

From: [Carroll, John](#)
To: [Karen Edwards](#)
Subject: Fw: For the Planning Board and Conservation Commission, re: Gerrish Extension issue: DRI
Date: Sunday, May 24, 2020 10:31:20 PM

Please add: The publisher of the state publication named below is the New Hampshire Office of Strategic Initiatives (OSI), a state agency. That office also says that, given cross-border impacts, and given that those impacts could be negative, the Durham Planning Board and/or Town of Durham is supposed to treat the neighboring municipality as an abutter and therefore is required under law to inform the bordering municipality of all pertinent public hearings and meetings in a timely way so that the affected or potentially affected bordering municipality can respond if it chooses to do so.

From: Carroll, John
Sent: Sunday, May 24, 2020 10:20 PM
To: Karen Edwards <kedwards@ci.durham.nh.us>
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To the Planning Board and Conservation Commission,

Because of its proximity to the Madbury Town Line, and because all of the land of this proposed project, including the town-owned property of the Gerrish Extension and, as well, all of the privately-held land involved in this project, drains directly into the Town of Madbury, there are grounds for this project to be deemed a Development of Regional Impact (DRI) under the requirements of RSA 36:54 through RSA 36:58.

More specifically, RSA 36:55 lists six different factors, any one of which could result in a DRI determination. Of the six, three of the listed factors directly relate to the Gerrish Extension and associated proposed housing development. They are:

Factor #2: Proximity to the borders of a neighboring community (i.e., Madbury);

Factor #3: Transportation networks. According to the Strafford Regional Planning Commission (SRPC), NH State Highway Rte. 108, a principal artery between Durham and Dover, is subject to future flooding from rising tides, flooding which will be exacerbated by the project, flooding at the intersection of Gerrish Brook and Rte. 108 in Madbury;

Factor #5: Proximity to aquifers or surface waters which transcend municipal boundaries. All the run-off drainage of these perennially flowing wetlands now present and functioning on the site of this proposed project, when exacerbated by extensive tree removal, extensive paving (i.e., conversion of surface acreage from pervious to impervious), and subject to steadily increasing precipitation, precipitation well documented from climate change research,

transcends/crosses the Durham/Madbury line.

Further, according to the State of New Hampshire publication "Developments of Regional Impact: Information Guide for Local Land Use Boards", we are additionally told "It is important to note that the DRI determination may not be limited to these six circumstances. Other factors could lead the land use board (Planning Board) to determine that a development proposal may have regional impact." Thus, the Planning Board has further leeway in this regard, albeit Factors #2, #3, and #5 should be sufficient.

With respect to the proposed Gerrish Extension/Mulhern Housing Development application, sufficient studies must be done to satisfy New Hampshire state DRI requirements.

John E. Carroll

Emeritus of Environmental Conservation, UNH

Durham Land Stewardship Committee

Professor

Member,