



TOWN OF DURHAM
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Town Planner's Recommendation
Wednesday, September 23, 2020

IX. **Public Hearing - 22 Colony Cove Road– SPOD.** Conditional use application to install two patios within the 125 foot setback from Little Bay in the Shoreland Protection Overlay District. Naithan Couse, property owner. Beth Dermody, Landscape Architect, Allen & Major Associates. Map 12, Lot 25. Residence Coastal District.

➤ I recommend approval as shown below.

I believe that the applicant has met all of the requirements. The sign was posted and abutters were notified within 300 feet. The applicant spoke to the eight general and four specific criteria. The Conservation Commission recommended approval regarding the four criteria subject to submitting a sedimentation control plan and construction sequence which have been submitted.

This item was continued from the September 9 Planning Board meeting. The question was raised about numerous trees proposed for removal in the shoreland buffer. The Planning Board does not approve the removal of trees but wanted to be sure the proper review is conducted. I arranged to meet with the applicant, their landscape architect/agent, and Rich Reine, Durham Tree Warden and a certified arborist, on site. We are meeting on Friday, September 18 so I will let the board know about the review after we meet.

The shoreland overlay district allows for selective cutting in the buffer provided a healthy, well distributed stand of trees and other vegetation is maintained. No trees over 6 inches in diameter may be cut except for dead, diseased, unsafe or fallen trees. Ground cover may not be removed and tree stumps may not be removed within 50 feet of the reference line (highest observable tide line). The language of the ordinance is complicated so some judgment is called for. This review is best conducted by the tree warden.

Draft

NOTICE OF DECISION

Project Name: 22 Colony Cove – conditional use
Action Taken: APPROVAL
Project Description: Conditional use for two patios located in the Shoreland Protection Overlay District
Property Owner: Naithan Couse
Designer/agent: Beth Dermody, Allen & Major Associates
Map and Lot: Map 12, Lot 25
Zoning: Residence Coastal
Date of approval: September 23, 2020

(over)

The project is approved as submitted in the application for the conditional use including the updated plan showing sedimentation control and the construction sequence.

The applicant complied with the requirements for a conditional use including submission of an application and plan and response to the eight general and four specific criteria. The Conservation Commission reviewed the project on August 24 and recommended approval provided the sedimentation control and construction sequence information is submitted. A public hearing was held on September 9 and 23.