



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

Town Planner's Recommendation
Wednesday, October 26, 2016

X. ***Public Hearing - 6 Ellison Lane – Conditional Use.*** Conditional use for construction of a driveway and water and electric utilities for a new single family house within the Wetland Conservation Overlay District. Russell Couture Revocable Trust, property owner. David Newhall, prospective lot buyer. Joseph Nichols, Project Manager, Beals Associates, engineer. Rural District. Map 18, Lot 18-38.

➤ I recommend approval as stated below.

Please note the following:

- 1) Site walk. The Planning Board held a site walk on October 6, 2016. Steve Roberts prepared minutes, which have been distributed to the board and are also posted on the Town website.
- 2) Conditional use. The buffer strip in the WCOD within the Rural District is 100 feet wide. The driveway, water line, electric line are allowed by conditional use. The process requires a public hearing, notices to neighbors within 300 feet, a sign be placed on the property announcing the public hearing, an affirmative vote of 5 members of the Planning Board, and a recommendation from the Conservation Commission. The sign has been placed on the property. The Conservation Commission recommends approval of the application.
- 3) Conservation Commission. In an email to me on October 13, Rob Sullivan, Chair of the Durham Conservation Commission stated:

The Durham Conservation Commission reviewed the Ellison Lane #6 application.

The application met all the conditions for a Conditional Use and the Conservation Commission recommends approval by the Planning Board.

- 4) Criteria. The applicant must meet the 8 general conditional use criteria as well as these 4 criteria in the WCOD for conditional uses. The applicant has addressed the criteria.
 - a. There is no alternative location on the parcel that is outside of the WCO 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 wetland, 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 existing condition and grade at the time of application for the Conditional Use Permit.

- 5) Staff review. April Talon, Town Engineer; Audrey Cline, Building Official; and I met on site with Joe Nichols and Chris Smith, the applicant’s engineers to look at the grading and drainage of the overall site. I thought this would be useful given the challenging grades, both in terms of the conditional use and to avoid any difficulties later during construction. April did not have any particular concerns. Audrey suggested having the proposed driveway come off the existing driveway on the adjacent lot but April and I did not think that necessary. There have been no other staff comments about the application. I do not generally bring these kinds of minor projects to TRG meetings but rather forward the information to staff members for comments.
- 6) Earlier approval. The applicant received a driveway permit from the Durham Public Works Department on March 23, 1998. This approval expired though as it contained a condition to build the driveway within one year.

Draft

NOTICE OF DECISION

Project Name: 6 Ellison Lane Conditional Use
Action Taken: APPROVAL
Project Description: Conditional use for installation of driveway and water and electric utilities within the 100 foot buffer in the Wetland Conservation Overlay District for a new single family house on a vacant lot.
Address: 6 Ellison Lane
Applicant: David Newhall, prospective lot buyer
Engineer: Joe Nichols and Chris Smith, Beals Associates
Property Owner: Russell Couture Revocable Trust
Map and Lot: Map 18, Lot 18-38
Zoning: Rural District
Date of approval: October 26, 2016

Planning Board approved the conditional use for the driveway and water and electric and utilities for the subject lot as follows:

- 1) Application. The application is approved based upon the information, documentation, and drawings 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) Driveway permit. A driveway permit will be needed from the Durham Department of Public Works.
- 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 October 6, 2016 and a public hearing on October 26, 2016.
 - c) Conditional Use. Driveways and utilities are allowed in the Wetland Conservation 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 Wetland Conservation Overlay District are met.
 - e) Substantial records are maintained of the process and documentation submitted in the Planning Department. A record of documentation and a timeline of the project will be prepared as needed.
 - f) The applicant received an approval from NHDES in August 2016 for the septic system.