

To the Planning Board and Conservation Commission,
Please see the email from Robin Mower below.

Michael Behrendt

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From: RobinM <melodyofharpists@gmail.com>

Sent: Saturday, April 22, 2023 9:19 AM

To: Michael Behrendt <mbehrendt@ci.durham.nh.us>

Subject: ZO | WCOD and SPOD amendment | clarification

Greetings, Michael --

I read your Planner's Review on this topic and stumbled.

It seems to me that the below statement is misleading -- assuming I read it correctly, but also guessing that others may read it as I did:

...Applicants are not required to provide supporting documentation for this criterion unless the Planning Board has good reason to believe that this criterion applies.

Specifically, it is the applicant who typically argues that the criterion does NOT apply. And you would not want the applicant to be the fox guarding the henhouse. So the Board would require of the applicant not *supporting* documentation but, rather, documentation that supports the criterion NOT applying.

Therefore, I suggest the following amendment, where [word] = omit, and WORD in caps = replace or add:

B. 4. The proposed project will not have substantial adverse impacts to rare species, rare habitats, water quality, aquatic connectivity, or wildlife

corridors. Applicants are not required to provide [supporting] documentation [for] ARGUING THAT this criterion DOES NOT APPLY, unless the Planning Board has good reason to believe that [this criterion applies] IT DOES AND SO STATES.

Or, as rewritten:

B. 4. The proposed project will not have substantial adverse impacts to rare species, rare habitats, water quality, aquatic connectivity, or wildlife corridors. Applicants are not required to provide documentation arguing that this criterion does not apply, unless the Planning Board has good reason to believe that it does and so states.

Please share this email with the Planning Board and the Wetland and Shoreland Committee. The latter may of course find that I am misreading the intent.

Regards,

-- Robin

Robin Mower

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https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning_board/page/72164/town_planners_review_4.26.23.pdf

Town Planner's Review

Wednesday, April 26, 2023

IX. Public Hearing - Amendments to WCOD and SPOD. Amendments to the Wetland

Conservation and Shoreland Protection Overlay Districts proposed by the Conservation Commission and modified by the Planning Board.

/.../

The Wetland and Shoreland Committee (designated by the Conservation Commission) reviewed the proposed changes at its meeting on April 20. The committee and I recommend these changes in the proposed amendment:

Change proposed new subsections under 175-61. Conditional Uses in the WCOD.

B. 4. and C. and proposed new subsections under 175-72 Conditional Uses in the SPOD. B.4. and C. to read as follows:

B. 4. The proposed project will not have substantial adverse impacts to rare species, rare habitats, water quality, aquatic connectivity, or wildlife corridors. Applicants are not required to provide supporting documentation for this criterion unless the Planning Board has good reason to believe that this criterion applies.