



**TOWN OF DURHAM**  
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**Town Planner's Project Review**  
**Wednesday, July 27, 2016**

- X. **269 Durham Point Road – Construction of Dock.** Conditional use for construction of a dock on Little Bay, within the Shoreland Protection Overlay District. Robert and Brenda Ryan, property owners. Steven Riker, Wetland Scientist/Permitting Specialist, Ambit Engineering. Residence C District. Map 20, Lot 16-2.
- I recommend discussion and setting a public hearing for August 10.

Please note the following:

- 1) Dock application. This application is for a new dock which includes four components: a wood landing, a wood pier, an aluminum sloped gangplank, and a float. The submitted drawing shows the plan in detail. The narrative describes the construction sequence.
- 2) Site walk. This is a separate application from the other conditional use application for the driveway and utilities. The Planning Board is holding a site walk for that other application on July 27 but it can look at the dock area at the same time. I believe that the applicant will have the dock staked on the land side.
- 3) Permanent dock. Note that a seasonal dock is a *permitted use*. However, we would not consider this a seasonal dock because the landing and wooden pier will be permanent structures supported by pilings and will be in place year round. The aluminum gangplank and the float are designed to be removed at the end of the boating season and stored elsewhere, as ice floe can tear them up during the winter. Thus, this is treated as an accessory structure which is allowed by *conditional use*.
- 4) Conditional use. Approval of the conditional use will require the Planning Board to determine that all eight conditional use criteria from Section 175-23 C. are met. The applicant addressed the eight criteria in their application. Approval of the conditional use requires an affirmative vote of 5 members.
- 5) SPO criteria. The applicant must also meet the 4 criteria for conditional uses in the Shoreland Protection Overlay District, as follows. The applicant spoke to these at the Conservation Commission meeting but I do not have anything in writing. I will forward the applicant's comments on this once I receive it:

175-72. Conditional Uses in the SPO District.

B. *The Planning Board shall approve a Conditional Use Permit for a use in the SPO only if it finds, with the advice of the Conservation Commission, that all of the following standards have been met in addition to the general standards for conditional uses and any performance standards for the particular use:*

- a. *There is no alternative location on the parcel that is outside of the SPO District that is feasible for the proposed use;*
- b. *The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities as determined by the Planning Board;*
- c. *The location, design, construction, and maintenance of the facilities will minimize any detrimental impact on the adjacent shoreland and waterbody as well as downstream waterbodies, and mitigation activities will be undertaken to counterbalance any adverse impacts, and*
- d. *Restoration activities will leave the site, as nearly as possible, in its pre-existing condition and grade at the time of application for the Conditional Use Permit.*

6) Conservation Commission. In accordance with Section 175-72, above, the applicant met with the Conservation Commission on July 14. The commission agreed that the four SPO criteria are met, per this email from the chair of the commission:

*“...The Conservation Commission reviewed an application for a dock installation at 269 Durham Point Road Durham, NH 03824.*

*The plan and application from Ambit Engineering dated July 6, 2016 proposes a new dock installation in the Shoreland Protection District.*

*The Conservation Commission reviewed the application and the criteria in 175-71, 175-72, and 175-75 (Performance Standards). The applicant satisfactorily answered questions about the method and performance standards in 175-75.*

*The Conservation Commission agreed that the 4 standards in 175-72 are met in the application and the Commission recommends approval of the application.*

*Thank you,  
Robert Sullivan”*

7) NHDES. The New Hampshire Department of Environmental Services will need to approve the dock. According to the applicant this will take a few months for the NHDES review. All dock permits then have to be approved by the governor and executive council.