



TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824-2898
603/868-8064
www.ci.durham.nh.us

Town Planner's Project Review
Wednesday, September 25, 2019

XII. **30 Old Piscataqua Road – 3 Lot Subdivision**. Conceptual review for proposed 3-lot subdivision. John and Judith Churchill, property owners. Tobin Farwell, Farwell Engineering Services. Map 11, Lot 9-4. Residence A District.

➤ I recommend that the board discuss the project and close the conceptual review.

Please note the following:

- 1) Conceptual review. A conceptual review is typically one meeting. There is no fee, nor notices, nor public hearing. The review may be continued if both the Planning Board and applicant think it would be useful. The applicant will then submit a formal application later when he is ready. Given the various issues related to the subdivision I suggested to the applicant that he submit a conceptual application. *See the tax map at the bottom.*
- 2) Public comments. The public may comment on this application during the public comments time or via emails and letters.
- 3) Technical Review Group. The applicant presented the project to the TRG on September 17. I will send notes of the meeting shortly.
- 4) Subdivision. A three-lot subdivision is exempt from the conservation subdivision requirements. The applicants live in the house on Lot 2. They said they will probably sell that lot and build a new one for themselves on Lot 1. The locations of the houses on new lots 1 and 3 are conceptual only. The location for a house on Lot 1 is tight given the SPOD, WCOD, and the fairly steep slopes. Most of the buildable area has around 15% slopes. *Would it be worth a site walk to look at the land, especially Lot 1?*
- 5) Lot sizes. The minimum lot size in the Residence A zone is 20,000 square feet. The lot sizes shown exceed this significantly. However, the applicant will need to show that this threshold is met not including areas of surface water, wetlands, and areas in the WCOD that are poorly or somewhat poorly drained (Section 175-64).
- 6) Driveways. The front driveway would be shared by all three lots. It will be 20 feet wide. The portion beyond serving two lots should probably also be 20 feet wide. This front portion should be paved rather than gravel to reduce potential maintenance problems for the three future lot owners. Cross easements for access and maintenance will be needed. Does the applicant want to relocate the driveway as shown on Lot 2. The applicant will need a

driveway permit from NHDOT. We will need to determine if a separate name is needed for the shared driveway. John Powers said it may be acceptable to use Old Piscataqua street numbers since there is little potential for future development here.

Section 9.03 A. of the Subdivision Regulations states that a driveway must not serve more than 2 lots unless it is a porkchop subdivision. Assuming this shared driveway is the best approach a waiver would be needed. The regulations also call for a minimum right of way of 30 feet; a waiver for that might also be appropriate.

- 7) Frontage. We discussed at the TRG which side of the lots would be the front. I think it is appropriate that the front be the side along the road right of way. There was concern about having only a 10 feet setback from the shared driveway. We could specify a wider setback from the shared driveway if appropriate.
- 8) Lots. With the formal application all of the lot lines with bearings and distances will be needed. It is good practice to make lots as rectilinear as possible. The lots meet the dimensional requirements however. (In the future we may want to amend the regulations to avoid oddly shaped lots configured just to fit into the dimensional requirements.) The rear setback on Lot 3 will need to be corrected to 20 feet.
- 9) Right of way. The frontage will be on the right of way, part of which is adjacent to the paved/Town portion of Old Piscataqua Road. The right side will front on the right of way for Route 4. The Planning Board will need to approve frontage on the latter right of way per

175-39. Residence A District (RA).

B. Development Standards in the Residence A District.

2. No new residential lot shall have its required minimum lot frontage or driveway on a street that is functionally classified as an arterial or collector. The Planning Board may waive this limitation based upon a finding that there is no viable alternative for meeting the frontage requirement or for providing vehicular access to the lot due to the shape of the lot, the topography of the site, the potential impact on wetlands or other natural resources, or pre-existing legal restrictions applicable to the lot.

- 10) Sewer. The lot is currently connected to Town sewer. The Town plans to run a new sewer line in front of the property and the applicant will connect to that new line. We will have more information on the sewer line later.
- 11) Water. The lot is currently connected to Town water. We will have more information on the water line later.
- 12) Electric. There is above ground electric to the existing house (with the very last section underground). The applicant proposes to bury all of the lines. A waiver would be needed for any lines (including existing lines) to be above ground.

- 13) Fire. There will be a new Town hydrant connected to the new water line in the vicinity of this property. Fire standards require that the shared driveway be 20 feet wide.
- 14) Trash. Homeowners will be able to bring their trash and recycling to Old Piscataqua Road for pick up.
- 15) SPOD. It may be better to move the house and driveway on Lot 1 a little to the east so there will be no grading in the Shoreland Protection Overlay District. Any grading in the SPOD is a permitted use B. The existing house does not meet the SPOD setbacks but it is grandfathered. Future expansions to the property could require a conditional use (or variance)
- 16) WCOD. It looks like there are several wetlands separate from the Oyster River. These will need to be identified clearly. It is possible that a conditional use would be needed to widen the driveway in the front of the property.
- 17) Water table. We will need test pits with the formal application.
- 18) Dock. The existing dock will be connected to Lot 1. When the side lot line is extended to the water, the dock is contained within that lot. NHDES requires a side “setback” of 10 feet from extended lot lines.
- 19) School impact fees. The fee for \$3,699 will be payable for the 2 new lots when certificates of occupancy are issued.
- 20) No further subdivision. Any approval will require a condition specifying no further subdivision (other than a lot line adjustment) per 175-107 C.1 as creating four lots would have required a conservation subdivision.
- 21) Private Road. A road or shared driveway serving three lots is subject to this statute. . Town Council approval will be needed as will recording of an indemnification form.

674:41 Erection of Buildings on Streets;

...no building shall be erected on any lot within any part of the municipality nor shall a building permit be issued for the erection of a building unless the street giving access to the lot upon which such building is proposed to be placed:

(d) Is a private road, provided that:

- (1) The local governing body, after review and comment by the planning board, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof; and
- (2) The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and
- (3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought;

(over)

Lot 9-4

