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Town Planner's Recommendation
Wednesday, October 14, 2015

- XIV. **Perley Lane Amendment.** Proposed amendment to landscaping and hardscape plan for existing site plan for residential development and conditional use for activity within the Wetland and Shoreland Overlay Districts. Joseph Caldarola, Perley Lane LLC Manager. Map 1, Lot 16-22 and 16-23. Residence A Zoning District. *Recommended action:* Set date for site walk and set public hearing for November 18.
- I recommend the board discuss the project, set a date for a site walk, and set a public hearing for November 18

Please note the following:

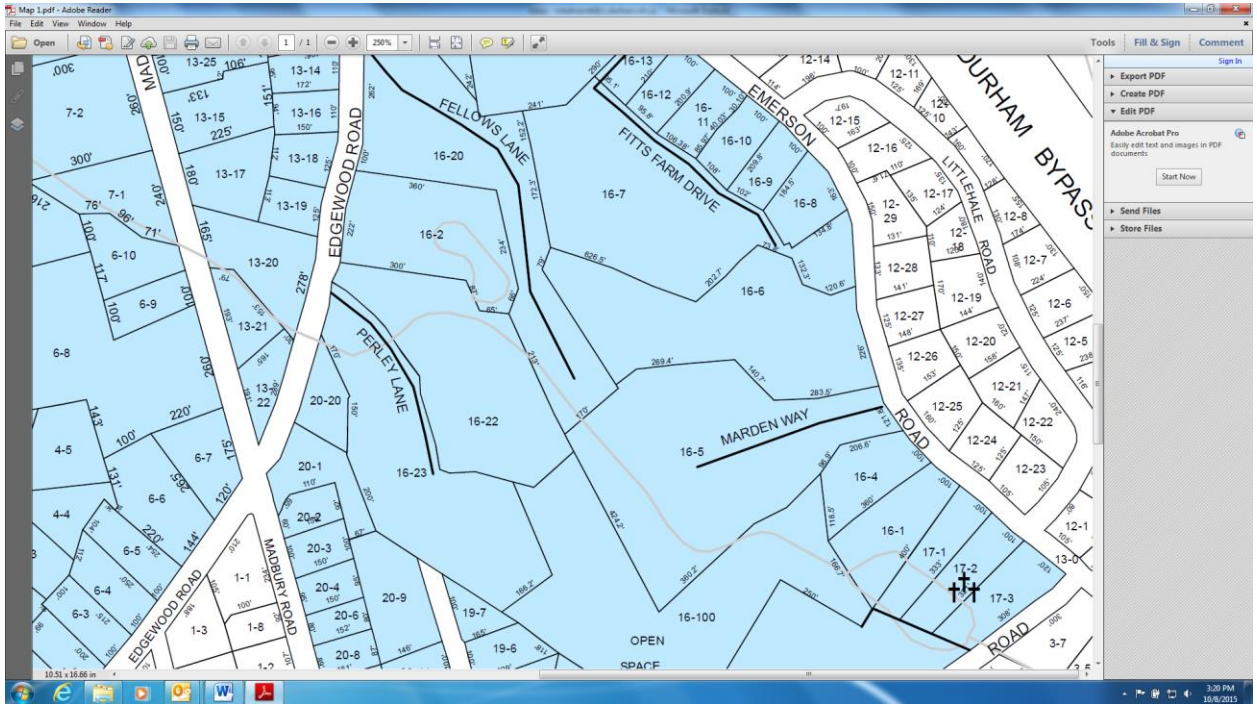
- 1) **Changes from approved plans.** This application is brought to the Planning Board to review changes that were made to the site that are different from the approved plans. Tom Johnson pointed out numerous changes including placement of grass outside of allowed areas; significant grading; placement of patios; installation of masonry/loose stone/gravel or retaining walls; and exposed steep areas subject to erosion. See the enclosed plans – the approved plan of June 3, 2009 and the *Perley Lane Landscaping and As-Built Plan* prepared by Joe Caldarola, applicant.
- 2) **Resident complaint.** On July 16, 2014, Tom sent this email to Ann Welsh, Conservation Commission chair, and me. The three of us have been working with the applicant since that time to address the concerns.

“...I just took a call from Larry (and Elizabeth) Zeis of 44 Edgewood... He has concerns with the rock retaining wall behind the Perley Lane dwellings directly behind his house which is elevated above that rock retaining wall. He is concerned that his property is slowly eroding down the bank's slope due to the nature of the new foundation cut and the new rock retaining wall (unengineered) with its loose dirt backfill of his new neighbor. The new Perley Lane neighbor has also had to do some remediation and restacking of the plantings on that retaining wall slope to keep them from sliding down the slope...”

- 3) **Site walk.** Given the season it would be helpful to schedule a site walk to see the specific issues. The walk should be scheduled the last week of October or the first

week or so of November, so that we can notify residents/abutters of the site walk and the public hearing.

- 4) Site Plan. The site plan for Perley Lane, for 14 units of elderly housing, was approved by the Planning Board on June 11, 2003. Perley Lane is part of the larger Fitts Farm development. The units are set up as a condominium on 2 large lots – Map 1, Lots 16-22 and 16-23, as shown here:



- 5) Drawings. The applicant has submitted a drawing showing items that have been changed. The drawing is difficult to understand and I have asked the applicant to hire a professional (probably a surveyor) to prepare a drawing showing clearly for the pertinent areas, what was approved, what was actually built, any necessary details, and the exact area that was impacted. This is needed to show particularly how the areas overlay with the wetland and shoreland buffers. On the other hand, if the issues are clear after conducting a site walk, the board may not think a professional drawing is necessary.
- 6) Buffers. It appears that some of the activity is located in the Wetland and Shoreland Overlay Districts. The wetland buffer in the Residence A district is 75 feet. The shoreland buffer from Littlehale Creek is also 75 feet.
- 7) Conditional Use. A conditional use will be needed for any changes within the buffers. Note that no conditional uses were granted for the original site plan. I believe that they should have been since the wetland and shoreland overlay districts were adopted in 1975, years before this project was approved (The project was reviewed prior to the arrival of both Tom Johnson and Jim Campbell, as staff). However, wetland and shoreland issues were addressed in the original Findings of Fact and Conditions of

Approval. At any rate, the Conditional Use ordinance requires that changes be approved as conditional uses, per subsections 175-21 C. and D. We will need some additional information from the applicant about the conditional use.

- 8) Conservation Commission. The applicant met with the Conservation Commission months ago to discuss the issues but not in a formal manner. The applicant is coordinating with Ann Welsh, chair of the Commission, to bring this project for review. The applicant was not able to make the meeting on October 8 and should come to the meeting on November 12. A recommendation from the commission will be needed prior to board action.
- 9) Requirements. Once we have a precise drawing we can determine which changes are allowed by right or by conditional use, or not allowed (in which case a variance would be needed). This may be complicated by there being an approved site plan. Lawns, for example, are not allowed in the buffers, or are possibly allowed under certain limitations, though the approved site plan does provide for limited lawn areas. Also, some of the lawns may have been planted by individual residents, rather than the applicant.
- 10) Conditions of approval. Here are pertinent conditions of approval from the June 11, 2003 Planning Board for Perley Lane site plan and other items from the plan:
 - “A prohibition on fertilizers, herbicides, and pesticides in the wetlands buffer areas will be added to the Condominium Declaration. This prohibition will then apply to the wetlands buffer areas as it does currently to the shoreland buffer areas.”
 - “Units 1 through 6: [Grass is not permitted behind the decks] A limit to the grassed area will be added to the Site Plan. This will restrict the grassed areas to the front and side yards. The rear yards will remain wooded. This will further discourage the use of chemicals and limit disturbance to the rear yard areas that are outside of the shoreland protection zone.”
 - “Units 13 and 14: A limit to the grassed areas will be added to the Site Plan. This will restrict the grassed areas so that most of the wetlands buffer to the left of the building and half of the wetlands buffer in the rear will remain wooded. This will further discourage the use of chemicals and limit disturbance to the rear yard areas that are outside of the shoreland protection zone.”
 - “A note shall be added to the Site Plan bringing the southern end of the property, including wetlands behind Units 13 and 14 and the uplands toward the rear under the Shoreland Protection Zone vegetation management regulations (Section 10-5 of the Zoning Ordinance). This will ensure that this area remains wooded.”

- “Wooded and non-wooded natural areas, outside of construction, shall be kept in a healthy vegetative state. These areas include the open space, wetland and shoreland areas.”
- Grass is permitted in the side and rear yards of units 7 through 14 specifically as delineated on the approved plans (inside the “Limit of grassed area” line).
- There is a limit of work line all around the site in fairly close proximity to all of the units. No work by the developer is permitted beyond this line, including grading, installation of any masonry, and installation of retaining walls
- I do not see any retaining walls shown on the approved plans to be located in the side or rear of any units.
- There is additional grading that was not on the approved plans.
- The plan shows a deck (presumably made of wood and elevated above the ground) for each unit but no patios, nor areas covered in stone/gravel.
- Patios were not originally approved between units 1-4 or 1-6 and in the shoreland buffer area

Here are some pictures taken by Tom Johnson:



