



TOWN OF DURHAM
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NOTICE OF DECISION

Project Name: Conditional Use for Garage and ADU – 74 Mill Road
Action Taken: APPROVAL
Project Description: Conditional use for new building to be located within Shoreland Protection Overlay District (SPOD)
Address: 74 Mill Road
Property Owner: Iago and Erin Hale
Engineer: Alex Ross, Ross Engineering
Map and Lot: Map 109, Lot 85
Zoning: Residence B
Date of approval: August 24, 2022

The application is approved as submitted and presented to the Conservation Commission and the Planning Board with the following three terms and conditions.

The applicant shall submit a plan to buffer and treat runoff from the new building to the Oyster River. The plan is to be approved by the Town Engineer prior to issuance of a building permit.

The Town Planner and Town Engineer shall meet on site with the applicant to look at how runoff from Mill Road onto the subject property might be mitigated by the Town. The results will be reported back to the Planning Board. The Town Planner will address this condition.

The conditional use is valid provided the applicant substantially commences construction on the new building by August 24, 2025.

Findings of fact. The Durham Planning Board finds the following: **A)** The applicant submitted an application, supporting *documents*, and plans for the project; **B)** The Conservation Commission *recommended approval*. **C)** The Planning Board held a *site walk* and a *public hearing* on the application; **D)** The Planning Board found that the eight criteria for *conditional uses* and four specific criteria outlined in the Zoning Ordinance are adequately addressed in the applicant's application; **E)** The new septic system as sized for the property will reduce *biological oxygen demand and total suspended solids* by over 60% which will more than offset the impacts from increasing the load from four to five bedrooms; number of bedrooms from four to five bedrooms; **F)** The Oyster River *Local Advisory Committee* was informed of the project by NHDES and did not have any comments on the project; **G)** The project was approved by NHDES under the shoreland statute; and **H)** The Planning Board duly *approved the application* as stated herein.