



PLANNING DEPARTMENT
 Town of Durham
 8 Newmarket Road
 Durham, NH 03824-2898
 Phone (603) 868-8064
www.ci.durham.nh.us

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 Town of Durham
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 Planning, Assessing
 and Zoning

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CONDITIONAL USE APPLICATION

Date: MARCH 14, 2018

Property information

Property address/location: 100 MILL RD, DURHAM NH 03824

Tax map #: 13; lot #'(s): 15-3; Zoning District: RESIDENTIAL B

Property owner

Name (include name of individual): LOUIS TISA AND LINDA STOXEN

Mailing address: 83 HIGHLAND RIDGE RD, BARRINGTON NH 03825

Telephone #: 603-833-0565 Email: LTNLT@AOL.COM

Engineer, Surveyor, or Other Professional WITH CONSULTING ROLE

Name (include name of individual): CHRIS BERRY, BERRY SURVEYING AND ENGINEERING

Mailing address: 375 SECOND CROWN POINT ROAD, BARRINGTON NH 03825

Telephone #: 603-332-2863 Email address: _____

Proposed project

What is the proposed project? CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF A DRIVEWAY AND UNDERGROUND UTILITY CONDUIT. ACCESS + SERVICE TO SINGLE FAMILY HOME.

Which provision in the zoning ordinance calls for this conditional use? SECTION 175-61, A.1 CONDITIONAL USE PERMIT FOR CONSTRUCTION WITH IN DCO DISTRICT.

Justification for granting the conditional use: THIS LOT WAS DESIGNED WITH DRIVEWAY AS PROPOSED HERE. THERE IS NO ALTERNATE LOCATION ON PARCEL FEASIBLE FOR PROPOSED USE.

Have you completed the conditional use checklist? YES

Have you addressed the eight conditional use criteria? YES

Other Information

Please note the following:

- Coordinate with Michael Behrendt, the Durham Town Planner, at 868-8064 or mbehrendt@ci.durham.nh.us about the process and any additional information that may be needed.
- Coordinate with the Karen Edwards, the Planning Department Administrative Assistant, at 868-8064 or kedwards@ci.durham.nh about preparing the list of abutters. All property owners within 300 feet of the site will be notified of the application and public hearing.
- Please be sure to attend all meetings of the Planning Board and the Conservation Commission, if the latter will be making a recommendation.
- The Planning Board may schedule a site walk after the first meeting.
- A public hearing will be held on the application. A sign must be placed on the property at least 10 days prior to the hearing.
- The applicant will need to address the eight general conditional use criteria. For conditional uses within the Wetland or Shoreland Overlay Districts additional criteria must be addressed by the applicant.
- For conditional uses within the Wetland or Shoreland Overlay Districts, the application will be presented to the Conservation Commission for a recommendation.
- See Article VII in the Durham Zoning Ordinance for additional information about conditional uses.

Submission of application

This application must be signed by the property owner(s) *and/or* the agent.

I (we) attest to the best of my(our) knowledge that all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As agent, I attest that I am duly authorized to act in this capacity.

Signature of property owner:


Louis Tisa


Linda Stoxen

Date: MARCH 14, 2018

Signature of agent: _____

Date: _____

To: Town of Durham Planning Board
8 Newmarket Road
Durham, New Hampshire 03824

From: Louis Tisa and Linda Stoxen

Date: March 14, 2018

Letter of Intent: Application and supporting documentation for Conditional Use Permit for 100 Mill Road Tax Map #13 Lot # 15-3

The Subject Property

The property is an existing lot of record in a 9 lot Conservation Subdivision approved in the year 2013 (Schow Melanson Garland). The parcel is 1.24 acres and has 169.73 feet of frontage on Mill Road. Proposed developing and engineering of this site has received initial scrutiny from town officials and the public during the subdivision approval process.

The Proposed Use

Owners Louis Tisa and Linda Stoxen purchased the property in 2017 and intend to build a 3 bedroom single-family residence on the lot for their use.

Planning Board Approval Requested

We are requesting a Conditional Use Permit for the construction of a driveway to access a single-family home and construction for underground utilities to service the home, as shown on subdivision plans (see attached). A portion of the driveway construction area falls within the 75 foot buffer of wetlands and is under the jurisdiction of the Wetlands Conservation Overlay District.

Outline of Compliance: Meeting Criteria of General Conditions for a Conditional Use Permit (175-23 C)

1. Site suitability: The site is suitable to be a 3-bedroom single family residence. This was approved by state and local regulations during the subdivision process. Similar to all other houses in the vicinity, there is adequate vehicular / pedestrian access and availability to public services and public utilities. The project will have on-site water and septic services. Minor environmental constraints include a moderate slope with ledge outcrops running through the center of the property, but proper design will maintain and incorporate this as a feature.

2. External impacts: The external impacts of the proposed use on the surrounding environment and nearby properties will not be greater than intended for the original development of the lot. Impacts will not exceed those of adjacent existing uses since the property will be used for a residential home similar to all neighbors.
3. Character of the site development: The proposed layout and design of the site will be compatible with the established character of the neighborhood to mitigate any external impacts of the use on the neighborhood. The intent is to build a "house nestled back into the woods" that blends into the surrounding landscape. As a single story structure it will have a low building profile. The lot is heavily wooded and is subject to a 50' front buffer no-cut zone, with the exception of the driveway and septic system. Driveway as proposed minimizes night time headlight glare (during egress) into windows of opposing structures. We intend to follow the design of the site plan as determined in the subdivision plans, with the final site plan being reviewed by the town, and we will act on any recommendations.
4. Character of the buildings and structures: It is our intent that the design of the new building structure will be compatible with the established character of the neighborhood. The goal is to build a house that looks like it belongs on this lot. The final architectural plan will be reviewed by the town, and we will act on any recommendations.
5. Preservation of natural, cultural, historic, and scenic resources: The proposed use of the site, including all related development activities, will preserve identified natural and scenic resources, along with historic resources in the form of stone walls (no other known cultural or historic resources) and will be maintained where possible on the site and site use will not degrade any identified resources on abutting properties. The building site and associated site grading will be designed to avoid impacts to the adjacent wetland to the greatest extent possible and will conform to existing conditions and characteristics as close as possible. A significant woodland buffer will be maintained.
6. Impact on property values: The proposed use will not cause or contribute to a significant decline in property values of adjacent properties due to a commitment to compatibility of character of the site and structure to current properties.
7. Availability of Public Services & Facilities: Water and Sewer will be provided to the house from a private on-site well and septic system. Solid trash removal and recycling are provided by the town. Electric, telephone and data utilities will connect to the existing overhead public lines via underground conduit into the site. Demand on public resources and municipal services will not be any greater than those of neighboring residents, and may be lower due to a two person household.
8. Fiscal impacts: The proposed construction of a single family residence in a previously approved subdivision does not have any foreseeable negative fiscal impact on the town.

Addressing Specific Conditional Use Standards (175-61 A for WCO) with respect to driveway and utility conduit construction at this site:

1. There is no alternative location on the parcel that is outside of the WCO District that is feasible for the proposed use.

The parcel, as a building lot, is slightly challenged by the presence of surrounding wetlands. The house and septic system will be constructed on the only buildable portion of the lot due to wetland constraints and zoned construction setbacks. As seen on the topographic rendering, a significant berm with ledge characteristics runs from Mill Road through the center of the property. In order for the driveway to meet the road perpendicularly, with less than a 6% slope, the position to the left of the lot as proposed is optimal. Construction of underground utilities follow the same constraints. There is approximately 25 feet of frontage available for the driveway to be installed and the utilities to be laid underground, it is unfortunate that this falls within the wetland buffer zone. In addition, Mill Road -outbound from the town- makes a very sharp bend right before the property and as a result is posted with a reduced speed limit of 20 mph. The proposed driveway location gives the best traffic site-line possible, providing maximum safety to the residents and traveling public.

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.

Together with our contractor, our primary intent is to minimize soil disturbance. Existing grades will be maintained where possible. No established wetland areas will be filled or altered. The width of the driveway is proposed to be 12 feet. The location of the proposed residence and driveway appear to be dictated by natural features, and locations were proposed in order to cause the least amount of soil disturbance of these surrounding features. All utility construction will be within the proposed driveway area or proposed construction areas. Specific care will be taken in the areas of the WCO to minimize erosion and runoff.

3. 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.

Every feasible effort will be made in the design and layout and grading to minimize the detrimental impacts to the wetlands. The area adjacent to the wetlands will be kept vegetated. Mitigating activities will include use of temporary erosion control around the perimeter of the disturbed soil, such as silt soxx. Protected wetland areas will be marked, and possibly fenced to avoid excess construction traffic or vehicle parking. Owner's builder / contractor (Diversified Builders) works quickly and efficiently on finishing projects, keeping up with restoration during the process. The expected build time is estimated at no more than 4 months, returning site to preconstruction form in a short time. Beyond becoming residents it is our goal to act as stewards of the land, and we commit to removing roadside trash from the frontage that runs from the UNH property past our

property to the conserved property with public access adjacent to our lot. This conserved property is primarily wetlands.

4. 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.

Any inadvertent disturbances outside the anticipated limits of disturbance on the property will be fully restored. The proposed placement of the driveway will allow a construction that closely follows existing contours and minimizes the grade changes. Owners do not intend to manicure an extensive lawn area or heavily landscape the property. Owners will allow a naturally vegetated buffer strip to surround the property. Instead of destroying the natural features of a berm that runs through the property, owners intend to maintain it and incorporate it in the design.

Note: Property is not located within 100 year flood plain zone.

If you need any additional information or have any questions please contact us. We look forward to meeting with you in an effort to assure that we will work to comply with existing standards set by the Planning board, the Conservation Commission, and the Town of Durham.

Respectfully submitted,

Handwritten signatures of Louis Tisa and Linda Stoxen. The signature on the left is 'Louis Tisa' and the signature on the right is 'Linda Stoxen'.

Louis Tisa and Linda Stoxen
83 Highland Ridge Road
Barrington, New Hampshire 03825

Contact Information:
L7NL7@aol.com
603-833-0565

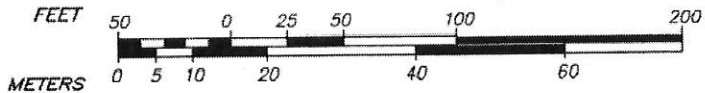
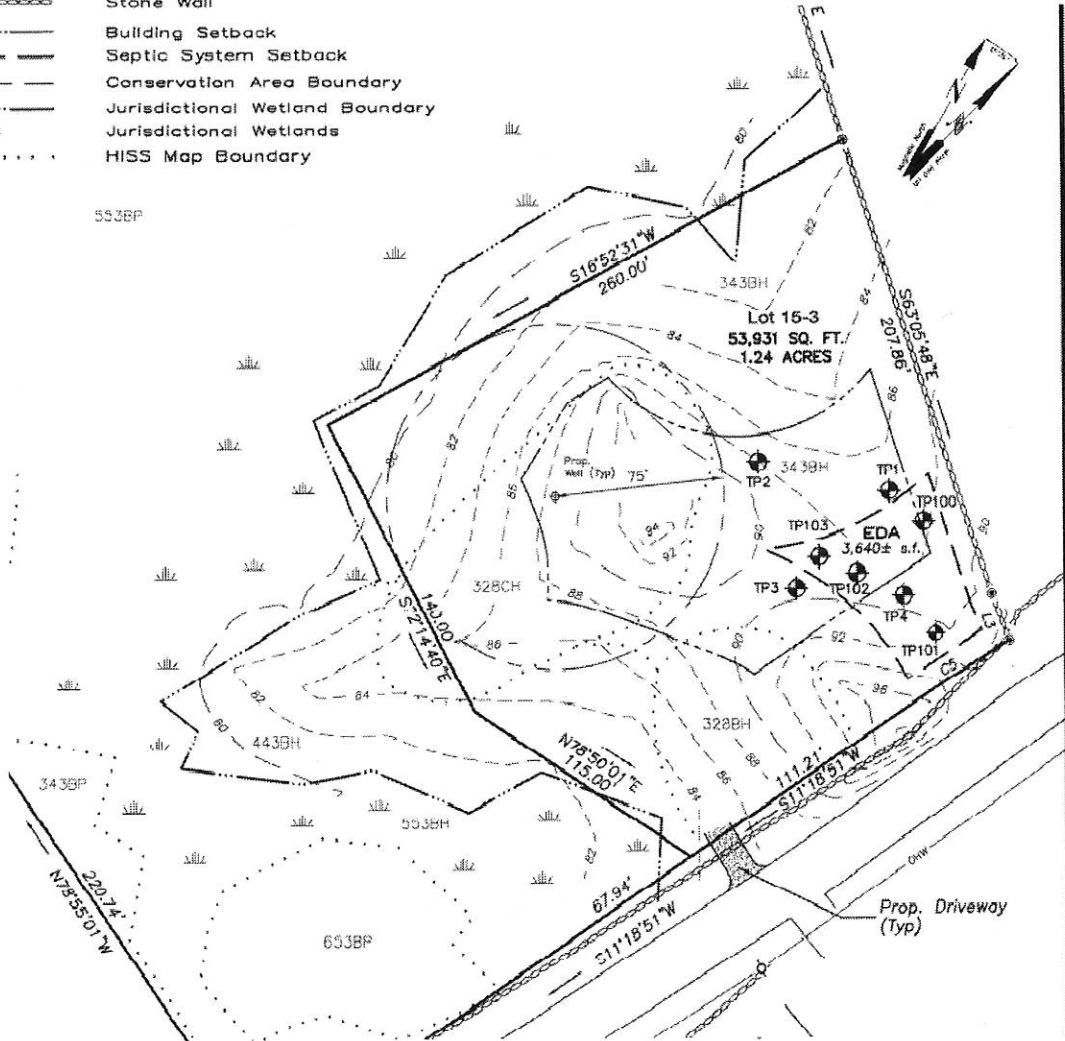
Supporting Documents and materials Included:

Site-design map
Copy of Deed
Letter of authorization
List of adjacent properties
Fees:

Tisa Stoxen Property
 100 Mill Road
 Tax Map 13-15-3

Legend:

- C1 See Curve Table C3 = 58.53'
- EDA Effluent Disposal Area
- L1 See Length Table L3 = 21.65'
- ⊙ Drill Hole Found
- Iron Rod Found
- Stone Wall
- Building Setback
- Septic System Setback
- Conservation Area Boundary
- Jurisdictional Wetland Boundary
- HISS Map Boundary



CONSERVATION
 SUBDIVISION PLAN
 OF PROPERTY IN THE NAME OF
 JOYCE L. SCHOW-MELANSON,
 R. PHILIP MELANSON & MARTHA GARLAND
 SPOUSES AS
 TAX MAP 13 / LOTS 15-1 & 15-2
 LOCATED AT
 110 & 114 MILL ROAD
 COUNTY OF STRAFFORD
 DURHAM, NH

DAVID W. VINCENT, L.L.S.
 LAND SURVEYING SERVICES
 119 MORGANS WAY
 BARRINGTON, NH 03825
 TEL: (603) 604-5748
www.davosurveyservices.com

To: Michael Behrendt, Durham Town Planner
From: Louis Tisa and Linda Stoxen
Re: Application materials for Conditional Use Permit : Letter of Authorization
Date: March 14, 2018

Chris Berry of Berry Surveying & Engineering , Barrington New Hampshire. Is working for us as we finalize plans, submit permits and seek approvals for building a home at 100 Mill Road in Durham, New Hampshire.

Chris Berry has served as a consultant in the current application, and if necessary we authorize him to represent us in meetings or serve as a resource to answer any questions that require his expertise.

His contact information is provided on the application.

Sincerely,

Handwritten signatures of Louis Tisa and Linda Stoxen. The signature for Louis Tisa is on the left, and the signature for Linda Stoxen is on the right.

Louis Tisa and Linda Stoxen

Return to:
Linda Stoxen and Louis Tisa
100 Mill Road
Durham, NH 03824

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That David E. Olson and Diane C. Olson, Co-Trustees of the Olson Family Revocable Trust u/t/a dated July 30, 2014, both of 4 Hemlock Way, Durham, Strafford County, New Hampshire 03824, for consideration paid grant to Linda J. Stoxen and Louis S. Tisa, Husband and Wife, both of 83 Highland Ridge Road, Barrington, Strafford County, New Hampshire 03825, as joint tenants with rights of survivorship,


with *WARRANTY COVENANTS*:

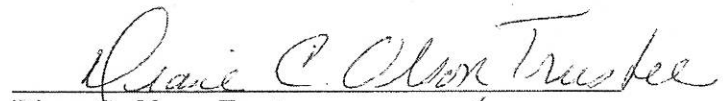
A certain tract of parcel of land situate on Mill Road, so-called, in Durham, Strafford County, New Hampshire and shown as Lot 15-3 on a plan entitled "Conservation Subdivision Plan of Property in the Name of Joyce L. Schow-Melanson, R. Philip Melanson & Martha Garland shown as Tax Map 13 / Lots 15-1 & 15-2 located at 110 & 114 Mill Road, County of Strafford, Durham, NH," dated April 18, 2012, as revised, prepared by David W. Vincent, LLS, and recorded in the Strafford County Registry of Deeds as Plan #106-57 and Plan #106-58, more particularly bounded and described as follows:

BEGINNING at a drill hole on the northwesterly side of said Mill Road and running N 65° 31' 00" W along a stone wall and land now or formerly of the University of New Hampshire a distance of 21.65 feet to a drill hole; thence running N 63° 05' 48" W along said stone wall and said University of New Hampshire land a distance of 207.86 feet to a drill hole; thence turning and running S 16° 52' 31" W along Lot 15-1 as shown on said plan a distance of 260.00 feet to a point; thence turning and running S 72° 14' 40" E along said Lot 15-1 a distance of 140.00 feet to a point; thence turning and running N 78° 50' 01" E along said Lot 15-1 a distance of 115.00 feet to a point; thence turning and running N 11° 18' 51" E along said Mill Road a distance of 111.21 feet to a point; thence running in a northeasterly direction along said Mill Road on a curve with a radius of 1533.00' a distance of 58.52 feet to a drill hole at the point of beginning. Containing 1.24 acres.

Executed this 6th day of October, 2017.

THE OLSON FAMILY REVOCABLE TRUST
u/t/a dated July 30, 2014


David E. Olson, Trustee


Diane C. Olson, Trustee

State of New Hampshire
County of Strafford

Then personally appeared before me on this 6th day of October, 2017, the said David E. Olson and Diane C. Olson, Co-Trustees of the Olson Family Revocable Trust u/t/a dated July 30, 2014, and acknowledged the foregoing to be his/her/their voluntary act and deed.



Notary Public/Justice of the Peace
Commission expiration:

Leonard W. Foy III, Esquire
Notary Public, State of New Hampshire
My Commission Expires August 14, 2018