



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

Town Planner's Project Review
Wednesday, January 22, 2020

IX. **22 Old Piscataqua Road – 2-lot subdivision.** Two-lot subdivision. Wetland, shoreland, and flood overlay districts. Pamela Wright and Charles Ward, owners. Paul Dobberstein, Ambit Engineering, surveyor. Map 11, Lot 9-3. Residence A District.

- I recommend acceptance as being complete, scheduling a site walk, and scheduling a public hearing for February 12.

Please note the following:

- 1) **Project.** This is for a 2-lot subdivision. The application is formal. See the colored map which shows the various natural resources lines of which there are numerous for the Town and the state. The main line to look at is the 75 foot wetland buffer line which constrains the lots the most. *See the map at the bottom.*

Process

- 2) **Acceptance.** The application is complete and can be accepted.
- 3) **Site walk.** We should schedule a site walk. This parcel is adjacent to the Churchill lot, for which a preliminary subdivision was reviewed recently.
- 4) **TRG.** The application was presented to the Technical Review Group on January 14. Notes from the meeting are enclosed.

Zoning Ordinance

- 5) **Lot size.** The application meets the requirements of the ordinance. Note that the front setback is reduced in accordance with footnote 1 in the Table of Dimensions. The minimum lot size in the RA district is 20,000 square feet. Wetlands and poorly drained soils within the WCOD do not count toward the lot size. Both lots exceed the minimum.
- 6) **Buildable area.** The buildable area for a house on Lot 2 is constrained. It is 5,433 square feet or about 1/8 of an acre. A prospective house is shown on the lot with a footprint of about 2,000 square feet. This area is constrained but appears to be workable. There is no minimum buildable area prescribed in the Town regulations (but the board could deny an application if the buildable area were found to be problematic).

- 7) Structures. Several structures in the side setback will need to be removed prior to my certifying the plans including the shed and trellis. The retaining wall extending across the lots is fine as it is part of existing infrastructure and is not considered an encroachment. However, we should clarify if any maintenance is needed and how that would be handled by two lot owners. The vegetable garden crosses the lot line but future owners can coordinate on that.
- 8) Front Setback. The front setback is reduced to 10 feet from the 30 foot standard setback in the RA zone in accordance with this provision below and a note in the Dimensional Table. The applicant references this in their Subdivision Plan in note 9). The only buildings within 300 feet (not counting the greenhouse) are the house and garage on the subject lot.

175-57 C. *Front yards*.

 1. Average setbacks along minor streets. When the average front yard of other buildings within three hundred (300) feet each way on the same side of a minor street is less than thirty (30) feet, the street yard may be reduced accordingly.
- 9) Overlay districts. The lot is in the Wetland, Shoreland, and Flood overlay districts as shown on the plans.
- 10) Conditional use. When Lot 2 is conveyed to another party they will apply for a building permit. The surveyor has shown a prospective house on the lot. A future owner could apply for a conditional use to place structures, utilities, access ways and other uses within the wetland buffer but such approvals would need to be pursued at that time. As part of a subdivision approval there should be a prominent note explaining the buildable area and buffers.

Other items

- 11) Waivers. The applicant has requested four waivers, three pertaining to soils and one to allow for above ground electric service, both to remain for the existing house and for the new lot. The waivers seem reasonable given that Town utilities are available and the above ground electric should not be obtrusive in this location. However, it may be worthwhile to take test pits to determine the depth to groundwater in order to clarify whether there will be challenges in building a house in a constrained area.
- 12) Deed. The deed to the property refers to an easement to Rockingham Light and Power. What is the status of this easement? Should it be shown on the plat? Also, should the sewer and water easement shown on the 1973 plan be shown? There are several deed restrictions but they do not appear to affect this proposal.
- 13) Utilities. Lot 2 will connect with Town water and sewer. The surveyor will show these utilities soon after coordinating with Public Works.
- 14) Fire Service. There is a hydrant to the west of the lot 20 feet away as noted in the application. John Powers said the applicant should check the building code for allowed distances between structures and limits on openings.

- 15) Public Works. Director Mike Lynch did not have any concerns at the TRG meeting. We will follow up about utility connections.
- 16) Cemetery. A cemetery is shown on the tax map below. We should clarify whether or not one is present.
- 17) Impact fee. As part of a subdivision approval the Planning Board would assess the school impact fee of \$3,699 for the new lot. The fee would be payable prior to issuance of a certificate of occupancy. This should be stated clearly on the plans.

Lot 9-3:

