



TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824-2898
PHONE: 603/868-8064
www.ci.durham.nh.us

APPLICATION FOR CONDITIONAL USE PERMIT

This form and all required information per Durham's Zoning Ordinance (Article VII, Section 175-23(C) attached) must be filed at least 20 days before the meeting of the Planning Board with the Planning Staff in person or by mail.

Property Location:

Street Address 269 DURHAM POINT ROAD
Tax Map # 20 Lot # 16-2 Zone RC

Owner(s):

Name ROBERT & BRENDA RYAN
Mailing Address 215 CUSHING ROAD
NEWMARKET NH 03857
Daytime Phone 603-943-6051 Fax —

If another person or firm will represent this application to the Town, please complete the following (letter of authorization should be included):

Name MCFEANEY SURVEY ASSOCIATES, INC.
Mailing Address 24 CHESTNUT STREET
DOVER NH 03820
Daytime Phone 603-742-0911 Fax 603-743-3019

Abutters:

Attach a separate sheet listing by Map & Lot number, each owner's name, and mailing address of all abutters within **300 feet** of the property. The list of abutters must include any holders of conservation, preservation, or agricultural preservation restrictions in accordance with RSA 676:4(I)(d).

Name & Address of Licensed Professionals (as applicable):

Engineer —
Land Surveyor KEVIN MCFEANEY, NH LLS 661
Architect —
Soil Scientist —

Proposed Use: SEE ATTACHED

Please prepare and attach a written description of the proposal.
Length should not exceed three pages.

I certify that all information provided is, to the best of my knowledge true:

Owner's Signature: Robert & Brenda C Ryan Date 6/21/2016

NARRATIVE FOR CONDITIONAL USE PERMIT APPLICATION

269 DURHAM POINT ROAD – TAX MAP 20, LOT 16-2

June 21, 2016

Per Article XIV, Shoreland Protection Overlay District, Section 175-72, Conditional Uses in the SPO District, A.1. :

1. We are seeking a Conditional Use Permit for the partial relocation of a driveway and utilities within the SPO District to service a new home to be constructed within a NH Shoreland Protection Area. The dwelling structure is a permitted use in the underlying zoning district and is pending a Shoreland Permit from DES.

Per Article XIV, Shoreland Protection Overlay District, Section 175-72, Conditional Uses in the SPO District, B.1-4. :

1. There is insufficient area outside of the SPO District for the construction of a dwelling structure, which is an allowed use in this district. A 2005 proposal was approved by the ZBA to allow building 80 feet from the Reference Line. However, in this new proposal, the new dwelling and deck have been moved further back to 100 feet from the Reference Line, increasing the distance of the impervious area from the shoreline.
2. Soil disturbance will be kept to a minimum during the construction of this project. Erosion control measures will be used to limit the disturbance areas as shown on the plan submitted to DES for a Shoreland Permit (a copy of this plan and application has been provided to the Town).
3. By moving the entire project area further away from the shoreline, the layout design, construction and future maintenance minimizes impact - both, while work is being performed, and to the permanent impervious surface within the SPO district.
4. The site will be restored to its pre-existing condition and grade, as nearly as is possible, once construction activity is complete.

Per Article VII, Conditional Use Permits, Section 175-23, Criteria Required for Consideration

1. a. Site Suitability: The site is suitable for this proposal as it would continue the use and character of the parcel as intended since its creation in the 1950's, and, as permitted by the underlying zoning district. Access to the parcel will remain the same over a shared driveway as depicted on SCRD Plan#87-25 and, as described in Deed Book 877, Page 275 (copies of both documents are attached).
 - b. Public services will not change due to this proposal, as the use will continue as it has been in the past.
 - c. The site consists of a gentle, downward slope towards the shoreline. There are no flood plains, nor steep slopes, except for the typical embankment at the shoreline as shown on the submitted plan. A small portion of the site along the shoreline is located in the FEMA Flood Zone AE with a base flood elevation of 6 feet (a copy of the FEMA FIRM is attached).
 - d. Previously, this site has had access to all necessary utilities. However, there will be some slight alterations to accommodate the new structure location. There is an already, approved, off-site septic system located on an easement abutting the "common land" (Map 20, Lot 16-6), as shown on SCRD Plan #74-61 (a copy is attached). A new drilled well is proposed in the vicinity of an existing wellhead in the rear corner of the lot, and the existing overhead electric service is proposed to be buried, as appropriate, to service the new structure and to continue providing electricity to the abutter.

NARRATIVE FOR CONDITIONAL USE PERMIT APPLICATION

269 DURHAM POINT ROAD – TAX MAP 20, LOT 16-2

June 21, 2016

*Per Article VII, Conditional Use Permits,
Section 175-23, Criteria Required for Consideration (con't)*

2. **External Impacts:** By continuing with its past use, and keeping in character with the surrounding neighborhood, this proposal will not create adverse impact on the abutting parcels nor the surrounding environment.

3. **Character of the Site Development:** The site will be a variation of the previous proposal approved by ZBA in 2005 (a copy of the ZBA decision is attached). The structure is of similar size and features, but is proposed in a more favorable location by being placed further away from the shoreline. This detail also causes the driveway to be shorter, thereby minimizing the total permanent impact of the project within the SPO District.

4. **Character of the Buildings & Structures:** The design of the proposed structure is of an appropriate style, and the size and height are of modest proportions, all keeping in character with the surrounding structures of this neighborhood and meet building criteria as required by the Town Building Code.

5. **Preservation of Natural, Cultural, Historic, and Scenic Resources:** No identification of significant natural, cultural, historic or scenic resources has been observed on this site. Care will be taken to preserve the site's natural character inasmuch as much as possible.

6. **Impact on Property Values:** The proposed improvements to this site will be in character with the surrounding properties and shall not adversely impact their values.

7. **Availability of Public Services & Facilities:** This site will be serviced by private well and septic, in addition to electric service already in place. All utilities are sufficient to operate properly for the proposed family dwelling. Moreover, this dwelling will require only minimal demand for police, fire protection, and schools.

8. **Fiscal Impacts:** This proposed project will create a positive impact on Town, rather than negative impact, insofar as site improvements will likely contribute to tax revenues.



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CONDITIONAL USE PERMIT APPLICATION CHECKLIST

Date: 6-20-16

Name of Applicant: ROBERT + BRENDA RYAN

Location of Property: 269 DURHAM POINT ROAD

Tax Map and Lot Number: 20-16-2

Name of Plan:

- a Conditional Use Permit application
- a letter of intent detailing the proposal
- a letter of authorization (if applicable)
- all applicable fees
- a list of the names and addresses of all the abutters within 300' feet of the subject property, as shown in town records not more than five (5) days before the day of filing; and a listing of all holders of conservation, preservation, or agricultural preservation restrictions on the subject property
- Copies of the current deed, purchase and sale agreement, and copies of all easements, deed restrictions, rights-of-ways, or other encumbrances currently affecting the property.
- five copies, 24" x 36" and ten additional copies at 11" x 17" of the plat.

The Plan shall show (only if applicant is not submitting a Site Plan Review or Subdivision Application):

- Title Block with title, owner's name and address, date, scale and name, address and seal of the preparer of the plan
- names of owners of abutting properties
- North Arrow and bar scale
- locus plan sat a minimum scale of one (1) inch equals one thousand (1,000) feet showing required information
- Surveyed property lines of the parcel showing their bearings;
- Location and layout of existing and proposed structures and buildings;

- N/A Existing and proposed contours at two (2) foot intervals for the entire site. Where a change in grade is proposed, existing contours shall be dotted lines and finished elevations solid;
 - ✓ Area of entire parcel in acres and square feet;
 - ✓ Zoning and special district boundaries;
 - ✓ Deed reference and tax map number;
 - ✓ Location width, curbing and paving of access ways, egress ways and streets within the site;
 - N/A Location and layout of all on-site parking and loading facilities;
 - ✓ Location and size of all municipal and non-municipal utilities and appurtenances including: water, sewer, electric, telephone, gas lines and fire alarm connections, indicating whether overhead or underground, and the location of wells and septic systems;
 - ✓ Type and location of solid waste disposal facilities;
 - N/A Location, elevation and layout of catch basin and other surface drainage features;
 - ✓ Location of all physical/natural features including: water bodies, watercourses, wetlands, vegetation/foilage lines, soil types, railroads, rock outcroppings and stone walls;
 - N/A Dimensions and area of all property to be dedicated for public use of common ownership;
 - Location of 100 year flood hazard boundaries;
 - N/A Date and permit numbers of all required state and federal permits.
 - ✓ Location of all buildings, wells and leach fields within one hundred and fifty (150) feet of the parcel;
 - ✓ Dimensions, area and minimum setback requirements on all existing and proposed lots;
 - N/A Proposed landscaping plan including size and type of plant material;
 - N/A Pedestrian walks providing circulation through the site;
 - N/A Location and size of proposed and existing signs, walls and fences;
 - N/A Location and type of lighting for outdoor activities; and
 - N/A Location, widths and purposes of any easements or rights-of-way.
 - ✓ Total on-site square footage of impervious surfaces.
- ✓ Letter to Planning Board detailing how application meets the criteria for approval set out in Section 175-23(C)
- ✓ Applicant has met with neighbors to discuss project and concerns.

Written waivers from these requirements may be requested with specific justification to the requirements of Section 12.02 of the Site Plan Review Regulations for the Town of Durham.

The applicant is reminded that they need to place a sign on the property measuring 2'x3' at least ten (10) calendar days prior to the time of the public hearing by the Planning Board. The sign shall remain on the property until the conclusion of the public hearing. The sign shall be visible from the most heavily traveled street right-of-way adjacent to the property. The sign shall state the date of the public hearing, the time, the location and the action to be considered.

*Robert & Brenda Ryan
215 Cushing Road
Newmarket, NH 03857*


June 20, 2016

Town of Durham
8 Newmarket Road
Durham, NH 03824

Re: Letter of Authorization

We, Robert and Brenda Ryan, authorize Kevin McEneaney, NH LLS#661, to represent the Application relative to a Conditional Use Permit for the property located off Durham Point Road, known as Tax Map 20, Lot 16-2.

Sincerely,



Robert Ryan



Brenda Ryan

LIST OF ABUTTERS
for
CONDITIONAL USE PERMIT APPLICATION
Tax Map 20, Lot 16-2 - Durham, NH

<u>Parcel ID</u>	<u>Owner(s)</u>	<u>Mailing Address</u>	<u>Deed Bk/Pg</u>
<u>OWNER OF PROJECT PARCEL:</u>			
20-16-2 20-6-6	Robert & Brenda Ryan	215 Cushing Road Newmarket, NH 0385	4354 / 545 (common land, 1/5th interest) 877 / 275
<u>ABUTTERS:</u>			
20-16-1 20-16-6	Chase Family Security Trust c/o Susan Chase	7 Holly Lane Cohasset, MA 02025	3635 / 585 (common land, 1/5th interest) 877 / 275
20-16-3 20-16-6	Ralph A. Kleinmann & Elisabeth G. Kleinmann Joint Revocable Trust	267 Durham Point Road Durham, NH 03824	3410 / 997 (common land, 1/5th interest) 877 / 275
20-16-4 20-16-6	Snow Jones 2015 Revocable Trust Steven & Ming Tregay, Trustees	90 Cotton Hill Road Gilford, NH 03249	4271 / 560 (common land, 1/5th interest) 877 / 275
20-16-5 20-16-6	Crocetti Family Revocable Trust	263 Durham Point Road Durham, NH 03824	4200 / 439 (common land, 1/5th interest) 877 / 275
20-14-6	Stephen E. Chaletzky	273 Durham Point Road Durham, NH 03824	4192 / 646
SURVEYOR:	McEneaney Survey Associates, Inc.	24 Chestnut Street Dover, NH 03820	