



MICHAEL BEHRENDT
Director of Planning and
Community Development
Town Of Durham
15 Newmarket Road
Durham, NH 03824-2898

Phone: (603) 868-8064
Fax: (603) 868-8033
mbehrendt@ci.durham.nh.us
www.ci.durham.nh.us

MEMORANDUM

TO: Jack Farrell

FROM: Michael Behrendt, Director of Planning and Community Development

DATE: March 14, 2014

SUBJ: **Determination about proposed subdivision on Edgewood Road**

- ❖ I have determined that the subdivision that you proposed for your property near the intersection of Edgewood Road and Emerson Road would not meet one of the criteria to be exempt from doing a conservation subdivision. If you disagree, you have the options of seeking an appeal from this determination or applying for a variance.

Please note the following:

- 1) The subject lot is Map 1, Lot 15-0. It has frontage along the extension of Edgewood Road and for 50 feet, on Emerson Road.
- 2) The lot is zoned Residence A. All residential subdivisions in this zone must be conservation subdivisions unless one of the 4 exemption criteria is met under Section 175-107 D.
- 3) You believe that your proposal meets criterion 3. Your proposal, as I understand it, is to have a total of four lots. There would be three lots plus a fourth that would be developed under the Conceptual Long Range Development Plan.
- 4) That is the entirety of your plan, as I understand it. Four lots, likely with a single family house on each, would be developed at one time (or perhaps the fourth would be developed separately later).
- 5) I believe that this proposal does NOT meet criterion 3 because I believe that this criterion requires that there be a total of three lots developed at one time and then the fourth lot or parcel is set aside for potential future development. If that fourth lot is developed in the future, it must be as a conservation subdivision. That future conservation subdivision would encompass the three original lots plus any additional lots created subsequently when the land set aside for the long range plan is developed. Thus, I believe the intent and language of criterion 3 would not permit a straight four-lot subdivision.

I am providing this determination, rather than Tom Johnson, Zoning Administrator, because Section 175-107 D. specifically directs that I make this determination. I hope that this information is helpful.