

**Conservation Commission  
MINUTES OF SPECIAL MEETING  
December 10, 2020**

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Michelle Mears (City of Somersworth Planning Director)  
Kelly Boland (State Biologist, NRCS)  
Brooke Stubbs (Wetland Reserve Easement Program Manager, NRCS)  
Tracy Degan (Senior Project Manager, Rockingham County  
Conservation District)  
Heidi Holman (NH Fish and Game Biologist, Coordinator, New England  
Cottontail Recovery Effort)

The meeting was called to order by S Orzechowski at 6:35 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) Public Comment, Sunningdale Conservation Commission**

Letters were read by Secretary Rhodes. Replications of the form letter were noted as such in the reading.

Brooke Stubbs spoke, noting that the easement was referring to phase B only; this P&S referred to phase B as not subject to the restrictions; the city's ownership was assumed after the easement was in place, meaning that item 1 is a misunderstanding. Phase B refers to the approximately 90 acres placed into conservation in lieu of development. This could be a timing issue based on Phase notations. Some confusion could also be stemming from common areas included in phase A as compared to the easement land; these are separate items.

Regarding aesthetic value, there is a shared interest in this.

Regarding value, speaker defers to H. Holman.

Finally, we are meeting tonight to discuss public comment. The NRCS does not intend to take action opposed by residents or the city, and they have presented the proposal as an alternative. NRCS is present tonight intending to reach common ground, potentially reducing impact to mature trees in particular; at this time, the only action that could be taken is mowing, without impact to larger tree species.

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K. Boland states that the bodies involved are taking comments into consideration, with particular attention to the mature trees in place. Recognition of the concern regarding management is present; the primary area that would be of value for NE cottontail habitat is north of the fairway trees mentioned.

H. Holman speaks regarding the listing decision; the NE cottontail was a candidate species in 2015, but due to successful conservation efforts was not listed, as the success of conservation efforts was indicating a possibility of progress. If continued success is not noted, it could be listed. There have been two successful efforts to introduce and establish reproducing populations in New Hampshire; the limiting factor is the number of animals that can be introduced, as we share the bred populations with 6 total states. Tree removal is primarily concerned with maintaining sunlight at the ground level to allow for lower level vegetation to provide shelter. Typically, trees are left in some quantity for aesthetic value. There's an active population in Somersworth/Rollinsford; this property is within dispersal distance of the Sunningdale property. No rabbits have been detected here; with support and reintroduction this could become a further stable population.

D. Smith-Kenyon asked if local populations could be listed as at risk locally without federal listing; H. Holman replies that the NE Cottontail is listed with the State of New Hampshire as an endangered species, and this state listing is part of the reason the species is not listed at the federal level; the seacoast NH region is one of two areas in the state (along with Merrimack Valley) that have populations. There are approximately 30 regions in all of New England.

B. Stubbs, speaking to the balance between aesthetic and conservation, notes that aesthetic value is subjective, and that when considering the balance between these values, full clearcutting could reduce this value. The consideration of a downscaled cutting could be a compromise toward striking a balance. By reducing the degree of cutting, the site could be better managed to provide improved habitat.

S. Orzechowski questions whether the easement places a higher value on habitat management than aesthetic value in the balance.

B. Stubbs restates that no efforts over winter could be taken beyond cutting of small trees/brush; there is not an appetite to take action in opposition to landowner sentiment. Management efforts were first raised in the city in July; contractors would need to be arranged prior to any action on the NRCS' part. The possibility of a selective or lesser area is a possibility. There are two areas on the submitted plan (marked in yellow and red) that are primary and dispersal habitat. The area marked in red does not hold high habitat value.

H. Holman states that 20 acres is the optimal habitat size for a stable, persistent population. In this area, the stem density needs to be high, to the point that human passage is difficult. This is present in the green/yellow areas. By removing some of the conifers present in the red area, the existing forests would seed in the grassy areas, leading to a young forest. This approach was developed by NRCS, DES, and NH F&G. Over time, this would fill in. The intent would be to not mow the area to encourage natural regeneration and succession. This process would occur over the span of approximately 20 years, with this timeline being driven by the thickness of the sod layer; this could see our site occurring somewhat more rapidly.

There is work to be done prior to any action being taken on site; the intent is to have further public participation on this before any action's taken. Significant advance notice will be provided. Excavator mounted mowers can cover multiple acres per day; the yellow area, which can be addressed with this tool, could be converted to suitable habitat with some work.

City staff requests an updated map to reflect the development on site, allowing them to understand which areas are proposed for cutting. There seems to be a misunderstanding of the area proposed to cut. It looks like a façade of trees could be maintained that would provide aesthetic value for the residents, while still allowing for a substantial habitat. Access would need to be maintained for access to the site. There are potentials for trails to be placed and maintained.

There's a good reference locally in Malley Farm; this area is similar to what the site could resemble, and this is an existing cottontail habitat. [Newenglandcottontail.org](http://Newenglandcottontail.org) is referenced as a good source of information on the habitat process. H. Holman will send a list of reference sites as well. The easement deed reserves access control to the landowner; this will be a topic for discussion in the future as well.

The NRCS and F&G will work to have an updated map and flagging on site complete and explained in January so that local residents can understand the proposed actions and deliver their feedback. This will permit the residents' concerns to be raised prior to the earliest possible date of mature tree removal on site (March/April). Cooperative Extension has offered assistance with site walks. The attendees expressed their appreciation for the involvement and interest of the homeowners and their goal to reach a mutually agreeable plan, both for the species discussed this evening as well as others that will follow.

We are in possession of a relatively rare resource in the state in this open space, and the desire here is to find a plan and approach that maintain and enhance this value.

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Regarding item 6 below, the RSAs called out will be researched by city staff and discussed at the next Conservation meeting. Maintaining the distinction between the subdivision itself and the conservation easement is critical to understanding applicability of RSA.

Item 7 below references the lack of evidence of cottontails on the site; although there has not been note of an existing population, the site does present a welcoming habitat for the species in the future with proper management. There are existing populations at Malley Farm and private properties in the region; these sites are connected with the power line corridor, which is a documented dispersal path for this species. This site is in the dispersal zone for existing populations.

New points raised in item 9 noted the importance of a screen of trees. There was also noted the probability of reintroduced populations surviving. K. Boland noted that the restoration effort for New England cottontails is longstanding; there are few sites that are suitable for this effort, and this site is one of those few. This represents a unique opportunity to serve as habitat for the cottontails; recovery for a prey species is a slow process, but there has been demonstrated success in the past. Although there are no guarantees, this has worked in the past. The captive breeding program has multiple locations, at zoos, islands in Long Island Sound, and at the Great Bay Refuge. The release batches are drawn from multiple sites in an effort to maintain genetic diversity. Any reintroduction effort is a long-term effort; the goal is to have 1000 in state by 2030. Gains in population have been primarily noted in the seacoast sites, making this site more critical.

Item 13 raised concerns around work in the fairway area, and the potential impact to a block of species in the area. There is a possibility of maintaining tree cover in these areas; however, the species primarily using this area are not threatened.

Notes received between the original October meeting and the current date were addressed as well; one specifically referenced the support of the Conservation Chair.

H. Holman addressed the mention of this as the highest ranked conservation property, noting that the potential as cottontail habitat is a reason for this ranking. The concerns regarding environmental impact are noted as having review at the state level. In addition, NRCS did receive a letter of support from Fish and Game to seek a variance for this site, and the probable impact that the value of this site has as cottontail habitat influencing its retention as conservation land. This land has received waivers to place it in protection as upland habitat, action not taken without significant value.

As takeaway actions, NRCS will develop updated maps noting impact and access sites for the January conservation meeting, and M. Mears will review RSAs for the next session.

A. Ficco moves to adjourn, expressing appreciation for the work here. Seconded by D. Smith Kenyon.

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

Motion carries 7-0

Meeting adjourned at 8:54 PM.

Respectfully submitted:

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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 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 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

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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 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 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 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 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.
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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.).

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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  
[\[mailto:L.Bryar1154@hotmail.com\]](mailto:L.Bryar1154@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.

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.]

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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,

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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.

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-cWm1XJExDuK7CTDVNOg8HZQvY9TFEmyxIGvtxyWfZrIB447VQbt3p0lqa7HVYNUucLQwDPoPiQfKTOCwP0KgbzgOLGH5L89b3yhkHi8&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-BY6NzujBkzl3XEog2eIPcYkoac2oS1n31f85wsj9vTOurXjZR8ZIqvzccWeYkqckQVly0rwaXsGqBfMIjSRPDnfk24vsxSHCK\\_lcaueyO8,&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.somersworth.com%2fuser%2f1623%2fedit.&c=E,1,4cO-BY6NzujBkzl3XEog2eIPcYkoac2oS1n31f85wsj9vTOurXjZR8ZIqvzccWeYkqckQVly0rwaXsGqBfMIjSRPDnfk24vsxSHCK_lcaueyO8,&typo=1)

Message:

As a resident and taxpayer, I'm writing you 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. 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.
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 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 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,

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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 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 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. 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**

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**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.

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**14 - Sunningdale NRCS Easement Proposals (James Gray, [jg051275@gmail.com](mailto: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.**

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**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.
- 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

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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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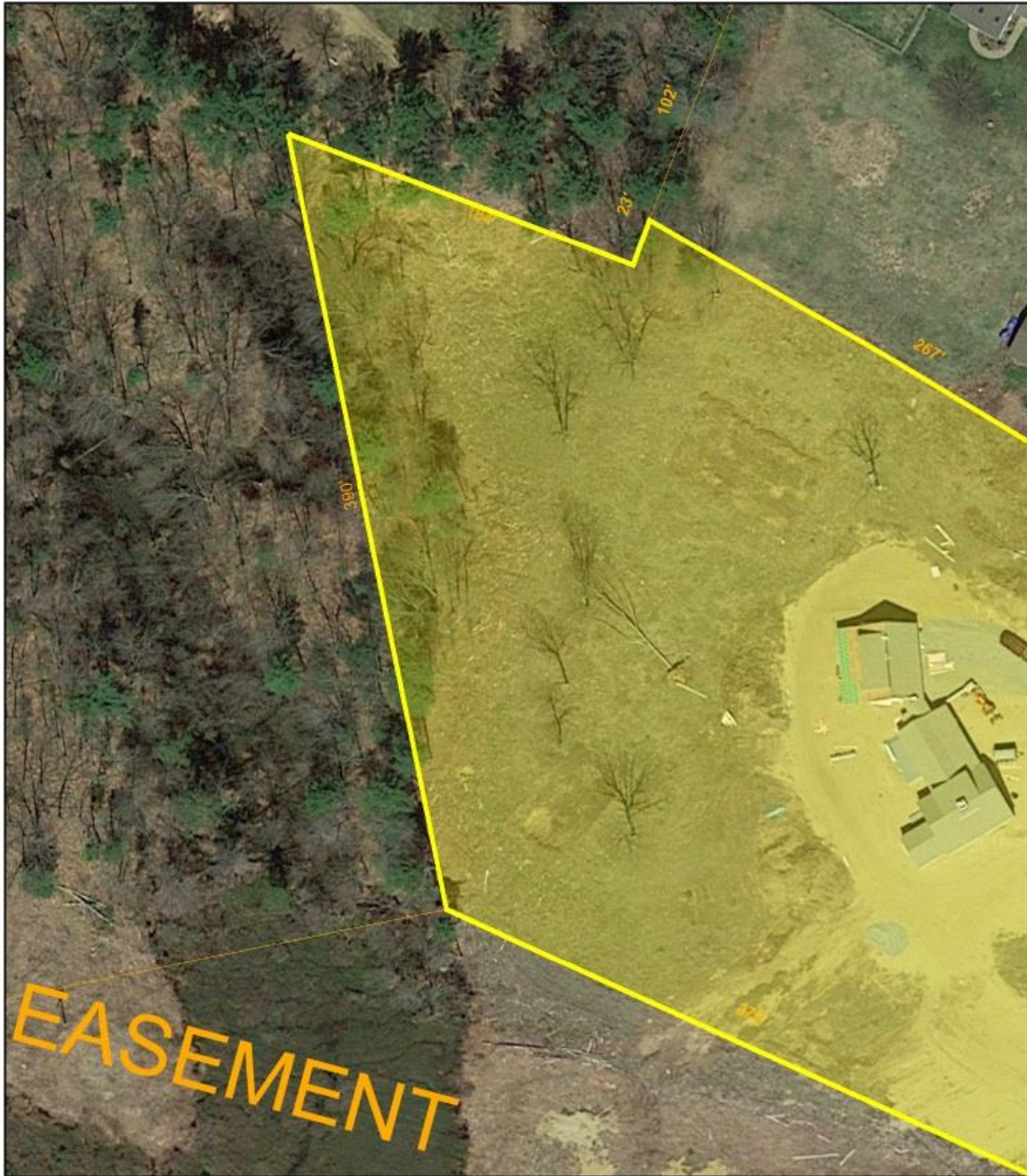
# NW Corner 2018

Sommersworth, NH  
1 inch = 66 Feet



0 68 136 204

September 4, 2020



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