to the town as conservation land – Duane Hyde, Land Conservation Director, Southeast Land Trust (SELT) – **(Council schedules Public Hearing on this matter for Monday, February 21, 2022)**
 - B. Discussion and action on installation of a plaque recognizing the visit by General Gilbert du Motier, Marquis de Lafayette to Durham during his 1825 farewell tour
- XIII. Unfinished Business** - None
- XIV. New Business**
- A. Continue discussion and finalize the Administrator’s Annual Performance Evaluation for 2021 in accordance with the Employment Agreement between the Administrator and the Town of Durham
 - B. Other Business
- XV. Nonpublic Session (if required)**
- XVI. Extended Councilor and Town Administrator Roundtable (if required)**
- XVII. Adjourn (NLT 10:30 PM)**

(*) *The public comment portion of the Council meeting is to allow members of the public to address matters of public concern regarding town government for up to 5 minutes. Obscene, violent, disruptive, disorderly comments, or those likely to induce violence, disruption or disorder are not permitted and will not be tolerated. Complaints regarding Town staff should be directed to the Administrator.*



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AGENDA ITEM: **# 7**

DATE: February 7, 2022

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: APPROVE THE TOWN COUNCIL MEETING MINUTES FOR
NOVEMBER 29, DECEMBER 6, AND DECEMBER 20, 2021 AND
JANUARY 10, 2022

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's review and approval are the minutes for the Town Council meeting held on Monday, November 29, December 6, December 20, 2021 and Monday, January 10, 2022. Please call or email Jennie Berry with any grammatical/spelling changes prior to the meeting. Discussion at Monday evening's meeting should be limited only to substantive changes.

LEGAL AUTHORITY:

RSA 91-A:2 (II) specifies what must be contained in minutes of public meetings:
"Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection not more than 5 business days after the public meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any body or agency, or any subordinate body thereof, without exception."

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION 1:

The Durham Town Council does hereby approve the Town Council meeting minutes for Monday, November 29, 2021 (as presented /as amended).

MOTION 2:

The Durham Town Council does hereby approve the Town Council meeting minutes for Monday, December 6, 2021 (as presented /as amended).

MOTION 3:

The Durham Town Council does hereby approve the Town Council meeting minutes for Monday, December 20, 2021 (as presented /as amended).

MOTION 4:

The Durham Town Council does hereby approve the Town Council meeting minutes for Monday, January 10, 2022 (as presented /as amended).



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10A

DATE: February 7, 2022

COUNCIL COMMUNICATION

INITIATED BY:

Nat Balch, Chair, Durham Energy Committee

AGENDA ITEM:

**RESOLUTION #2022-01 AMENDING RESOLUTION #2007-14
DATED APRIL 23, 2007 "CREATING AN ENERGY STEERING
COMMITTEE" (LATER RENAMED DURHAM ENERGY COMMITTEE),
TO ADD TWO ADDITIONAL CITIZEN MEMBERS, THEREBY
INCREASING THE MEMBERSHIP FROM NINE (9) TO ELEVEN (11)
MEMBERS**

CC PREPARED BY:

Nat Balch, Chair, Durham Energy Committee

PRESENTED BY:

Todd I. Selig, Administrator

Nat Balch, Chair, Durham Energy Committee

AGENDA DESCRIPTION:

At the Town election on March 13, 2007, Durham voters voted 1447 to 254 to adopt the New Hampshire Climate Change Resolution that, among other measures contained a request to *"ask our Town Council to consider the appointment of a voluntary energy committee to recommend local steps to save energy and reduce emissions."*

On April 23, 2007, the Town Council adopted Resolution #2007-14 creating an Energy Steering Committee. On October 1, 2007, the Council endorsed the proposed Mission Statement developed by the Steering Committee and established it as a standing committee of the town and renamed it the "Durham Energy Committee".

Current membership on the Durham Energy Committee is as follows:

As many as nine (9) members consisting of six (6) members appointed by the Town Council, one representative of the Town Council designated by the Town Council, one representative from the Durham Planning Board designated by the Planning Board, and one representative from the University of New Hampshire appointed by the President of the University of New Hampshire.

The committee was given the following charge by the Town Council:

Re: Resolution #2022-XX Amending Resolution #2007-14 by Adding Two Additional Citizen Representatives and Increasing Membership from Nine to Eleven Members

1. Develop an organizational structure and guidelines for the Energy Committee. Once completed, the committee structure and guidelines shall be presented to the Town Council for approval. Once approved, the committee may appoint interested residents to subcommittees as needed.
2. Oversee the progress of subcommittees and make recommendations and provide advice to the Town Council.
3. Conduct all activities in accordance with RSA 91-A, the New Hampshire Right to Know Law.
4. Select a chairperson who shall organize and preside over the meetings of the committee and a secretary who shall keep minutes of the meetings and submit these to the Town Administrator's Office for public review.

The past year has seen a sharp increase in activity for the Durham Energy Committee and a concurrent increase in issues to address. The committee currently is involved with:

- a) Durham's commitment to the Global Covenant of Mayors (GCOM)
- b) Carbon emissions reduction
- c) Current projects and studies
 - Finalizing Durham's solar ordinance
 - Community power aggregation
 - Envisioning future use of electric vehicles and charging stations
 - Current cost and payback of residential PV Arrays
 - Energy-reduction resources for residents
 - Increasing public awareness and community action

Many of these projects and studies have parameters which can change in a relatively short timeframe; because of this, it is advantageous to complete them while they are relevant. More importantly, recent reports by the Intergovernmental Panel on Climate Change have underscored a greater urgency for action. There is a lot of work to be done by the Durham Energy Committee; adding two additional at-large seats to the committee will enhance the committee's ability to fulfill its role.

Attached for the Town Council's information and consideration is a resolution amending Resolution #2007-14 "Creating the Energy Committee Steering Committee" by adding two (2) more citizen/community members thereby increasing the total membership to be as many as eleven (11) members.

LEGAL AUTHORITY:

N/A

Re: Resolution #2022-XX Amending Resolution #2007-14 by Adding Two Additional
Citizen Representatives and Increasing Membership from Nine to Eleven Members

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Durham Energy Committee and Administrator, adopt Resolution #2022-01 amending Resolution #2007-14 Dated April 23, 2007 "Creating an Energy Steering Committee" (later renamed "Durham Energy Committee"), by adding two additional citizen/community members, thereby increasing the total membership from nine (9) to eleven (11) members.

RESOLUTION #2022-01 OF DURHAM, NEW HAMPSHIRE

AMENDING RESOLUTION #2007-14 “CREATING THE ENERGY COMMITTEE STEERING COMMITTEE” (LATER RENAMED DURHAM ENERGY COMMITTEE), BY ADDING TWO (2) CITIZEN MEMBERS THEREBY INCREASING THE TOTAL MEMBERSHIP TO BE AS MANY AS ELEVEN (11) MEMBERS

WHEREAS, since the March 13, 2007 Town Election when Durham residents voted in favor to adopt the New Hampshire Climate Change Resolution and subsequently appointed members to first an Energy Steering Committee and later the Durham Energy Committee, many changes have occurred relative to the committee’s membership; and

WHEREAS, the current Durham Energy Committee is requesting that the Durham Town Council increase the committee’s membership by adding two additional citizen members, which will increase its total membership from nine (9) to eleven (11); and

WHEREAS, the basis for this request is that over the past year the Durham Energy Committee has seen a sharp increase in and a concurrent increase in issues to address. Many of the current projects and studies that the committee has been addressing have parameters which can change in a relatively short timeframe; because of this, it is advantageous to complete them while they are relevant. More importantly, recent reports by the Intergovernmental Panel on Climate Change have underscored a greater urgency for action. There is a lot of work to be done by the Durham Energy Committee and adding two additional at-large seats to the committee will enhance the committee’s ability to fulfill its role; and

WHEREAS, below is a chronicle of the Durham Energy Committee’s creation and its membership history since the March 13, 2007 Town Election.

Council Meeting <u>Date</u>	<u>Action</u>
--	----------------------

- May 21, 2007 Council appointed 4 citizens to the Energy Steering Committee (with 1 citizen vacancy remaining), 1 Council rep., 1 UNH rep., and 1 DPW rep.
- June 4, 2007 Council voted to expand the membership of the Energy Steering Committee from eight to nine (9) and appointed two citizens (1 to fill the remaining vacancy and 1 new appointment).
- October 1, 2007 Council endorsed the proposed Mission Statement developed by the Energy Steering Committee and established the committee as a standing committee of the town to be renamed the "Durham Energy Committee" (DEC).
- May 2, 2011 Resolution #2011-12 was adopted by the Council amending the membership of the DEC to replace one community member with a Planning Board representative.
- September 12, 2011 Resolution #2011-17 was adopted by the Council replacing the Public Works Director representative position with a community member and increasing the total membership to be as many as nine (9) members.

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire, does hereby **ADOPT Resolution #2022-01** amending Resolution #2007-14 to change the membership of the Durham Energy Committee as indicated below.

As many as ~~nine (9)~~ eleven (11) members consisting of ~~six (6)~~ eight (8) community members appointed by the Town Council, one representative of the Town Council designated by the Town Council, one representative from the Durham Planning Board designated by the Board, and one representative from the University of New Hampshire appointed by the President of the University of New Hampshire.

PASSED AND ADOPTED by the Town Council of the Town of Durham, New Hampshire this _____ day of __, **2022** by _____ affirmative votes, _____ negative votes, and _____ abstentions.

Katherine Marple, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk-Tax Collector



TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824

Tel: 603-868-**AGENDA ITEM:**

Fax: 603-868-1858

www.ci.durham.nh.us **DATE:** February 7, 2022

10B

COUNCIL COMMUNICATION

INITIATED BY: Durham Police

AGENDA ITEM: FIRST READING ON ORDINANCE #2022-01 AMENDING CHAPTER 153 "VEHICLES AND TRAFFIC", SECTION 153-30 "BUSINESS PERMIT PARKING AREAS" OF THE DURHAM TOWN CODE TO ADD 66 MAIN STREET PARKING LOT AND UPDATE INFORMATION WHERE NEEDED WITHIN THE SECTION

CC PREPARED BY: David Holmstock, Deputy Police Chief

PRESENTED BY: David Holmstock, Deputy Police Chief

AGENDA DESCRIPTION:

On May 3, 2021, the Durham Town Council authorized the purchase of the 1.18-acre lot located at 66 Main Street from the University of New Hampshire for a sum of \$2,045,000 and further authorized the Administrator to sign all associated documents necessary to effectuate said acquisition of the 66 Main Street property and bring the matter to closure.

A municipal parking lot has since been constructed at 66 Main Street with the intention of devoting some of the parking spaces to downtown business owners and their employees. The attached draft ordinance will amend Chapter 153 "Vehicle and Traffic", Section 153-30 "Business Permit Parking Areas" of the Durham Town Code to include the 66 Main Street parking lot. In addition, Parking Enforcement Officer Sandra Hebert identified some issues regarding some of the current language within this section. In addition, Garrison Avenue Extension was not listed, so has been included. The south metered lot is the only business permit approved lot, and that one actually has no meters, so it is now just noted as the "south permit lot".

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby move on First Reading (as presented/as amended), Ordinance #2022-01 amending Chapter 153 "Vehicles and Traffic", Section 153-30 "Business Permit Parking Areas" of the Durham Town Code to add 66 Main Street Parking Lot and update information where needed within the section. Further, the Durham Town Council does hereby schedule a Public Hearing on Ordinance #2022-01 for Monday, February 21, 2022.

ORDINANCE #2021-01 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 153 "VEHICLES AND TRAFFIC", SECTION 153-30 "BUSINESS PERMIT PARKING AREAS" OF THE DURHAM TOWN CODE TO INCLUDE 66 MAIN STREET PARKING LOT AND MAKE UPDATES WHERE NEEDED WITHIN THE SECTION

WHEREAS, on May 3, 2021, the Town Council approved the purchase of the 1.18 acre lot located at 66 Main Street from the University of New Hampshire for a sum of \$2,045,000 and further authorized the Administrator to sign all associated documents necessary to effectuate said acquisition of the 66 Main Street property and bring the matter to closure; and

WHEREAS, the Town desires to utilize 66 Main Street for business parking at this time; and

WHEREAS, the development of the parking lot allows for additional customer parking in the Central Business District; and

WHEREAS, there is a need for business owner and employee parking in the downtown area.

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby adopt **ADOPT Ordinance #2021-01** and does hereby amend Chapter 153 "Vehicles and Traffic", Section 153-30 "Business Parking Areas", to include 66 Main Street Parking Lot. Wording to be omitted is annotated with ~~strikeout~~ type. New wording is annotated with underscoring.

153-30. Business Permit Parking Areas

Business Parking Permits are sold to businesses that require parking in the downtown area for their employees. The permit shall only be used at times when the user is at the business that purchased the permit. The procedures are regulated by the Durham Police with approval of the Town Administrator.

An employee of a Durham business establishment that has purchased a current year parking permit from the town, shall be allowed to park in designated parking spots at the following locations unless otherwise restricted by the type of business permit:

Name of Street	Side	Location
<u>66 Main Street Parking Lot</u>	<u>N/A</u>	<u>Between Pettee Brook Lane and Main Street</u>
Cowell Drive	North	Intersection of Madbury Rd to the driveway of the St. Thomas More Rectory
Madbury Road	West	Intersection of Mathes Terrace to Garrison Avenue
Pettee Brook Lane parking lots	North /South	The metered north <u>south permit lot</u>
Strafford Avenue	North	Intersection of Garrison Avenue to the UNH Meter Parking Zone
Garrison Avenue	South	Intersection of Rosemary Lane to Madbury Road
<u>Garrison Avenue Extension</u>	<u>North</u>	<u>From Madbury Road to Dennison Avenue</u>

PASSED AND ADOPTED this _____ day of ____, **2022** by a majority vote of the Durham Town Council with ____affirmative votes, ____negative votes, and ____ abstentions.

Katherine Marple, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk-Tax Collector



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12A

AGENDA ITEM:

DATE: February 7, 2022

COUNCIL COMMUNICATION

INITIATED BY: Conservation Commission and Michael Behrendt, Town Planner

AGENDA ITEM: PROPOSAL TO CONVEY PIKE PROPERTY TO THE TOWN AS CONSERVATION LAND

CC PREPARED BY: Michael Behrendt

PRESENTED BY: Michael Behrendt and Duane Hyde, Land Conservation Director of the Southeast Land Trust

AGENDA DESCRIPTION:

Consideration of proposal to convey the Pike Property to the Town of Durham as conservation land. The 36-acre parcel at 279 Packers Falls Road would be subdivided from a slightly larger parcel, Map 14, Lot 10-2. The property, situated near the juncture of Packers Falls Road and Wednesday Hill Road, is owned by the Pike Family Revocable Trust, c/o Bonnie Pike.

BACKGROUND

Duane Hyde, Land Conservation Director of the Southeast Land Trust (SELT) has been working with the property owner, several funders, and the Town of Durham on this project. See the attached document provided by Mr. Hyde.

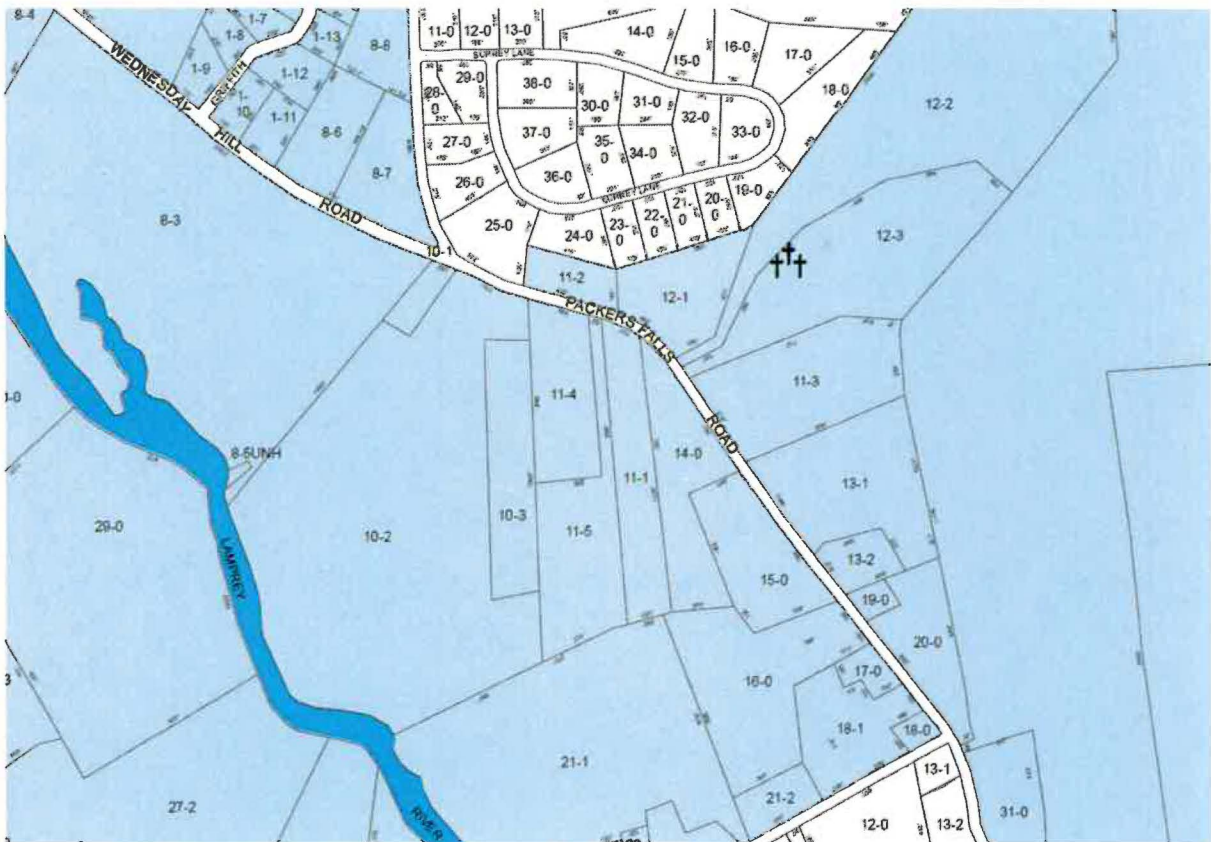
The proposed conservation land to consist of just over 36 acres would be subdivided from a slightly larger parcel (The subdivision application is being presented to the Planning Board on February 9; that application also includes a lot line adjustment between the subject lot, Map14, Lot 10-2 and an adjacent lot also owned by Bonnie Pike). A variance is also needed because with the new conservation lot, the existing house on the residual lot would not meet the required side setback (The variance application is being presented to the Zoning Board of Adjustment on February 8).

The conservation land would then be acquired from the Pike Family Revocable Trust and conveyed to the Town. A conservation easement would be held by SELT so that the land remains in conservation in perpetuity. The small residual lot would be sold by SELT on the open market.



The Conservation Commission voted on January 24 to allocate \$35,000 from the Town's Conservation Fund toward acquisition of the land, provided that the property is acquired by the Town. The remainder would be paid by contributions from various funders. The commission also voted to recommend that the Town Council accept the property as conservation land. The Town's *Guidelines for Acquiring Legal Interest in Conservation/Open Space Land* (attached) require the Town Council to hold a public hearing prior to acquiring the property.

This map shows the subject property. Lot 10-2 will be subdivided into two lots as mentioned above (The lot line adjustment includes Lot 10-2 and Lot 10-3 which is the owner's residence). The subject property is situated just to the east of Thompson Forest, Lot 8-3, conservation land that is also owned by the Town of Durham. More detailed drawings, extensive background information, and the proposed budget are included in the attached information provided by Duane Hyde.



LEGAL AUTHORITY:

The Town's Guidelines for Acquiring Legal Interest in Conservation/Open Space Land and the Town's authority to acquire property for the public interest.

LEGAL OPINION:

The Town Attorney will be involved in preparing documentation should the Town acquire the property.

FINANCIAL DETAILS:

The Conservation Commission voted to allocate \$35,000 from the Town's Conservation Fund toward acquisition of the property. The remainder will be provided by various funding sources. There will be additional future expenses for the Town for the maintenance of the property.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, in accordance with the Town of Durham, NH Guidelines for Acquiring Legal Interest in Conservation/Open Space Land Originally Adopted by Town Council on May 3, 2004 (last revised by Town Council on July 12, 2021), schedule a public hearing for Monday, February 21, 2022, to obtain input about the proposal for the Town to accept the Pike Property, a 36-acre parcel at 279 Packers Falls Road owned by the Pike Family Revocable Trust in the amount of \$35,000. The parcel will be subdivided from a slightly larger parcel, Map 14, Lot 10-2 and then placed into conservation. No additional Town funds are needed to acquire the property beyond \$35,000 allocated by the Conservation Commission from the Town's Conservation Fund.

MEMORANDUM

TO: Durham Conservation Commission

From: Duane Hyde, Land Conservation Director, SELT

DATE: January 19, 2022

RE: Public Hearing on Request for Town Ownership and Funding – Pike Property

Please refer to my August 13, 2021 and November 19, 2021 memos (attached) to the Conservation Commission with regard to the Pike property and the Conservation Commission's meeting minutes for the background and prior discussion about this project which I have not repeated in this memorandum. The August memorandum includes an extensive list of conservation/natural resource features of the property, and the November memorandum includes information on the project structure, funding, budget and proposed conservation easement requirements. Note that per the boundary survey further described below, the acreage of the Pike conservation project is 36.16-acres. The prior memos relied on an estimated 37.4 acres.

Requested Action by the Conservation Commission

- Recommendation to the Town Council that it accept the ownership of the approximately 36.16-Pike conservation property subject to a conservation easement held by the Southeast Land Trust of New Hampshire
- Request to commit funding in the amount of \$35,000 from the Durham Conservation Fund toward the Pike conservation project costs

Updates Since November Conservation Commission

- Site Walk: Conservation Commission held a site walk of the Pike property on December 14, 2021.
- Budget: The Budget remains the same as included in the attached November 19, 2021 memorandum.
- Aquatic Resource Mitigation Program (ARM) Funding Conditions: As explained during the site walk, SELT had some success with the ARM program who's \$220,000 funding award was conditions that there be a permanent restriction that no trails be constructed on the property. SELT was able to work with the NHDES which administers the ARM program to agree to a provision whereby the intent is not to have trails but allows the Town to make a request to NHDES and the Army Corps of Engineers for permission to install a trail and the process to do this.
- Subdivision, Lot Line Adjustment and Variance: The boundary survey and subdivision/lot line adjustment plans have been prepared and the application to the Durham Planning Board for approval are scheduled to be submitted as of the date of this memorandum so that the application and plans can be "accepted" by the Planning Board at its February 9th meeting. A draft of the subdivision plan is attached for your reference. The proposed subdivision plan results in the house located at 279 Packers Falls Road being on a 3.45-acre lot and the property proposed to be transferred to the Town subject to a conservation easement being 36.16-acres. Unfortunately, we learned that the circa 1800's existing house on the proposed 3.45 -acre lot

does not meet the Zoning Ordinance's 50' side yard setback from the "pipestem" being created for the conservation lot and encroaches by approximately 13 feet. Thus, since the house is proposed to be sold and renovated, we are having to request a Variance from the Zoning Board of Adjustment which we hope to be heard by the ZBA at its February 8th meeting

- **Sale of House:** As previously outlined to the Commission, SELT had to secure a purchase agreement for the entire 39.6-acre Pike property, including the circa 1800's house and buildings at 279 Packers Falls Road. SELT worked with Ms. Pike to list the house with a realtor and the house is under agreement for purchase by a private buyer subject to the Planning Board and ZBA approvals described above.

Due Diligence that SELT will Undertake

As part of its regular conservation project management, SELT undertakes several key due diligence items that it will share with the Conservation Commission and Town Staff. This includes:

1. **Certificate of Title:** A Certificate of Title will be provided to the Town and SELT will secure Title Insurance for its conservation easement and can also secure title insurance for the Town's fee interest assuming the Town would like this insurance.
2. **Phase 1 Environmental Hazard Assessment:** SELT will have a Phase 1 prepared by Exeter Environmental and will share the Phase 1 with the Town.
3. **Boundary Survey:** As indicated above, SELT has had a full boundary survey of the property prepared and will require the surveyor to install all corner monuments shown on the survey plan. SELT will install conservation easement boundary "tin squares" as part of the project.

I look forward to meeting with the Conservation Commission and advancing the requested action items for this excellent project that will further protect one of Durham and UNH's drinking water sources and provide important wildlife habitat and conservation benefits.

PLAN REFERENCES:

- 1.) "LIMITED SUBDIVISION; LAND OF; MARY BURROWS"
BY: G.L. DAVIS & ASSOC.
DATED: MAY, 1975
S.C.R.D. POCKET #15, FOLDER #1, PLAN #33
- 2.) "SUBDIVISION OF PROPERTY OF; MARGUERITE E. CARLISLE"
BY: M.E. JENKINS & SONS
DATED: JANUARY, 1978
S.C.R.D. PLAN #170-59
- 3.) "PROPOSED SUBDIVISION OF LAND; FOR; WILSON PIKE; IN; DURHAM, NEW HAMPSHIRE"
BY: SEACOAST ENGINEERING ASSOCIATES, INC.
DATED: FEBRUARY 20, 1980
S.C.R.D. PLAN #21-20
- 4.) "FINAL SUBDIVISION; PLAN OF LAND; OWNED BY; DUANE C. & DOROTHY J. CARLISLE"
BY: JAMES M. LAVELLE ASSOCIATES
DATED: AUGUST 28, 1990
S.C.R.D. PLAN #38A-83
- 5.) "CONSERVATION EASEMENT PLAN"
BY: AMES MSC
DATED: JUNE 21, 2007
S.C.R.D. PLAN #91-52
- 6.) "CONSERVATION EASEMENT PLAN; TAX MAP 14, LOT 8-3; WEDNESDAY HILL ROAD; DURHAM, NH; OWNER: MURELL G. THOMPSON REV. TRUST; SHIRLEY THOMPSON, TRUSTEE; C/O KIMBERLY LAUGHTON"
BY: ERIC C. MITCHELL & ASSOC., INC.
DATED: DECEMBER 30, 2015
S.C.R.D. PLAN #111-24
- 7.) "LOT LINE REVISION PLAN; FOR: SOUTHEAST LAND TRUST OF NH; LAND OF; PIKE FAMILY REVOCABLE TRUST; PACKERS FALLS ROAD; DURHAM, N.H.; TAX MAP 14, LOTS 10-2 & 10-3"
BY: BERRY SURVEYING & ENGINEERING
DATED: JANUARY 19, 2022
FILE #2021-164
TO BE RECORDED

N/F BOLEY FAMILY REVOCABLE TRUST
10 JUNIPER LANE
DURHAM, NH 03824
TAX MAP 14, LOT 27-2
S.C.R.D. BOOK 4652, PAGE 268

N/F RICHARD S. LYONS
REVOCABLE TRUST AND
VIRGINIA K. LYONS REVOCABLE
TRUST
68 WISWALL ROAD
DURHAM, NH 03824
TAX MAP 14, LOT 27-1
S.C.R.D. BOOK 3668, PAGE 298

N/F TRACEY MADDEN TRUST
40 WISWALL ROAD
DURHAM, NH 03824
TAX MAP 14, LOT 21-1
S.C.R.D. BOOK 4282, PAGE 755

N/F CODY, JAMES
96 WISWALL ROAD
DURHAM, NH 03824
TAX MAP 14, LOT 29-0
S.C.R.D. BOOK 2716, PAGE 664

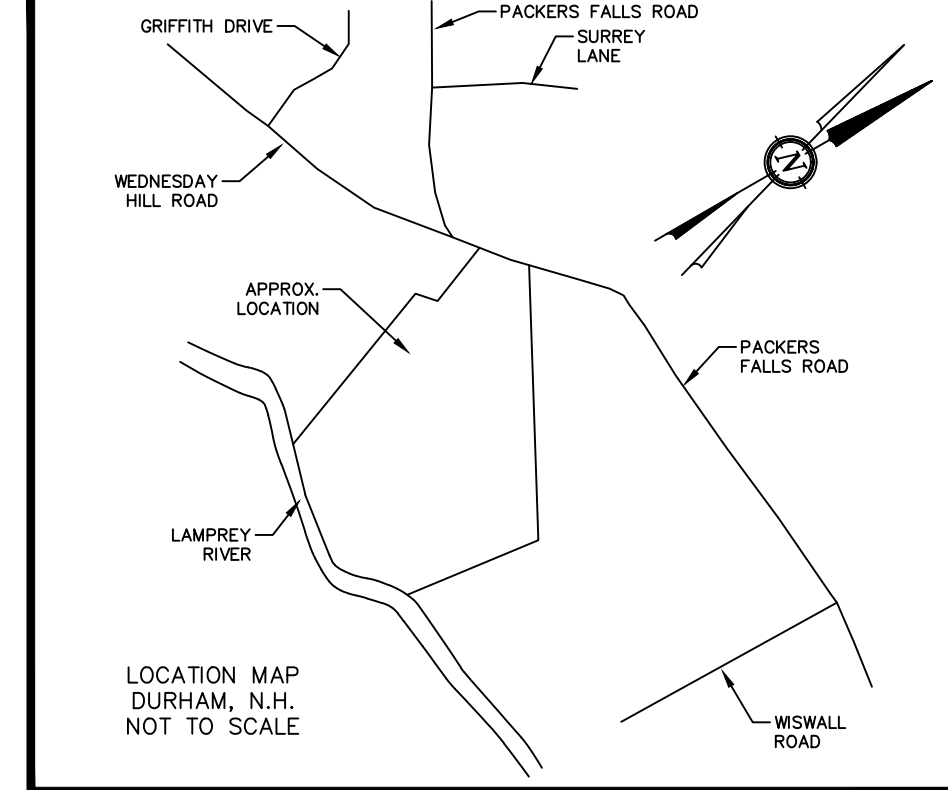
N/F UNIVERSITY OF NH
DURHAM, NH 03824
TAX MAP 14, LOT 8-5UNH

N/F TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824
TAX MAP 14, LOT 8-3
S.C.R.D. BOOK 4368, PAGE 2016

WEST ENVIRONMENTAL, INC.
MARK WEST, CWS #10

WETLAND NOTE:

- THE WETLAND DELINEATION WAS COMPLETED JANUARY 2021 ACCORDING TO THE FOLLOWING STANDARDS:
1. CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, TECHNICAL REPORT 4-87-1, (JANUARY, 1987)
 2. U.S. ARMY CORPS OF ENGINEERS, REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, U.S. ARMY ENGINEER RESEARCH AND DEVELOPMENT CENTER, 3909 HALLS FERRY ROAD, VICKSBURG, MS 39180-6199, JANUARY 2012, ERDC/EL TR-12-1
 3. COWARDIN, LEWIS M., GOLET, FRANCIS C. AND LAROE, EDWARD T., CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES, USFWS, DEPT. OF THE INTERIOR, WASH. D.C., 1979.
 4. FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES: A GUIDE FOR IDENTIFYING AND DELINEATING HYDRIC SOILS, VERSION 8.1, 2017 (INCLUDING CORRECTIONS TO VERSION 8.0, 2016, ON PAGES 21, 25, AND 34)
 5. NEW ENGLAND HYDRIC SOILS TECHNICAL COMMITTEE, 2017 VERSION 4, FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION, LOWELL, MA

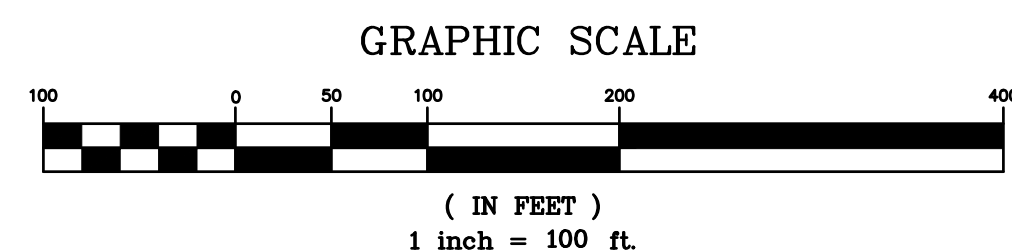
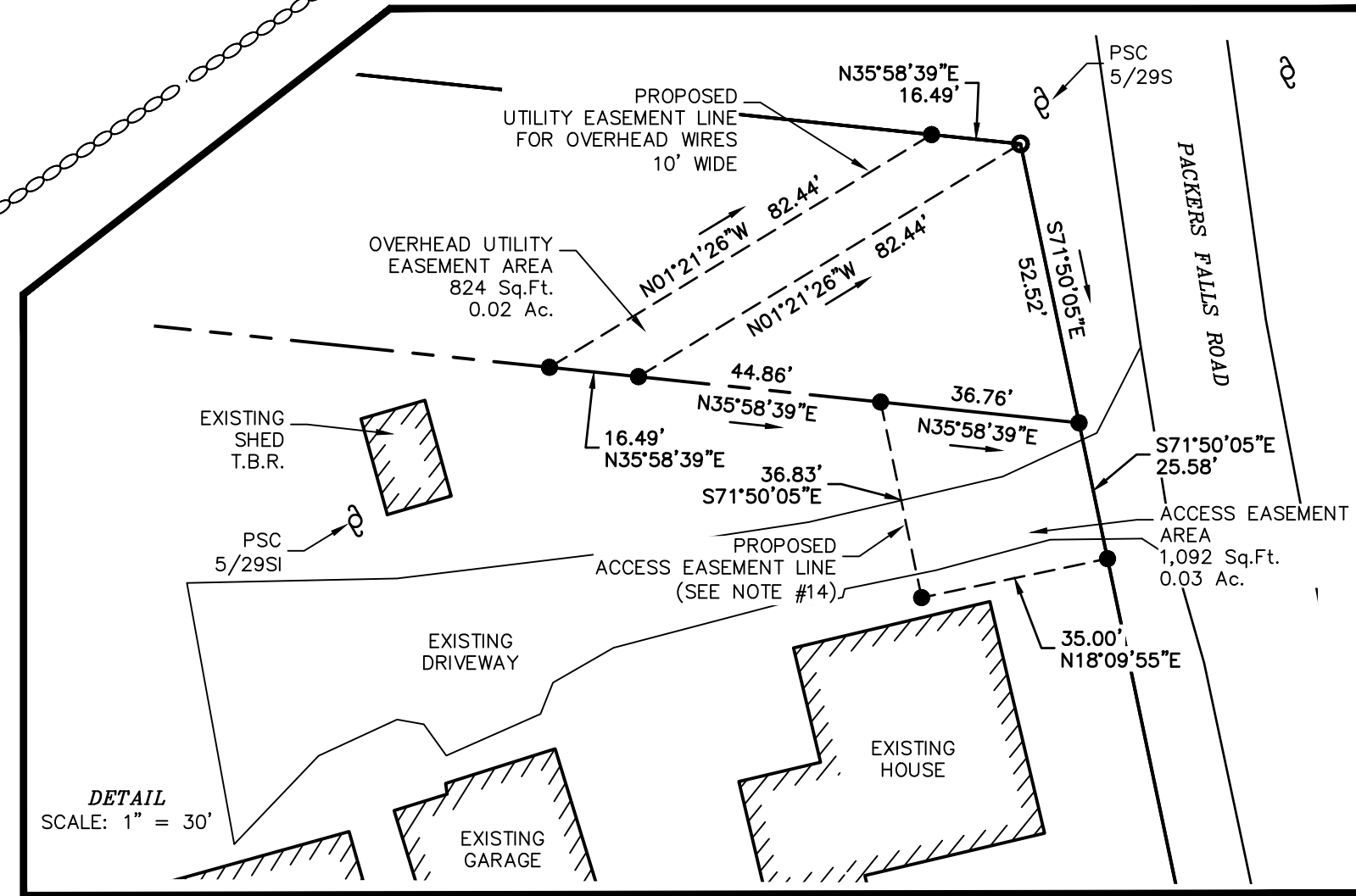


NOTES:

- 1.) OWNER: PIKE FAMILY REVOCABLE TRUST
275 PACKERS FALLS ROAD
DURHAM, NH 03824
- 2.) TAX MAP 14, LOT 10-2
- 3.) LOT AREA: 1,725,439 Sq.Ft.±, 39.61 Ac.±
- 4.) S.C.R.D. BOOK 4931, PAGE 1026
- 5.) THE INTENT OF THIS PLAN IS TO SHOW THE SUBDIVISION OF TAX MAP 14, LOT 10-2 INTO TWO LOTS, UTILIZING THE PORKCHOP LOT ORDINANCE.
- 6.) BOUNDARY LINES BASED ON A TRAVERSE PERFORMED IN 2020 ON THE ENTIRE PARCEL WITH A CLOSURE ERROR OF BETTER THAN 1 PART IN 10,000.
- 7.) ZONING: RURAL
LOT AREA: 150,000 Sq.Ft.
FRONTAGE (TRADITIONAL SUB.) 300'
PORKCHOP LOT FRONTAGE: MIN. 50', AVERAGE 125'
SETBACKS:
FRONT - 30'
SIDE AND REAR - 50'
WETLAND BUFFER - 100'
SEPTIC WETLAND SETBACK - 125'
- 8.) THERE WERE NO CEMETERIES OBSERVED ON THE LOT.
- 9.) NO ENCROACHMENTS WILL RESULT FROM THE SUBDIVISION. THE EXISTING SHED ON THE PARCEL IS TO BE RELOCATED OR REMOVED.
- 10.) FOR MORE INFORMATION ABOUT THIS SUBDIVISION, CONTACT THE DURHAM PLANNING DEPARTMENT AT 603-868-8064. THIS IS A TWO PAGE PLAN SET, WITH SHEET 2 SHOWING TOPOGRAPHY AND ADDITIONAL FEATURES. SHEET 1 IS INTENDED FOR RECORDING.
- 11.) I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE & BELIEF, A PORTION OF THIS PARCEL DOES FALL WITHIN THE FLOOD PLAIN FLOOD HAZARD REF.: FEMA COMMUNITY #330146, MAP #33017C0377E, DATED: SEPTEMBER 30, 2015. THIS AREA IS ADJACENT TO THE LAMPREY RIVER. THE HIGHEST FLOOD ELEVATION ON THE PROPERTY IS 64.1.
- 12.) ELECTRIC AND TV/CABLE UTILITIES ARE LOCATED OVERHEAD ON THE UTILITY POLES AS SHOWN.
- 13.) LOT 10-2 WILL BE SUBJECT TO NHDES SUBSURFACE SUBDIVISION APPROVAL, DUE TO THE SIZE BEING LESS THAN 5 Ac.
- 14.) LOT 10-2 AND LOT 10-2A WILL HAVE A JOINT DRIVEWAY LOCATED ON LOT 10-2 IN THE AREA OF THE PROPOSED ACCESS EASEMENT.

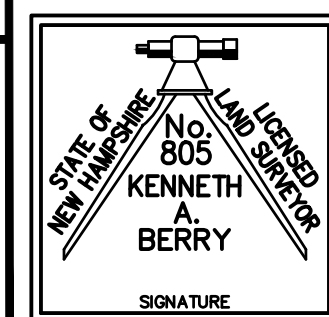
N/F WEINER, JAMES AND
LOW, JULIE
1123 SOUTH PARKVIEW DRIVE
COVINA, CA 91724
TAX MAP 14, LOT 11-2

N/F STEINBERG, DAVID & HOLLAND
271 PACKERS FALLS ROAD
DURHAM, NH 03824
TAX MAP 14, LOT 11-4
S.C.R.D. BOOK 4765, PAGE 809



I CERTIFY THAT THIS PLAT EXCEEDS THE MINIMUM REQUIREMENT FOR ACCURACY AND COMPLETENESS OF THE STATE OF N.H. AND OF THE TOWN OF DURHAM - 1:10,000 -

KENNETH A. BERRY LLS 805 DATE



BERRY SURVEYING & ENGINEERING
335 SECOND CROWN POINT RD.
BARRINGTON, N.H. (603)332-2863
SCALE : 1 IN. EQUALS 100 FT.
DATE : JANUARY 19, 2022
FILE NO. : DB 2021 - 164

DURHAM
APPROVED
PLANNING BOARD

SIGNATURE

TITLE

DATE

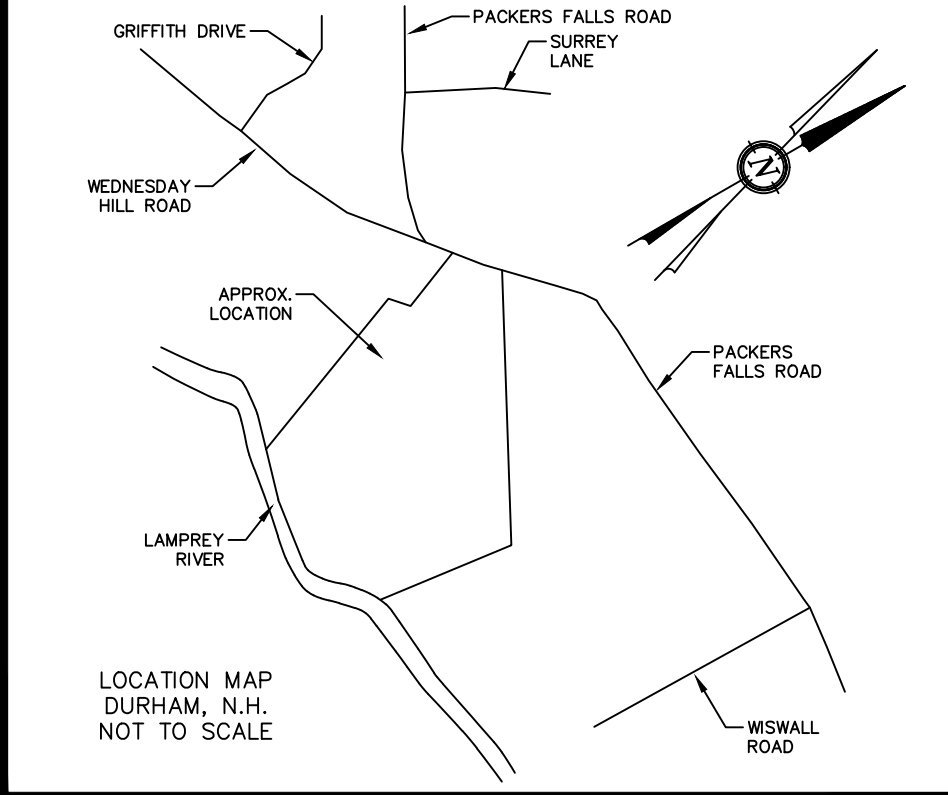
SOIL DATA:

Bx B - BUXTON SILT LOAM, 3-8% SLOPES
Cs B - CHARLTON FINE SANDY LOAM, 3-8% SLOPES, VERY STONY
Cs C - CHARLTON FINE SANDY LOAM, 8-15% SLOPES, VERY STONY
Eo B - ELMWOOD FINE SANDY LOAM, 3-8% SLOPES
GIB - GLOUCESTER FINE SANDY LOAM, 3-8% SLOPES
Sc A - SCANTIC SILT LOAM, 0-3% SLOPES
Sc B - SCANTIC SILT LOAM, 3-8% SLOPES
Sk - SUNCOOK LOAMY SAND
Sw A - SWANTON FINE SANDY LOAM, 0-3% SLOPES
Wd B - WINDSOR LOAMY SAND, 3-8% SLOPES
Wf B - WINDSOR LOAMY FINE SAND, CLAY SUBSOIL VARIANT, 0-8% SLOPES
SEE WEBSOIL

WEST ENVIRONMENTAL, INC.
MARK WEST, CWS #10

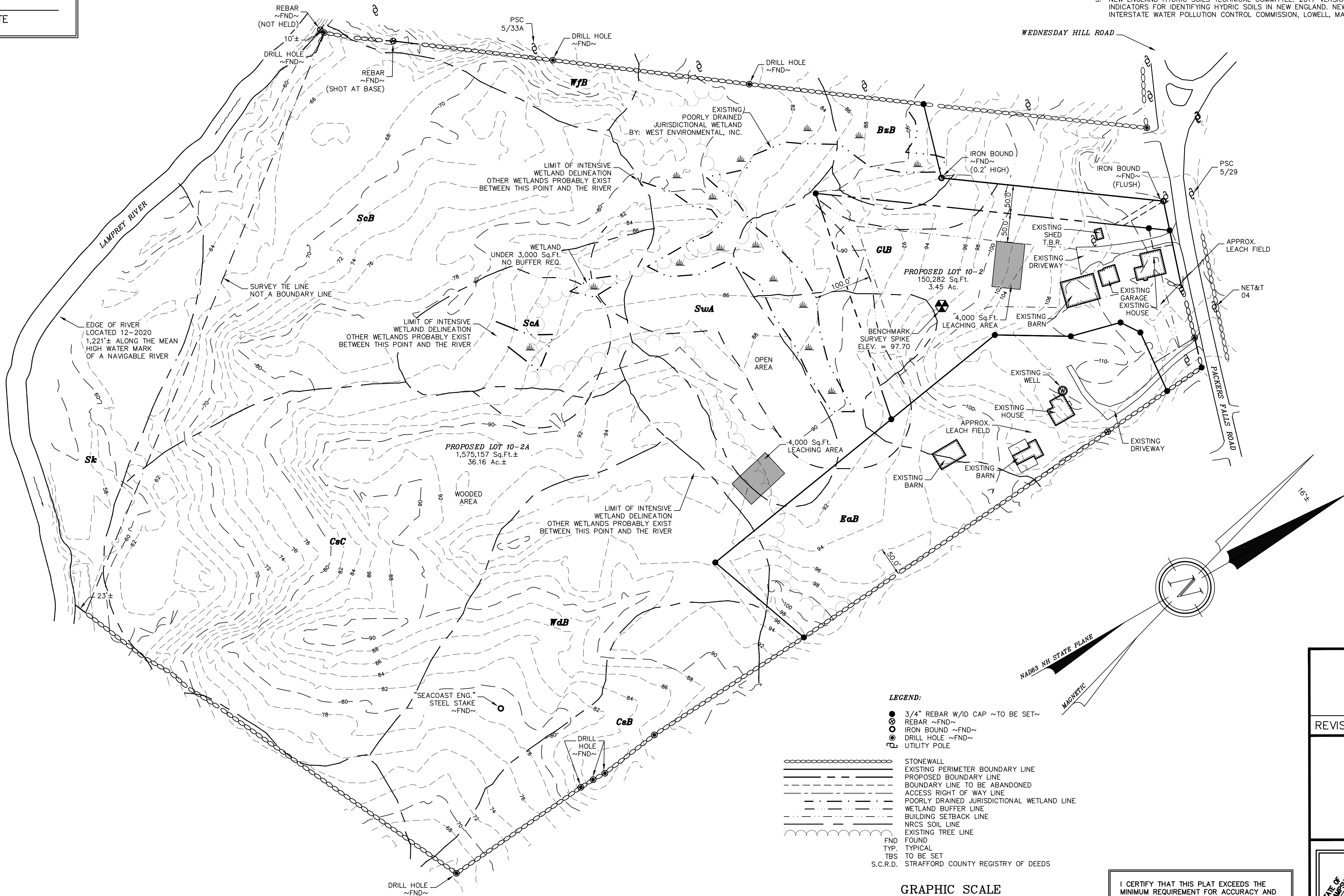
WETLAND NOTE:

THE WETLAND DELINEATION WAS COMPLETED JANUARY 2021 ACCORDING TO THE FOLLOWING STANDARDS:
1. CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, TECHNICAL REPORT 4-87-1, (JANUARY, 1987)
2. U.S. ARMY CORPS OF ENGINEERS, REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHEAST AND NORTHEAST REGION, VERSION 2.0, U.S. ARMY ENGINEER RESEARCH AND DEVELOPMENT CENTER, 3909 HALLS FERRY ROAD, VICKSBURG, MS 39180-6199, JANUARY 2012, ERDC/EL TR-12-1
3. COWARDIN, LEWIS M., GOLET, FRANCIS C. AND LAROE, EDWARD T., CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES, USFWS, DEPT. OF THE INTERIOR, WASH. D.C., 1979.
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275 PACKERS FALLS ROAD
DURHAM, NH 03824
- TAX MAP 14, LOT 10-2
- LOT AREA: 1,725,439 Sq.Ft.±, 39.61 Ac.±
- S.C.R.D. BOOK 4931, PAGE 1026
- THE INTENT OF THIS PLAN IS TO SHOW TOPOGRAPHY AND OTHER NATURAL FEATURES TO SUPPORT A SUBDIVISION OF TAX MAP 14, LOT 10-2 INTO TWO LOTS, UTILIZING THE PORKCHOP LOT ORDINANCE.
- BOUNDARY LINES BASED ON A TRAVERSE PERFORMED IN 2020 ON THE ENTIRE PARCEL WITH A CLOSURE ERROR OF BETTER THAN 1 PART IN 10,000.
- ZONING: RURAL W/WETLANDS, SHORELAND, FLOOD ZONE, AND AQUIFER OVERLAYS
LOT AREA: 150,000 Sq.Ft.
FRONTAGE (TRADITIONAL SUB.) 300'
PORKCHOP LOT FRONTAGE: MIN. 50', AVERAGE 125'
SETBACKS:
FRONT - 30'
SIDE AND REAR - 50'
WETLAND BUFFER - 100'
SEPTIC WETLAND SETBACK - 125'
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- ELECTRIC AND TV/CABLE UTILITIES ARE LOCATED OVERHEAD ON THE UTILITY POLES AS SHOWN.
- LOT 10-2-1 WILL BE SUBJECT TO NHDES SUBSURFACE SUBDIVISION APPROVAL, DUE TO THE SIZE BEING LESS THAN 5 Ac.
- THE PROPERTY IS MADE UP OF A VARIETY OF PASTURE, PADDOCKS, AND WOODED AREAS OF DECIDUOUS AND CONIFEROUS GROWTH.



LEGEND:

- 3/4" REBAR W/D CAP ~TO BE SET~
- REBAR ~FND~
- IRON BOUND ~FND~
- DRILL HOLE ~FND~
- UTILITY POLE

- STONEWALL
- EXISTING PERIMETER BOUNDARY LINE
- PROPOSED BOUNDARY LINE
- BOUNDARY LINE TO BE ABANDONED
- ACCESS RIGHT OF WAY LINE
- POORLY DRAINED JURISDICTIONAL WETLAND LINE
- WETLAND BUFFER LINE
- BUILDING SETBACK LINE
- NRCS SOIL LINE
- EXISTING TREE LINE

FND FOUND
TYP. TYPICAL
TBS TO BE SET
S.C.R.D. STRAFFORD COUNTY REGISTRY OF DEEDS

GRAPHIC SCALE



(IN FEET)

1 inch = 100 ft.

I CERTIFY THAT THIS PLAT EXCEEDS THE MINIMUM REQUIREMENT FOR ACCURACY AND COMPLETENESS OF THE STATE OF N.H. AND OF THE TOWN OF DURHAM - 1:10,000 -
KENNETH A. BERRY LLS 805 DATE

REVISION	DATE	DESCRIPTION
SUBDIVISION PLAN (TOPOGRAPHY) FOR SOUTHEAST LAND TRUST OF NH LAND OF PIKE FAMILY REVOCABLE TRUST PACKERS FALLS ROAD DURHAM, N.H. TAX MAP 14, LOT 10-2		
BERRY SURVEYING & ENGINEERING 335 SECOND CROWN POINT RD. BARRINGTON, N.H. (603)332-2863 SCALE : 1 IN. EQUALS 100 FT. DATE : JANUARY 19, 2022 FILE NO. : DB 2021 - 164		

MEMORANDUM

TO: Durham Conservation Commission

From: Duane Hyde, Land Conservation Director, SELT

DATE: November 19, 2021

RE: Request for Town Ownership and Funding – Pike Property

Please refer to my August 13, 2021 memo to the Conservation Commission on the Pike property and the Conservation Commission's August meeting minutes for the background and prior discussion about this project which I have not repeated in this memorandum.

Key Items for Conservation Commission Consideration

- Conservation Commission may want to schedule a site walk of the Pike property
- Discuss and understand the proposed project structure and budget
- Discuss and understand the funding programs' conservation easement requirements
- Following the site walk, a recommendation to the Town Council that it accept the ownership of the approximately 37.4-Pike conservation area subject to a conservation easement held by the Southeast Land Trust of New Hampshire
- Following the site walk, consider funding to Southeast Land Trust of New Hampshire in the amount of \$35,000 toward the Pike project costs

Pike Property

The approximately 37.4-acre Pike conservation project will protect approximately 1,230 feet of frontage along the Wild & Scenic Lamprey River and the drinking water intake for the UNH/Durham Water System. The property includes 8 potential vernal pools all within close proximity to the river which improves the viability and productivity of these pools. This project includes frontage along the Town of Durham designated Scenic Road, Packers Falls Road.

Conservation Project Structure

The overall conservation structure is now clear and SELT has the approximately 40.9-acre portion of the Pike property under agreement. Ms. Pike remained firm that she would only sell the entire 40.9-acre property in one fell swoop and be done with her ownership. This project structure is complicated by the fact that the property includes an old unoccupied home, garage, barn and other outbuildings that would be part of the sale (shown as "Excluded Area" on the attached map). Thus, SELT structured the project so that we can pursue approvals through the town, to subdivide off the house and buildings on an approximately 3.5-acre lot ("Excluded Area" on map) and sell that house lot property on the open market. SELT will work with a local realtor with a goal for the sale to happen during our contract period with Ms. Pike. The remaining 37.4 acres would then be conservation land. It is worth noting that the above acreages and the subdivision plan will reconfigure the house lot that Ms. Pike lives on to add more acreage to the conservation lot toward the river and add acreage to Ms. Pikes front/side yard. SELT has already hired a surveyor, Berry Survey & Engineering, to prepare the subdivision and boundary line adjustment plan to be submitted to the Planning Department in December for January consideration by the Planning Board. SELT is in the process of hiring a realtor.

As discussed at the August Commission meeting, the proposed project structure remains for the Town to own the 37.4 acres conservation area as it already owns the abutting 50-acre Thompson Forest and can be managed more holistically. SELT would hold a conservation easement on the 37.4 acres that meets the requirements of the various funding partners for the project (see discussion below about easement terms).

Project Budget

A budget has been prepared for the project and is attached to this memorandum. There is a separate budget for the portion of the project involving the acquisition of the house and barn and its resale, but we are keeping those costs separate from the conservation funding requests made to the public funding entities. The total cost of the conservation project is \$598,496 which includes a \$505,000 purchase price that is based on an appraisal. This leaves \$93,496 in project costs which includes the boundary survey/subdivision work, other transactional costs, the cost to build and install a kiosk, and SELT's one-time Stewardship Fund contribution to ensure that SELT has the capacity and ability to steward this conservation easement in perpetuity.

On the revenue side the funding sources are listed in the attached budget. The recognition and importance of the natural resource features and public benefits of the Pike project have been proven by the success we have had with outside public funding entities. SELT has received verbal notification and are awaiting the award letters with funding in the amount of \$220,000 from the NHDES Aquatic Resource Mitigation Program (ARM) and \$87,606 from the NHDES Drinking Water and Groundwater Trust Fund (DWGTF). In addition, SELT is part of a partnership that has program agreement with the Natural Resources Conservation Service (NRCS) for a Regional Conservation Partnership Program (RCPP) which includes \$202,500 for the Pike property. The Great Bay Resource Protection Partnership (GBRPP) has selected the project for funding in the amount of \$20,750. Thus, all that remains for funding is this request to the Town of Durham for \$35,000 and a request to the Lamprey River Advisory Committee for at least \$30,000. The requested amount from the Town is only 5.8% of the total project cost.

Conservation Easement Terms

Due to the funding program requirements, the property will need to be permanently conserved via a conservation easement with SELT. In fact, the funding from the NRCS is only toward the conservation easement costs. The easement terms are going to be largely dictated by these funding programs.

NRCS RCPP: The RCPP program has minimum deed terms that must be integrated into the conservation easement and the easement deed must be reviewed and approved by the NRCS program in Washington DC. SELT is currently going through its first easement deed review with this RCPP program for another project and will be able to rely on that review to help assist in the drafting of the Pike conservation easement. Beyond the typical easement provisions, the NRCS RCPP program required easement terms address:

- Building envelopes must be identified within which any future uses that involve structures and improvements must be located within. There is flexibility for relocation with an approval process. SELT will work with the Town in siting where it may want structures and improvements in the future.
- Agriculture will be limited to the existing field/pasture area (which is also the case for the other funding programs)
- The United States will hold a right of enforcement of the conservation easement.

NHDES DWGTF: This program has requirements that a conservation easement must include which also are largely within a standard conservation easement template. The NHDES and the state Attorney General must review and approve the conservation easement terms. There are a few provisions that are somewhat unique to this program:

- Provisions that the conservation easement allow for drinking water facility improvements such as pumping stations, monitoring stations and other ancillary improvements such as electricity, pipes, and security facilities, but sited in a way to minimize impact and disturbance to the property and the conservation easement's purposes. This right does not include larger facilities such as water storage tanks, laboratory facilities and the like.
- The State of New Hampshire will hold a right of enforcement of the conservation easement.

NHDES ARM: As with the others, the requirements of this program are largely consistent with a standard conservation easement template. The conservation easement terms must be reviewed and approved by the Army Corps of Engineers and the EPA. There are some provisions which are somewhat unique to ARM and additional funding contingencies have been placed on the award for the Pike project:

- NHDES conditioned the award for the Pike property that any forest management be for wildlife habitat purposes only. Thus, management solely for commercial and financial return will not be permitted.
- A management plan will be required prior to the landowner (the Town) conducting any forestry/vegetation management activities. SELT's typical conservation easement only requires a management plan for commercial forestry.
- Requires a management plan be prepared and approved by NHDES, Army Corps, and EPA prior to closing. SELT has worked with a contractor to assist in the preparation of these plans for past projects.
- Any vegetative management activities must follow the requirements contained in Best Management Practices and Good Forestry in the Granite State which require no cut buffers to wetlands, rivers, streams and vernal pools. These buffers will also apply to any proposed structures, which there will need to be an allowance for drinking water related structures within the Lamprey River buffer.
- Although not stated in the conservation easement, the ARM funding is associated with federal programs and these federal programs require that prior to any ground disturbing activities an archeological investigation (Phase 1a) be conducted.
- NHDES conditioned the award for the Pike property that the conservation easement not allow any new trails on the property. The NHDES and Army Corps of Engineers are making this condition due to the extensive Lamprey River frontage, the high-quality wetlands and vernal pools on the property, and the limited size of the property which they have indicated any siting of trails in the forested area would have too significant an impact on these resource features and the wildlife that rely upon them. I know the Commission was interested in possibility of extending trails from Thompson Forest onto the property, but with this added funding condition this will not be possible due to the NHDES ARM funding. The restriction does not prohibit public access to the property, just the establishment of trails.



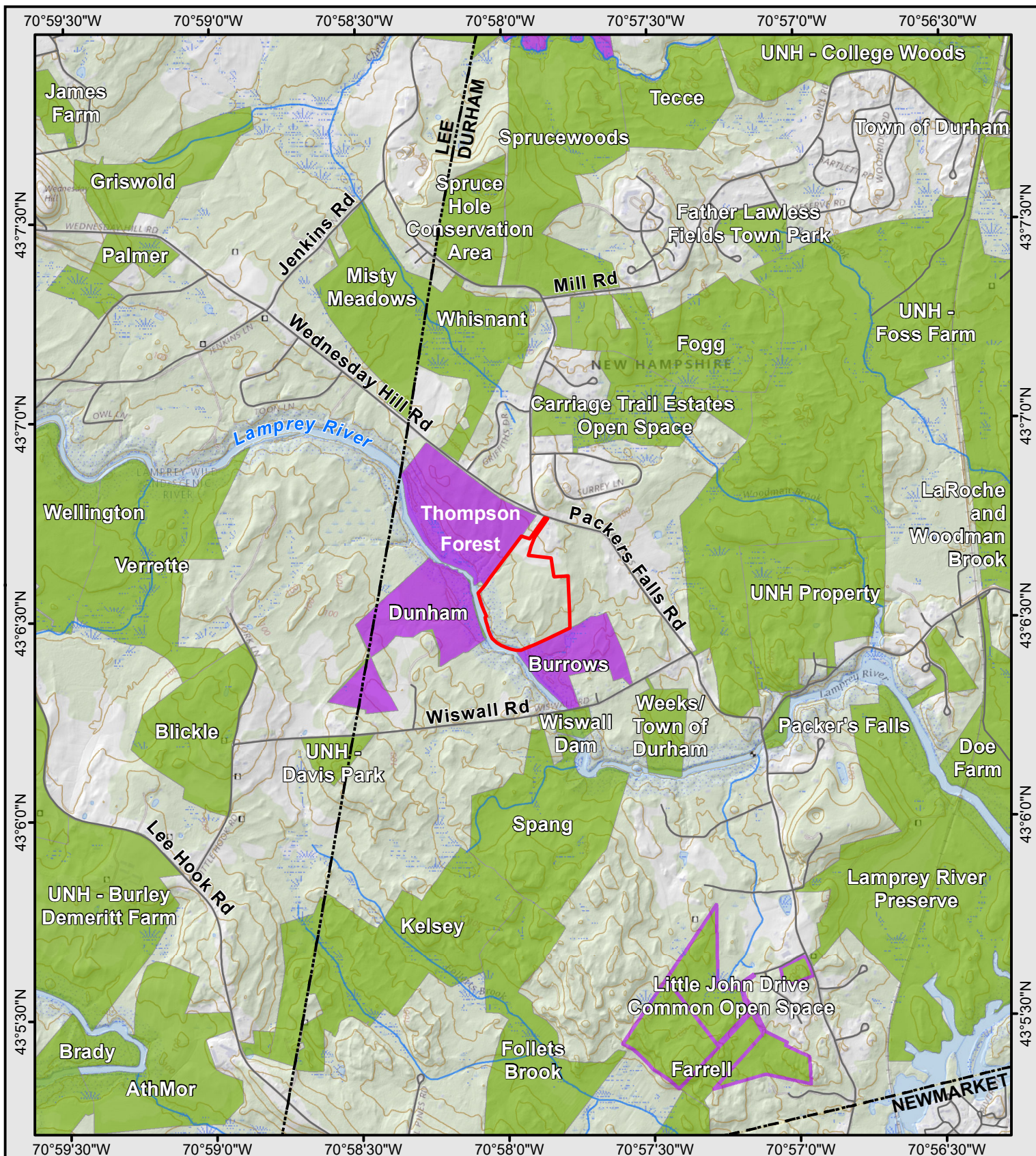
Pike Budget - 37.4 acres (Durham)

EXPENSES

Conservation Transaction Costs	Current	Notes
Acquisition Costs		
Easement Purchase Price	\$0	
Land Purchase Price	\$505,000	
Due Diligence Costs		
Legal	\$4,058	Title, title insurance, deed prep., closing logistics
Survey	\$19,000	Underway
Hazardous Waste Assess.	\$2,800	
Appraisal(s)	\$10,000	Includes initial appraisal and second appraisal for NRCS
Closing Costs		
Recording fees	\$300	
Miscellaneous Taxes	\$3,988	
Project Management Expenses		
SELT Project Management	\$20,000	Flat Fee
Conservation Consulting	\$3,156	Wetlands mapping/evaluation by West Env.
Wetlands Assessment		
Travel	\$150	
Printing & Postage	\$5,100	Community mailing
Contingency	\$6,844	
Subtotal, Transaction Costs	\$580,396	
Stewardship Costs	Current	Notes
Easement Stewardship Fund	\$13,300	Min. contribution for SELT Conservation Stewardship Fund
Legal Defense Fund	\$1,800	SELT Flat rate contribution for legal defense of CEs
Capital Costs (gates, signs, bridges, etc)	\$1,500	Kiosk
Signs, Kiosk, Panels		
Archeological Assessment	\$1,500	Include costs for Phase 1A for fee acqu. involving NRCS, ARM or when required by funding
Subtotal, Stewardship Costs	\$18,100	
TOTAL EXPENSES CONSERVATION	\$598,496	total Transaction Costs + Long Term Stewardship Costs

REVENUES

Conservation Revenue Sources	Current	Notes
Government		
Town Contribution	\$35,000	Request Underway
NHDES DWGTF	\$87,606	Selected, awaiting award documents
NHDES ARM	\$220,000	Selected, awaiting award documents
NRCS RCPP	\$202,500	RCPP has been awarded & Pike specifically listed in app
LRAC	\$29,890	Project presented previously. Request for funding to be submitted
Private Fundraising		
GBRPP	\$20,750	Awarded
Landowner to Vendor	\$2,750	Landowner paid to appraiser
TOTAL CONS. REVENUES	\$0	\$598,496



- Project Boundary
- SELT Conservation Land
- SELT EI
- Conservation & Public Land
- Town boundary



1:24,000

0 1,000 2,000 Feet

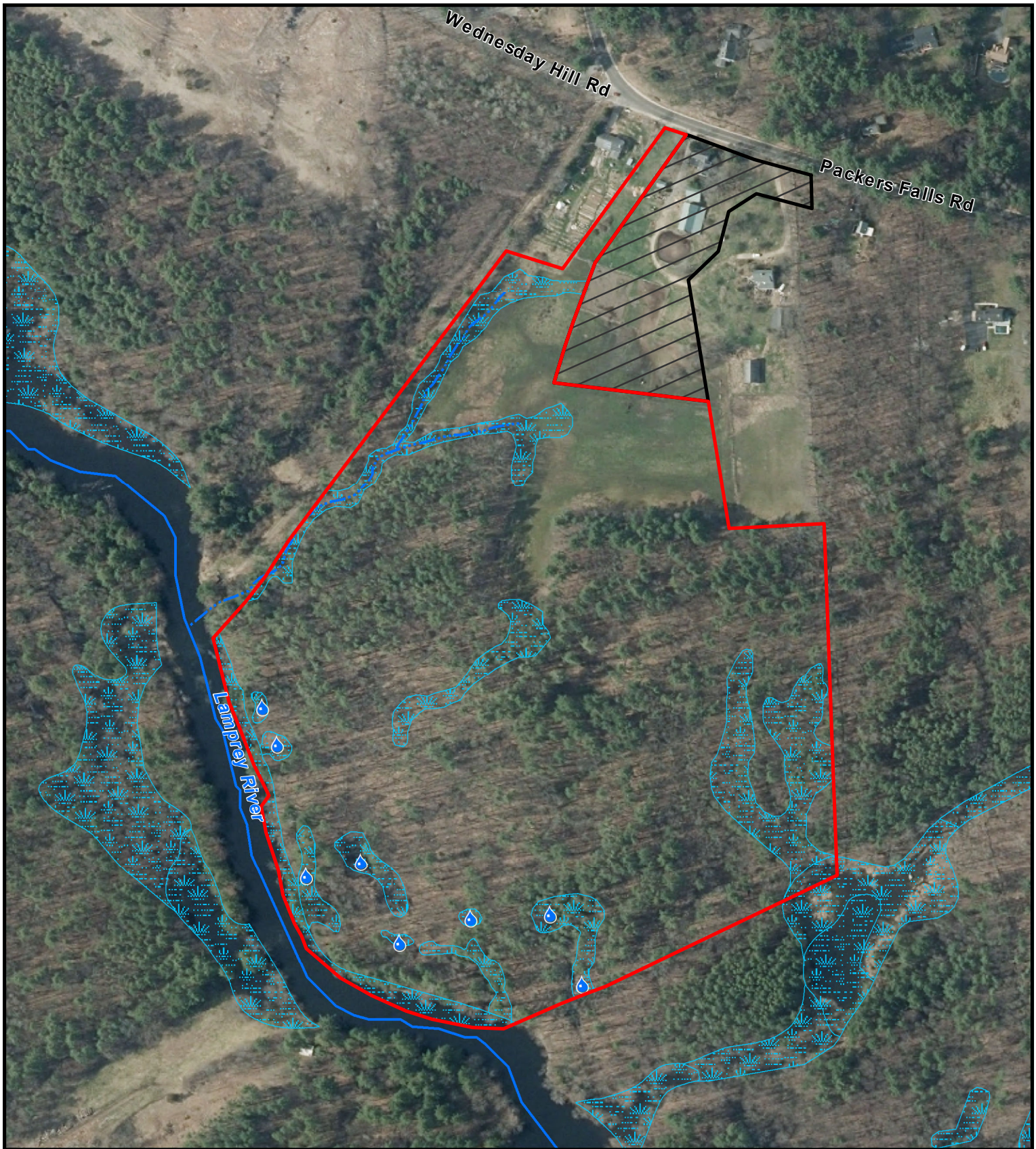
Pike Project & Nearby Conservation Lands Durham, NH

Boundary and feature locations are approximate.
Conservation lands from NH GRANIT. USGS topographic base map (published 1970-1998) processed by NH GRANIT; coordinate system is NAD83 UTM Zone 19N meters.

Map prepared by
Southeast Land Trust of NH
October, 2021



SELT



- Project Boundary
- Excluded Area
- Wetland
- River
- Intermittent Stream
- Vernal Pool



1:3,500

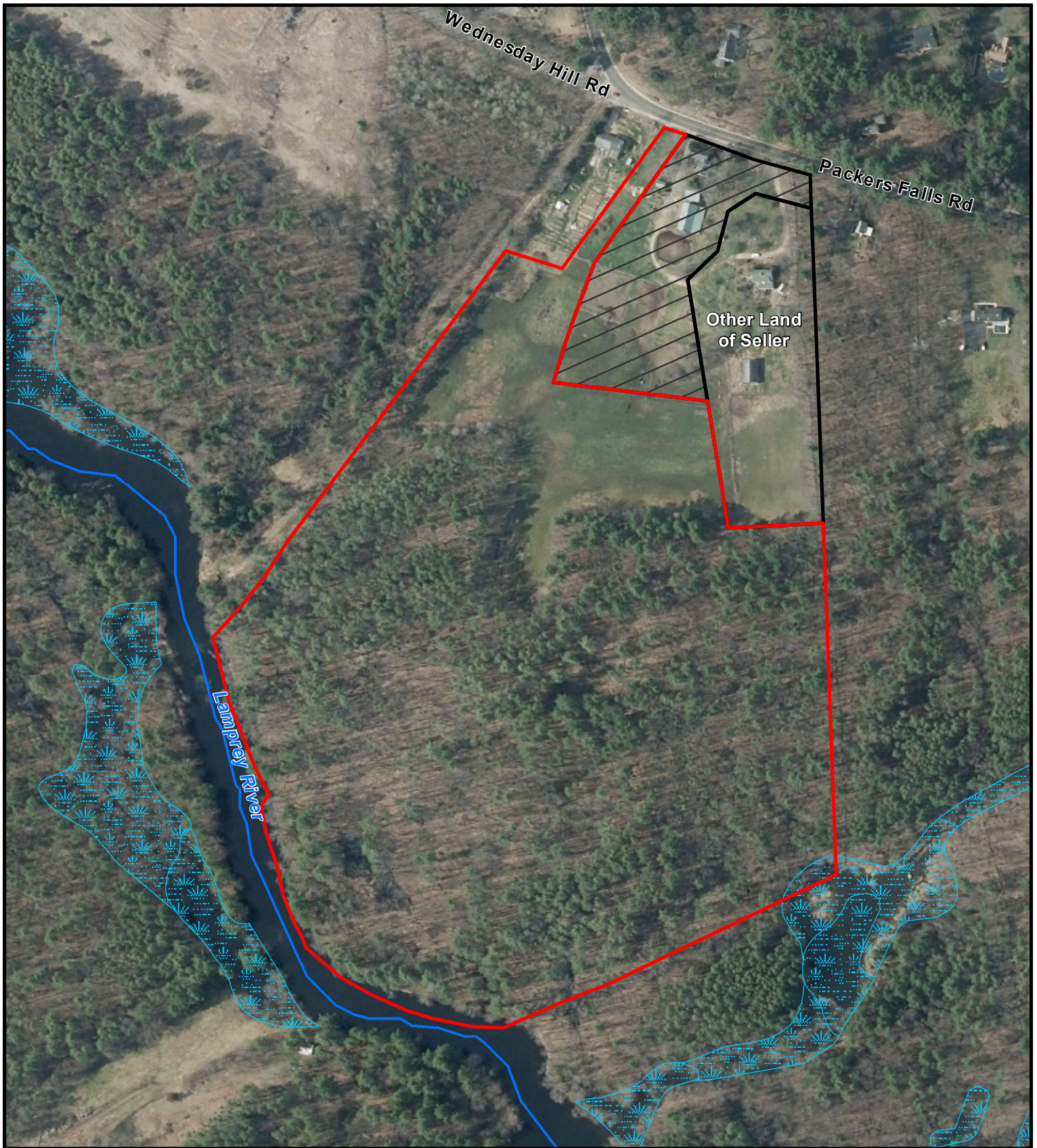
0 250 500 Feet





Pike Project Durham, NH

Boundary and feature locations are approximate. Easement boundary based on tax maps.

Map prepared by
Southeast Land Trust of NH
October, 2021





-  Conservation Property
-  House and Lot
-  NWI wetlands
-  River



1:3,500

0 250 500 Feet

Exhibit A Pike Project Durham, NH

Boundary and feature locations are
approximate. Easement boundary
based on tax maps.

Map prepared by
Southeast Land Trust of NH
September, 2021



SEL T

MEMORANDUM

TO: Durham Conservation Commission

From: Duane Hyde, Land Conservation Director, SELT

DATE: August 13, 2021

RE: Introduction of Project Under Negotiation – Pike Property

Background

SELT has been in discussions with Bonnie Pike who owns substantial frontage and acreage along the mainstem Wild & Scenic portion of the Lamprey River. Her property is located near the intersection of Packers Falls Road and Wednesday Hill Road and is shown on the Durham Tax Maps as Map 14, Lot 10-2 (see attached maps). The negotiations are far enough along that SELT wanted to make the Commission aware of this project since we have agreement on price and will be working on a purchase agreement soon.

COVID made timing of this project very difficult to manage this past year and in order to not miss out on 2021 grant rounds we have submitted several grant applications for this project based on assumed project values and structure. We will be submitting an Aquatic Resource Mitigation Program application at the end of August and a Drinking Water and Groundwater Trust Program application by September 9th. Thus, if the Commission is supportive of this conservation project, we respectfully request a letter of support be authorized for the Chair to sign (draft letter attached).

I plan to attend the August 23rd meeting and look forward to hearing your thoughts on this opportunity.

Pike Property

The approximately 37.4-acre Pike conservation project aims to protect a significant amount of frontage along the Wild & Scenic Lamprey River and the drinking water intake for the UNH/Durham Water System. This project includes frontage along the Town of Durham designated Scenic Road, Packers Falls Road. The land is owned by Bonnie Pike and the property is her last large asset, and she wishes to utilize the funds from the sale of the conservation project for her long-term care and retirement. Ms. Pike's husband passed away within the last few years and she would like to sell her entire 40.9-acre property, including the portion that includes late 1800's house and barn in the "Excluded Area" shown on the enclosed maps.

Nearby Conservation Land & Landscape Context

The Pike property is within an 840-acre unfragmented forest block, which is the fourth largest block along the Wild and Scenic mainstem segment of the Lamprey River. To the north is Durham's 54-acre Thompson Forest (subject to a SELT held conservation easement) and to the south the SELT held 28-acre Burrows easement, which are part of a ~400-acre block of conservation land. Across the Lamprey River is the SELT held 50-acre Dunham easement.

Natural Resource Features

- *Coastal Plan:* Nearly the entire property is included in the Lower Lamprey River Focus Area/Supporting landscape in the Coastal Conservation Plan.
- *River and Wetlands:* The Property has ~1,230 feet of undeveloped and forested frontage along the federally designated Wild & Scenic Lamprey River. There are ~1.2 acres of wetlands on the property, but after a site visit there appear to be additional wetlands beyond those shown on NWI. The property includes ~ 3.1 acres of Army Corps mapped 100-year floodplain.
- *Drinking Water:* About 31% of the property is within the NHDES mapped Durham/UNH Water System Water Supply Intake Protection Area as the property abuts the pumping stations used to withdraw water from the Lamprey River for the Durham/UNH water system. The entire property is within Tier 2 for Public Water Supply in TNC's water resources update to the Coastal Conservation Plan and designated as a Drinking Water Focus Area in SELT's Conservation Plan.
- *Nutrient Attenuation:* ~14 acres is located within a Tier 1 Nutrient Attenuation zone identified through TNC's water resources update to the Coastal Conservation Plan. These areas were identified through a detailed science-based analysis that mapped areas that if protected will reduce pollutant loading as nearby uplands are developed and identified wetlands that are highly efficient at treating pollutants already in the surface waters.
- *Wildlife Connectivity:* ~23 acres are within a "Prioritized Habitat Block" identified in the "Connect the Coast" wildlife connectivity study.
- *Wildlife Action Plan:* 22% of the property is identified as Highest Ranking Habitat in the State, 53% is Highest Ranking Habitat in the Biological Region and 19% is Supporting Landscape.
- *Rare Species/Species of Concern:* The property is entirely within New England Cottontail focus area and 19-acres of the property is located within a Tier 2 focus area for Blanding's turtle identified in a "Conservation Plan for the Blanding's Turtle and Associated Species of Conservation Need in the Northeastern United States". The NHFG Aquatic Wildlife Action Plan (2018) indicates this section of the Lamprey River is listed with Species of Concern and anadromous fish. NHFG indicates likely species in this river reach are alewife, sea lamprey & American eel.
- *Agriculture:* The property includes ~7.5-acres of field/pasture. The property's soils are 9% Prime agricultural, 13% statewide importance and 55% farmland of local importance.
- *Climate Resilience:* ~2.5 acres the property ranks "Far Above Average" for Climate Resilience according to the TNC Resilience data, ~6.3 acres ranks "Above Average", ~2.9 acres ranks "Slightly Above Average", and ~23.4 acres ranks "Average".

Conservation Structure

The overall conservation structure of this project has better come into focus after several meetings and discussions with Ms. Pike. She is firm that she will only sell the entire 40.9-acre property in one fell swoop and be done with her ownership. This project structure is complicated by the fact that the property includes an old unoccupied home, garage, barn and other outbuildings that would be part of the sale. Thus, SELT is working to structure the project so that we can pursue approvals through the town, that will likely need ZBA approval due to road frontage requirements, to subdivide off the house and buildings on an approximately 3.5-acre lot and sell that house lot property on the open market. Preferably the sale would happen during our contract period with Ms. Pike. The remaining 37.4 acres would then be conservation land. It is worth noting that the above acreages and the subdivision plan will reconfigure the house lot that Ms. Pike lives on to add more acreage to the conservation lot toward the river and add acreage to Ms. Pike's front/side yard.

The proposal we'd like to discuss with the Commission is that the 37.4 acres conservation area be owned by the Town of Durham as it already owns the abutting 50-acre Thompson Forest and can be managed more holistically. SELT would hold a conservation easement on the 37.4 acres that meets the requirements of the various funding partners for the project. The easement would allow for the use of the existing fields for agriculture (if the town wanted to lease/use them that way) and also allow for future drinking water infrastructure improvements in case the town or UNH ever need to improve the intake located directly abutting the Pike property. Trails construction would also be permitted under the easement to connect to the Thompson Forest trails if this was something of interest to the Town.

The budget for the project is somewhat in flux at this time given the complexities of the potential holding cost of the house and resale. In addition, we are working with the Public Works Department to see if the NHDES will reconsider its finding that 31% of the project is eligible for DWGTF rather than 100%. I will keep the Commission apprised as this project progresses and whether there will need to be any funding request made to the Town.

For the various grant applications in addition to the requested letter of support from the Commission we are seeking letters of support from the Town Administrator/Department of Public Works and the Town Council. The latter letter can come after the grants are submitted.

Potential Funding Sources

- NRCS Regional Conservation Protection Partnership (RCPP) award to the "New Hampshire Source Water Protection Partnership" of which SELT is a Partner.
- NHDES Drinking Water and Ground Water Trust Fund
- NHDES Aquatic Resource Mitigation Program
- Mooseplate
- Lamprey River Advisory Committee
- Great Bay Partnership
- Town of Durham (possibly from the Water Division)

Town of Durham, New Hampshire
Guidelines for Acquiring Legal Interest in Conservation/Open Space Land
Originally Adopted by Town Council on May 3, 2004
Revised by Town Council on May 19, 2008
Incorporating changes endorsed by Conservation Commission on June 28, 2021
Adopted by Town Council on July 12, 2021

1. Establishment of Conservation/Open Space Real Estate Acquisition Guidelines
 - A. It shall be the policy of the Town of Durham to adhere to the following procedures when using Town funds to acquire or to assist a third party to acquire any interest in real estate for conservation or open space purposes (hereinafter referred to as “project(s)”). These guidelines shall be followed by all representatives of the Town government and private persons or groups that bring projects before the Town Council for review and action.
 - B. In accordance with these guidelines, projects may be brought forward to the Town Council by a representative of the Town government or a private person or group.
 - C. Contracts for the acquisition of any interest in real estate shall be approved by the Town Council or its specified designee.
 - D. On September 17, 2018, the Town Council adopted the provisions of RSA 36-A:4-a, I(b), which authorizes the Conservation Commission to expend funds for contributions to “qualified organizations” for the purpose of property interests, or facilitating transactions relating thereto, where the property interest is to be held by the qualified organization and the Town will retain no interest in the property. This authorization applies only to property located within Durham. This provision does not require the Conservation Commission to receive permission from the Town Council to provide such a contribution to a qualified organization; however, it is recommended that the Commission provide the Town Council with such a proposal prior to proceeding.
2. Process for Action on a Project
 - A. Any proposed project shall first be brought before the Town Administrator for review. The Town Administrator may submit the project, or portions thereof, to the Town’s legal counsel for review.
 - B. Once the Town Administrator is satisfied that the project package is complete and the draft real estate contract is satisfactory, the project shall be brought before a meeting of the Conservation Commission. Members of the Town Council and the Town Administrator will be extended a courtesy invitation to attend this meeting and any site walk that is scheduled. The Conservation Commission shall schedule a site walk, review the proposed project package at a public meeting, invite and consider any public input provided at the meeting, and recommend to the Town Council to fund the proposed project with or without amendments, or not fund the project.

Footnote 1 – Endorsed by the Conservation Commission on 11 March 2004.

Footnote 2 – Endorsed by the Town Council pending legal review on 15 March 2004.

Footnote 3 – Adopted by the Town Council on May 3, 2004.

Footnote 4 – Revised by the Town Council on May 19, 2008

Footnote 5 – Revised by the Town Council on July 12, 2021

- C. After receipt of the Conservation Commission's recommendation, as well as a recommendation by the Town Administrator, the Town Council shall schedule the proposal for discussion at a regular meeting and determine whether to move the project forward to public hearing. If the Council is inclined to move ahead with further consideration of the project, it shall hold a duly noticed public hearing on the proposed project. "Duly noticed" for purposes of this section shall mean the publication of a notice at least five (5) days preceding the date of said hearing in any newspaper distributed in the Town of Durham, with such notice stating a brief explanation of the project and information as to where and when any interested person may review information on the project in more detail. In addition, such notice shall be posted in at least two (2) public places. The Council may request a site walk of the parcel at any time during this process.
- D. If the project moves to public hearing and after considering public input, the Council shall discuss and vote whether to authorize the Town Administrator to enter into the proposed contract with the landowner as presented or amended. If the Town Council wishes to amend any of the use or management provisions from that which was presented to the Conservation Commission in the project package, it shall refer such proposed amendments to the Conservation Commission for review and comment prior to the Town Council taking final action. Any vote to authorize funding for the project shall also specify the funding source and authorize funding of the due diligence procedures specified in the contract.

3. Project Package

- A. All projects presented to the Conservation Commission and Town Council shall describe:
 - i. the project and property;
 - ii. the funding source(s);
 - iii. the use and management recommendations (only for properties to be acquired in fee-simple);
 - iv. the draft conservation easement (only for conservation easement acquisitions);
 - v. how the project fulfills the "Criteria to Evaluate Real Estate Interests for Conservation/Open Space" (see below).
- B. The draft real estate contract (e.g., purchase and sales agreement, option, etc.) and easement, if applicable, shall also be included with the project package. Further, any supporting documentation such as the appraisal shall be made available. If the project is a conservation easement, the project package shall include the recommended easement holding entity and a recommendation for funding for stewardship of the easement.

4. Additional Materials Required When the Town Will Hold a Legal Interest in the Property

- A. Any project brought forward to the Town Council that involves the Town's full ownership (i.e. fee-simple) of land:
 - i. shall include recommendations on permitted and prohibited uses on the property;
 - ii. shall include recommendations for management (e.g., town forest or natural area) and stewardship needs (e.g., gates and signs);

Footnote 1 – Endorsed by the Conservation Commission on 11 March 2004.

Footnote 2 – Endorsed by the Town Council pending legal review on 15 March 2004.

Footnote 3 – Adopted by the Town Council on May 3, 2004.

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Footnote 5 – Revised by the Town Council on July 12, 2021

- iii. shall recommend a formal means of ensuring the property has legal conservation restrictions (e.g., an easement to a third party);
- iv. shall recommend appropriate management oversight (e.g., conservation commission, parks and recreation, etc.) for the property; and
- v. should include a contribution to a town stewardship fund for management of the property. Such a contribution is desirable but shall be required only if so specified by the Town Council after consideration of relevant factors such as the likely level and type of management needed for the property; the expected cost of this management; the ability and willingness of the party conveying the property to contribute to a fund; the availability of other funding sources to support management of the property; and the value, quality, and appeal of the property.

B. Any project brought forward to the Town Council that involves the Town holding a conservation easement:

- i. shall include the draft conservation easement for the property;
- ii. shall recommend the appropriate Town body to steward, monitor, and enforce the easement; and,
- iii. should include a contribution to an easement stewardship fund for annual monitoring of the easement and any costs that may arise from said easement, such as enforcing easement violations. Such a contribution is desirable but shall be required only if so specified by the Town Council after consideration of relevant factors such as the likely level and type of management needed for the property; the expected cost of this management; the ability and willingness of the party conveying the property to contribute to a fund; the availability of other funding sources to support management of the property; and the value, quality, and appeal of the property.

5. Appraisal

All acquisitions of real estate interest shall be for no more than fair market value as determined by an appraisal prepared by a New Hampshire licensed general real estate appraiser. The requirement for an appraisal may be waived by the Town Council if the value of the real estate can be shown to be less than fair market value. Funding requests for appraisals may be made directly to the Conservation Commission, Town Administrator, or Town Council.

6. Real Estate Contract

A. The draft real estate contract shall include the following provisions:

- i. the right to conduct a title search to ensure there are no title defects, and to ensure the landowner has the rights being sold. Should title defects be found or the landowner cannot deliver the interest in real estate, the Town may terminate the contract, in which event all monies deposited by the Town shall be refunded;
- ii. the right to conduct an Environmental Hazard Assessment (EHA). Based upon the EHA, the Town may, at its discretion, terminate the contract, in which event all monies deposited by the Town shall be refunded;
- iii. the right to conduct a property survey;

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Footnote 5 – Revised by the Town Council on July 12, 2021

- iv. for an easement project, if the landowner has a mortgage, the mortgage shall be subordinated to the conservation easement.

B. Any of the provisions listed in paragraph 6A may be waived by the Town Council, at its discretion, based upon factors identified in the project package.

7. Criteria to Evaluate Real Estate Interests for Conservation/Open Space

The following criteria are a tool for the Conservation Commission and Town Council to use when evaluating a project. Any project brought forward for Town Council consideration shall meet at least one of these criteria:

- i. Protect natural resources:
 - a) existing farms and land that have productive forest or farm land soils that meet local, state or national prime soils criteria;
 - b) land that is important to maintain drinking water quality and quantity;
 - c) key wildlife and plant habitats that protect native plants, wildlife and biodiversity, including salt water, wetland, and fresh water habitat;
 - d) parcels that add to existing blocks of protected forestland, and thus increase the potential for additional carbon storage and sequestration;
 - e) provide added weight if these resources are threatened by development pressure.
- ii. enhance public access to open space and opportunities for passive, nature-oriented recreational opportunities in both rural and developed areas in town;
- iii. maintain prominent scenic vistas and viewsheds that are important to Durham's rural atmosphere and historical landscapes;
- iv. build upon, create, and connect large blocks and corridors of unfragmented land with additional criteria that include:
 - a) proximity of subject parcel to other conservation lands;
 - b) size of subject parcel.

8. Further Directions and Considerations

A. The Conservation Commission and Town Council will determine whether the proposed project by itself fully protects the intended resource. If the resource cannot be fully protected without the conservation of additional nearby land, be it a wildlife habitat or a scenic vista, the likelihood of protecting the other properties should be weighed before moving forward with the project.

B. When reviewing proposed projects, the Conservation Commission and Town Council shall give special attention and consideration to proposed projects that attract non-Town funds for the purchase and/or maintenance of the land in question.

C. All costs associated with preparing a proposal initiated by the Conservation Commission for Town Council consideration, whether initiated by the Town Government or by a

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private person or group, will be borne by the Town unless a third party, including the landowner, is willing to fund all or part of these costs.

- D. The recommendation put forward by the Town Administrator in Section 2 Item C, shall weigh the benefits of the proposed acquisition against the broader tax implications and municipal priorities that currently exist in the community.

Footnote 1 – Endorsed by the Conservation Commission on 11 March 2004.

Footnote 2 – Endorsed by the Town Council pending legal review on 15 March 2004.

Footnote 3 – Adopted by the Town Council on May 3, 2004.

Footnote 4 – Revised by the Town Council on May 19, 2008

Footnote 5 – Revised by the Town Council on July 12, 2021

Pike Lamprey River Conservation Project

Request Tonight:

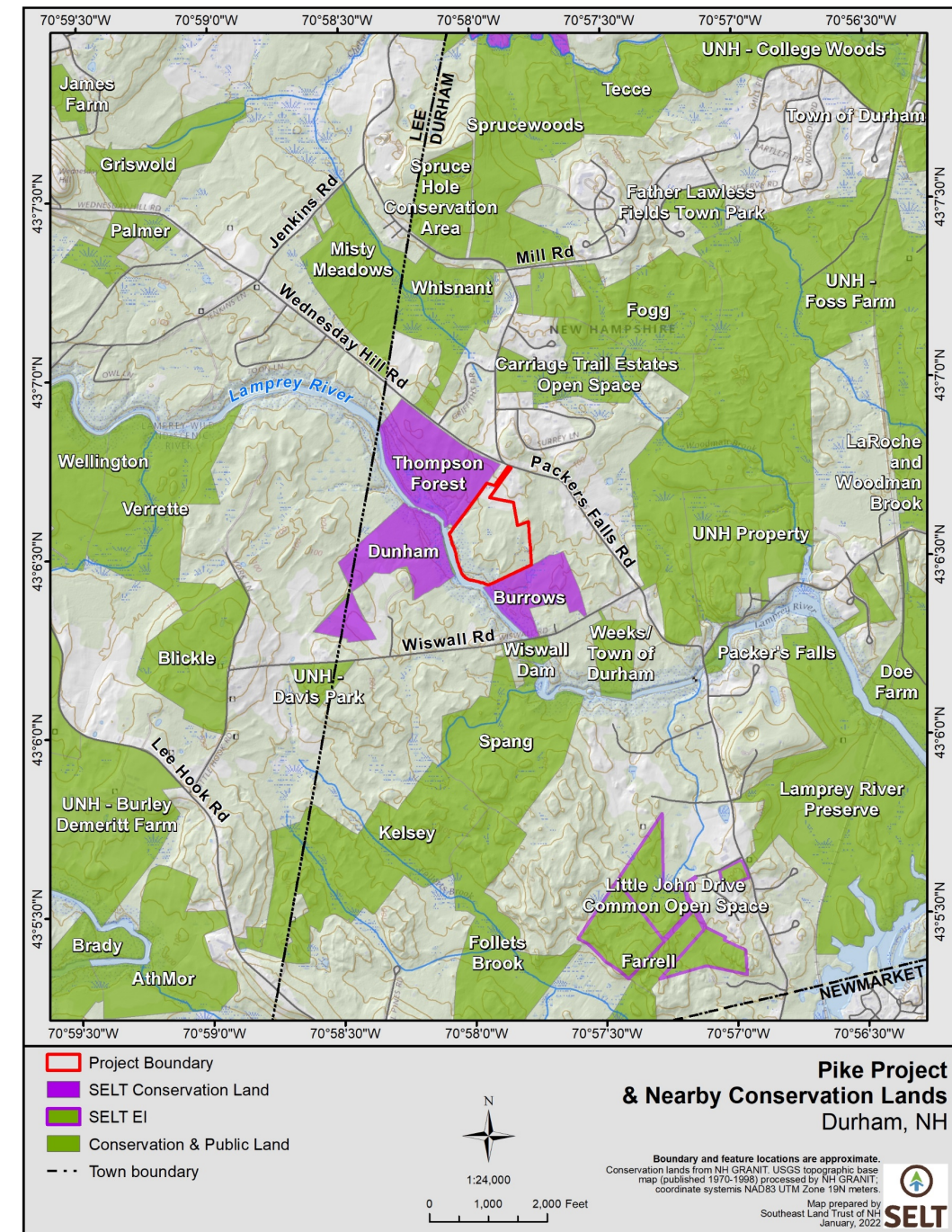
- Recommend Town Council accept ownership of the approximately 36.16-Pike conservation property subject to a conservation easement held by SELT
- Commit funding in the amount of \$35,000 from the Durham Conservation Fund toward the Pike conservation project costs



Pike Lamprey River Conservation Project

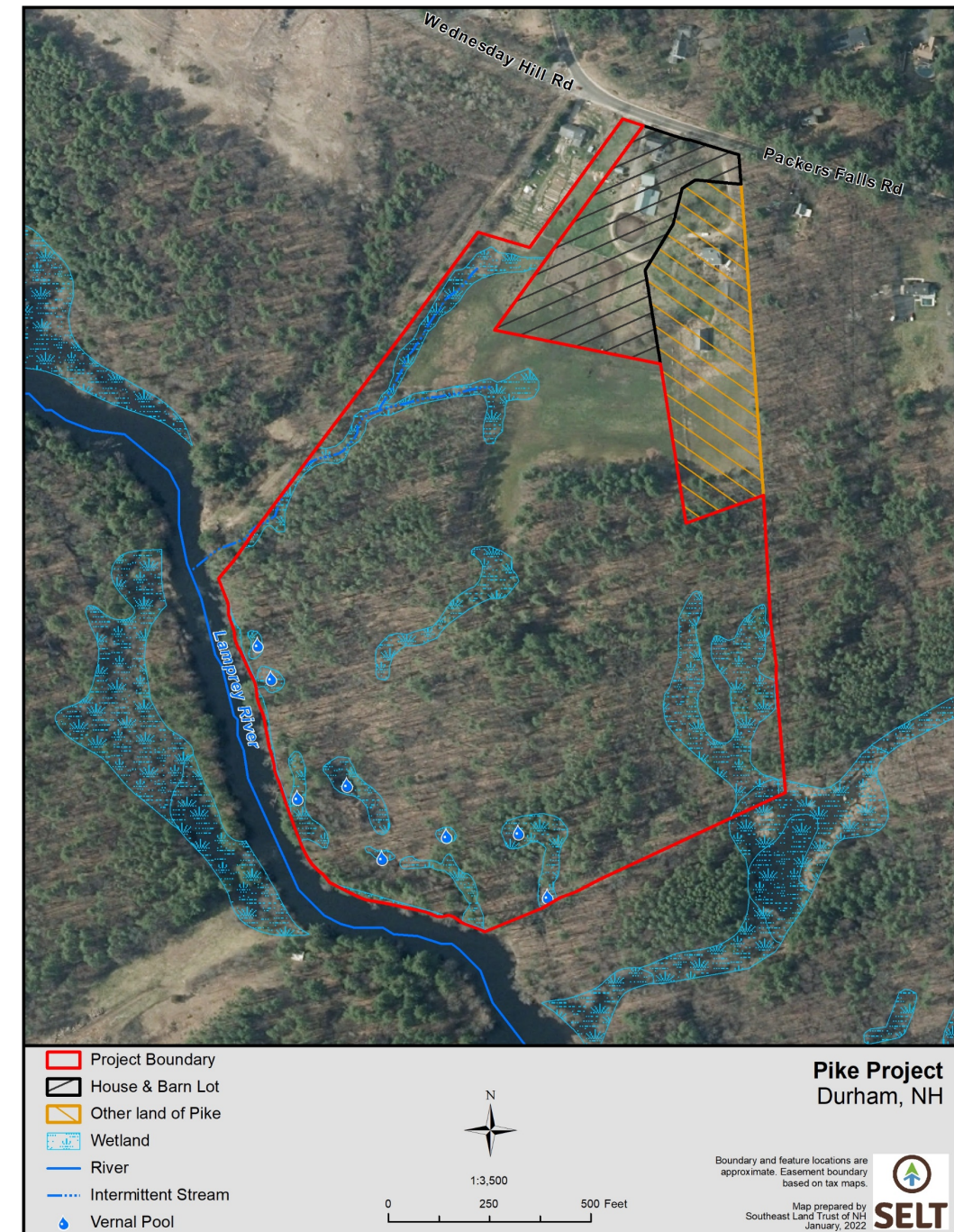
Nearby Conservation Lands:

- Abuts 54 ac Town of Durham #1 (Thompson Forest)
- Across River from 50 ac Dunham Conservation Easement
- Abuts 28 ac Burrows Cons. Easement
- 56 ac Whisnant NRCS WRE
- Contiguous 400 ac block of conservation lands
- Larger 5,740 ac block of conservation/public lands



Pike Lamprey River Conservation Project

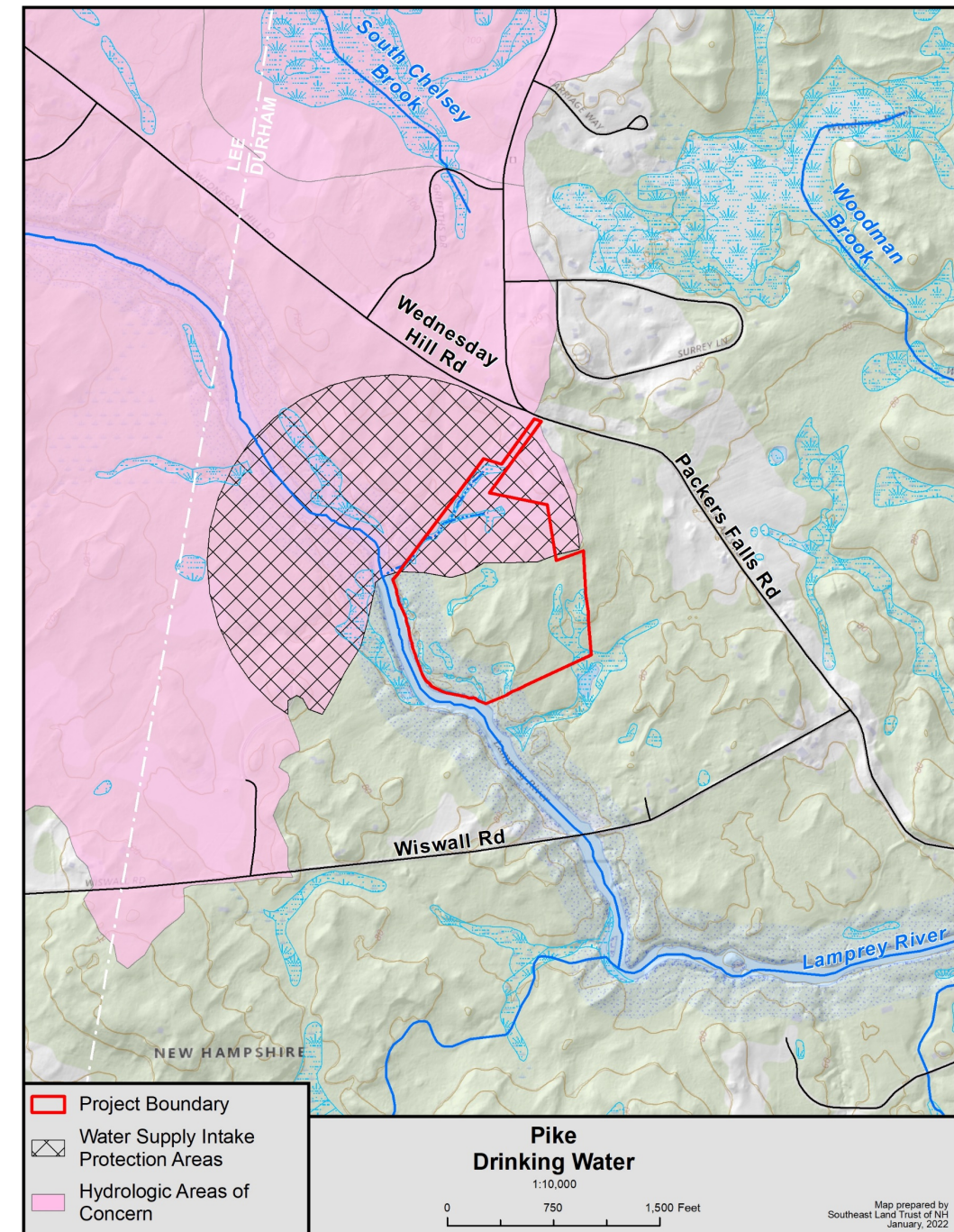
- 39.6-acre total acreage
- 36.2 ac Conservation Property
 - 26.5 ac forest
 - 4.7 ac pasture
 - 4.9 ac wetlands
- Con Comm Site Walk 12/14/21
- February ZBA and Planning Board to subdivide off Existing house and 3.45-acres
- 50 ft frontage on Packers Falls Road
- 1,221 ft along the Lamprey River



Pike Lamprey River Conservation Project

Drinking Water Resources

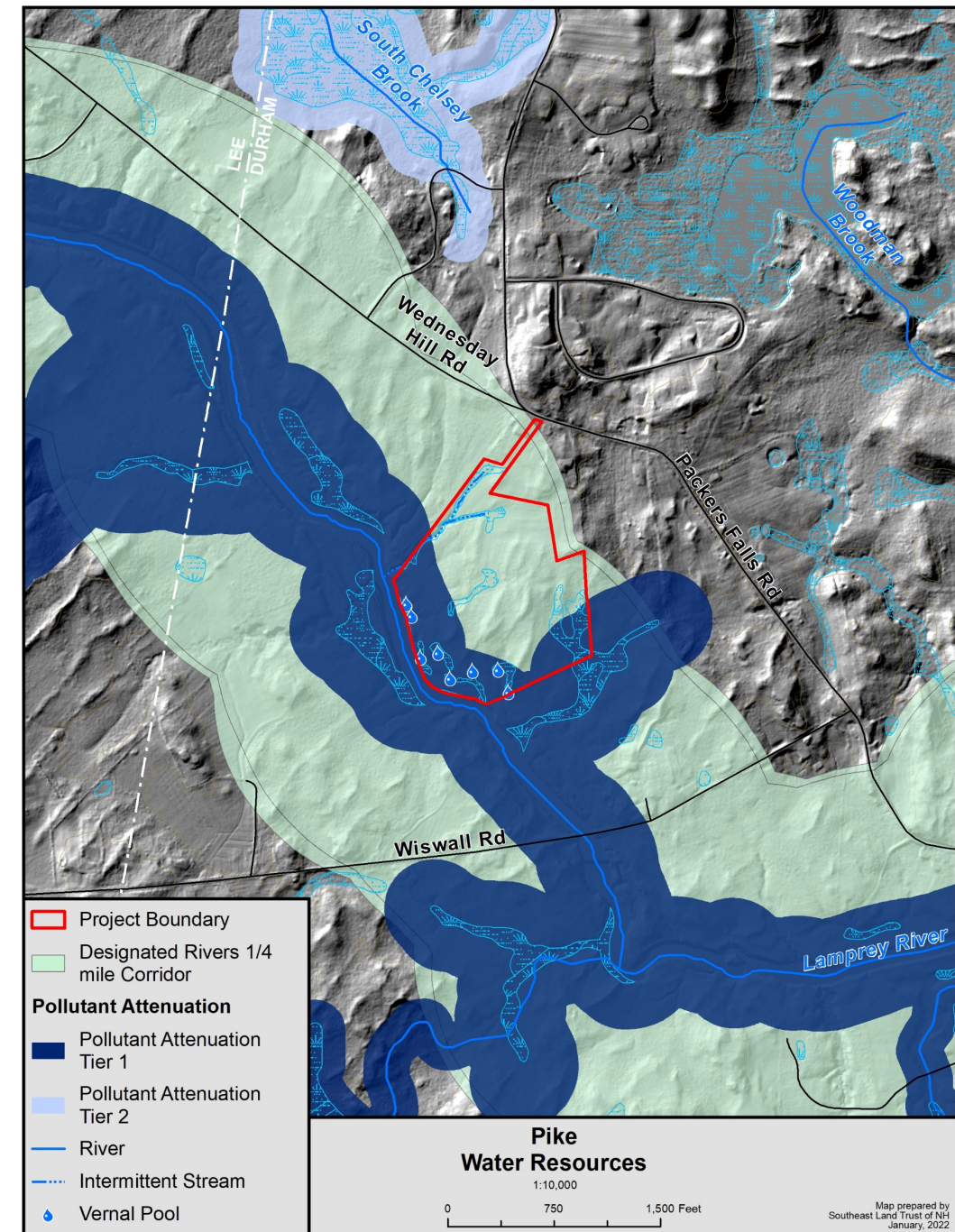
- Abuts intake for Durham-UNH water supply and within Hydrologic Area of Concern
- Land use on Pike could directly impact water quality at intake
- Max. Lamprey withdrawal for UNH/Durham 1.8 million gallons per day when flow ≥ 16 cfs
 - During low flow 100,000 gallons per day
- Conservation and ownership by Town provides flexibility/opportunity for future improvements if needed



Pike Lamprey River Conservation Project

Wildlife & Water Resources

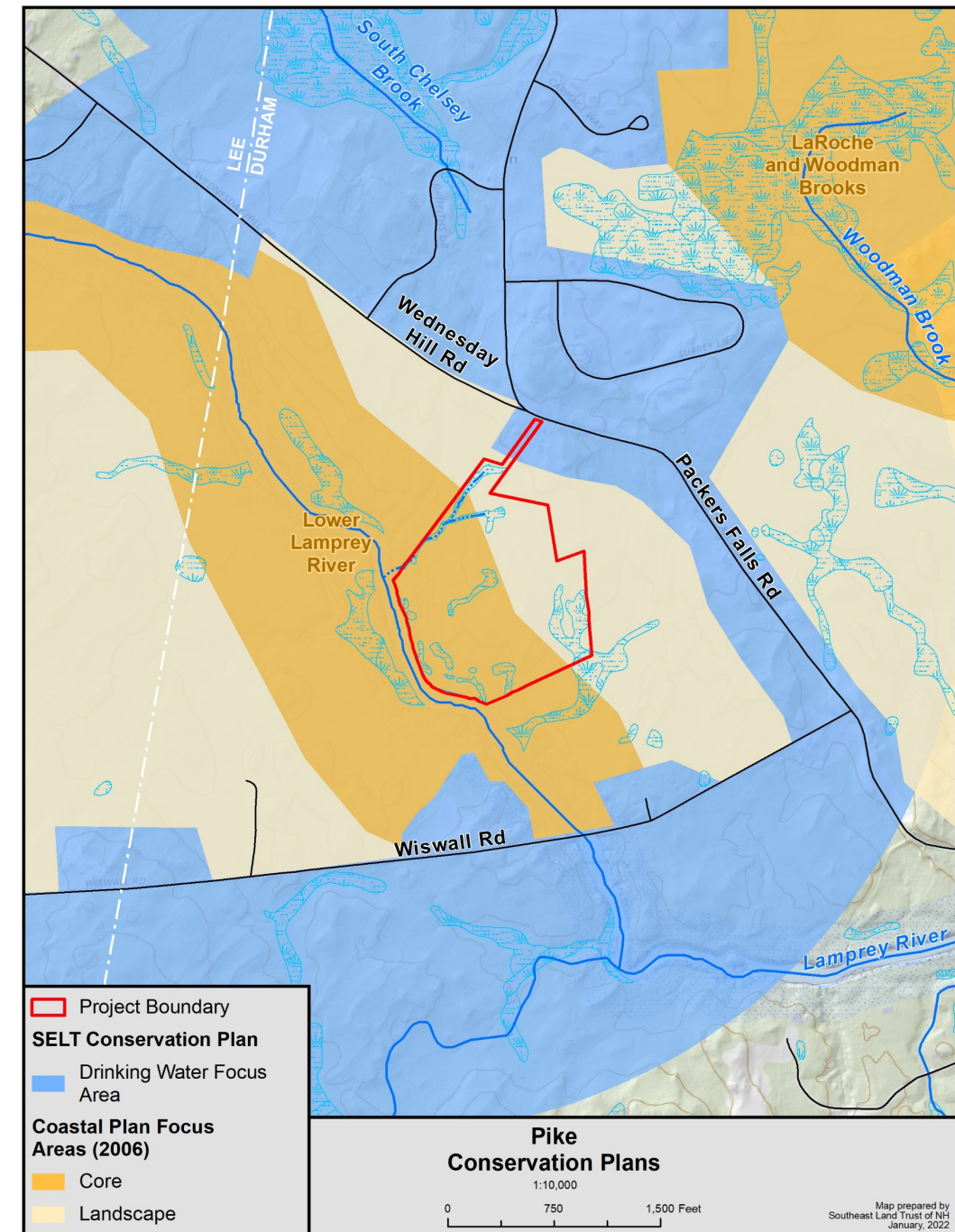
- 13 ac in Pollutant Attenuation Tier 1
- Entirely within the river corridor of a DES Designated River
- 1,221' Frontage on Federally designated Wild & Scenic River
- 5.6 ac of wetlands
- 8 vernal pools, all within 200' of river
- Section of river documented occurrences of three rare reptile species in NH



Pike Lamprey River Conservation Project

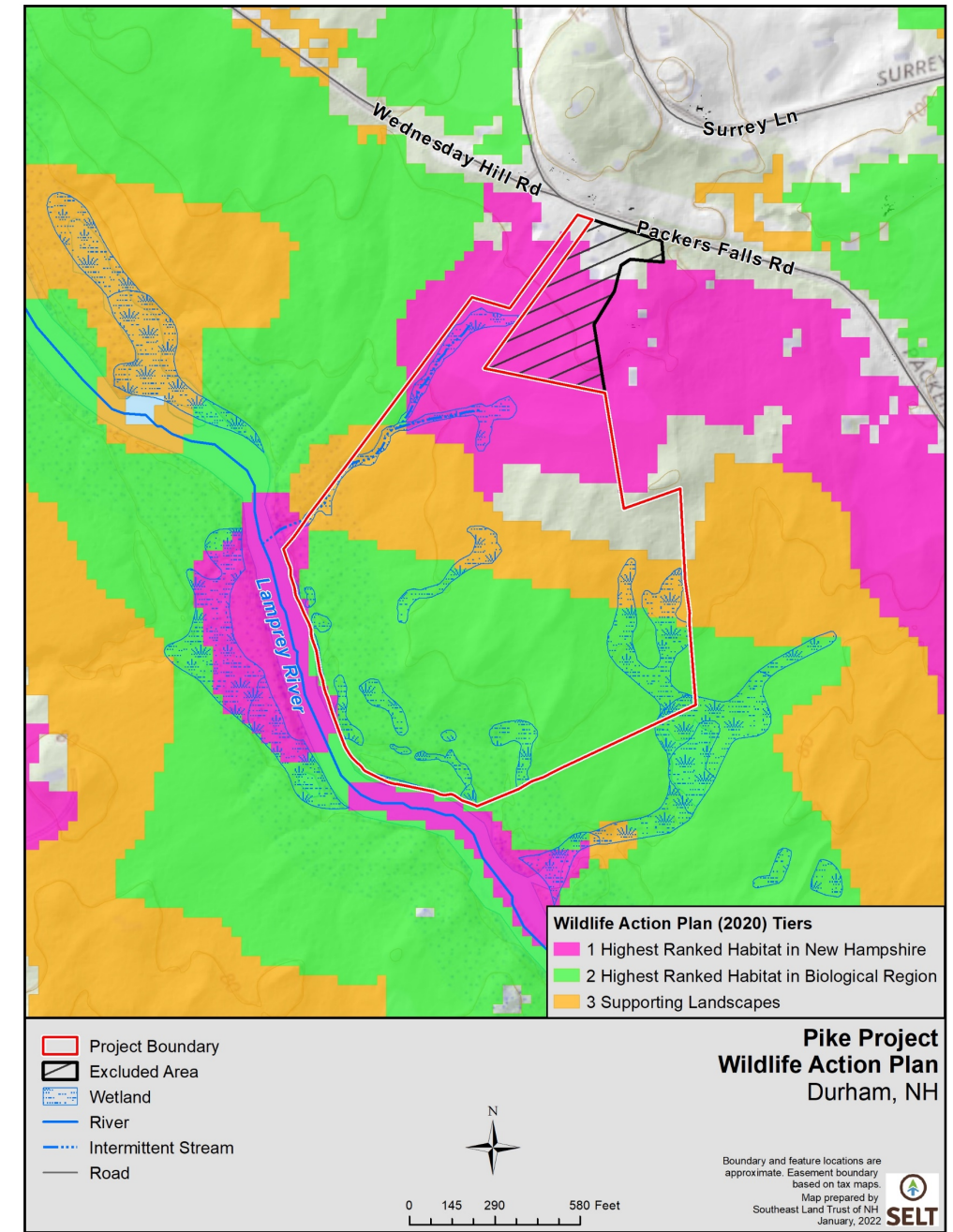
Conservation Plans

- SELT Conservation Plan;
 - Entirely within Drinking Water Focus Area
- NH Coastal Plan(2006): 35.8 ac Lower Lamprey River
- Connect The Coast: 21.9 ac Lower Lamprey Prioritized Habitat Block
- Wildlife Action Plan
 - 19% Tier 1
 - 52% Tier 2
 - 21% Supporting Landscape



Pike Lamprey River Conservation Project

- Bonnie Pike is widow and wants to sell the land along with unoccupied circa 1888 house, barn and garage
- Gave conservation opportunity
- SELT managing entire acquisition, conservation project separate from the house-barn sale



Pike Lamprey River Conservation Project

Ownership/Conservation Easement:

- Propose Town own property since owns abutting 50-acre Thompson Forest subject to SELT CE
- CE held by SELT will include terms required by:
 - ARM – buffers/BMPs; archeol for ground disturbance; no trails but can request approval from NHDES/Army Corps; forestry only for wildlife purpose; and management plan for all forestry
 - DWGTF – State of NH enforcement rights; allowance of drinking water infrastructure;
 - RCPP – USA hold enforcement rights; agriculture limited to existing field; must define building envelopes



Pike Lamprey River Conservation Project

Due Diligence:

- Title: SELT will provide Certificate of Title from attorney and can also secure title insurance
- Phase 1: SELT will hire firm to prepare Phase 1 and provide to Town
- Boundary Survey: Completed and boundary will be “tin squared” with SELT signs. All corners will be set



Pike Lamprey River Conservation Project

Budget:

Land Conservation Total Cost \$598,496

- \$ 505,000 purchase property
- \$ 42,146 Transaction Costs (survey, phase 1, title, legal...)
- \$ 20,000 Project Management
- \$ 7,500 Professional Services (mailing/wetlands inventory)
- \$ 15,100 SELT Stewardship Fund & Legal Defense
- \$ 1,500 Capital Costs (kiosk if desired)
- \$1,500 Archeological investigation

Revenue for Land Conservation

- \$ 35,000 Town Conservation Fund (requested)
- \$ 220,000 NHDES ARM (awarded)
- \$ 87,606 DGWTF (awarded)
- \$ 202,500 NRCS RCPP (selected project)
- \$ 35,639 LRAC (will request)
- \$ 22,075 GBRPP (awarded)

Durham \$35,000 contribution is 5.8% of the total project cost



Questions?



PLAN REFERENCES:

- 1.) "LIMITED SUBDIVISION: LAND OF; MARY BURROWS"
BY: G.L. DAVIS & ASSOC.
DATED: MAY, 1975
S.C.R.D. POCKET #15, FOLDER #1, PLAN #33
- 2.) "SUBDIVISION OF PROPERTY OF; MARQUERITE E. CARLUS"
BY: M.E. JENKINS & SONS
DATED: JANUARY, 1979
S.C.R.D. PLAN #170-59
- 3.) "PROPOSED SUBDIVISION OF LAND; FOR; WILSON PIKE; IN; DURHAM,
NEW HAMPSHIRE"
BY: SEACOAST ENGINEERING ASSOCIATES, INC.
DATED: FEBRUARY 20, 1980
S.C.R.D. PLAN #121-20
- 4.) "FINAL SUBDIVISION: PLAN OF LAND; OWNED BY; DUANE C. &
DOROTHY J. CARLUS"
BY: JAMES M. JAVELLE ASSOCIATES
DATED: AUGUST 28, 1990
S.C.R.D. PLAN #38A-83
- 5.) "CONSERVATION EASEMENT PLAN"
BY: JAMES MISC.
DATED: JUNE 21, 2007
S.C.R.D. PLAN #61-52
- 6.) "CONSERVATION EASEMENT PLAN; TAX MAP 14, LOT 8-3;
WEDNESDAY HILL ROAD; DURHAM, NH; OWNER: MURELL G.
THOMPSON REV. TRUST; SHIRLEY THOMPSON, TRUSTEE; C/O
KIMBERLY LAUGHTON
BY: ERIC C. MITCHELL & ASSOC., INC.
DATED: DECEMBER 30, 2015
S.C.R.D. PLAN #111-24
- 7.) "LOT LINE REVISION PLAN; FOR; SOUTHEAST LAND TRUST OF NH;
LAND OF; THE PIKE FAMILY REVOCABLE TRUST; PACKERS FALLS ROAD;
DURHAM, N.H.; TAX MAP 14, LOTS 10-2 & 10-3"
BY: BERRY SURVEYING & ENGINEERING
DATED: JANUARY 19, 2022
FILE #2021-184
TO BE RECORDED

N/F BOLEY FAMILY REVOCABLE TRUST
TO JUNIPER LAKE
DURHAM, NH 03824
TAX MAP 14, LOT 27-2
S.C.R.D. BOOK 4652, PAGE 268

N/F RICHARD S. LYONS
REVOCABLE TRUST AND
VIRGINIA K. LYONS REVOCABLE
TRUST
68 WSWALL ROAD
DURHAM, NH 03824
TAX MAP 14, LOT 27-1
S.C.R.D. BOOK 3666, PAGE 298

N/F TRACEY MADDEN TRUST
40 WSWALL ROAD
DURHAM, NH 03824
TAX MAP 14, LOT 27-1
S.C.R.D. BOOK 4262, PAGE 755

LEGEND:

- 3/4" REBAR W/D CAP ~TO BE SET~
- REBAR ~FND~
- IRON BOUND ~FND~
- DRILL HOLE ~FND~
- UTILITY POLE
- STONEWALL
- EXISTING PERIMETER BOUNDARY LINE
- PROPOSED BOUNDARY LINE
- BOUNDARY LINE TO BE ABANDONED
- ACCESS RIGHT OF WAY LINE
- POORLY DRAINED JURISDICTIONAL WETLAND LINE
- WETLAND BUFFER LINE
- BUILDING SETBACK LINE
- FND TYP. TYPICAL
- TBS TO BE SET
- S.C.R.D. STRAFFORD COUNTY REGISTRY OF DEEDS

N/F CODY, JAMES
85 WSWALL ROAD
DURHAM, NH 03824
TAX MAP 14, LOT 28-0
S.C.R.D. BOOK 2716, PAGE 664

N/F UNIVERSITY OF NH
DURHAM, NH 03824
TAX MAP 14, LOT 8-SUNHE

N/F TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824
TAX MAP 14, LOT 8-3
S.C.R.D. BOOK 4368, PAGE 2016

DURHAM
APPROVED
PLANNING BOARD
SIGNATURE
TITLE
DATE

WEST ENVIRONMENTAL, INC.
MARK WEST, CWS #10

WETLAND NOTE:

1. THE WETLAND DELINEATION WAS COMPLETED JANUARY 2021 ACCORDING TO THE FOLLOWING STANDARDS:
2. U.S. ARMY CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, TECHNICAL REPORT 4-87-1, (JANUARY, 1987)
3. U.S. ARMY CORPS OF ENGINEERS, REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHEAST AND NORTHWEST REGION, VERSION 2.0, U.S. ARMY ENGINEER RESEARCH AND DEVELOPMENT CENTER, 3909 HALLS FERRY ROAD, VICKSBURG, MS 39180-6199, JANUARY 2012, EROD/FEL TR-12-1
4. COMARIN, LEWIS M., GLETT, FRANCIS C. AND LARGE, EDWARD T., CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES, USFWS, DEPT. OF THE INTERIOR, WASH. D.C., 1979.
5. FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES: A GUIDE FOR IDENTIFYING AND DELINEATING HYDRIC SOILS, VERSION 8.1, 2017 (INCLUDING CORRECTIONS TO VERSION 8.0, 2016, ON PAGES 21, 25, AND 34)
6. NEW ENGLAND HYDRIC SOILS TECHNICAL COMMITTEE: 2017 VERSION 4, FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION, LOWELL, MA

NOTES:

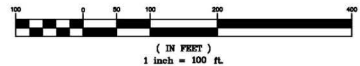
- 1.) OWNER: PIKE FAMILY REVOCABLE TRUST
275 PACKERS FALLS ROAD
DURHAM, NH 03824
- 2.) TAX MAP 14, LOT 10-2
- 3.) LOT AREA: 1,725.439 Sq.Ft., 39.61 Ac.±
- 4.) S.C.R.D. BOOK 4931, PAGE 1026
- 5.) THE INTENT OF THIS PLAN IS TO SHOW THE SUBDIVISION OF TAX MAP 14, LOT 10-2 INTO TWO LOTS, UTILIZING THE PORKCHOP LOT ORDINANCE.
- 6.) BOUNDARY LINES BASED ON A TRAVERSE PERFORMED IN 2020 ON THE ENTIRE PARCEL WITH A CLOSURE ERROR OF BETTER THAN 1 PART IN 10,000.
- 7.) ZONING: RURAL
LOT AREA: 150,000 Sq.Ft.
FRONTAGE (TRADITIONAL SUB.) 300'
PORKCHOP LOT FRONTAGE: MIN. 50', AVERAGE 125'
SETBACKS:
FRONT - 30'
SIDE AND REAR - 50'
WETLAND BUFFER - 100'
SEPTIC WETLAND SETBACK - 125'
- 8.) THERE WERE NO CEMETRIES OBSERVED ON THE LOT.
- 9.) NO ENCROACHMENTS WILL RESULT FROM THE SUBDIVISION, THE EXISTING SHED ON THE PARCEL IS TO BE RELOCATED OR REMOVED.
- 10.) FOR MORE INFORMATION ABOUT THIS SUBDIVISION, CONTACT THE DURHAM PLANNING DEPARTMENT AT 603-888-8084. THIS IS A TWO PAGE PLAN SET, WITH SHEET 2 SHOWING TOPOGRAPHY AND ADDITIONAL FEATURES. SHEET 1 IS INTENDED FOR RECORDING.
- 11.) I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE & BELIEF, A PORTION OF THIS PARCEL DOES FALL WITHIN THE FLOOD PLAIN FLOOD HAZARD REF: FEMA COMMUNITY #330146, MAP #33070377E, DATED: SEPTEMBER 30, 2015. THIS AREA IS ADJACENT TO THE LAMPREY RIVER, THE HIGHEST FLOOD ELEVATION ON THE PROPERTY IS 84.1.
- 12.) ELECTRIC AND TV/CABLE UTILITIES ARE LOCATED OVERHEAD ON THE UTILITY POLES AS SHOWN.
- 13.) LOT 10-2 WILL BE SUBJECT TO NHDES SUBSURFACE SUBDIVISION APPROVAL, DUE TO THE SIZE BEING LESS THAN 5 Ac.
- 14.) LOT 10-2 AND LOT 10-2A WILL HAVE A JOINT DRIVEWAY LOCATED ON LOT 10-2 IN THE AREA OF THE PROPOSED ACCESS EASEMENT.

LINE	BEARINGS	DISTANCE
L1	S14°29'35"W	80.89
L2	S56°41'46"W	38.84
L3	N84°50'39"W	58.87
L4	N84°50'39"W	54.30
L5	S01°58'22"E	83.89

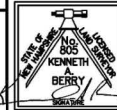
"SEACOAST ENG." STEEL STAKE
~FND~
(SEE PLAN REF. #7)

N/F DEAN-CARPENTIER, MATTHIAS AND
LAWAR, OWENOLYN
265 PACKERS FALLS ROAD
DURHAM, NH 03824
TAX MAP 14, LOT 11-6
S.C.R.D. BOOK 4847, PAGE 916

GRAPHIC SCALE



I CERTIFY THAT THIS PLAT EXCEEDS THE
MINIMUM REQUIREMENT FOR ACCURACY AND
COMPLETENESS OF THE STATE OF N.H. AND
OF THE TOWN OF DURHAM - 1:10,000 -
1-10-22
KENNETH A. BERRY LLS 805 DATE



REVISION	DATE	DESCRIPTION
SUBDIVISION PLAN FOR SOUTHEAST LAND TRUST OF NH LAND OF PIKE FAMILY REVOCABLE TRUST PACKERS FALLS ROAD DURHAM, N.H. TAX MAP 14, LOT 10-2		
BERRY SURVEYING & ENGINEERING 335 SECOND CROWN POINT RD. BARRINGTON, N.H. (603)332-2863		
SCALE : 1 IN. EQUALS 100 FT.		
DATE : JANUARY 19, 2022		
FILE NO. : DB 2021 - 164		



TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824

Tel: 603-868-5577

Fax: 603-868-1858

www.ci.durham.nh.us

AGENDA ITEM:

#12B

DATE: February 7, 2022

COUNCIL COMMUNICATION

INITIATED BY:

Historic District/Heritage Commission
Michael Behrendt, Town Planner

AGENDA ITEM:

**DISCUSSION AND ACTION ON THE INSTALLATION OF A PLAQUE
RECOGNIZING THE VISIT OF GENERAL GILBERT DU MOTIER,
MARQUIS DE LAFAYETTE TO DURHAM DURING HIS 1825 FAREWELL
TOUR**

CC PREPARED BY:

Michael Behrendt, Town Planner

PRESENTED BY:

Michael Behrendt, Town Planner

AGENDA DESCRIPTION:

Discussion about authorizing installation of a plaque recognizing the visit by General Lafayette to Durham during his 1825 farewell tour.

BACKGROUND

The Lafayette Trail, Inc.

Town Planner Michael Behrendt was contacted last Tuesday by Julien Icher, founder and president of The Lafayette Trail, Inc., with a surprising offer. His organization documents, maps, and marks the path of General Lafayette on his farewell tour of the United States in 1824 and 1825.

The Lafayette Trail is donating plaques to cities and towns around the United States to celebrate the general's stops in preparation for the bicentennial of his tour. Mr. Icher said they have plans for or have installed over 60 markers across the country, including a half dozen communities in New Hampshire (Portsmouth, Greenland, Derry and others).

We need to let Mr. Icher know: 1) that the Town would like a plaque and 2) the location where the plaque will be installed. He will then order the plaque. We can determine the language of the plaque shortly after it is ordered. My understanding is that the Town Administrator could make the decision on his own about installing

the plaque but Todd wanted to bring the issue to the Town Council for consideration.

The only expense for the Town will be labor for Public Works to install it. I believe that the William Pomeroy Foundation pays for the production of the plaque. Mr. Icher will be in Concord for a dedication with the governor on May 20. He could join us in Durham for a dedication of the new plaque on May 19 or May 20.

The Plaque

The plaque is made of cast aluminum. It measures 2' x 3' and is mounted atop an aluminum pole 4 feet above the ground. Here is the plaque in Newport, NH. Mr. Icher is on the left.



General Lafayette's Visit

Lafayette traveled the country over two years to celebrate the fiftieth anniversary of the American Revolution, in which he had fought as a young volunteer and close companion of George Washington.

Lafayette arrived in Durham on June 23, 1825. There is an account of his visit at the Durham Historic Association. He was greeted by officials at the west end of town and then proceeded to a large gathering in front of Kelly's Hotel (where Nick's Bricks is now). He was entertained briefly at the Ebenezer Smith House (situated next to the post office) before departing for Dover and then Portland.

According to a master's thesis by Walter Newman Dooley submitted to the UNH history department in 1941, the committee welcoming Lafayette here "included the principal figures of the Oyster River village: George Ffrost, Benjamin Mathes, Jr., Joseph W. Page, Alfred Smith, Moses Noble, the town clerk John A. Richardson, George Hull, William P. Ffrost, and William J. Thompson."

Various possible locations

We will need to decide on a location for the plaque soon. I recommend that the Town Administrator make the determination with input from the Historic District Commission and the Durham Historic Association as he sees fit.

The plaque could be placed somewhere along Main Street next to Nick's Bricks and the Holiday Inn Express, where Kelly's hotel was located; on the lot with the former courthouse; on the north side of the current Town Hall; or somewhere on Church Hill.

If the marker were to be placed in the Route 108 right of way then we would need to coordinate with NHDOT and obtain an excavation permit. If it were to be placed on the north side of Main Street near or up the street from the Holiday Inn, we would probably want to delay the installation until after the sidewalk reconstruction project on that section is completed this summer.

General Lafayette

Gilbert du Motier, Marquis de Lafayette (born in 1757) was a French aristocrat and military officer. He fought in the American Revolutionary War commanding troops in several battles and serving with General Washington and General John Sullivan of Durham. After the war he returned to France and was involved with the French Revolution of 1789. Lafayette is considered a national hero in both countries. He was actually only in his late 60's when he returned for his triumphal tour in America a half century after the war. He died in 1834.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

No cost to the Town other than labor for Public Works to install the sign. The plaque is being donated to the Town.

SUGGESTED ACTION OR RECOMMENDATIONS:

Discussion and vote to support installation of the plaque.

MOTION:

The Durham Town Council does hereby support the creation and installation of a plaque somewhere in the vicinity of the Main Street/Dover Road/Newmarket Road intersection or close by in the Historic District recognizing General Lafayette's visit to Durham during his 1825 farewell tour to the United States. It is understood that the plaque will be donated to the Town of Durham and installed by the Department of Public Works. Administrator Todd Selig will oversee the development of the plaque and consult with the Durham Heritage Commission and the Durham Historic Association, as he determines appropriate, on the specific location and language of the plaque.



TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824
Tel: 603-868-5571
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AGENDA ITEM:

#14A

DATE: February 7, 2022

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: CONTINUE DISCUSSION AND FINALIZE ADMINISTRATOR'S 2021 ANNUAL PERFORMANCE EVALUATION IN ACCORDANCE WITH THE EMPLOYMENT AGREEMENT BETWEEN ADMINISTRATOR SELIG AND THE TOWN EXTENDING FROM JANUARY 1, 2017 TO DECEMBER 31, 2025

CC PREPARED BY: Todd I. Selig, Administrator

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Pursuant to Section 17 of Administrator Selig's Employment Agreement [which was specifically requested to be included in the Employment Agreement by Mr. Selig] with the Town:

"Commencing April of 2017, and each succeeding April thereafter, the Town Council and Selig shall mutually establish goals and objectives [these are the approved 2020/21 Town Council goals] which they deem necessary and appropriate for the proper management of the Town during the succeeding twelve (12) months. Such goals and objectives shall be committed to writing and formally adopted by the Town Council. . . Commencing January 2018, and for each January thereafter, the Town Council shall review/evaluate Selig's performance in accord with the criteria provided to Selig by the Town the preceding April. The Town Council shall provide Selig with a written summary of this Annual Performance Evaluation and shall provide Selig with an opportunity to discuss this evaluation with the Town Council."

On January 10, 2022, the Council began the process for conducting Administrator Selig's annual performance evaluation. Councilors decided to continue with the same process used in recent years in which the Council utilizes a one-page evaluation form/matrix outlining key elements of importance and ranking the administrator's performance (on a scale of 1 to 5) for each element, which includes five categories:

1. Ability to maintain or improve strong relationships;
2. Financial oversight;

3. Leadership;
4. Initiative; and
5. Other.

Rankings included: 5=Excellent, 4=Very Good, 3=Good, 2=Acceptable, 1=Unacceptable.

Council members were provided the matrix via email in Microsoft Word format and were asked to return their responses electronically to Council Chair Kitty Marple by January 20th. Chair Marple compiled the responses and on Monday, January 24th, Chair Marple and Vice Chair Needell met with Administrator Selig to discuss the evaluation results.

Attached for the Council's information is a matrix which incorporates the results submitted by Council members, as well as responses that were provided.

Only Mr. Selig's 2021 annual performance evaluation is required to be completed at this time as the Council approved/amended his employment contract through the passage of Resolution #2017-14 dated April 3, 2017 for a period of nine years commencing on January 1, 2017 and ending December 31, 2025, and establishing his base annual salary.

Below is Mr. Selig's average scores over the past twelve years, including this year.

<u>YEAR</u>	<u>SCORE</u>
2010	4.3
2011	4.4
2012	4.5
2013	4.0
2014	4.3
2015	4.4
2016	4.5
2017	4.8
2018	4.6
2019	4.6
2020	4.8
2021	4.7

LEGAL AUTHORITY:

Article 4 "Administration of Government", Section 4.1 of the Durham Town Charter:

"The chief administrative officer of the town shall be the Town Administrator (hereinafter called the "Administrator"), who shall be a full-time regular employee of the Town. The Council shall appoint a person especially qualified by experience and

training, who receives the votes of at least five (5) members of the Council, to be Administrator. The Administrator shall serve at the pleasure of the Council, which will fix the Administrator's salary and terms of employment."

Article 4 "Administration of Government", Section 4.3 of the Durham Town Charter:

"The Administrator may be reprimanded or removed for cause by the affirmative vote of at least six (6) members of the Council as herein provided. At least thirty (30) days before the proposed reprimand or removal of the Administrator, the Council shall adopt a resolution stating its intention to reprimand or remove him, the reasons therefor and an effective date. A copy of the resolution shall be served forthwith on the Administrator, who may, within ten (10) days, demand a public hearing, in which event the Administrator shall not be reprimanded or removed until such public hearing has been held. Upon or after passage of a resolution of intent to remove, the Council may suspend the Administrator from duty, but his pay shall continue until removal. In case of such suspension, the Council shall, by the affirmative vote of the Council, appoint an Acting Administrator to serve at the pleasure of the Council for not more than ninety (90) days. The action of the Council in removing the Administrator shall be final."

Article II, "Administrative Organization", Section 4-4 of the Administrative Code":

"The chief administrative officer of the town shall be the Town Administrator ("Administrator"), who shall be appointed by the Council based upon his training and experience. The Administrator shall serve at the pleasure of the Council, who will also establish his compensation and terms of employment."

Article 16 of Employment Agreement Between Todd Selig and the Town of Durham states: "Renewal Negotiations. If either the Town or Selig wishes to renew this Agreement at the conclusion of its original nine (9) year term, that party shall notify the other of such intent no later than December 31, 2024. In the event that the parties have not successfully concluded their negotiations by March 1, 2025, subsection 14C shall not apply and Selig shall be free to seek and obtain employment elsewhere at any time, even during the remaining term of this Agreement."

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

Hold discussion concerning Administrator Selig's annual evaluation for 2021 and provide feedback to Administrator Selig relative to his performance.

ANNUAL EVALUATION OF TODD SELIG
Andrew Corrow Submission - 2021

1 = Unacceptable 2 = Acceptable 3 = Good 4 = Very Good 5 = Excellent

	1	2	3	4	5	N/A
Ability to maintain or improve strong relationships with:						
• Town Council (responsiveness to concerns)					X	
• External entities such as UNH, town businesses, etc.					X	
• Town department heads and staff					X	
• Town committees and boards				X		
• Serves citizens effectively and efficiently					X	
Financial oversight:						
• Financial performance of the Town					X	
• Fiscal responsibility					X	
• Budget (process, preparation, dissemination)					X	
• Budget (creation of budget within Council guidelines)					X	
• Accomplishment of meaningful modifications in the economic relationship with UNH				X		
Leadership:						
• Provides clear guidance to the Council on all issues					X	
• Provides effective management of town staff and departments					X	
• Improves the performance of town staff, when needed. When necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation				X		
• Competency in human resource area with new hires during his administration					X	
• Provides leadership and support to town committees and boards as necessary.					X	
Initiative:						
• Proposes appropriate initiatives/strategic direction to the Council				X		
• Is timely in follow up reports to Council initiatives					X	
• Accomplishment of Council's goals and objectives					X	
• Ability to be a visionary for future community planning				X		
Other:						
• Appropriately challenges the status quo				X		
• Willingness to challenge and support his convictions				X		
• Appropriate allocation of time and energies, including delegating non-essential tasks					X	

Provide additional written evaluation below or separately if you wish. **Evaluation forms are due to Kitty Marple not later than WEDNESDAY, JANUARY 24, 2022.**

Overall I believe Mr. Selig has been a phenomenal Town Administrator for this past year and for the 11 years I have lived in this community. Many of the decisions that the Town Administrator is required to make are not easy ones. Many are unpopular and are routinely questioned by residents. That is understandable. It comes with the territory. There will be many tough decisions in the future. While many of them are not solely his, they may belong to the Council, he typically has to face the brunt of all the positive and negative comments. The Mill Pond dam, 66 Main Street, , Mill Plaza and the list , goes on

The Town of Durham is very fortunate to have him as Administrator.

Chwick

ANNUAL EVALUATION OF TODD SELIG 2021

1 = Unacceptable 2 = Acceptable 3 = Good 4 = Very Good 5 = Excellent

	1	2	3	4	5	N/A
Ability to maintain or improve strong relationships with:						
• Town Council (responsiveness to concerns)					X	
• External entities such as UNH, town businesses, etc.					X	
• Town department heads and staff					X	
• Town committees and boards					X	
• Serves citizens effectively and efficiently					X	
Financial oversight:						
• Financial performance of the Town					X	
• Fiscal responsibility					X	
• Budget (process, preparation, dissemination)					X	
• Budget (creation of budget within Council guidelines)					X	
• Accomplishment of meaningful modifications in the economic relationship with UNH				X		
Leadership:						
• Provides clear guidance to the Council on all issues					X	
• Provides effective management of town staff and departments					X	
• Improves the performance of town staff, when needed. When necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation						X

• Competency in human resource area with new hires during his administration					X	
• Provides leadership and support to town committees and boards as necessary.					X	
Initiative:						
• Proposes appropriate initiatives/strategic direction to the Council					X	
• Is timely in follow up reports to Council initiatives					X	
• Accomplishment of Council's goals and objectives					X	
• Ability to be a visionary for future community planning				X		
Other:						
• Appropriately challenges the status quo					X	
• Willingness to challenge and support his convictions					X	
• Appropriate allocation of time and energies, including delegating non-essential tasks					X	

Provide additional written evaluation below or separately if you wish. **Evaluation forms are due to Kitty Marple not later than MONDAY, JANUARY 24, 2022.**

A few notes on the above ratings:

Todd is clearly an outstanding town administrator, as evidenced by his long tenure in the role, the excellent senior staff that he has assembled, the productive relationships that he has maintained with UNH and other entities, and the respect he is accorded by other public administrators. The rating of Very Good on "Accomplishment of meaningful modifications in the economic relationship with UNH" reflects my uncertainty about a metric for this criterion rather than a conviction that there is room for improvement. I assigned an N/A rating for "Improves the performance of town staff, when needed" because I'm not familiar with an instance of this during my tenure on the Council. (That speaks to Todd's ability to hire and retain top-notch staff.)

The Very Good rating on "Ability to be a visionary for future community planning" reflects my ambivalence about the criterion. Todd keeps the Town running smoothly and facilitates the work of the Council as it pursues its goals and broader vision for Durham, but he is appropriately careful not to impose his own vision for the community. Similarly, the Excellent rating for "Appropriately challenges the status quo" reflects my sense that, in Durham at least, shaking up the status quo is the work of the Council, not the administrator. Should the Town Council wish to shake up the status quo, I'm confident that Todd would expertly support its wishes.

AL

**ANNUAL EVALUATION OF TODD SELIG
2021**

1 = Unacceptable 2 = Acceptable 3 = Good 4 = Very Good 5 = Excellent

	1	2	3	4	5	N/A
Ability to maintain or improve strong relationships with:						
• Town Council (responsiveness to concerns)				X		
• External entities such as UNH, town businesses, etc.				X		
• Town department heads and staff				X		
• Town committees and boards				X		
• Serves citizens effectively and efficiently				X		
Financial oversight:						
• Financial performance of the Town				X		
• Fiscal responsibility				X		
• Budget (process, preparation, dissemination)			X			
• Budget (creation of budget within Council guidelines)			X			
• Accomplishment of meaningful modifications in the economic relationship with UNH			X			
Leadership:						
• Provides clear guidance to the Council on all issues				X		
• Provides effective management of town staff and departments				X		
• Improves the performance of town staff, when needed. When necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation				X		
• Competency in human resource area with new hires during his administration				X		
• Provides leadership and support to town committees and boards as necessary.				X		
Initiative:						
• Proposes appropriate initiatives/strategic direction to the Council			X			
• Is timely in follow up reports to Council initiatives				X		
• Accomplishment of Council's goals and objectives			X			

• Ability to be a visionary for future community planning		X				
Other:						
• Appropriately challenges the status quo		X				
• Willingness to challenge and support his convictions		X				
• Appropriate allocation of time and energies, including delegating non-essential tasks			X			

Provide additional written evaluation below or separately if you wish. **Evaluation forms are due to Kitty Marple not later than MONDAY, JANUARY 24, 2022.**

The continued impact of the pandemic coupled with the Mill Plaza development and the Mill Pond Dam saga made for a challenging year. This highlighted the good working relationship Todd has with town staff and his ability to help them adapt and continue to provide excellent services to the community. He has shown a remarkable ability to remain calm while receiving relentless criticism from a small vocal segment of the community. During a chaotic time, he has stayed focused on working to complete the Town Council goals. Looking ahead, these are some of the areas that will need to be addressed:

Infrastructure.- Madbury Road, the waste water treatment plant, storm water management, and the dam are expensive, complex projects. Successfully completing them will require Todd to coordinate town departments and provide the community with frequent updates.

Economic Development- While the town's purchase of 66 Main Street and an investor's recent purchase of the Goss Property are positive developments, Durham has overall lagged behind many communities in the region. A small vocal group has worked to slow most change. This has helped perpetuate a "boom or bust" local economy that mirrors the UNH calendar and negatively impacts businesses and the majority of the town's residents. It will require strong leadership to challenge the status quo and help facilitate zoning changes and the use of economic incentives to help Durham grow and thrive. This will require our town administrator to take some risks to help steward zoning changes and the use of economic incentives.

Welcoming Community-what does it really mean for Durham to be a welcoming community? In order for this to be more than a slogan, it will require strong leadership from our administrator to develop policies that facilitate workforce housing and help promote equity and diversity. There will be push back and difficult conversations, and clear communication with residents will be required to help steward us through this process.

**ANNUAL EVALUATION OF TODD SELIG
2021**

Jim

1 = Unacceptable 2 = Acceptable 3 = Good 4 = Very Good 5 = Excellent

	1	2	3	4	5	N/A
Ability to maintain or improve strong relationships with:						
• Town Council (responsiveness to concerns)					X	
• External entities such as UNH, town businesses, etc.					X	
• Town department heads and staff					X	
• Town committees and boards					X	
• Serves citizens effectively and efficiently					X	
Financial oversight:						
• Financial performance of the Town					X	
• Fiscal responsibility					X	
• Budget (process, preparation, dissemination)					X	
• Budget (creation of budget within Council guidelines)					X	
• Accomplishment of meaningful modifications in the economic relationship with UNH					X	
Leadership:						
• Provides clear guidance to the Council on all issues					X	
• Provides effective management of town staff and departments					X	
• Improves the performance of town staff, when needed. When necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation					X	
• Competency in human resource area with new hires during his administration						CE
• Provides leadership and support to town committees and boards as necessary.					X	
Initiative:						
• Proposes appropriate initiatives/strategic direction to the Council					X	
• Is timely in follow up reports to Council initiatives					X	
• Accomplishment of Council's goals and objectives					X	

• Ability to be a visionary for future community planning					X	
Other:						
• Appropriately challenges the status quo					X	
• Willingness to challenge and support his convictions					X	
• Appropriate allocation of time and energies, including delegating non-essential tasks					X	

Provide additional written evaluation below or separately if you wish. **Evaluation forms are due to Kitty Marple not later than MONDAY, JANUARY 24, 2022. NOTE – CE means “Cannot Evaluate”**

Keth

ANNUAL EVALUATION OF TODD SELIG 2021

1 = Unacceptable 2 = Acceptable 3 = Good 4 = Very Good 5 = Excellent

	1	2	3	4	5	N/A
Ability to maintain or improve strong relationships with:						
• Town Council (responsiveness to concerns)					X	
• External entities such as UNH, town businesses, etc.					X	
• Town department heads and staff					X	
• Town committees and boards				X		
• Serves citizens effectively and efficiently					X	
Financial oversight:						
• Financial performance of the Town					X	
• Fiscal responsibility					X	
• Budget (process, preparation, dissemination)					X	
• Budget (creation of budget within Council guidelines)					X	
• Accomplishment of meaningful modifications in the economic relationship with UNH					X	
Leadership:						
• Provides clear guidance to the Council on all issues					X	
• Provides effective management of town staff and departments					X	
• Improves the performance of town staff, when needed. When necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation					X	
• Competency in human resource area with new hires during his administration					X	
• Provides leadership and support to town committees and boards as necessary.				X		
Initiative:						
• Proposes appropriate initiatives/strategic direction to the Council					X	
• Is timely in follow up reports to Council initiatives					X	
• Accomplishment of Council's goals and objectives					X	

• Ability to be a visionary for future community planning					X	
Other:						
• Appropriately challenges the status quo					X	
• Willingness to challenge and support his convictions					X	
• Appropriate allocation of time and energies, including delegating non-essential tasks					X	

Provide additional written evaluation below or separately if you wish. **Evaluation forms are due to Kitty Marple not later than MONDAY, JANUARY 24, 2022.**

Todd Selig is competent, thoughtful, and receptive to recommendations for change. He is a skilled communicator, especially off the cuff, which I consider to be very important in his role as administrator. Communication is one of the most important aspects of government work. Todd's ability to deliver information factually, neutrally and without animus is without peer.

Mr Selig has proven time and again that he is dedicated to his job. His a-game is on display every day and he has stayed with the town of Durham for over 2 decades, in spite of numerous offers to move on to other pastures. He makes time in his overloaded schedule to chat with residents with concerns, or just to catch up. His leadership during the last two years (providing pandemic information to the public as well as recommending measures to keep the public safe) are appreciated by many.

Todd has four more years on his current contract. I feel very fortunate to have served on the council with him at the table.

Sally N

ANNUAL EVALUATION OF TODD SELIG 2021

1 = Unacceptable 2 = Acceptable 3 = Good 4 = Very Good 5 = Excellent

	1	2	3	4	5	N/A
Ability to maintain or improve strong relationships with:						
• Town Council (responsiveness to concerns)					✓	
• External entities such as UNH, town businesses, etc.					✓	
• Town department heads and staff					✓	
• Town committees and boards					✓	
• Serves citizens effectively and efficiently					✓	
Financial oversight:						
• Financial performance of the Town					✓	
• Fiscal responsibility					✓	
• Budget (process, preparation, dissemination)					✓	
• Budget (creation of budget within Council guidelines)					✓	
• Accomplishment of meaningful modifications in the economic relationship with UNH					✓	
Leadership:						
• Provides clear guidance to the Council on all issues					✓	
• Provides effective management of town staff and departments					✓	
• Improves the performance of town staff, when needed. When necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation					✓	
• Competency in human resource area with new hires during his administration					✓	
• Provides leadership and support to town committees and boards as necessary.					✓	
Initiative:						
• Proposes appropriate initiatives/strategic direction to the Council					✓	
• Is timely in follow up reports to Council initiatives					✓	
• Accomplishment of Council's goals and objectives					✓	
• Ability to be a visionary for future community planning					✓	
Other:						
• Appropriately challenges the status quo					✓	
• Willingness to challenge and support his convictions					✓	
• Appropriate allocation of time and energies, including delegating non-essential tasks				✓		

Provide additional written evaluation below or separately if you wish. **Evaluation forms are due to Kitty Marple not later than MONDAY, JANUARY 24, 2022.**

2021 Annual Evaluation for Todd Selig

I continue to be amazed by the breadth of town activities, projects, and concerns that Todd addresses on a regular basis. Todd's ability to wear many hats while having the flexibility to move from one issue to another and being respectful and patient at the same time with the many entities wanting his attention are admirable and required strengths that Todd brings to his Town Administrator position.

I greatly appreciate Todd's counsel, whether or not we agree. He holds so much of Durham's "institutional memory," and he is often the resource that I need to put an issue into a perspective other than my own.

I appreciate the time given to research and consideration of every issue. Todd weighs the competing interests over services or taxes or initiatives, etc, while watching out for the best interests of the Town's residents and employees.

The one evaluation question that is hardest to evaluate is Todd's allocation of time and energy. He is careful to avoid getting into issues that are not his to solve as the Town Administrator even when it must be tempting to step in. And he has hired department heads who are very capable and relieve the need for Todd's oversight. However, Todd stays informed of every aspect of town governance. My hope is that Todd aims to delegate all that he can.

A handwritten signature in cursive script, appearing to read "Sally Wendell".

Sally T

ANNUAL EVALUATION OF TODD SELIG 2021

1 = Unacceptable 2 = Acceptable 3 = Good 4 = Very Good 5 = Excellent

	1	2	3	4	5	N/A
Ability to maintain or improve strong relationships with:					X	
• Town Council (responsiveness to concerns)					X	
• External entities such as UNH, town businesses, etc.					X	
• Town department heads and staff					X	
• Town committees and boards					X	
• Serves citizens effectively and efficiently					X	
Financial oversight:						
• Financial performance of the Town					X	
• Fiscal responsibility					X	
• Budget (process, preparation, dissemination)					X	
• Budget (creation of budget within Council guidelines)					X	
• Accomplishment of meaningful modifications in the economic relationship with UNH					X	
Leadership:						
• Provides clear guidance to the Council on all issues					X	
• Provides effective management of town staff and departments					X	
• Improves the performance of town staff, when needed. When necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation					X	
• Competency in human resource area with new hires during his administration					X	
• Provides leadership and support to town committees and boards as necessary.					X	
Initiative:						
• Proposes appropriate initiatives/strategic direction to the Council					X	
• Is timely in follow up reports to Council initiatives					X	
• Accomplishment of Council's goals and objectives					X	
• Ability to be a visionary for future community planning					X	
Other:						
• Appropriately challenges the status quo <i>always challenge!</i>				X		
• Willingness to challenge and support his convictions					X	
• Appropriate allocation of time and energies, including delegating non-essential tasks <i>Todd needs an assistant</i>				X		

Provide additional written evaluation below or separately if you wish. Evaluation forms are due to Kitty Marple not later than **MONDAY, JANUARY 24, 2022.**

Todd Selig Evaluation 2022

Todd Selig is an exceptional town administrator and once again I give him high marks for his administration of the Town of Durham. This is my fifth review of Todd Selig and not much has changed in my observations of his leadership and remarkable ability to balance the challenges of town government.

It has been my pleasure to serve the town of Durham as a member of Council and on various boards and committees for the past 6 years. Todd has never failed to respond to my questions and concerns. He has made himself available to me as a sounding board and allowed me on several occasions to vent my own frustrations and concerns. I truly appreciate his patience and understanding.

With all that said, and without diminishing Todd's exemplary leadership, the Town of Durham finds itself at odds with itself. The various hot points of contention that collide with various perceptions and core values is coming to a head and I fear there may be casualties. All the while Covid continues to wind itself into our daily existence. It is not business as usual for our business owners and many residents still remain fearful of its threat. What can we do? Where do we go from here?

Todd needs to be cognizant of this and not underestimate the community angst or over estimate the ability for easy resolution or healing.

It is job of the Town Administrator to serve the interests of the Council. However, it is also his responsibility to speak truth over us and to remind us to do better and to think of a future Durham where our children and grandchildren will be living and serving while our presence will be assigned to our name on a plaque.

Sally Tobias

Carden

**ANNUAL EVALUATION OF TODD SELIG
2021**

1 = Unacceptable 2 = Acceptable 3 = Good 4 = Very Good 5 = Excellent

	1	2	3	4	5	N/A
Ability to maintain or improve strong relationships with:						
• 1) Town Council (responsiveness to concerns)					x	
• 2) External entities such as UNH, town businesses, etc.				x		
• 3) Town department heads and staff					x	
• 4) Town committees and boards				x		
• 5*) Serves citizens effectively and efficiently				x		
Financial oversight:						
• 6) Financial performance of the Town					x	
• 7*) Fiscal responsibility				x		
• 8) Budget (process, preparation, dissemination)					x	
• 9) Budget (creation of budget within Council guidelines)				x		
• 10) Accomplishment of meaningful modifications in the economic relationship with UNH						x
Leadership:						
• 11) Provides clear guidance to the Council on all issues					x	
• 12) Provides effective management of town staff and departments					x	
• 13) Improves the performance of town staff, when needed. When necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation				x		
• 14*) Competency in human resource area with new hires during his administration					x	
• 15) Provides leadership and support to town committees and boards as necessary.				x		
Initiative:						
• 16) Proposes appropriate initiatives/strategic direction to the Council					x	
• 17) Is timely in follow up reports to Council initiatives				x		
• 18) Accomplishment of Council's goals and objectives				x		

• 19) Ability to be a visionary for future community planning					x	
Other:						
• 20) Appropriately challenges the status quo					x	
• 21) Willingness to challenge and support his convictions					x	
• 22) Appropriate allocation of time and energies, including delegating non-essential tasks				x		

I will follow former Councilor Katrek's lead and build upon my prior assessments, since there is much that I could repeat, and it is not necessary to extoll Todd's virtues and repetitively mention the same issues year after year; I will note my new comments in blue, and erase prior comments that are no longer appropriate.

Todd is wise, intelligent, friendly, hard-working, highly ethical and extremely patient. The Town of Durham is very lucky to have him, although of course there are some areas of potential improvement.

Todd did well in balancing the town's response to the covid virus; the right blend of requirement and suggestion, depending upon the situation.

Todd presented a tight budget that was reasonable, but it did not meet the town goal of avoiding a percentage tax increase, and he did not provide us with a sample budget that did. I thought that the early mention of an additional employee for parks and rec was questionable in relation to the budget, and was glad to see that it was structured as a "heads-up" only. Good move. While Todd could have been even stricter in containing budget requests, the final budget came very close to matching the desires of town residents.

Over time, Todd has done a good job in replacing some key members of his management team. [REDACTED] in particular seems to be a very smart, experienced and able employee, although he requests too large a budget! [REDACTED] has been strong. Both of these employees replace semi-legends, so it is great to see. [REDACTED] also seems to be a strong addition to the office staff. Todd has done well in ensuring that the town staff is strong in all areas, as life will become even more complicated and difficult over time.

Todd still needs to work to ensure that the town maximizes efforts to raise non-tax revenue to help keep the tax rate down. Todd gets kudos for promoting openness and community through the time-consuming but excellent work on Friday Updates. The updates are key to helping keep everyone abreast of town issues.

In terms of development, the town will benefit long-term from the addition of the Riverwoods facility. Mill Plaza is still under discussion and will ultimately be finished to no one's total satisfaction. Todd and the town have made good efforts to maintain impartiality. The purchase of 66 Main Street complicates things but has resulted in a major improvement of the site, with parking and a nice park replacing a trash-filled, cheaply-fenced eyesore. Conversations with developers have been difficult but it would be wonderful if Todd could reproduce the magic he demonstrated with the development of Madbury Commons, which has and likely will continue to have a very positive impact on the town for years to come.

The relationships with UNH and the ORCSD continue to be solid, reflecting Todd's significant efforts to maintain fair and collegial partnerships on many issues, to build an effective relationship with the new president at UNH, and to maintain the relationship with the school superintendent. With regard to UNH, the difficulty of mixing student and town lifestyles is problematic but has benefited from many efforts by both the university and the town. With regard to the ORCSD, the town has worked with the district to help facilitate the building of and traffic at the new middle school.

Todd also has done a commendable job helping to reduce the town's dependence on greenhouse gases, and to prepare for any disruptions from global warming.