



TOWN OF DURHAM
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Town Planner's Recommendation
Wednesday, August 10, 2016

- X. ***Public Hearing - 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 approval as stated below.

Please note the following:

- 1) Conditional use. The proposed dock is allowed as follows:

175-72. Conditional Uses in the SPO District.

The following uses shall be permitted as conditional uses in the SPO District provided that the use is allowed in the underlying zoning district and a Conditional Use Permit is granted by the Planning Board in accordance with Article VII:

4. Accessory buildings and structures other than those allowed as permitted uses.

- 2) Conditional use procedure. The applicant has addressed the eight general criteria from Article VII Conditional Use Permits in their application. The applicant has placed their sign on the property about the public hearing. Approval requires an affirmative vote of 5 Planning Board members.
- 3) SPO criteria. The applicant has addressed the 4 criteria, below, in an email that I sent to the board on July 25. The Zoning Ordinance states:

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:

- 1. There is no alternative location on the parcel that is outside of the SPO District that is feasible for the proposed use;*

2. *The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities as determined by the Planning Board;*
 3. *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*
 4. *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.*
- 4) Conservation Commission. The applicant met with the Conservation Commission on July 14. The commission agreed that the four required criteria in the SPOD were met as stated by Robert Sullivan, chair:

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.

- 5) Site Walk. The Planning Board looked at the location of the dock at the site walk for the driveway and utilities on July 27.

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NOTICE OF DECISION

Project Name:	269 Durham Point Road – dock
Project Description:	Conditional use in Shoreland Protection Overlay District
Applicant:	Robert and Brenda Ryan
Property Owner:	Robert and Brenda Ryan
Agent:	Steve Riker, Ambit Engineering
Map and Lot:	Map 20, Lot 16-2
Zoning:	Residence Coastal
Date of approval:	August 10, 2016

Planning Board approved the conditional use for the dock for the subject lot as follows:

- 1) Application. The application is approved based upon the information and drawing presented in the application.
- 2) Conditions. All components of the application, as presented, apply to this approval, unless reasonable deemed irrelevant by the Town.
- 3) State permit. A wetlands dock permit will be needed from NHDES.
- 4) Findings of fact. As part of this review and approval the Durham Planning Board finds the following:
 - a) The applicant submitted an application, supporting documents, and plans for the project;
 - b) The Planning Board held a site walk on July 27, 2016 and a public hearing on August 10, 2016.
 - c) Conditional Use. A new dock is allowed in the Shoreland Protection Overlay District by conditional use.
 - d) Criteria. The Planning Board voted to approve the conditional use after a finding that the eight standard conditional use criteria and the four conditional use criteria in the Shoreland Protection Overlay District as listed in Section 175-72 are met.
 - e) Other reviews. The application was reviewed by Pease Harbormaster and the NH Natural Heritage Bureau and neither had concerns.