



**TOWN OF DURHAM**  
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**Town Planner's Review**  
**Wednesday, October 16, 2019**

VIII. **32 Cedar Point Road – Revetment.** Change in design for revetment (retaining wall) approved as conditional use within the Shoreland Protection Overlay District. Heiderscheidt Trust, Benedict and Manisha Heiderscheidt, Trustees, property owner. Steve Riker, Wetland Scientist, Ambit Engineering, designer. Map 12, Lot 1-8.

➤ Determination whether proposed change is consistent with approved design.

Please note the following:

- **Approval.** The Planning Board approved a conditional use for a revetment at 32 Cedar Point Road on March 13, 2019 (enclosed). There was a fair amount of discussion about a relatively new technology involving a plastic mesh and anchoring, called Armormax, used to stabilize the slope that would underlay the plantings.
- **NHDES.** New Hampshire Division of Environmental Services rejected the design. The applicant appealed the decision and NHDES and the applicant negotiated a revised design incorporating rip rap (small boulders). Individual sheets of the original design (outlined in red) and the revised design (outlined in orange), along with full packets of the original and revised designs are included in the packets. See the most recent dates in the revision box at the lower right corner of Sheets C2 to distinguish the two designs.
- **Change.** I think the revised design is consistent with the original approval and that a new conditional use application should not be required because: a) it has been approved by NHDES, b) the footprint for the revised design fits within the approved footprint and the revised design appears to have less potential impact than the approved design. There is no specific process for changing a conditional use approval so I wanted to be sure both the Conservation Commission and Planning Board thought the change was reasonable and should be considered within the original approval.
- **Conservation Commission.** The change was presented to the Conservation Commission on September 23 and the commission thought it was reasonable, minor, and consistent with the original approval.

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- Informing neighbors. We sent a letter by certified mail to all neighbors within 300 feet of the project informing them about the proposed change at the request of the Conservation Commission (a copy was emailed to the board). I invited neighbors to contact me with any questions or concerns. I have not heard from anybody. It is possible somebody would speak during the public comments time about the change.
- Condition 3). The original conditional use approval by the Planning Board from March 13, 2019 is enclosed. If this change is acceptable then the conditions of that approval would still apply except for condition 3) which was specially tailored for the plastic mesh design.

**Lot 1-8 at lower right**

