



**TOWN OF DURHAM**  
8 NEWMARKET RD  
DURHAM, NH 03824-2898  
603/868-8064  
[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

**Town Planner's Project Review**  
**Wednesday, February 12, 2020**

- XI. **30 Old Piscataqua Road – 3 Lot Subdivision.** Application for 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 accept the application as complete and schedule a public hearing for March 11.

Please note the following:

- 1) **Formal application.** This is the regular *formal application* and new plans and documents have been submitted. The Planning Board reviewed the *conceptual application* for this project on September 25. A site walk was then held on October 18. I don't think that another site walk is needed. A memo from the applicant dated January 28 provides more information about the application including changes from the conceptual.
- 2) **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.
- 3) **Changes to plans.** Per standard practice there will be changes in the plans specified as precedent conditions. Some issues are discussed below. The applicant need not make any changes now prior to final action by the board unless the design for any particular issue is needed now to facilitate the board's review in which case a detail drawing could be submitted (such as for water and sewer below).
- 4) **Technical Review Group.** The formal application was presented to the TRG on February 4. I will send notes of the meeting shortly. The applicant presented the conceptual application to the TRG on September 17. We received a memo from the Police Chief with no particular concerns.
- 5) **Water and sewer.** Some additional questions remain with the locations for water and sewer. We propose continuing the review to March 11 to give the applicant time to work with Public Works. A revised plan or a detail plan should be submitted in advance of that meeting specifying exact locations of the lines and where the connections will be made. The lot is currently connected to Town water and sewer. The Town plans to run a new sewer line and all three lots will connect to that new line. Public Works would require separate lines for the water and sewer but they would

likely be placed in the same trench. Water will be connected in the front and the sewer at the back of the lots in the sewer easement. We will need to clarify a process for this installation. Should the lines be placed at the same time?

- 6) Electric lines. All electric lines will be buried including that portion serving the existing house that is above ground. That portion should be buried prior to certifying the plans or a surety will need to be placed. The plans should show precisely which portion of the electric is now above ground. the applicant will remove the existing poles.
- 7) Gas line. We received an email from the applicant about his conversation with Unitil. He found the cost to extend the line from the adjacent property at 22 Old Piscataqua Road (currently before the board also for a subdivision) prohibitive. If a buyer of one of the two lots wishes they could pay to extend the natural gas.
- 8) Shared driveway. We will need a cross section of the shared driveway. It will need to support fire equipment. The applicant proposes to pave 12 feet with 4 foot gravel shoulders on both sides. This seems to be a good approach. It would be appropriate to require that the locations where the individual driveways serving the two new lots come off the shared driveway be used unless the buyers receive an approval from that Town Engineer to change them. However, the entire shared driveway must use the same cross section.
- 9) Driveway construction. We will include language in an approval providing that the applicant build the shared driveway. Typically, a surety would be placed to cover the cost and the applicant would need to physically build it prior to issuance of a second certificate of occupancy the new lots. It can be a little tricky. It is best to pave it after all house construction so it is not damaged. The gravel portion should probably be installed prior to issuance of any new building permit. We will coordinate with Public Works on this.
- 10) NHDOT approval. Approval from NHDOT will likely be needed for the driveway portion that crosses their land.
- 11) Driveway maintenance. The applicant will need to provide documents for easements on the shared driveway and for maintenance. This could be submitted prior to final action or as a precedent condition assuming that is acceptable to the board. The easement should include the right of any party to turn around in the mouth of both individual driveways.
- 12) House locations. House locations shown are conceptual and not required.
- 13) Addressing. We discussed at the TRG whether there should be a new street name for the 3-lot subdivision at 30 Old Piscataqua Road. All lots will be accessed from a shared driveway. The applicant prefers to just number the lots using Old Piscataqua Road. John Powers said it may be acceptable to use Old Piscataqua street numbers since there is little potential for future development here.
- 14) Dock easement. The applicant will provide an easement across lots 1 and 2 for lot 3 to have a dock. A written easement will be provided. The drawing should be made clearer where the easement is located.

- 15) Miscellaneous items. A section of the 75 foot buffer line is missing on the plan. A tie line for the westerly section of lot 1 is needed. The approval block needs to be changed. Should the Quonset hut on lot 1 be removed by the applicant?
- 16) Waivers. Waivers are requested from showing test pits & percolation tests and HISS soil mapping. Those requirements are intended for conservation subdivisions so I recommend approval. I also recommend a waiver from Section 9.03A that a driveway not serve more than 2 lots and for a minimum right of way of 30 feet. I think the proposed design makes sense.
- 17) Covenants. The applicant said they will likely create private covenants for the lots, possibly regarding firearms, fences, and farm animals. A draft should be submitted as a precedent condition just for a cursory review.
- 18) Trash. Homeowners will be able to bring their trash and recycling to Old Piscataqua Road for pick up.
- 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.

**Lot 9-4**

