

SHORELAND PROTECTION OVERLAY DISTRICT CRITERIA

Map/Block/Lot: 11-24-2

112 Piscataqua Road, Durham

CONDITIONAL USE APPROVAL CRITERIA 175-23

C. Criteria Required for Consideration of a Conditional Use Permit. A conditional use permit shall be granted only if the Planning Board determines that the proposal conforms to all of the following conditional use permit criteria (except for specific criteria that are deemed by the Planning Board to be not pertinent to the application):

1. Site suitability: The site is suitable for the proposed use. This includes:

a. Adequate vehicular and pedestrian access for the intended use.

The property involved is a private residential home with driveway, built in 2002. There is already adequate vehicular access for the intended use. The project is intended to ease the homeowners' own foot-travel access to the frontage and will not be open to or accessible by the public.

b. The availability of adequate public services to serve the intended use including emergency services, pedestrian facilities, schools, and other municipal services.

There are no schools, emergency services, pedestrian facilities or other municipal services required for the intended use of the walkway. This project will not affect the access or availability to said public services.

c. The absence of environmental constraints (floodplain, steep slope, etc.) or development of a plan to substantially mitigate the impacts of those constraints.

The proposed walkway is intended to provide access down a steep back-yard towards the property's frontage. Due to the intent the proposed walkway will inherently be partially within the 100-year flood plain as well. The impact of the walkway will be minimized as much as possible in reference to the present environmental constraints, while still serving the intended purpose of providing ease of access to the frontage.

d. The availability of appropriate utilities to serve the intended use including water, sewage disposal, stormwater disposal, electricity, and similar utilities.

There are no utilities necessary for the intended use of the project, nor will any existing utilities be impacted.

2. External impacts:

The external impacts of the proposed use on abutting properties and the neighborhood will be no greater than impacts of adjacent uses or other uses permitted in the zone. The project is intended to facilitate access to the property's frontage similar to those of abutting properties. The project will not have an adverse effect on the surrounding environment nor discourage the appropriate and orderly development and use of land and buildings in the neighborhood.

3. Character of the site development:

The proposed layout and design of the site will not be incompatible with the established character of the neighborhood and will not create any external impacts of the use on the neighborhood. The property currently has off-street parking screened via a fence along Piscataqua Road. The proposed work will not encroach on the 20' property boundary setback of the abutters on either side.

4. Character of the buildings and structures:

The proposed project does not include the installation, addition or modification of buildings or other structures that will conflict with the established character of the neighborhood. The stone steps and patio will be constructed using bluestone and existing boulders from the site, the upper section of walkway will be crushed stone with geotextile beneath to prevent erosion, and the lower section of the walkway will consist of woodchips/mulch only.

5. Preservation of natural, cultural, historic, and scenic resources:

The proposed use of the site, including all related development activities, will preserve identified natural, cultural, historic, and scenic resources on the site and will not degrade such identified resources on abutting properties. The proposed walkway is intended to provide ease of access through the Tidal Buffer Zone to the property's frontage for a future fixed pier structure, and will inherently be near wetlands and/or the floodplain. The lower extent of the walkway nearest the wetland and floodplain will consist of solely woodchips/mulch and will not have any effect on the preservation of identified natural resources, tree lines, scenic views or significant wildlife habitats.

6. Impact on property values:

The proposed use will not cause or contribute to a significant decline in property values of adjacent properties. The proposed project is intended to facilitate the installation of a fixed pier structure and associated access path similar to those currently existing on adjacent properties. This may cause, if anything, an average increase in property value in both the property in question and abutting properties once the pier and walkway are completed.

7. Availability of Public Services & Facilities:

Adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage, and other necessary public or private services, are assured, to the end that the use will be capable of proper operation. In addition, it has been determined that these services will not cause excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police protection, fire protection, and schools, as they are not applicable to the proposed project.

8. Fiscal impacts:

The proposed use will not have a negative fiscal impact on the Town as it is a minor project being conducted on private residential property, not visible from any roads and barely visible from the Oyster River.

CONDITIONAL USE CRITERIA 175-72 B

The Planning Board shall approve a Conditional Use Permit for a use in the SPOD only if it finds, with the advice of the Conservation Commission, that all of the following standards have been met in addition to the general standards for conditional uses and any performance standards for the particular use:

1. There is no alternative location on the parcel that is outside of the SPOD that is reasonable practical for the proposed use;

The proposed pathway is intended to provide access to the property's frontage along the Oyster River, therefore it must be within the SPOD to serve its intended purpose.

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;

Soil disturbances will be kept to a minimum both during and following construction. Some disturbance will be necessary to properly install the pathway, however all disturbed areas will be fully restored following completion of work.

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

The proposed walkway will not have any significant impact of the adjacent shoreland and waterbody, nor on any downstream waterbodies due to the scope and location of the work. The walkway will be constructed with materials similar to those naturally existing on the site and will have effective erosion control measures in place during construction, in addition to geotextile where applicable to prevent future erosion.

4. 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.

The proposed walkway will not significantly alter the grade or other preexisting conditions on the property. The intent of the work is to provide access down the existing steep grade to the property's frontage and it does not require substantial grade alteration.

PERMITTED USE B CRITERIA 175-71 B

The following uses or activities, including any necessary grading, shall be permitted in the SPOD provided that the Zoning Administrator issues a permit for the activity after the Planning Board, with the advice of the Conservation Commission, determines that:

a) appropriate erosion control measures will be used

Erosion control measures during construction will include the implementation of silt socks and a silt fence along the downhill extent of the work area. Geotextile filter fabric will line any excavated and/or filled areas to prevent future erosion (portion of project falls under the CUP). The work covered by the Permitted Use B will not require any excavation.

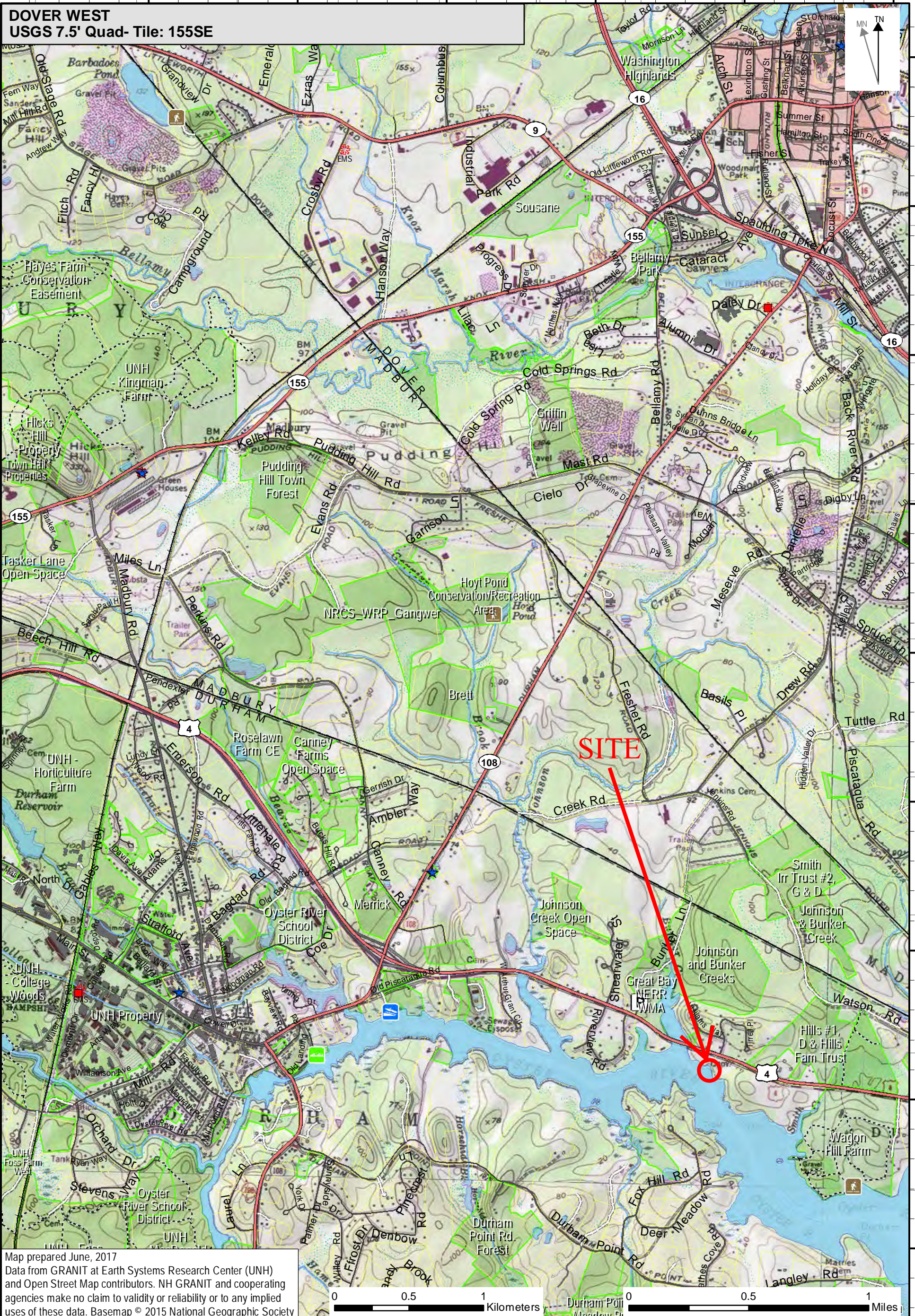
b) any disturbed area will be restored

Disruption of the soils will be localized to the work area and immediate vicinity as needed for work access. Following construction, all disturbed areas will be returned as close to original conditions as possible. The project is in a private backyard, thus it is imperative to the owners that disturbed areas are restored following work.

c) the activity will be conducted in a manner that minimizes any impact on the shoreland

The proposed work will not have any significant impact on the shoreland or wetland complexes. The materials to be used in construction are similar to those found naturally on site, and excavation will be kept to a minimum. Erosion control measures will be in place for the duration of construction, and the resulting path will be relatively erosion resistant.

70°56'30"W 70°56'0"W 70°55'30"W 70°55'0"W 70°54'30"W 70°54'0"W 70°53'30"W 70°53'0"W 70°52'30"W



Map prepared June, 2017
 Data from GRANIT at Earth Systems Research Center (UNH) and Open Street Map contributors. NH GRANIT and cooperating agencies make no claim to validity or reliability or to any implied uses of these data. Basemap © 2015 National Geographic Society

0 0.5 1 Kilometers 0 0.5 1 Miles

70°56'30"W 70°56'0"W 70°55'30"W 70°55'0"W 70°54'30"W 70°54'0"W 70°53'30"W 70°53'0"W 70°52'30"W

LETTER OF AGENCY

July 15, 2019

Olcott Planning & Design
48 Pocahontas Rd.
Kittery Point, ME 03905

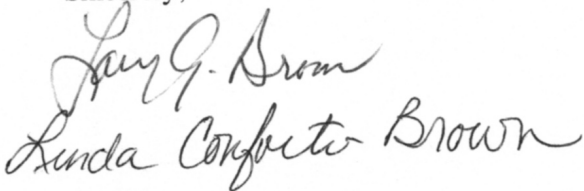
TM Marine Construction
480 Newington Road
Newington, NH 03801

To Whom It May Concern,

This letter is to acknowledge Olcott Planning & Design/TM Marine Construction is to be responsible for all federal, state, municipal permitting related to the installation of a residential TBZ walkway providing frontage access at 112 Piscataqua Road in Durham, NH.

As owner/representative of the property I, Larry Brown/Linda Conforti-Brown, authorize James Olcott of Olcott Planning & Design and TM Marine Construction, to act as my agent for purposes of assembling, signing, submitting, and follow up of all documents relating to the permitting and design of the proposed work. This may include, but is not limited to: letters to abutters, NBH reports, NHDP&H review, DHR review, meeting with local and state agencies (NHDES, ACOE, Planning Department, Conservation Commission, G&C, etc.), and resource impact assessments.

Sincerely,



Larry Brown / Linda Conforti-Brown

Parcel: 11-24-2
112 Piscataqua Road
Durham, NH 03824

GENERAL NOTES:

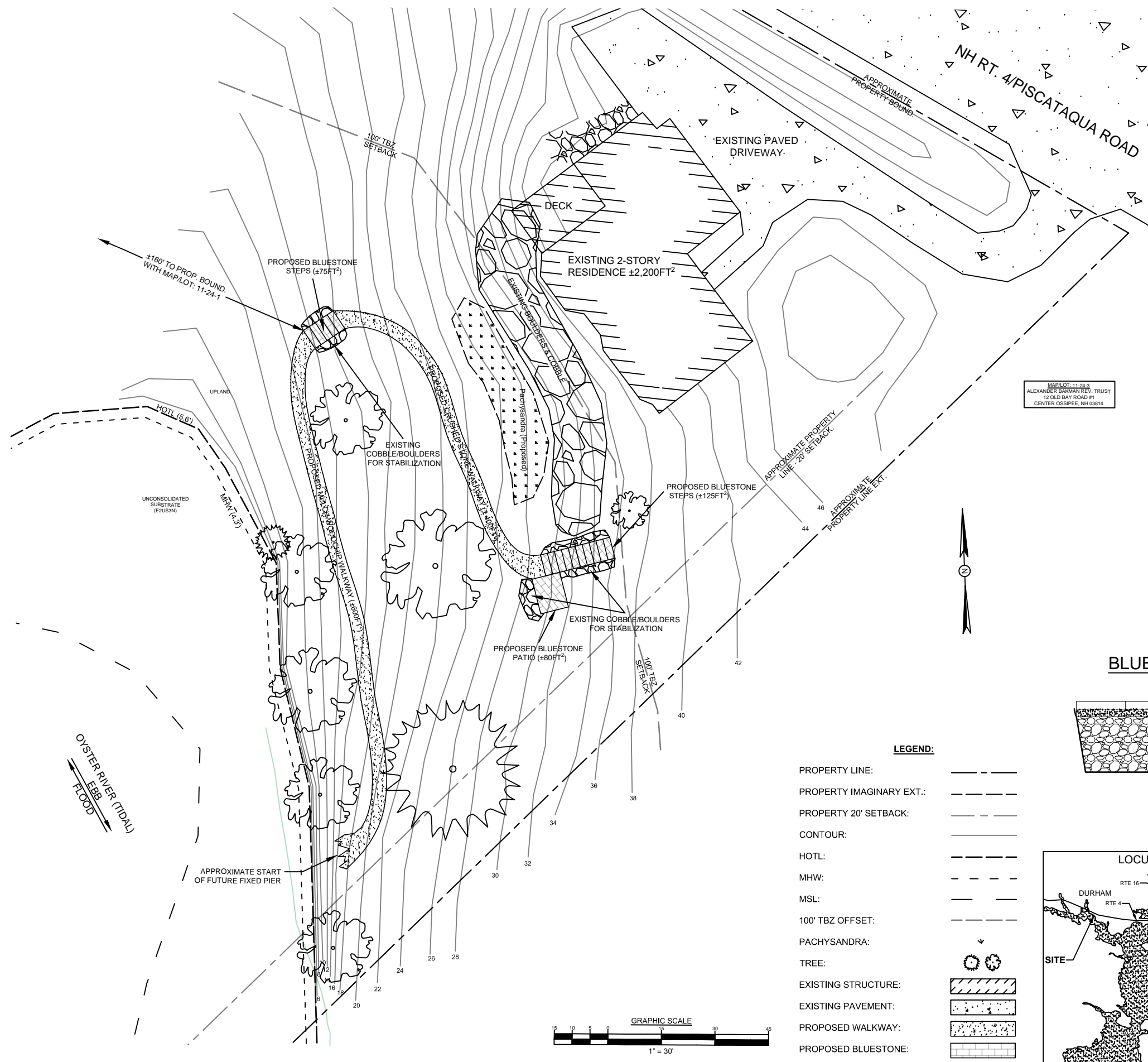
Current property owner of record for Durham Tax Map 11 Lot 24-2 is:

Linda Conforti-Brown Revocable Trust
 Larry G. Brown Revocable Trust
 112 Piscataqua Road
 Durham, NH 03824

- The intent of this plan is to permit the installation/construction of bluestone steps with patio and a crushed stone and mulch walkway through the Tidal Buffer Zone (TBZ).
- This plan is intended for the sole purpose of DES Wetlands Bureau Application and associated municipal permits. This plan does not represent a boundary survey, nor is it intended to represent a boundary survey. I am not a licensed land surveyor. Boundary information from existing monuments, previous boundary survey (CivilWorks c. 2001) and deed.
- Field locations and wetland topography by James Olcott. Topography based on conversion to NAVD88 datum via NOAA vDatum software by James Olcott.

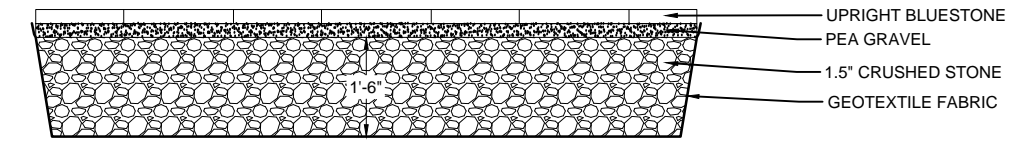
HOTL: 5.6'
 MHW: 4.3'
 MLLW: -2.9'

- HOTL delineated in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual, as required by DES Wetlands Bureau.
- Total proposed impact area of the bluestone steps, patio, and path to be constructed on Durham Tax Map/Lot: 11-24-2 is ±1,280ft².
- Construction Overview:
 - The proposed work includes the installation of a set of bluestone steps with a small bluestone patio area (80ft²) with a crushed stone path (400ft²) leading to a second smaller set of bluestone steps and a woodchip/mulch path (600ft²) providing access to the frontage and a future fixed pier.
 - Fixed pier will be a separate application submission.
 - The bluestone steps will be in the areas with a steeper slope where steps are necessary.
 - Larger set (±125ft²) will be nearest to the house, and the smaller set (±75ft²) separating the crushed stone path (±400ft²) from the woodchip/mulch path (±600ft²).
 - The patio area (±80ft²) will be towards the bottom of the larger set of steps.
 - Bluestone work will consist of a geotextile underlining with ±18" of 1.5" crushed stone and ±2" of pea gravel beneath the upright bluestone.
 - Bluestone work will use existing boulders and cobble from the site as needed for bordering or stabilization.
 - All work to be conducted within the 100' TBZ offset.
 - Best Management Practices will be employed throughout the construction phase.
 - Surrounding impact will be kept to minimum. No major excavation is anticipated.

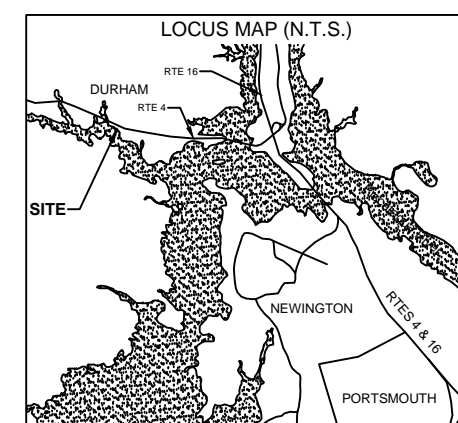


MAP LOT: 11-24-2
 ALEXANDER BROWN REV. TRUST
 12 OLD BAY ROAD #1
 CENTER OSSISPEE, NH 03814

BLUESTONE CROSS SECTION N.T.S.



- LEGEND:**
- PROPERTY LINE: ————
 - PROPERTY IMAGINARY EXT.: - - - -
 - PROPERTY 20' SETBACK: - - - -
 - CONTOUR: ————
 - HOTL: ————
 - MHW: ————
 - MSL: ————
 - 100' TBZ OFFSET: - - - -
 - PACHYSANDRA: [Symbol]
 - TREE: [Symbol]
 - EXISTING STRUCTURE: [Symbol]
 - EXISTING PAVEMENT: [Symbol]
 - PROPOSED WALKWAY: [Symbol]
 - PROPOSED BLUESTONE: [Symbol]
 - EXISTING BOULDERS/COBBLE: [Symbol]



WETLANDS BUREAU APPLICATION PLAN

PREPARED FOR: LARRY & LINDA BROWN
 112 Piscataqua Road
 Durham, NH 03824

DATE OF DRAFTING: 05/28/19

DRAFTED BY: OLCOTT PLANNING & DESIGN, LLC

JAMES OLCOTT
 48 POCAHONTAS RD
 KITTERY POINT, ME 03905
 845-729-2449
 JOLC89@GMAIL.COM

DATE	Revision/Amendment Description	BY

