

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 279Packers 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.



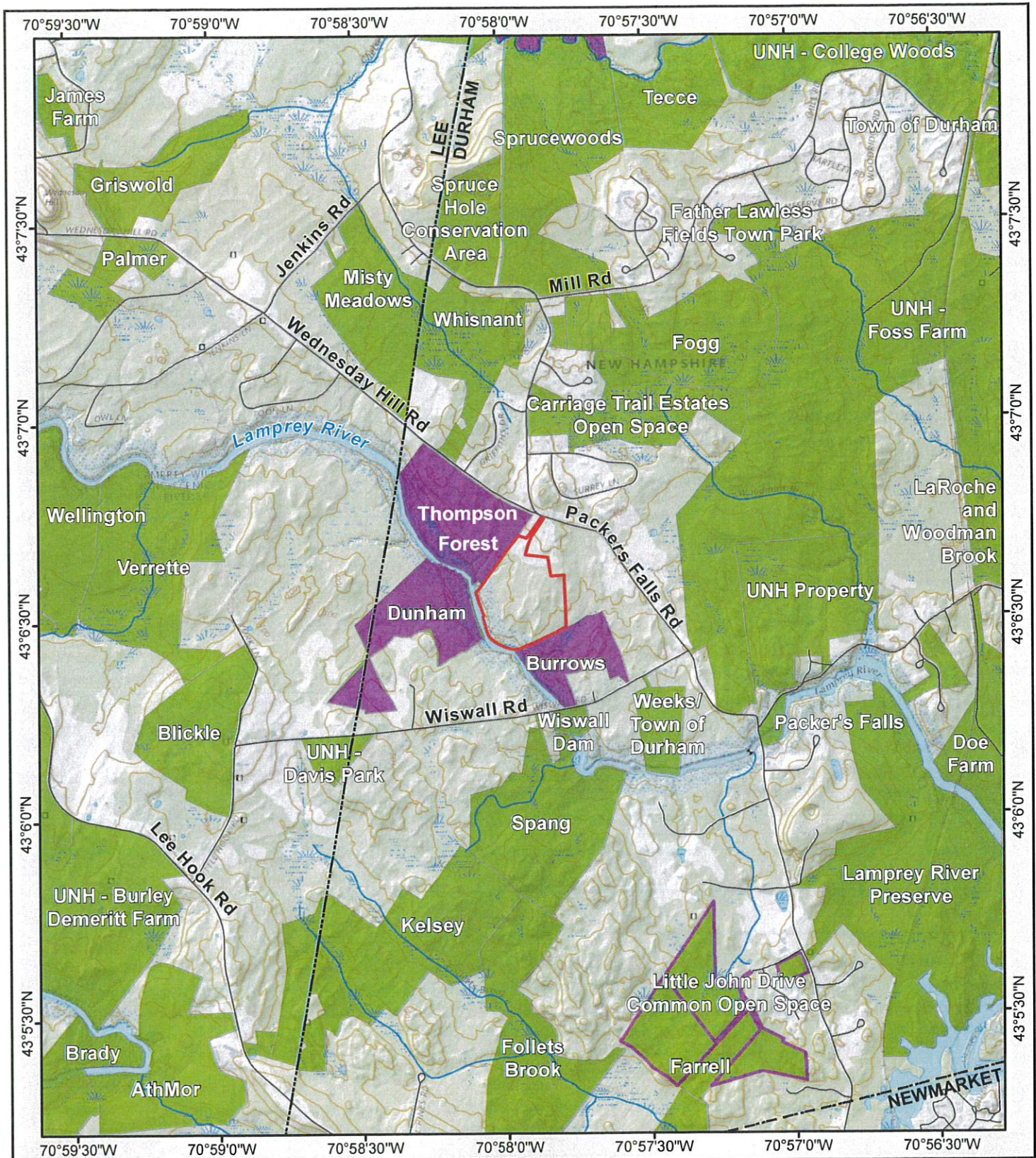
Pike Budget - 37.4 acres (Durham)

EXPENSES

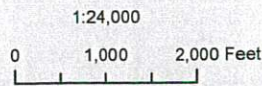
Conservation Transaction Costs	Current	Notes
Acquisition Costs		
Easement Purchase Price	\$0	
Land Purchase Price	\$505,000	
Due Diligence Costs		
Legal	\$4,058	<i>Title, title insurance, deed prep., closing logistics</i>
Survey	\$19,000	<i>Underway</i>
Hazardous Waste Assess.	\$2,800	
Appraisal(s)	\$10,000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

REVENUES

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



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

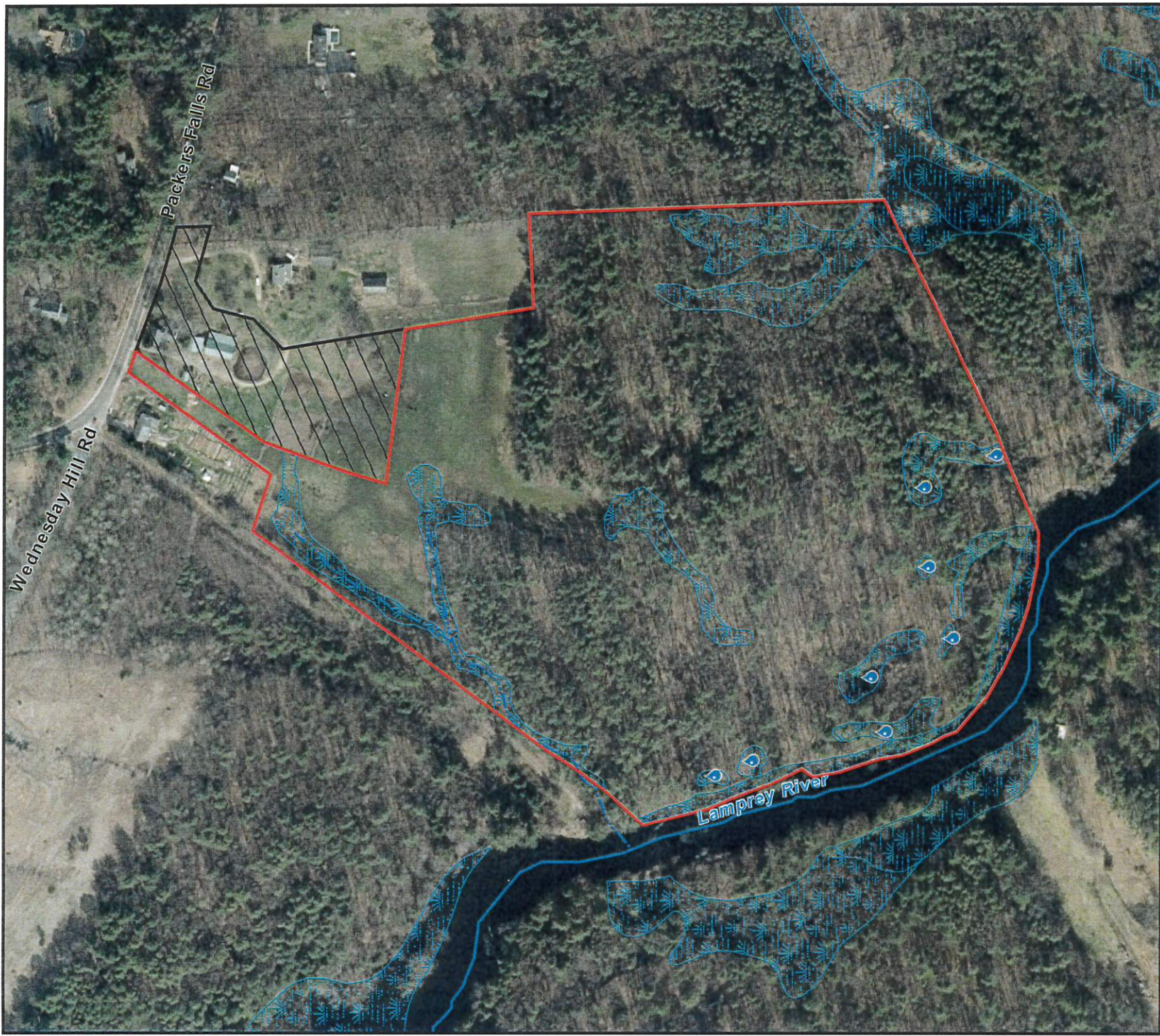


Pike Project & Nearby Conservation Lands Durham, NH

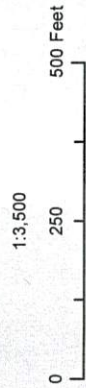
Boundary and feature locations are approximate.
 Conservation lands from NH GRANIT. USGS topographic base map (published 1970-1998) processed by NH GRANIT; coordinate system is NAD83 UTM Zone 19N meters.

Map prepared by
 Southeast Land Trust of NH
 October, 2021





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



Pike Project Durham, NH

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



SELT

Map prepared by
Southeast Land Trust of NH
October, 2021

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)