



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

IX. **Emery Farm – Conditional Use for Patio.** 147 Piscataqua Road. Application for walkways and patio with gravel and peastone within Wetland Conservation Overlay District. David Hills, property owner. Map 11, Lot 22-3. Residence Coastal District.

➤ I recommend that the public hearing be scheduled for September 25.

Please note the following:

- **Project.** The Planning Board recently approved an amended site plan for Emery Farm. David Hills, the applicant, realized later that he wants to build a patio with landscaping and a walkway adjacent to the building. Much of this area is located in the Wetland Conservation Overlay District so a conditional use and permitted use B review are required.
- **Packet.** The packet includes the approved site plan, the conditional use application with responses to the criteria, and drawings at two scales showing the site with the new proposed work. The 100 foot wetland buffer runs roughly north-south through the building. The site plan shows the wetland itself to the east.
- **Criteria.** David Hills addresses the 8 general conditional use criteria and the specific wetland criteria at the end of the first attachment. He actually addressed only the first three conditional use criteria. It was inferred at the Conservation Commission meeting, through criteria 2 and 3, that he would also meet the last criterion. I asked him to submit an application for a conditional use and not for the permitted use B part. The latter is really a lower threshold than that for the conditional use. If the board thinks it useful we can ask him to address the three permitted use B criteria separately.
- **Permitted Use B.** The granite walkway and handicap path are reviewed as a permitted use B which is covered in Section 175-60 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 wetland:

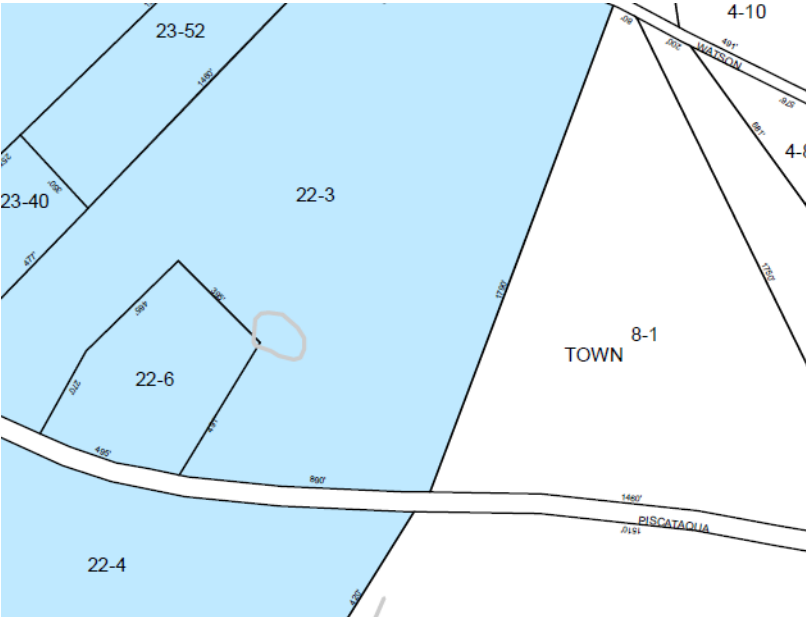
- **Conditional Use.** The patio, ramp, and other hardscape are allowed subject to the eight general conditional use criteria and these four criteria in Section 175-61 B of the Zoning Ordinance:

1. There is no alternative location on the parcel that is outside of the WCOD 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
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.

- **Conservation Commission.** The Conservation Commission reviewed the project on August 26 and voted to support a finding that the criteria are met.

- **Site walk.** Does the board think a site walk would be useful?

Lot 22-3



Excerpt from plan:

