

Durham Planning Board  
Town of Durham  
8 Newmarket Rd.  
Durham, NH 03824-2898  
(603) 868-8064

October 10, 2016

Subject: Thursday, 10/06/16 Planning Board Site Walk – Ellison Lane #6.

4:00 PM, Ellison Lane #6 – Conditional use for construction of a driveway and water and electric utilities for a new single family house within the Wetland Conservation Overlay District. (ZO Article XIII, 175-58 to 175-68, Conditional Use Permit per ZO Article VII 175-21 to 175-24 and Site Review Section 7.2 Erosion and Sedimentation Control) Russell Couture Revocable Trust, property owner. David Newhall, prospective lot buyer. Christian Smith, Beals Associates, engineer. Rural District. Map 18, Lot 18-38.

Planning Board Attendees;

Bob Brown, Barbara Dill, Jim Lawson, Paul Rasmussen, Stephen Roberts

Town Staff Attendees;

Michael Behrendt

Applicant Attendees;

Joe Nichols

Public Attendees;

Diane Moore, Angi Stuart, Clark Stuart

Public Meeting began 4:08 PM with quorum as listed.

Proposal was outlined by Joe Nichols representing David Newhall, prospective buyer, who could not attend. The proper sign was posted at the entry to the property.

1. Previous driveway permit +/- 1998, believe to have expired.
2. Culvert under Drive beginning 10-15' from Electric termination and water shutoff. Believe to be 15" draining to right (SE) side of disturbance into drainage easement.
3. Drive location agreed with abutter at 5 Ellison, shifted 1' per agreement.
4. Center line of drive is staked in orange up hill to house at +/- 10% grade.
5. Water supply originates at the community well located at the beginning of Ellison Drive.
6. Erosion Control Mix Berm placed in front of runoff flow prior to and during construction.
7. Utilities are in edge of ROW.
8. House corners placed to be more than 50' setback to property line as required by ZO.
9. The house location showed several surface boulders on top of the existing ground level. Joe Nichols said that no determination on possible ledge had yet been made yet but that excavation would be a serious undertaking.
10. Septic design has been approved for construction.
11. Alignment of drive goes close to Number 5 Ellison yet not hitting water shutoff.
12. House drainage appears not to flow into wetland.

13. Approx scale horizontal distance from drive at garage to Culvert under drive +/-210'. Balance of 70'+/- to Ellison drains back to culvert as well. Drainage of drive to flow across to east edge and then down +/- 10% slope. Need for long run of cut slopes prevents drainage beyond side of drive. Lower portion of drive to have +/- 4' fill at a 2:1 slope. Elevation of culvert inlet was said to be +/- 2' **above** ground mount electrical termination box. Discussion followed.
14. No toe of slope “trap” rock or similar reinforcement/silt removal was planned. A swale was planned prior to the culvert inlet; I was unable to get its size.
15. Based on the drainage outline, Michael Behrendt suggested that an evaluation was needed by conference with the Durham Town Engineer. This process should not interfere with timing to complete the Conditional Use evaluation.
16. About 4:40PM Michael Behrendt had to leave the site visit. Shortly after, Joe Nichols had to leave but he advised that we were welcome to stay. Paul Rasmussen and Bob Brown decided to leave as well.
17. At 4:42PM+/-, members of the public attempted to provide testimony on the project, Jim Lawson strenuously objected that it was not a legal meeting. Discussion followed. I received the testimony from Dianne Moore and sent it to Michael Behrendt by email as it did not apply to the application for Conditional Use but might apply to a Building Permit application. Per OEP Interpretation of NH Law on Site Visits by a Planning Board (11/2015) given permission by the owner to enter the property both quorum (legal meeting) and non-quorum (legal visit) visits by member(s) of a Planning Board are legal but have different requirements – which we fulfilled in either case.
18. 4:47PM all remaining Planning Board Members and the members of the public exited the site inspection. Paul Rasmussen and Bob Brown had left by that time.

Submitted by Stephen Roberts, Secretary and Acting Chair during “Public Meeting” site walk only.

