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June 20, 2018

Paul Rasmussen, Chair  
Durham Planning Board  
8 Newmarket Road  
Durham, NH 03824

Re: Waiver Request for Map 11, Lot 8-16  
Construction Laydown Area

Dear Chairman Rasmussen and Members of the Board:

The applicant requests a waiver from the provisions of Article V, Section 5.7.3 of the Site Review Regulations to allow the use of the site without benefit of the 50' landscape strip on the northerly side of the lot abutting Route 108. This waiver request is submitted under Section 5.1.1(b) of the site review regulations in that there are special circumstances relative to the site plan which indicate that the waiver will carry out the spirit and intent of the regulations.

As support for the waiver request, the applicant states as follows:

- 1) The proposed site plan results from the need to have a construction laydown area in close proximity to the lot on which River Woods Durham will be constructed. The use of Map 11, Lot 8-16 is immediately across the street from the construction site. Providing a space for construction material needed for the off site water and sewer lines will be far more preferable from an aesthetic and safety standpoint than having such materials located along the shoulder of Route 108 as the road stretches into town.

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- 2) The design of the construction laydown area was created to avoid any impact to the wetland and to minimize the intrusion to the wetland buffer. In turn, the selected design means that the area in which the materials will be stored must be in what would otherwise be the 50' landscape strip along Route 108.
- 3) The waiver will not be detrimental to the public health, safety, or welfare or injurious to other property. The use of the laydown area in general will enhance public safety since it will create safer conditions for truck traffic than might otherwise exist without use of the laydown area.
- 4) The waiver will promote public interest because it will allow construction materials to be located centrally, not within the right of way along Route 108, and will create better traffic safety conditions. This use of the property is temporary in nature and will conclude in approximately twenty months when construction is due to be completed. In the interim, in lieu of a landscape strip, the applicant will erect appropriate fencing in order to minimize the visual impact of the construction materials.
- 5) Given the temporary nature of the use of the site, coupled with the fencing to be provided by the applicant to shield the view of the construction materials, the waiver is consistent with the provisions of the Durham Zoning Ordinance and Master Plan.

Very truly yours,  
DONAHUE, TUCKER & CIANDELLA, PLLC



Sharon Cuddy Somers  
SCS/sac



PLANNING DEPARTMENT  
Town of Durham  
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Phone (603) 868-8064  
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**Application for Waiver from Regulation**

**Town of Durham, New Hampshire**

Project name Riverwoods Durham

Property Address Dover Road Map and Lot # 11/8-16

Site Plan: X Amendment to Existing Site Plan Subdivision: \_\_\_\_\_

Boundary line adjustment: \_\_\_\_\_

Section and subsection of the Site Plan Regulations or Subdivision Regulations from which the waiver is requested:

Section 5.7.2 (Landscaping Strip)

Reason/justification(s) for the waiver request: see attached

Check which provision this would comply with (RSA 674:44 III. (e) and 676:36 II.(n)):

(1) \_\_\_\_\_ Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or

(2) X Specific circumstances relative to the site plan or subdivision, or conditions of the land in such site plan or subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Name of applicant or agent filling out this form: Sharon Cuddy Somers, Esq.

Applicant? \_\_\_\_\_ Agent? X Today's date 6/20/18

----- Office use below -----

Waiver approved: \_\_\_\_\_ Waiver denied: \_\_\_\_\_

Comments: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_