



TOWN OF DURHAM
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Town Planner's Project Review
Wednesday, August 10, 2022

VIII. **74 Mill Road – Conditional Use.** Conditional use for garage and accessory dwelling unit for single-family house to be located within the Shoreland Protection Overlay District (SPOD). Iago and Erin Hale, property owners. Alex Ross, engineer. Map 109, Lot 85. Residence B District.

➤ I recommend that the board schedule a site walk and the public hearing

Please note the following:

- The application is for a conditional use to build a garage with an accessory unit above within the Shoreland Protection Overlay District. The proposed structure is within both the 125 foot buffer from the Oyster River shown on the right side of the plan and the 75 foot buffer from a perennial stream at the top of the plan. One needs to look at the plan carefully to see the lines for both buffers. The structure is entirely within the former and partially within the latter. There is an existing barn near the river that will be removed. The conditional use is also for regrading and for a water line.
- The SPOD allows accessory structures, utilities, and grading by conditional use. The applicant received a variance for a detached accessory apartment which is not allowed in the Residence B zone.
- The applicant addresses the eight general criteria and the four specific SPOD criteria in the application.
- The project requires a Shoreland Permit from NHDES under the Shoreland Protection statute. The permit has been issued.
- The Conservation Commission recommended a finding that the four SPOD criteria are met, at its meeting on July 25 provided a measure is implemented to treat runoff from the new building to the Oyster River.
- There was discussion at the commission meeting about drainage from Mill Road running across the subject lot. I have asked the Town Engineer if there are any plans for this situation but have not heard back.