



TOWN OF DURHAM
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Town Planner's Project Review
Wednesday, September 11, 2019

VIII. **112 Piscataqua Road – Structures in SPOD.** Permitted Use B. and Conditional Use applications for patio, steps, and pathway in Shoreland Protection Overlay District. Larry and Linda Brown, property owners. James Olcott, TM Marine Construction/Olcott Planning and Design, LLC, designer. Map 11, Lot 24-2. Residence Coastal District.

➤ I recommend the board schedule a public hearing for September 25.

Please note the following:

- **Property.** The property is a 1.55 acre single family lot situated on the southerly side of Route 4/ Piscataqua Road, roughly opposite the Morgan Way subdivision. The lot backs up to the Oyster River. See the tax map, aerial, and excerpt of the plans at the bottom.
- **Site walk.** Does the board think a site walk would be useful?
- **Permitted Use B.** The path is reviewed as a permitted use B and the steps and patios are reviewed as conditional uses. The applicant addresses the criteria in the application. Both require review by the Conservation Commission also.

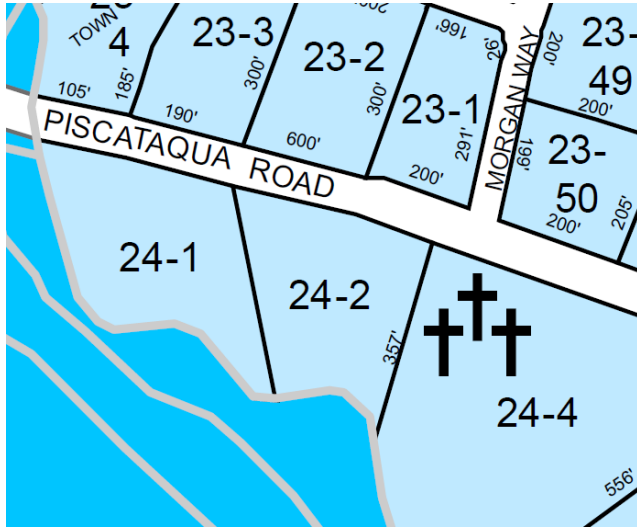
The provisions of the permitted use B are provided in Section 175-71 B. of the Zoning Ordinance. Paths are allowed subject to these three criteria:

- a) appropriate erosion control measures will be used,
 - b) any disturbed area will be restored, and
 - c) the activity will be conducted in a manner that minimizes any impact on the shoreland:
- **Conditional Use.** The steps and patio are allowed subject to the eight general conditional use criteria and these four criteria in Section 175-72 B of the Zoning Ordinance:
 1. There is no alternative location on the parcel that is outside of the SPOD that is reasonable practical for the proposed use;
 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;
 3. The location, design, construction, and maintenance of the facilities will minimize any detrimental impact on the adjacent shoreland and waterbody as well as downstream waterbodies, and mitigation activities will be undertaken to counterbalance any adverse impacts, and

- Restoration activities will leave the site, as nearly as possible, in its pre-existing condition and grade at the time of application for the Conditional Use Permit.

Conservation Commission. The Conservation Commission reviewed the project on August 26 and voted to support a finding that the criteria listed above are met subject to the applicant providing a cross section of the path. He will send this shortly.

Lot 24-2



House opposite Morgan Way



(over)

