



TOWN OF DURHAM
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Town Planner's Project Review
Wednesday, September 25, 2024

- VIII. **280 Durham Point Road. 2-lot Subdivision.** Subdivision of 33.5 acre parcel into a 5 - acre lot to contain an existing house and a 28.5 - acre lot intended for acquisition by The Nature Conservancy. Dick and Kathleen, Gsottschneider, Gsottschneider Family Trust, property owner. Ben Wallace, The Nature Conservancy, applicant. Valerie Shelton, Real Estate Agent. Adam Fogg, Surveyor. Map 227, Lot 36. Residence Coastal and Rural Districts.
- I recommend that the Planning Board approve waivers possibly subject to any appropriate conditions as part of an approval, accept the application as complete, schedule a public hearing for October 9, and decide whether or not to hold a site walk.

Please note the following:

- 1) **Applicant.** Note that while the Gsottschneider family is the property owner, The Nature Conservancy is the applicant.
- 2) **Acceptance.** I recommend acceptance as complete provided the surveyor provides a reasonable response to item 6, below, and with the understanding that the board reserves the right to require more topographic information after acceptance if needed to address the access question or to accommodate development should The Nature Conservancy not acquire the property.
- 3) **Site walk.** Would a site walk be helpful for the Planning Board?
- 4) **Application.** The house and appurtenant elements will be included on a 5-acre parcel and the remaining vacant 30- acre parcel is expected to be conveyed to The Nature Conservancy (TNC) which has an option on the parcel. If TNC can move forward with the purchase then there would be no development on the large parcel. *Note. However, if TNC does not move forward with the purchase then I understand that the applicant wants to complete the subdivision. The lot could then be subsequently developed for a single-family house or potentially further subdivided.
- 5) **Waivers.** The applicant has requested numerous waivers: from various items as shown on the waiver application forms and from showing most topographic features including

wetlands (See the checklist). It is appropriate to grant the waivers, with one proviso, since the large parcel will be conveyed to TNC for permanent open space or failing that will be conveyed to a developer who would need to provide detailed information later or for construction of a single family house. Any buyer of the lot for a single-family house would need to demonstrate as part of a building permit application that they would be in compliance with the Town's wetland and wetland buffer requirements.

- 6) Minimum lot size. The minimum lot size in the Rural/Residence Coastal Districts is 150,000 square feet. Wetlands, surface water, and any poorly drained soils within 100 feet of wetlands do not count toward the minimum lot size. The 5-acre lot has 218,236 square feet. It appears that there may be some wetlands on that parcel but likely not extensive wetlands. Most likely the lot would meet the minimum. The applicant has requested a waiver on delineating wetlands, a reasonable request for two large lots. However, we need to have a high degree of confidence that the 5-acre parcel meets the minimum. I do not think it reasonable to require that the wetlands be delineated as long as a knowledgeable professional, such as a surveyor or engineer, has walked the site and states that they are highly confident that there are not extensive wetlands on the site. I believe that Adam Fogg, the surveyor, will provide some information about this. We should have this information prior to acceptance. It is an appropriate practice to seek a "high level of confidence" in these situations unless it looks likely that the requirement is not met.
- 7) Access. ***It must be assured that access will be available to the large lot.*** What kind of access would TNC need to have? See wetlands, below. How is sight distance for the large lot? See my exchange with Val Shelton, realtor for the project, at the bottom.
- 8) Wetlands. The applicant notes on the application that there are wetlands on site but does not indicate where they are. The Town's very general Wetlands map from the 2015 Master Plan shows a possible wetland (hydric soils in green which may or may not be wetlands) at the front of the large parcel. As part of any subdivision approval there will need to be a clear method for how access will be gained to the new parcel. See map at the bottom. Durham Point Road is shown in black.
- 9) State standards. Even though there is no Town water or sewer serving the site, the state/NHDES does not review subdivisions where each lot equals or exceeds 5 acres.
- 10) Plan. Some additional information should be shown on the plans. This can be done after approval as a precedent condition: the line between the Rural and Residence Coastal zoning districts, even though all of the dimensional standards are the same for both districts (There is some difference in allowed uses). The front setback is 30 feet rather than 40 feet as Durham Point Road is a collector street, not an arterial. Monuments are not shown along Durham Point Road at breaks in lines and curves. The surveyor should clarify whether or not these are needed. The front setback line should probably be shown on the large parcel.

- 11) Technical Review Group. The plans were shared with the TRG on email but not at a meeting. If any staff have a concern they will let us know.
- 12) Impact fees. The approval will include a note that should the new lot be developed for a single-family house the school impact fee of \$3,699 will be assessed with this subdivision approval and payable prior to issuance of a certificate of occupancy.
- 13) Access information. Val Shelton responds to comments and questions from the Town Planner. Her responses are shown in bold type. Any existing driveway legally established or longstanding would be grandfathered. But if there is a wetland within 100 feet any changes to the driveway would probably require a conditional use.

What does TNC need for access? **It's a full gravel road that runs to the left of the powerline. Is the existing road sufficient? Large trucks use it for powerline equipment maintenance, when the upgraded the lines a few years ago and when Richard has done any logging operations. Would they have permission to use it? TNC would own it... Eversource just has an easement.**

It would probably not be adequate for a developer to use for access nor for a single-family house. **The current gravel road would make the most logical place of entry... it's existing and has the best line-of-site and resembles the driveways across the road that run along the power lines. Where would they take access? It's a road that crossed under the power line easement onto Durham Point. Eversource uses the same road. Is there a wetland there? Yes, but there is already a crossing with a culvert. We have a 100-foot buffer for wetlands. You can cross but need a conditional use. Do grandfathered crossings count? Richard may be able to speak better to this especially since work was done with the Town in regard to moving the road.**

It looks like there may be a wetland in front. If so, access would probably have to go through the Gsottschneider lot with an easement and all that goes with that. **That would not work... you'd be using the same driveway which has poor line-of-sight and runs in between the existing buildings out through an agricultural field, up through a wooded hillside, down through another agricultural pasture, and then across the 100' powerline easement. The wetland map you provided does not show the existing road which runs from Durham Point up into the proposed lot.**

We will need to see how sight distance is for the new lot. **Again, it's an existing access road which has been maintained for many decades. Would it be possible for you to take a ride by the property prior to the meeting? I think it will be pretty self-explanatory and you will agree makes the most logical point of entry, especially it's not going away given Eversource also uses it.**

Revised map showing existing gravel drive on large parcel:



