



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

Town Planner's Recommendation
Wednesday, August 23, 2017

VII. ***Public Hearing - Mathes Cove Road – Conditional Use.*** Conditional use application to install a driveway, utilities, drainage structures, a retaining wall, minor accessory structures, and temporary erosion control structures and to regrade the site in the Wetland Conservation Overlay District. The construction is for a new single family house on a 1.82-acre vacant lot at 12 Mathes Cove. Applicant – Eric and Amber Sirles. Property owner – Eric Sirles Revocable Trust, Eric Sirles, trustee. Engineer – Mike Sievert, MJS Engineering. Map 12, Lot 9-12. Residence Coastal District.

➤ I recommend approval as stated below.

Please note the following:

- **Process.** The application was presented to the Planning Board on July 26. A site walk was held on August 9.
- **Conditional use.** A sign has been posted and neighbors within 300 feet were notified of the public hearing. Approval requires an affirmative vote of 5 Planning Board members.
- **Conditional use criteria.** Mike Sievert addressed both the 8 general conditional use criteria and the 4 specific criteria in the Wetland Conservation Overlay District (per Section 175-61 B) in the application.
- **Conservation Commission.** The Conservation Commission reviewed the conditional use application and recommends approval with no particular conditions (as stated in my August 11 email to the board forwarded from Rob Sullivan, DCC chair).
- **Drainage.** The Planning Board discussed whether a third culvert should be added at the July 26 meeting. The Planning Board looked at this with Mike Sievert at the site walk and MJS Engineering submitted additional plans showing how the water would act in a major storm. I forwarded the plans to April Talon and she has not expressed any concerns.
- **Blasting.** The Planning Board discussed the necessary blasting for the house and upper section of the driveway on July 26 and at the site walk. While this is not really related to the conditional use application, the board can impose specific requirements about blasting if it sees fit. There are fairly simple protocols established by the Fire Department and lengthy protocols in the Site Plan Regulations (The latter does not apply to single family houses). I think that the Fire Department protocols should be followed for this site with the exception of the applicant

conducting a survey at their own expense to a wider area than only 100 feet. I would recommend including the four houses closest to the subject lot – on lots 9-3, 9-4, 9-5, and 9-11. If another property owner wants their property inspected the condition should the party requesting the video pay for it? The Site Plan standards provide that anybody beyond 250 feet pays for it, though I think that distance is too short in this case.

- Here is the language from the Site Plan Regulations: “The applicant shall conduct a Survey for any property located within 1,000 feet of the anticipated blasting areas, if so requested in writing by the property owner at least 7 days prior to the planned start of blasting. The property owner shall pay all expenses for preparing the survey.”
- Wetlands permit. A wetlands permit will be needed.

Draft
NOTICE OF DECISION

Project Name: 12 Mathes Cove
Action Taken: Approval of conditional use
Project Description: Driveway, utilities, and accessory structures
Applicant: Eric and Amber Sirles
Engineer: Mike Sievert, MJS Engineering
Map and Lot: Map 12, Lot 9-12
Zoning: Residence Coastal
Date of approval: August 23, 2017

Planning Board approved the conditional use for the driveway, utilities, and accessory structures for the subject lot as follows:

- 1) Application. The application is approved based upon the information 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) State permit. A dredge and fill (wetlands) permit will be needed from NHDES.
- 4) Blasting. The Fire Department protocol for blasting shall be following with this additional requirement. The applicant shall take a video of the four houses closest to the subject property, on lots 9-3, 9-4, 9-5, and 9-11 unless those property owners decline to have the applicant take the video or do not respond in spite of reasonable efforts to reach them. The video shall include other structures, wells, and trees on those 4 lots if appropriate, if requested by the affected property owner, and if practical to provide a video for. The applicant shall also notify other property owners within 1,000 feet of the blasting and that they may request a video if they wish, but that the property owner would need to pay for the video if they request it.