

**From:** [RobinM](#)  
**To:** [Durham Town Council](#); [Rick Taintor](#)  
**Cc:** [April Talon](#); [Richard Reine](#); [Karen Edwards](#)  
**Subject:** Mill Pond, College Brook siltation from Mill Plaza | 1972 and 1973 warnings | Conservation Commission memo  
**Date:** Tuesday, April 06, 2021 9:27:21 AM  
**Attachments:** [19730221 DCC to Select PB.pdf](#)

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Greetings,

Those following the dam/pond/brook issue, particularly those who are also following the pending Mill Plaza Planning Board application, know that the history of an impaired College Brook significantly includes the original construction of the Plaza. (\*The bulldozing and paving in the initial phase of construction on the Tamposi shopping plaza property caused numerous landslides into College Brook with consequent increased silting downstream into Mill Pond.\*) Incorporating documentation into any discussion of these impaired waterbodies helps to complete the record.

Please see below text that I transcribed from the attached scanned copy of a memo from the Durham Conservation Commission to the Board of Selectmen, dated February 21, 1973, urging the Board to take protective action.

Joshua Meyrowitz also includes this letter in his history, \*Durham's Mill Road Plaza 1967 to 2018,\* on page 6, with this note:

**Feb. 21, 1973—Conservation Commission Urges Reversal of Brook Damage Prior to More Construction**

In February 1973, the Durham Conservation Commission wrote a letter calling on the Town to require the Plaza to reverse its damage to the College Brook and Mill Pond before being allowed to build the second building. See full text of letter below. (This Conservation Commission request was apparently not acted upon or enforced.)

The advice of the Conservation Commission could not have been clearer, yet neither Josh nor I, independently and separately wading through Town Hall basement paper files, found any follow-up.

[Please forward to the Conservation Commission and the Planning Board.]

Regards,

-- Robin

Robin Mower  
Durham, NH

\* \* \*

19730221 DCC to PB.doc | converted by Robin Mower in 2018 from a scanned document

**February 21, 1973**

**TO: Durham Board of Selectmen and. Durham Planning Board**

**FROM: Durham Conservation Commission**

The Durham Mill Pond has been filling in with soil rapidly in recent years. The bulldozing and, paving in the initial phase of construction on the Tamposi shopping plaza property caused numerous landslides into College Brook with consequent increased silting downstream into Mill Pond. Construction of the new market building and parking lot now proposed, directly above the banks of the brook, will cause more erosion of soil and more silting into these adjacent waterways unless preventive measures are guaranteed as a condition for the granting of the new building permit.

A study of the College Brook Mill Pond watershed area made in the spring of 1972 under the supervision of Oliver Wallace strongly urged that the town of Durham move to protect its prime natural and recreational asset, the Mill Pond, from being further filled in by upstream erosion. The study recommended that the town require developers in this area not to alter the grade of natural drainage slopes into adjacent waterways and also to require such developers to plant a cover of winter wheat or winter rye on any land whose natural water retaining vegetative cover is destroyed by grading.

The Conservation Commission has communicated its request in the past, without results, that the town require Tamposi to take remedial action on his initial damage to the College Brook banks.

In the interests of preserving some open water in the Mill Pond., the Conservation Commission would like to urge now that definite erosion preventive measures be required of Tamposi by the Planning Board and by the Board of Selectmen as a condition for granting any new building permit. We urge that a performance bond regarding such measures be posted by Tamposi to guarantee compliance. And we urge that in this new stage of construction the Board of Selectmen use the powers of enforcement vested in them by the town to require Tamposi to meet such conditions as the Planning Board recommends.

Durham Conservation Commission

cc. Board of Selectmen  
cc. Planning Board.

[signatures of Donald Melvin; R. G. Strout; A. C. Borrer; Karen Mower; Hollis L. Leland, Walter W. Cheney]