

**Conservation Commission**  
**MINUTES OF REGULAR MEETING**  
**October 14, 2020**

**MEMBERS PRESENT:** Jeremy Degler  
Angela Ficco  
Larry Hamilton  
Mercedes O'Donohue  
Scott Orzechowski  
Jeremy Rhodes  
Dale Smith-Kenyon

**MEMBERS ABSENT:** None

**STAFF PRESENT:** None

The meeting was called to order by S Orzechowski at 6:03 pm. Please note that this meeting was held remotely due to the COVID-19 State of Emergency; all votes will be recorded by roll call as a consequence.

**1) Approval of meeting minutes.**

Corrections: L. Hamilton: Old Business – treasurer's report. Should read 'our ending balance'.

Motion to approve as amended L. Hamilton, seconded by J Degler.

Vote:

J. Degler: Aye

A. Ficco: Abstain

L. Hamilton: Aye

M. O'Donohue: Aye

S. Orzechowski: Aye

J. Rhodes: Aye

D. Smith-Kenyon: Abstain

Motion Carries 5-0-2

**2) Public Comment**

Substantial public comment received regarding the Sunningdale easement; these were received from 20 separate threads of correspondence from residents. These comments are attached in addendum 1 (forwarded internal communication between submitters is not included in this addenda, as it's not clear if the submitters intended this as public comment; if these were intended to be included, please notify and these minutes will be amended).

**3) CONTINUED APPLICATIONS**

A. Wentworth Douglass Hospital, is seeking conditional use permit for a 1-mile long nature trail in the wetland buffer on a property located at 23 Works Way, in the Commercial Industrial (CI) District, Assessor's Map 61 Lot 14B, CUP#08-2019

DES continues to look at the site and WDH awaits feedback from DES.

J. Rhodes moves to continue the application to our next regular meeting; A. Ficco seconds

Vote:

J. Degler: Aye

A. Ficco: Aye

L. Hamilton: Aye

M. O'Donohue: Aye

S. Orzechowski: Aye

J. Rhodes: Aye

D. Smith-Kenyon: Aye

Motion Carries 7-0

#### 4) **NEW BUSINESS**

##### A. NHACC Conference Registration

Conference is online only this year; signups should be passed to Dana Crossley

##### B. Any new business that may come before the Commission.

A. Ficco raises questions about Dog Park at Millennium Park; work is being performed inside the buffer for the area; there's work within the 25' range of the stream. Concerns around vegetation changes and the impact of animal waste on the waterway.

#### 5) **OLD BUSINESS**

##### A. Wetland encroachment at former well parcel

Code enforcement has confirmed that encroachment was in place; no further input received from the City Manager to this point; S. Orzechowski will follow up. See addendum 2 for related information.

##### B. MEMBER ITEMS, SUB-COMMITTEE ITEMS, AND REPORTS

###### a. Low-Flow Showerheads

L. Hamilton reports that he's received 5 different models and is testing them to verify flow rates. S. Orzechowski is assisting with testing. Cost for these varied from <\$10 up.

###### b. Hats

M. O'Donohue has contacted Deb and Duke's; they can deliver hats for \$12/hat. Blaze Orange with black lettering. We'll order 10 at \$120.

J. Rhodes moves to authorize the treasurer to expend \$120 for the acquisition of 10 hats as specified above; A. Ficco seconds

Vote:

J. Degler: Aye

A. Ficco: Aye

L. Hamilton: Aye

M. O'Donohue: Aye

S. Orzechowski: Aye

J. Rhodes: Aye

D. Smith-Kenyon: Aye

Motion Carries 7-0

C. Update regarding the property at 53 Coles Pond Road

Subdivision of the property is an agenda item at the next planning meeting (October 21)

D. Habitat restoration at Sunningdale easement

We do not have a representative from easement management (NRCS/USDA) present. Their plan is to cut to support Cottontail habitat; this would include cutting of trees between the fairways which produces denser undergrowth which is conducive to cottontails, a state endangered species. The residents are concerned about aesthetic impact from the tree clearing that is proposed, and were led to believe that the trees would remain when they purchased. The land in question is owned by the city and managed by the USDA. Residents comment that the trees sustain a variety of wildlife; the stands are relatively thin, however, and likely don't support a great deal of wildlife. The shrubland that would be in place if cut would provide a stronger degree of wildlife support. The tree cutting is being proposed as the decline of wildlife diversity has been fueled in large part by destruction of shrubland habitat and the restoration of shrubland will help support a greater variety of species in this area.

Similar attempts to reintroduce cottontails have seen natural reproduction, and cottontails have been identified in the surrounding area (including Somersworth) and represent one of five pockets in NH. Aesthetic concerns are undeniable; the NRCS may be open to these concerns, and we would recommend proposing a strip be left in place for aesthetic value while permitting the bulk of the land to be managed for species support. The city does not have final say in this question, as NRCS manages the land. Illegal ATV use of the land has been noted, and the city is aware. The city will continue to work with abutters, including Walmart, to control this.

Hunting is legal in this land currently, but the city could make it illegal in this space. The commission would recommend that this concern be raised with the city council.

Although the original plan was to cut the trees in November, this plan may be delayed.

We do not have a plan or dates for any delay, and a public comment session will be held prior to the actual cutting.

J. Degler asks if there was a photo submitted of the concerns raised by any of the owners; one was submitted, backing the aesthetic concerns. M. O'Donohue and L. Hamilton are abutters to the conservation land and can provide more.

M. O'Donohue raises concerns about the impact of the removal process, as there will likely be impact in the access of the site to remove the trees. There are designated access points on the land; these are next to homes. The NRCS submitted map does not reflect the as built condition, as there was a segment of the development that was dropped. She also raised concerns about placement of cottontails at Sunningdale; the reintroduction program has gone on hold due to the pandemic.

A. Ficco indicated surprise at the timeline, a sentiment shared by much of the commission. The area we've proposed in Malley Farm are ready for introduction today;

the area to be cut will require a few years of growth in order to be introduction ready. The NRCS has indicated intent to retain trail access and to maintain a natural feel, avoiding harsh clearcut conditions. The cutting process itself will likely take approximately 3 weeks, and they'll respond to public comment regarding the impacts before it begins. The entities handling introduction at Sunningdale and Malley Farm are different; the USDA is moving at a different pace than NH Fish & Game, as Malley Farm is an agreement rather than a deeded easement.

E. Any other old business that may come before the Commission

A resident at the Francouer development at Rocky Hill Road has a tree inside the boundary that may be threatening his home; this easement abuts the Coles Pond property that we are in the process of purchasing. There are old trails in this parcel that this individual is interested in bringing back into use. This would be a DES concern as well as these are jurisdictional wetlands. If the individual would like to proceed, we'll look to add this to the agenda.

D. Smith-Kenyon raises a concern of a property on Blackwater Rd; city staff has visited the property and performed a site walk with the city engineer and didn't note any encroachments; an inspection report will be forwarded.

The Brown property off Commercial Ave. has had court action brought; the land will be restored, but using fill rather than restoration to its original state. The slope will be returned and planted. The source of the fill was not specified. No penalties beyond attorney's fees were assessed.

**6) Treasurer's Report**

No treasurer's report this month; expect one in November.

C. Smith- Kenyon moves to adjourn, L. Hamilton seconds

Vote:

J. Degler: Aye

A. Ficco: Aye

L. Hamilton: Aye

M. O'Donohue: Aye

S. Orzechowski: Aye

J. Rhodes: Aye

D. Smith-Kenyon: Aye

Motion Carries 7-0

Meeting adjourned at 7:00 PM.

Respectfully submitted:

Jeremy Rhodes  
Conservation Commission Secretary

## **Addendum 1 – Public comments regarding Sunningdale tree cutting**

**1 - Follow-up Letter of Opposition to NRCS/Rockingham Conservation (Mark Fontaine  
[paulettemark19@gmail.com](mailto:paulettemark19@gmail.com))**

Subject: Opposition to Natural Resources Conservation Service (NRCS) Plan to Clear-cut Trees on the Conservation Land as Part of the New England (NE) Cottontail Rabbit Project

Mr. Scott Orzechowski:

As residents and taxpayers, we are writing to you to express our opposition to the NRCS's plan to clear-cut trees on the public conservation land adjacent to the Villages at Sunningdale in Somersworth as part of the project to re-introduce the NE Cottontail rabbit. The reasons are listed below:

1. The Purchase and Sales Agreements that we signed when we purchased our home (and which was signed by all of the other homeowners) included a conservation easement with the developer and the city of Somersworth that expressly prohibited the cutting or removal of standing trees except those that present an imminent threat to person or property. We entered into that agreement in good faith with the expectation that the city of Somersworth would honor its obligations and stated objectives for the public conservation land.
2. Cutting the trees would severely damage the aesthetic value of the conservation land, which is one of the reasons for its designation as conservation land, and would negatively impact it as a signature conservation parcel in the city of Somersworth. Also, the conservation easement with the U.S. government specifically identifies the management of the land for its "aesthetic value" as one of its stated goals, as does the conservation easement with the city of Somersworth.
3. The NRCS Rabbit Project is of questionable value, as the federal government in 2014 declined to list the NE Cottontail as either a "threatened" or "endangered" specie. Beyond the rabbits being considered a native specie, conservationists have not made clear what the benefits of the project will be. Similar projects in NH to introduce the NE Cottontail in comparable surroundings have not been successful. The majority of cottontail predators – coyotes, fox and bobcats – are non-avian. Clear-cutting trees will do little or nothing to reduce their impact on the rabbits or improve the potential success of the project, and may have a negative influence on existing wildlife in the area.
4. The easement deed from NRCS (dated July 1, 2017) expressly states: "It is the intent of NRCS to give the Landowner the opportunity to participate in the restoration and management activities on the Easement Area." This suggests to us that the city of Somersworth has an active role in managing the land for the benefit of its residents and existing wildlife, in keeping with the city's own conservation goals and Master Plan.

As taxpayers and voters, we believe that the Somersworth Conservation Commission, Planning Office and City Council should **represent the interest of the residents of the City of Somersworth including the homeowners at the Villages at Sunningdale** and oppose the clear-cutting of trees as part of the strategy by the NRCS to introduce the NE Cottontail rabbit on the public conservation land. We request that this letter/email of opposition be made part of the public record related to any discussion of the project with the City of Somersworth (i.e., Conservation Commission, Planning Office, City Council, etc.) and the project's representative (NRCS, Rockingham Conservation Commission, etc.).

Please let us know when we will have the opportunity to address these concerns as part of the public hearing/meeting.

Regards,

Mark & Paulette Fontaine-Westart

12 Cattail Circle

Somersworth, NH 03878

603-345-0444

2 - Opposed to Sunning dale tree cutting (Dennis [<mailto:dmcatavey@comcast.net>])

I am sure you have received emails from my neighbors in opposition to tree cutting in the Sunningdale development.

I too am opposed. I hope you will echo my/our opposition when your upcoming meeting takes place.

Sent from my iPhone

Dennis McAtavey

3 - Opposition Letter for Residents of the Villages at Sunningdale - Family (1).docx (From: Gail Lawrence [<mailto:gail7353@yahoo.com>] )

To: City of Somersworth Conservation Commission (Scott Orzechowski), City of Somersworth Planning Office (Dana Crossley), Somersworth City Councilman Don Austin (Ward 4)

Subject: Opposition to Natural Resources Conservation Service (NRCS) Plan to Clear-cut Trees on the Conservation Land as Part of the New England (NE) Cottontail Rabbit Project

Sir/Madam,

As residents and taxpayers, we are writing you to express our opposition to the NCRS's plan to clear-cut trees on the public conservation land adjacent to the Villages at Sunningdale in Somersworth as part of the project to re-introduce the NE Cottontail rabbit. The reasons are listed below:

1. The Purchase and Sales Agreements that we signed when we purchased our home (and which was signed by all of the other home owners) included a conservation easement with the developer and the city of Somersworth that expressly prohibited the cutting or removal of standing trees except those that present an imminent threat to person or property. We entered into that agreement in good faith with the expectation

that the city of Somersworth would honor its obligations and stated objectives for the public conservation land.

2. Cutting the trees would severely damage the aesthetic value of the conservation land, which is one of the reasons for its designation as conservation land, and would negatively impact it as a signature conservation parcel in the city of Somersworth. Also, the conservation easement with the U.S. government specifically identifies the management of the land for its “aesthetic value” as one of its stated goals, as does the conservation easement with the city of Somersworth.

3. The NRCS Rabbit Project is of questionable value, as the federal government in 2014 declined to list the NE Cottontail as either a “threatened” or “endangered” specie. Beyond the rabbits being considered a native specie, conservationists have not made clear what the benefits of the project will be. Similar projects in NH to introduce the NE Cottontail in comparable surroundings have not been successful. The majority of cottontail predators – coyotes, fox and bobcats – are non-avian. Clear-cutting trees will do little or nothing to reduce their impact on the rabbits or improve the potential success of the project, and may have a negative influence on existing wildlife in the area.

4. The easement deed from NRCS (dated July 1, 2017) expressly states: "It is the intent of NRCS to give the Landowner the opportunity to participate in the restoration and management activities on the Easement Area." This suggests to us that the city of Somersworth has an active role in managing the land for the benefit of its residents and existing wildlife, in keeping with the city's own conservation goals and Master Plan.

As taxpayers and voters, we believe that the Somersworth Conservation Commission, Planning Office and City Council should represent the interest of the residents of the City of Somersworth including the homeowners at the Villages at Sunningdale and oppose the clear-cutting of trees as part of the strategy by the NRCS to introduce the NE Cottontail rabbit on the public conservation land. We request that this letter/email of opposition be made part of the public record related to any discussion of the project with the City of Somersworth (i.e., Conservation Commission, Planning Office, City Council, etc.) and the project's representative (NRCS, Rockingham Conservation Commission, etc.).

Please let us know when we will have the opportunity to address these concerns as part of the public hearing/meeting.

Regards,

Name

Address

Phone Number

**4 - opposition to clearcutting trees** (Dolan, Elizabeth [<mailto:E.Dolan@unh.edu>])

Subject: Opposition to Natural Resources Conservation Service (NRCS) Plan to Clear-cut Trees on the Conservation Land as Part of the New England (NE) Cottontail Rabbit Project

Dear Ms Crossley,

As a resident and taxpayer, I'm writing you to express my opposition to the NCRS's plan to clear-cut trees on the public conservation land adjacent to the Villages at Sunningdale in Somersworth as part of the project to re-introduce the NE Cottontail rabbit. The reasons are listed below.

1. The Purchase and Sales Agreements that I signed when I purchased my home (and which was signed by all of the other home owners) included a conservation easement with developer and the city of Somersworth that expressly prohibited the cutting or removal of standing trees except those that present an imminent threat to person or property. I entered into that agreement in good faith with

the expectation that the city of Somersworth would honor its obligations and stated objectives for the public conservation land.

2. Cutting the trees would severely damage the aesthetic value of the conservation land, which is one of the reasons for its designation as conservation land, and would negatively impact it as a signature conservation parcel in the city of Somersworth. Also, the conservation easement with the U.S. government specifically identifies the management of the land for its "aesthetic value" as one of its stated goals, as does the conservation easement with the city of Somersworth.
3. The NRCS Rabbit Project is of questionable value, as the federal government in 2014 declined to list the NE Cottontail as either a "threatened" or "endangered" specie. Beyond the rabbits being considered a native species, conservationists have not made clear what the benefits of the project will be. Similar projects in NH to introduce the NE Cottontail in comparable surroundings have not been successful. The majority of cottontail predators – coyotes, fox and bobcats – are non-avian. Clearcutting trees will do little or nothing to reduce their impact on the rabbits or improve the potential success of the project and may have a negative influence on existing wildlife in the area.
4. The easement deed from NRCS (dated July 1, 2017) expressly states: "It is the intent of NRCS to give the Landowner the opportunity to participate in the restoration and management activities on the Easement Area." This suggests to us that the city of Somersworth has an active role in managing the land for the benefit of its residents and existing wildlife, in keeping with the city's own conservation goals and Master Plan.

As a taxpayer and voter, I believe that the Somersworth Conservation Commission, Planning Office and City Council should represent the interest of the residents of the City of Somersworth including the homeowners at the Villages at Sunningdale and oppose the clear-cutting of trees as part of the strategy by the NRCS to introduce the NE Cottontail rabbit on the public conservation land. I request that this letter/email of opposition be made part of the public record related to any discussion of the project with the City of Somersworth (i.e., Conservation Commission, Planning Office, City Council, etc.) and the project's representative (NRCS, Rockingham Conservation Commission, etc.). Please let me know when I will have the opportunity to address these concerns as part of the public hearing/meeting.

Sincerely,

Elizabeth M. Dolan, Ph.D.  
1 Firefly Circle  
Somersworth, NH 03878  
603-749-1637

**5 - Opposition to Natural Resources Conservation Service (NRCS) Plan to Clear-cut Trees on the Conservation Land as Part of the New England (NE) Cottontail Rabbit Project (Sheilah Swallow [\[mailto:sheilah01844@gmail.com\]](mailto:sheilah01844@gmail.com))**  
Sir/Madam,

As a resident and taxpayer, I'm writing to express my opposition to the NRCS's plan to clear-cut trees on the public conservation land adjacent to the Villages at Sunningdale in Somersworth as part of the project to re-introduce the NE Cottontail rabbit. The reasons are listed below:

1. Similar to many of my neighbors, my husband and I paid a significant lot premium for Lot 82, now known as 4 Cattail Circle. In our specific case, this premium was \$10,000.00. Removing the trees reduces our property value, and very likely subsequently would impact our tax base and our market value. The lot was marketed to us as having beautiful views as well as beautiful foliage. The Purchase and Sales Agreement that I signed when I purchased my home (and which was signed by all of the other homeowners) included a conservation easement with developer and the city of Somersworth that expressly prohibited the cutting or removal of standing trees except those that present an imminent threat to person or property. I entered into



that agreement in good faith with the expectation that the city of Somersworth would honor its obligations and stated objectives for the public conservation land.

2. Cutting the trees would severely damage the aesthetic value of the conservation land, which is one of the reasons for its designation as conservation land, and would negatively impact it as a signature conservation parcel in the city of Somersworth. Also, the conservation easement with the U.S. government specifically identifies the management of the land for its “aesthetic value” as one of its stated goals, as does the conservation easement with the city of Somersworth.

3. The NRCS Rabbit Project is of questionable value, as the federal government in 2014 declined to list the NE Cottontail as either a “threatened” or “endangered” species. Beyond the rabbits being considered a native species conservationists have not made clear what the benefits of the project will be. Similar projects in NH to introduce the NE Cottontail in comparable surroundings have not been successful. The majority of cottontail predators – coyotes, fox and bobcats – are non-avian. Clear-cutting trees will do little or nothing to reduce their impact on the rabbits or improve the potential success of the project, and may have a negative influence on existing wildlife in the area.

4. The easement deed from NRCS (dated July 1, 2017) expressly states: "It is the intent of NRCS to give the Landowner the opportunity to participate in the restoration and management activities on the Easement Area." This suggests to us that the city of Somersworth has an active role in managing the land for the benefit of its residents and existing wildlife, in keeping with the city's own conservation goals and Master Plan.

As a taxpayer and voter, I believe that the Somersworth Conservation Commission, Planning Office and City Council should represent the interest of the residents of the City of Somersworth including the homeowners at the Villages at Sunningdale and oppose the clear-cutting of trees as part of the strategy by the NRCS to introduce the NE Cottontail rabbit on the public conservation land. I request that this letter/email of opposition be made part of the public record related to any discussion of the project with the City of Somersworth (i.e., Conservation Commission, Planning Office, City Council, etc.) and the project's representative (NRCS, Rockingham Conservation Commission, etc.).

Please let me know when I will have the opportunity to address these concerns as part of the public hearing/meeting.

Regards,

Sheilah Swallow

David Swallow

4 Cattail Circle  
Somersworth, NH 03878

603-841-5965 Home  
978-387-0013 Cell (Sheilah Swallow)  
978-973-5934 Cell (David Swallow)

**6 - Opposition to NRCS Plan for Sunningdale Subdivision (Lucie Bryar**  
[\[mailto:LBryar1154@hotmail.com\]](mailto:LBryar1154@hotmail.com))

To the City Planner, Ms. Crossley, the Planning Board & Ward 4 City Councilor Don Austin:

I am writing to you today to strongly oppose the NRCS [Natural Resources Conservation Service] proposal to clear-cut mature trees from the old golf course fairways on the Sunningdale Conservation land. The sole purpose of this project is to encourage or re-introduce New England cottontail rabbits on the property. I also wrote a letter to the Conservation Commission, which focused more on the aesthetic value of the property and the benefits to residents and existing wildlife of leaving the trees untouched.

**Proud past, bright future**

My purpose here is to ask for clarification on the many legal documents pertaining to this parcel of land so that we as homeowners can understand what is or is not permitted by all parties. Since the city of Somersworth owns the property, it seems it would be prudent to consult with the City Attorney about all of the pertinent documents before any NRCS project is allowed to move forward.

1.) Briefly, the federal easement (Doc# 0010169 dated July 21, 2017) that transferred with the property to the City states:

*"It is the intent of NRCS to give the Landowner the opportunity to participate in the restoration and management activities on the Easement Area."* [I interpret this to mean the City can actively speak up about the NRCS cottontail project. At the very least, it seems the City can make an alternate proposal to ensure Somersworth's own long-term conservation goals remain a priority.]

2.) When we purchased our property in the Sunningdale Villages in 2018, we signed a Purchase and Sales Agreement which included a Public Offering Statement provided to us as part of the Land Sales Full Disclosure Act RSA 356-A. These documents specify covenants for the conservation land in question and specifically prohibit the cutting of trees (excerpted below).

In our case, the documents were a deciding factor in choosing this development and choosing our specific lot with a view. We only purchased here because we were assured in writing the land would remain essentially untouched in perpetuity. These covenants were presented to us as enforceable legal documents. [Did this legal agreement between homeowners and the developer transfer to the federal easement?]

From Purchase & Sales Agreement/ Public Offering Statement  
Item 8. Covenants Regarding Open Space includes:

1. *The purpose of the Open Space depicted on the Subdivision Plan is to retain the area forever in its undeveloped, scenic and open space condition and to prevent any use of the Open Space that will significantly impair, or interfere with, its conservation value.* [The word "scenic" seems key here; removing beautiful mature trees and replacing them with an unsightly thicket of shrubland seems to go against the stated purpose. I believe this is now the City's largest parcel of conservation land and there is a strong community benefit in maintaining its aesthetic value.]

6. *No filling or excavation of soil or other alteration of topography or cutting or removal of standing trees shall be allowed, except those that present an imminent threat to person or property. In addition, trees may be removed in accordance with accepted silva cultural practices as outlined in the publication entitled "Good Forestry Practices in the Granite State" by the Society for the Protection of NH Forests. No disturbance of other natural features shall be allowed unless such activities are commonly necessary to maintain the existing natural environment of the open space.* [Homeowners and the Developer were bound by these covenants. Isn't the City and NRCS also bound by them?]

Finally, I would strongly encourage the City of Somersworth to work in collaboration with NRCS to manage Sunningdale's conservation land in accordance with its long-term conservation goals as stated in the Master Plan and in keeping with the Conservation Residential Subdivision ordinance (RSA 674:21), under which the development was approved. Both the document and the ordinance indicate that scenic value and public enjoyment are important considerations. If the City keeps its implied promises to homeowners/taxpayers in this case, you will continue to earn the public's trust. We all want a beautiful city with protected natural resources.

Thank you for considering all of these points. I sincerely hope they will be part of any ongoing discussion by the Planning Board, City Council and other involved boards and commissions.

Respectfully,

Lucie Bryar  
81 Sunningdale Drive  
Somersworth, NH 03878  
PH (603) 305-6453

7 - Re: Proposed clear cut of trees in the public conservation space.

(Douglas Bryar [<mailto:bryardb@hotmail.com>])

To: Dana Crossley  
Somersworth Planning Board

Subject: Proposed clear cut of trees in public conservation space.

To the Planning Board,

First and foremost, let me thank you for your service to the residents and homeowners of the City of Somersworth. I understand that this work is sometimes done on a voluntary basis and the many hours devoted by you are often times not acknowledged accordingly.

At this time, as a resident and taxpayer of the City of Somersworth, I must state my complete and total objection to the proposed clear cutting of trees on the parcel of land known as NRCS Conservation Easement at the Villages of Sunningdale. The clear cutting of trees in this public conservation area, is being done for the sole purpose of creating a habitat for the re-enforcing or re-introducing of the New England Cottontail rabbit. In 2018, I participated as a volunteer, in the New England Cottontail study being conducted by researchers at UNH in conjunction with NH Fish and Game. We were tasked with collecting droppings samples for DNA analysis in order to determine the presence of New England Cottontails. I specifically concentrated my search in this easement area and found no signs of rabbit at all. I recently contacted UNH to see if their data indicated any presence of rabbit in this area and was told that they have only just begun to compile the data.

When we purchased our property in 2018, included in our purchase and sale agreement, was a Declaration of Covenants and Easements (which includes no mention of a Federal easement) but did state, under section 8 "Covenants Regarding Open Space", that the open space shall forever be and remain subject to the following conditions which shall bind the Declarant, its successors in interest and the owners of each subdivision lot. These conditions included:

- 8.1. To retain the area in it's undeveloped, scenic and open space condition and prevent any use of the space that will significantly impair, or interfere with it's conservation value.
- 8.2. To protect the natural habitat of birds , animals and vegetation.
- 8.6 No filling or excavation of soil or other alteration of topography, or cutting or removal of standing trees shall be allowed except those that present an eminent threat to person or Property.

Under the enforcement clause it states: The burden of these restrictions shall run with the land and be enforceable by present and future lot owners within the subdivision, The Villages at Sunningdale Home Owners Assn. , or by any official of The the City of Somersworth.

In July of 2017, 12 Month LLC negotiated an easement with the USDA known as the NRCS Conservation easement that pertains to the 97 acre parcel I am writing about. In this easement it states "It is the intent of the NRCS to give the landowner the opportunity to participate in the restoration and management activities on the easement area". As of March 15, 2018, by way of a Warranty Deed, the City of Somersworth became the land owner.

**Proud past, bright future**

At this time, I respectfully ask that the Planning Board for the City of Somersworth, to speak on behalf the people of Somersworth, in opposition to this proposed action by the NRCS. In my mind, this action flies in the face of the meaning of the word conservation.

Respectfully,  
Douglas Bryar  
81 Sunningdale Dr  
Somersworth NH

**8 - [Somersworth NH] Opposition to Natural Resources Conservation Servi (Sharon O'Brien, [sobrien462@gmail.com](mailto:sobrien462@gmail.com))**

Hello dcrossley,

Sharon O'Brien ([sobrien462@gmail.com](mailto:sobrien462@gmail.com)) has sent you a message via your contact form (<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.somersworth.com%2fuser%2f1623%2fcontact&c=E,1,OWPUDa71-cWm1XJExDuK7CTDVNOg8HZQvY9TFEmyxIGvtxyWfZrIB447VQbt3p0lqa7HVVNUucLQwDPoPiQfKTOCwP0KgbzgOLGH5L89b3yhkHi8&typo=1>) at Somersworth NH.

If you don't want to receive such e-mails, you can change your settings at [https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.somersworth.com%2fuser%2f1623%2fedit&c=E,1,4cO-BY6NzujBkz3XEog2eIPcYkoac2oS1n31f85wsj9vTOurXjZR8ZIqvzccWeYkqckQVly0rwaXsGqBfMIjSRPDnfk24vsxSHCK\\_lcaquyO8,&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.somersworth.com%2fuser%2f1623%2fedit&c=E,1,4cO-BY6NzujBkz3XEog2eIPcYkoac2oS1n31f85wsj9vTOurXjZR8ZIqvzccWeYkqckQVly0rwaXsGqBfMIjSRPDnfk24vsxSHCK_lcaquyO8,&typo=1)

Message:

As a resident and taxpayer, I'm writing you to express my opposition to the NCRS's plan to clear-cut trees on the public conservation land adjacent to the Villages at Sunningdale in Somersworth as part of the project to re-introduce the NE Cottontail rabbit. The reasons are listed below:

1. The Purchase and Sales Agreements that I signed when I purchased my home (and which was signed by all of the other home owners) included a conservation easement with developer and the city of Somersworth that expressly prohibited the cutting or removal of standing trees except those that present an imminent threat to person or property. I entered into that agreement in good faith with the expectation that the city of Somersworth would honor its obligations and stated objectives for the public conservation land.
2. Cutting the trees would severely damage the aesthetic value of the conservation land, which is one of the reasons for its designation as conservation land, and would negatively impact it as a signature conservation parcel in the city of Somersworth. Also, the conservation easement with the U.S. government specifically identifies the management of the land for its "aesthetic value" as one of its stated goals, as does the conservation easement with the city of Somersworth.
3. The NRCS Rabbit Project is of questionable value, as the federal government in 2014 declined to list the NE Cottontail as either a "threatened" or "endangered" specie. Beyond the rabbits being considered a native specie, conservationists have not made clear what the benefits of the project will be. Similar projects in NH to introduce the NE Cottontail in comparable surroundings have not been successful. The majority of cottontail predators – coyotes, fox and bobcats – are non-avian. Clear-cutting trees will do little or nothing to reduce their impact on the rabbits or improve the potential success of the project, and may have a negative influence on existing wildlife in the area.

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4. The easement deed from NRCS (dated July 1, 2017) expressly states: "It is the intent of NRCS to give the Landowner the opportunity to participate in the restoration and management activities on the Easement Area." This suggests to us that the city of Somersworth has an active role in managing the land for the benefit of its residents and existing wildlife, in keeping with the city's own conservation goals and Master Plan.

As a taxpayer and voter, I believe that the Somersworth Conservation Commission, Planning Office and City Council should represent the interest of the residents of the City of Somersworth including the homeowners at the Villages at Sunningdale and oppose the clear-cutting of trees as part of the strategy by the NRCS to introduce the NE Cottontail rabbit on the public conservation land. I request that this letter/email of opposition be made part of the public record related to any discussion of the project with the City of Somersworth (i.e., Conservation Commission, Planning Office, City Council, etc.) and the project's representative (NRCS, Rockingham Conservation Commission, etc.).

Please let me know when I will have the opportunity to address these concerns as part of the public hearing/meeting.  
Regards,

Sharon M. O'Brien  
48 Sunningdale Drive  
Somersworth, NH 03878  
978 888-3733

## 9 - Letter to the Conservation Commission (Lucie Bryar [LBryar1154@hotmail.com](mailto:LBryar1154@hotmail.com))

To the Conservation Commission:

I am writing to you today to strongly oppose the NRCS proposal to clear-cut mature trees from the old golf course fairways on the Sunningdale Conservation land for the sole purpose of introducing New England cottontail rabbits.

My husband and I deliberately chose this development because of the beautiful conservation land and the assurances in writing on our Purchase and Sales Agreement that this parcel would remain untouched. We also chose our specific lot and sited our home to take advantage of the beautiful views. In the two years we've lived here, we've enjoyed white-tail deer, red fox, coyotes, turkeys, beavers, porcupines and more. This public conservation land has become a neighborhood gathering spot for almost daily wildlife viewing. We can't help but wonder would happen to all the current wildlife if most of their habitat is altered in order to bring in rabbits.

Please consider that many homeowners in Sunningdale are older and some of us have limited mobility. The opportunity to view wildlife from our front porches (sometimes with scopes) expands our interaction with nature. If the large trees disappear, our opportunities will be gone, since we're not able to hike the land and view smaller wildlife up close. At the same time, those who *do* walk the fairways will find it impassable, if it's managed as an impenetrable thicket for cottontails.

I learned from the U.S. Wildlife Service that the estimated population of New England cottontails in New Hampshire in 2014 was fewer than 175 rabbits statewide. When we inquired with UNH and NH Fish & Game about the results of a 2018 field survey to detect their presence on the Sunningdale conservation land, we were told the survey hasn't been tallied yet. The fact is my husband participated in that survey and found no signs of cottontails here and those who walk the land say they've never seen any. Further, the New England cottontail project includes a proposal for the rabbits to be bred in captivity in Rhode Island and then

transported here – only to face threats from predators and competition for food. Given their history, the survival of NE cottontails on this parcel doesn't seem sustainable without continued human intervention, which is costly.

I am not opposed to New England Cottontails, but I am opposed to clear-cutting a focal area of the largest single piece of conservation land in the city of Somersworth, thereby destroying much of its aesthetic value. In my view, the benefits to the community at large and to the Sunningdale neighborhood of leaving the beautiful mature trees untouched far outweigh any advantages of changing the habitat to introduce a fragile species that may or may not survive.

Respectfully,

Lucie Bryar

81 Sunningdale Drive  
Somersworth, NH 03878  
PH (603) 305-6453

**10 - Opposition Letter for Residents of the Villages at Sunningdale (Gail Lawrence [gail7353@yahoo.com](mailto:gail7353@yahoo.com))**

To: City of Somersworth Conservation Commission (Scott Orzechowski), City of Somersworth Planning Office (Dana Crossley), Somersworth City Councilman Don Austin (Ward 4)

Subject: Opposition to Natural Resources Conservation Service (NRCS) Plan to Clear-cut Trees on the Conservation Land as Part of the New England (NE) Cottontail Rabbit Project

Sir/Madam,

As residents and taxpayers, we are writing you to express our opposition to the NCRS's plan to clear-cut trees on the public conservation land adjacent to the Villages at Sunningdale in Somersworth as part of the project to re-introduce the NE Cottontail rabbit. The reasons are listed below:

1. The Purchase and Sales Agreements that we signed when we purchased our home (and which was signed by all of the other home owners) included a conservation easement with the developer and the city of Somersworth that expressly prohibited the cutting or removal of standing trees except those that present an imminent threat to person or property. We entered into that agreement in good faith with the expectation that the city of Somersworth would honor its obligations and stated objectives for the public conservation land.
2. Cutting the trees would severely damage the aesthetic value of the conservation land, which is one of the reasons for its designation as conservation land, and would negatively impact it as a signature conservation parcel in the city of Somersworth. Also, the conservation easement with the U.S. government specifically identifies the management of the land for its "aesthetic value" as one of its stated goals, as does the conservation easement with the city of Somersworth.
3. The NRCS Rabbit Project is of questionable value, as the federal government in 2014 declined to list the NE Cottontail as either a "threatened" or "endangered" specie. Beyond the rabbits being considered a native specie, conservationists have not made clear what the benefits of the project will be. Similar projects in NH to introduce the NE Cottontail in comparable surroundings have not been successful. The majority of cottontail predators – coyotes, fox and bobcats – are non-avian. Clear-cutting trees will do little or nothing

to reduce their impact on the rabbits or improve the potential success of the project, and may have a negative influence on existing wildlife in the area.

4. The easement deed from NRCS (dated July 1, 2017) expressly states: "It is the intent of NRCS to give the Landowner the opportunity to participate in the restoration and management activities on the Easement Area." This suggests to us that the city of Somersworth has an active role in managing the land for the benefit of its residents and existing wildlife, in keeping with the city's own conservation goals and Master Plan.

As taxpayers and voters, we believe that the Somersworth Conservation Commission, Planning Office and City Council should represent the interest of the residents of the City of Somersworth including the homeowners at the Villages at Sunningdale and oppose the clear-cutting of trees as part of the strategy by the NRCS to introduce the NE Cottontail rabbit on the public conservation land. We request that this letter/email of opposition be made part of the public record related to any discussion of the project with the City of Somersworth (i.e., Conservation Commission, Planning Office, City Council, etc.) and the project's representative (NRCS, Rockingham Conservation Commission, etc.).

Please let us know when we will have the opportunity to address these concerns as part of the public hearing/meeting.

Regards,

Name

Address

Phone Number

**11 - Opposition to Natural Resources Conservation Service (NRCS) Plan to Clear-cut Trees on the Conservation Land as Part of the New England (NE) Cottontail Rabbit Project (Sheilah Swallow [sheilah01844@gmail.com](mailto:sheilah01844@gmail.com))**

Sir/Madam,

As a resident and taxpayer, I'm writing to express my opposition to the NRCS's plan to clear-cut trees on the public conservation land adjacent to the Villages at Sunningdale in Somersworth as part of the project to re-introduce the NE Cottontail rabbit. The reasons are listed below:

1. Similar to many of my neighbors, my husband and I paid a significant lot premium for Lot 82, now known as 4 Cattail Circle. In our specific case, this premium was \$10,000.00. Removing the trees reduces our property value, and very likely subsequently would impact our tax base and our market value. The lot was marketed to us as having beautiful views as well as beautiful foliage. The Purchase and Sales Agreement that I signed when I purchased my home (and which was signed by all of the other homeowners) included a conservation easement with developer and the city of Somersworth that expressly prohibited the cutting or removal of standing trees except those that present an imminent threat to person or property. I entered into that agreement in good faith with the expectation that the city of Somersworth would honor its obligations and stated objectives for the public conservation land.
2. Cutting the trees would severely damage the aesthetic value of the conservation land, which is one of the reasons for its designation as conservation land, and would negatively impact it as a signature conservation parcel in the city of Somersworth. Also, the conservation easement with the U.S. government specifically identifies the management of the land for its "aesthetic value" as one of its stated goals, as does the conservation easement with the city of Somersworth.



3. The NRCS Rabbit Project is of questionable value, as the federal government in 2014 declined to list the NE Cottontail as either a “threatened” or “endangered” species. Beyond the rabbits being considered a native species conservationists have not made clear what the benefits of the project will be. Similar projects in NH to introduce the NE Cottontail in comparable surroundings have not been successful. The majority of cottontail predators – coyotes, fox and bobcats – are non-avian. Clear-cutting trees will do little or nothing to reduce their impact on the rabbits or improve the potential success of the project, and may have a negative influence on existing wildlife in the area.

4. The easement deed from NRCS (dated July 1, 2017) expressly states: "It is the intent of NRCS to give the Landowner the opportunity to participate in the restoration and management activities on the Easement Area." This suggests to us that the city of Somersworth has an active role in managing the land for the benefit of its residents and existing wildlife, in keeping with the city's own conservation goals and Master Plan.

As a taxpayer and voter, I believe that the Somersworth Conservation Commission, Planning Office and City Council should represent the interest of the residents of the City of Somersworth including the homeowners at the Villages at Sunningdale and oppose the clear-cutting of trees as part of the strategy by the NRCS to introduce the NE Cottontail rabbit on the public conservation land. I request that this letter/email of opposition be made part of the public record related to any discussion of the project with the City of Somersworth (i.e., Conservation Commission, Planning Office, City Council, etc.) and the project's representative (NRCS, Rockingham Conservation Commission, etc.).

Please let me know when I will have the opportunity to address these concerns as part of the public hearing/meeting.

Regards,

Sheilah Swallow  
David Swallow

4 Cattail Circle  
Somersworth, NH 03878

603-841-5965 Home  
978-387-0013 Cell (Sheilah Swallow)  
978-973-5934 Cell (David Swallow)

**12 - Opposition to NRCS plan to clear cut trees for NE cottontail rabbit project (Suzanne Rich**

<quiltsmr@snet.net>)

To whom it may concern:

As a resident and taxpayer, I am writing you to express my opposition to the NCRS's plan to clear-cut trees on the public conservation land adjacent to the Villages at Sunningdale in Somersworth as part of the project to re-introduce the NE Cottontail rabbit. The reasons are listed below:

1. The Purchase and Sales Agreements that we signed when we purchased our home (and which was signed by all of the other home owners) included a conservation easement with the developer and the city of Somersworth that expressly prohibited the cutting or removal of standing trees except those that present an imminent threat to person or property. We entered into that agreement in good faith with the expectation that the city of Somersworth would honor its obligations and stated objectives for the public conservation land.

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2. Cutting the trees would severely damage the aesthetic value of the conservation land, which is one of the reasons for its designation as conservation land, and would negatively impact it as a signature conservation parcel in the city of Somersworth. Also, the conservation easement with the U.S. government specifically identifies the management of the land for its “aesthetic value” as one of its stated goals, as does the conservation easement with the city of Somersworth.
3. Cutting the trees would also change the flow of groundwater in the area designated for clear cutting. More water would most likely drain into the existing marsh area and enlarge said area, which would encroach up the surrounding homes. The rabbit habitat would also be affected negatively.
4. The NRCS Rabbit Project is of questionable value, as the federal government in 2014 declined to list the NE Cottontail as either a “threatened” or “endangered” specie. Beyond the rabbits being considered a native specie, conservationists have not made clear what the benefits of the project will be. Similar projects in NH to introduce the NE Cottontail in comparable surroundings have not been successful. The majority of cottontail predators – coyotes, fox and bobcats – are non-avian and claim the aforementioned area as their habitat. Clear-cutting trees will do little or nothing to reduce their impact on the rabbits or improve the potential success of the project, and may have a negative influence on existing wildlife in the area.
5. The easement deed from NRCS (dated July 1, 2017) expressly states: "It is the intent of NRCS to give the Landowner the opportunity to participate in the restoration and management activities on the Easement Area." This suggests to me that the city of Somersworth has an active role in managing the land for the benefit of its residents and existing wildlife, in keeping with the city's own conservation goals and Master Plan.

As a taxpayer and voter, we believe that the Somersworth Conservation Commission, Planning Office and City Council should **represent the interest of the residents of the City of Somersworth including the homeowners at the Villages at Sunningdale** and oppose the clear-cutting of trees as part of the strategy by the NRCS to introduce the NE Cottontail rabbit on the public conservation land. I request that this letter/email of opposition be made part of the public record related to any discussion of the project with the City of Somersworth (i.e., Conservation Commission, Planning Office, City Council, etc.) and the project's representative (NRCS, Rockingham Conservation Commission, etc.).

Please contact me when I will have the opportunity to address these concerns as part of the public hearing/meeting.

Sincerely,

Suzanne Rich  
54 Sunningdale Drive  
Somersworth, NH  
203-313-7583

**13 - Proposed modifications to Conservation land adjacent to Sunningdale Drive. (D Rich**

[dave.rich@snet.net](mailto:dave.rich@snet.net))

We bought property on Sunningdale drive in 2018 with the understanding that the open land to the west would be unchanged conservation land. We've recently learned that there is a proposal to modify that land in major ways to re-introduce cottontail rabbits to the area. We have often wondered why there are no rabbits in this tract. Given the habitat, we would have expected to see them in abundance. Were they ever here? Were they driven out by development or predation? I'm not particularly opposed to the re-introduction of rabbits, but I have issues to the changes proposed to accomplish this.

We walk this land all the time, and love this area just the way it is. We've looked at the proposed changes to the conservation tract adjacent to Sunningdale drive in Somersworth and have some major issues with the project as proposed.

1. The proposed removal of mature trees between the old golf course fairways is totally unnecessary. We are strongly opposed to removing these trees. The trees provide cover for the existing wildlife (Deer, Turkey, Coyote, Porcupine, Beaver, Opossum, etc.). We don't want to disturb existing wildlife habitat and drive several species out to introduce one new species. That's kind of the opposite of conservation - don't you think?

LEAVE THE TREES!

2. The treed area is already becoming ideal rabbit habitat with thick undergrowth and plenty of briar patches. The eastern portion of this tract is rather wet & swampy - especially in the spring - not a good area for rabbit warrens. The upper portions of the hill - above the berm - are dryer and the soils are sandier.

LEAVE THE TREES!

3. The Northern half of this tract - behind the pond - is already a good habitat for rabbits - dry with plenty of undergrowth. If you want to re-introduce rabbits, use that area first and let the rabbits expand to adjacent areas as they will.

In talking to our neighbors, we find that the Villages at Sunningdale neighborhood is universally opposed to the removal of mature trees on the old golf fairways. Please **DO NOT DESTROY** this beautiful area as you propose.

Thanks for listening,

David & Suzanne Rich  
54 Sunningdale Dr.

**14 - Sunningdale NRCS Easement Proposals (James Gray, jg051275@gmail.com)**

Hello Scott,

I am a resident in the Sunningdale residential subdivision in Somersworth. Recently it came to my attention by some of my neighbor's of proposed changes to the conservation land adjacent to the subdivision, this includes the removal of trees and a proposal to allow hunting on the conservation land.

Hearing of this has me very concerned. I am curious about where the removal of tree's will take place and if it will have a negative environmental impact to the area as well as changes in the natural habitat of wildlife. What really concerns me is the proposal to allow hunting on this site, as a resident I find this extremely alarming due to the close proximity of the conservation land to the development. I also would be very concerned of the safety of my fellow residents if this were to move forward.

I hope that residents in this area will have a chance to voice their concerns before anything is decided, and I believe we should be notified in advance of any further discussions. If you have any questions please feel free to let me know.

Thank you,  
James Gray  
6 Firefly Circle  
Somersworth, NH 03878

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15 -

## 16 - Tree Removal on Conservation Land Adjacent to the Village at Sunningdale Community

(Sunningdal Drive and Cattail Circle) (Mark Fontaine [paulettemark19@gmail.com](mailto:paulettemark19@gmail.com))

Hello Scott,

This letter serves as our formal objection to the proposed clear-cutting of several stands of trees on the conservation land. Notwithstanding the proposed introduction of the cottontail rabbit, these mature trees not only enhance the beauty of the area but also support and protect a variety of other species in the surrounding area. Clear cutting is not the answer: it is a lazy and ineffective method of forestry and conservation management. Having observed and walked the conservation area over the past year, we can attest to the current health and diversity (both plants and animals), and strenuously object to the proposed clear cutting.

Regards,

Mark & Paulette Fontaine-Westhart  
12 Cattail Circle  
Somersworth, NH 023878  
603-345-0444

## Addendum 2 – Attachments regarding City Wellhead – Copperhead Rd.

**From:** Paul R. Crouser III  
**Sent:** Friday, September 04, 2020 9:44 AM  
**To:** Bob Belmore  
**Cc:** Dana L. Crossley  
**Subject:** City Wellhead - Copperhead Rd.

Bob,

I am attaching labeled photos to help compare the untouched growth in 2015, and the developed land as of 2018. Red boxes indicate clear cutting, green boxes indicate no change, and the purple grid indicates thinning of trees, but not clear cutting. The green shading shown to the west of each image is the wetland.

- The most significant issue with cutting is the southerly boundary line of lot 33-05. A large strip of trees on City land were clear cut when the home was built.
- There is also some cutting in the northwest corner of 33-05, but only some. This cutting is within the wetlands.

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- The cutting to the southwest corner is not as significant as the other areas, but it does appear to be thinned out.

I walked this entire area and my observations match what the photos show – no surprise there. As far as what to do next, I would imagine the only real action of meaning we could take is to have the owner take restorative action and re-plant vegetation in areas which were cut on City land, and areas that were cut / thinned in the wetland. Walking the land, the owners of 33-05 have not further developed anywhere near the border of their land, and certainly not on any City land. Whatever cutting / development took place happened a while ago.

RE: Trash – I have spoken to Gerry about this in the past. From what he told me, it would be quite laborious and challenging to get equipment back into that area to clean the garbage. There are numerous cans and bottles, a piece of furniture, broken glass, tires, buckets, and other trash. It is spread out across a very large area at the end of Copperhead Rd.

## **Paul R. Crouser**

Code Compliance Officer

City of Somersworth

One Government Way

Somersworth, NH. 03878

(603) 692-9521

[pcrouser@somersworth.com](mailto:pcrouser@somersworth.com)

[www.Somersworth.com](http://www.Somersworth.com)

PLEASE NOTE: City Hall is now closed to the public. Please read the [UPDATE](#) on the City's website to see how we are still providing services.

For suggestions from the CDC on how to protect yourself and your family from Coronavirus (COVID-19), click [\*\*\*HERE\*\*\*](#)





# 2015

Somersworth, NH

**CAI Technologies**  
Precision Mapping. Computer Solutions.

1 inch = 137 Feet

0 137 274 411

September 4, 2020



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# 2018

Somersworth, NH



1 inch = 137 Feet

0 137 274 411

September 4, 2020



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# NW Corner 2015

Sommersworth, NH  
1 inch = 66 Feet



September 4, 2020



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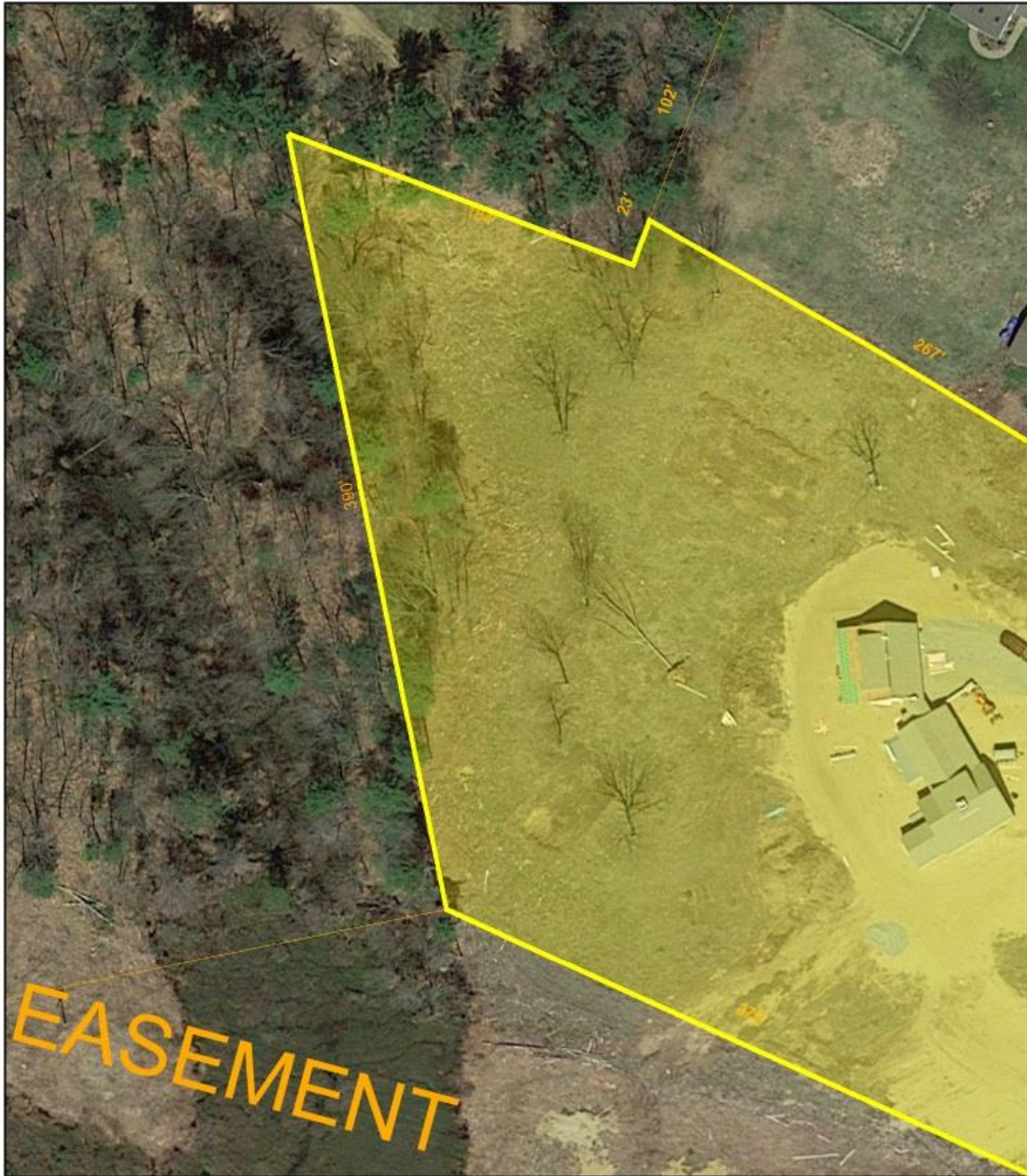
# NW Corner 2018

Sommersworth, NH  
1 inch = 66 Feet



0 68 136 204

September 4, 2020



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