

September 19, 2022

To: The Conservation Commission

From: Marti Mulhern

Memo: In response to Gail Kelley's letter to Conservation Commission dated 9/16/2022

In section 2, Ms. Kelley italicized the phrase, "... ***in the event consent for such entry is denied or not reasonably obtainable, to obtain an administrative inspection warrant under RSA 595-B.*** from Duties of a Planning Board. Ms. Kelley's intent is clear. She wants people to believe that we have restricted access to our property. This is a false statement. In fact, we signed an Authorization to Enter Property document in 2020 as part of our application, which we recently resubmitted. That document grants permission to town officials to view our property and we have never restricted their access or ability to view the entire parcel.

In section 3, Gail Kelley references Subdivision Regulations regarding a Phase 1, Preliminary Conceptual Consultation site walk. The Conservation Commission had site walks on May 8, 2020 and again on January 13, 2021. The Planning Board had one site walk on May 27, 2020. Again, Ms. Kelley makes a false statement when she alleges that Mr. Behrendt was in violation of the cited statute by looking only at the Gerrish Drive Extension entrance, rather than analyzing the Bagdad right-of-way. Ms. Kelley's claims are in direct contradiction to the Town Attorney, who has made it clear that the board cannot require that a different access be used other than what is proposed in the current application.

Ms. Kelley makes another false statement when she alleges, "To this day, 12 of the 16 acres of the property and the access route from the Bagdad Road right-of-way remain unexamined by the Planning Board and Conservation Commission." On the January 13, 2021 site walk, those present walked all the way to the "log bridge", which leaves only 3-4 acres not seen that day. In addition, several Board and Commission members are known to have walked the entire parcel and are free to do so at any time.

Further into section 3, Ms. Kelley refers to an "existing road", which is yet another false statement. What she is calling a "road", is a footpath that looks exactly like the trails on the rest of the property.

No Trespassing Signs

Unfortunately, we were forced to put up signs, after a few abutters abused the privilege of walking freely on our private property. During the spring of 2021 Gail Kelley, Andrew

Merton and John and Diana Carroll attempted to manipulate site walks, as well as the opinions' of Board and Commission members, using a variety of tactics, including unsanctioned private tours of our land. They violated our trust and we do not trust them on our land any longer.

1. Shortly after the Town Planner sent out notices of the January 13, 2021 Planning Board site walk, Diana Carroll sent an email to Michael Behrendt. She suggested that the starting point be changed from Ambler/Gerrish to Bagdad Road under the false claim that the purpose of the walk was to see the Bagdad entrance. The true intent was to see the building site and some of the Conservation Area. Her request was denied but that did not stop Mrs. Carroll.

2. On January 13, 2021 as planned, the site walk started on Gerrish and Ambler, and continued through much of the Conservation Area. The group walked as far as the "log bridge" and were then told to turn around. However, Ms. Kelley, Mr. Merton, and the Carrolls attempted to redirect the site walk across the bridge and up to Bagdad Road. They repeatedly asked the group to follow them to the Bagdad Road right-of-way, and they were clearly angry when no one else joined them.

3. April 29, 2021 I was going for a walk and discovered John and Diana Carroll at the top of the Bagdad Road driveway, waiting for a gentleman who was getting out of his car. As he stepped out, I recognized the man as a member of the Durham Planning Board. When I confronted them, they claimed to be just showing the Board member where the alternative road would be. In an attempt to assure me it was okay, Diana Carroll said they had taken another Board member through the woods before. I told them none of it was okay. The Planning Board member invited me to join them, so I walked through the woods with him and John Carroll. I spent the entire time correcting John Carroll's false statements. When I got home I notified Michael Behrendt and our attorney Sharon Somers of the incident.

Shortly after that, my husband and I decided to put up the No Trespassing signs.