



10 April 2023

Paul Rasmussen, Chair  
Town of Durham Planning Board  
8 Newmarket Road  
Durham, New Hampshire 03824

**Re: Conditional Use Permit Application  
Tax Map 118, Lot 3  
Longmarsh Road  
Durham, New Hampshire**

Dear Paul:

This letter transmits a Town of Durham Conditional Use Permit Application request for work within the Wetland Conservation Overlay District (WCOD) that will impact 691 sq. ft. of jurisdictional wetland and 3,824 sq. ft. of buffer area the construction of a driveway providing vehicular access to a buildable area that would contain a single-family residential home with attached garage, deck, septic system and associated site grading. Please note that only the proposed driveway is located within the WCOD and the remainder of the proposed lot development is located outside of the WCOD.

The lot is currently undeveloped and contains forested uplands and wetlands. The western portion of the lot contains Longmarsh Brook with associated vegetated bordering wetlands. The eastern portion of the lot is dominated by forested uplands which includes a flatter area on the top of a ridge in which a proposed home has been designed. The lot is bordered to the south by Longmarsh Road in which a proposed driveway has been designed to provide vehicular access to the “building area” described above. A wetland drainage extends easterly along Longmarsh Road and the proposed driveway will cross this wetland (see attached plan set).

The proposed project has been designed to avoid wetland impacts to the greatest extent practicable and represents the least impacting alternative. Due to the configuration of the existing lot, location of the FEMA Regulatory Floodway, impact to the freshwater wetland is unavoidable for the construction of the proposed driveway. The wetland crossing maintains the existing hydrologic connection as the design has incorporated an ECO Passage Culvert which will serve to maintain existing hydrology and ecosystem/wildlife connectivity (see Permit Plan-Sheet C2 and Driveway Plan & Profile-Sheet C3).

The criterion for consideration of a Conditional Use Permit under Section 175-23 of the Town of Durham Zoning Ordinance is outlined below:

1. Site suitability: The site is suitable for the proposed use. This includes:





- a. Adequate vehicular and pedestrian access for the intended use.

***The intended use requires a driveway for vehicular access for which the referenced permit is being sought. The proposed driveway has been designed and engineered to meet current standards allowing safe access for the user.***

- b. The availability of adequate public services to serve the intended use including emergency services, pedestrian facilities, schools, and other municipal services.

***The proposed use will only require public services for electricity/communication cable. The proposed development includes a private well for water and an on-site septic system for wastewater disposal.***

- c. The absence of environmental constraints (floodplain, steep slope, etc).

***A slope does exist within the driveway pathway however the proposed grading accounts for lessening of the slope to construct a driveway that will provide safe access.***

- d. The availability of appropriate utilities to serve the intended use including water, sewage disposal, stormwater disposal, electricity and similar utilities.

***As mentioned above, the project will only require public services for electricity/communication cable. The proposed development includes a private well for water and an on-site septic system for wastewater disposal. The proposed electric line will enter the site via overhead line to a proposed utility pole on the subject parcel, as overhead electric currently exists along Longmarsh Road. The line will then run underground underneath the proposed driveway to the proposed home location.***

2. External impacts:

***The proposed project will not have any impacts greater than the impacts of adjacent existing uses as the abutting parcels and other nearby parcels have similar structures. The proposed project will not significantly increase traffic, noise, odors, vibrations, dust fumes, exterior lighting and glare.***

3. Character of the site development:

***The proposed site development is very similar in character to uses on abutting properties. The project proposes a single home on a 2.5 acre lot leaving a majority of the lot undisturbed which fits into the character of the neighborhood.***

4. Character of the buildings and structures:

***The proposed home (structure) is a 1,971 sq. ft. (footprint) single family residence with an attached garage. The proposed structure will meet the Town of Durham dimensional requirements including height (30 feet max.) and maximum impervious lot coverage (30%).***



5. Preservation of natural, cultural, historic, and scenic resources:

*As described above, the proposed home and septic system are located entirely outside of the wetland buffer (WCOD) which essentially preserves the natural functions and values associated with the wetland (Longmarsh Brook). The proposed driveway design, particularly the ECO Passage Culvert will serve to maintain hydrologic flows and organism passage in the area of the driveway crossing.*

*A review of historical & cultural resources will be conducted by the NH Division of Historical resources as part of the NH DES Wetland permit process, however it is not anticipated that the project will have any impacts on those resources.*

*Lastly, the project only proposes tree removal to the extent necessary to achieve construction goals. This will result in a residential development that will be properly screened, particularly from Longmarsh Road and will not have any significant impact on the streetscape or scenic views along Longmarsh Road.*

6. Impact on property values:

*The proposed project will not cause or contribute to a significant decline in property values of adjacent properties as the abutting properties and other nearby properties currently have similar features and development.*

7. Availability of Public Services & Facilities:

*As described above, the site is would served by electric and communication services of which currently exist along Longmarsh Road.*

8. Fiscal Impacts:

*The proposed project will not have a negative fiscal impact on the Town of Durham.*

The Planning Board shall approve a Conditional Use Permit for a use in the WCOD only if it finds, with the advice of the Conservation Commission, which all of the following standards have been met in addition to the general standards for conditional uses and any performance standards for the particular use as outlined in 175-61 as below.

1. There is no alternative location on the parcel that is outside of the SPO District that is feasible for the proposed use;

*Due to the configuration of the existing lot, location of the FEMA Regulatory Floodway, impact to the freshwater wetland is unavoidable for the construction of the proposed driveway.*

2. The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities as determined by the Planning Board;

*The driveway design includes grading and tree removal only to the extent necessary to achieve construction goals and to provide safe vehicular access to the building area on the lot.*



3. The location, design, construction and maintenance of the facilities will minimize any detrimental impact on the adjacent shoreland and waterbody as well downstream waterbodies, and mitigation activities will be undertaken to counterbalance and adverse impacts, and

*The project only proposes tree removal to the extent necessary to achieve construction goals and results in a development that meets the dimensional requirements, specifically impervious coverage. The development design locates the proposed home and septic system outside of the WCOD leaving as much vegetated wetland buffer on the lot possible. Lastly, the development design includes stone drip aprons around the proposed home which will serve to capture and infiltrate stormwater from the roof of the home providing a water quality function further protecting the adjacent wetland resource.*

4. Restoration activities will leave the site, as nearly possible in its pre-existing condition and grade at the time of application for the Conditional Use Permit.

*The proposed project does not have any restoration components associated with it however all disturbed or expoed soil areas will be loamed and seeded following construction.*

Please contact me if you have any questions or concerns regarding this application.

Respectfully submitted,

Steve Riker, CWS  
Project Scientist/Project Manager  
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