



**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

August 30, 2021

Audrey Cline
Code Administrator
Town of Durham
8 Newmarket Road
Durham, NH 03824

**Re: Application for Special Exception
Assessor's Map 12, Lot 9-12
12 Mathes Cove Road
Altus Project No. 5192**

Dear Ms.Cline,

On behalf of the Applicant, Paul Runcy, Altus Engineering, Inc. respectfully submits an application for two Special Exceptions for property located at 12 Mathes Cove Road. This project entails the construction of a single-family residence together with a driveway and associated utilities and drainage infrastructure. A similar application was approved by the Town in 2017 which has since expired. The Applicant is seeking relief from the following sections of the Durham Zoning Ordinance:

- Article XII.1, Section 175-56.H to allow a leachfield in 50' side setback, and
- Article XIII, Section 175-62 and Article IX, Section 175-29.B to allow a septic system in the 125' wetland setback.

Per the Ordinance, septic systems may be placed closer to property lines than otherwise permitted by Special Exception provided they are not placed closer to the boundary than permitted by the NHDES. In addition, where the Town's minimum septic standards cannot be met, a septic system that provides a higher level of treatment by using an innovative system approved by NHDES may be approved by Special Exception.

In addressing the Criteria for the Granting of Special Exceptions outlined under Article VII, Section 175-26, we offer the following:

1. That the use will not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation from the kind and nature of other uses in the vicinity or by reason of obvious and adverse violation of the character or appearance of the neighborhood.

The project entails a single-family residence with a driveway and septic system. This is consistent with the surrounding neighborhood and characteristic of this area of Durham.

2. *That the use will not be injurious or noxious and thus detrimental to the neighborhood by reason of any of the causes stated in Part B. Zoning Districts (See Table of Contents) of this chapter.*

The proposed single-family home is an allowed use in this zoning district and will therefore not be injurious or noxious to the community. The site is an existing lot of record created in 1966 along with all of the other properties on Mathes Cove Road.

3. *That the use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life or property, unsanitary or unhealthful emissions or waste disposal, excessive noise, or comparable adverse causes, impacts, or conditions.*

The construction of a single-family home within an approved subdivision will not create traffic congestion or hazards. It will be accessed from an existing low-volume residential roadway at a location that has adequate sight distance in both directions. The new house will be fully-compliant with all applicable codes, the septic system will feature an NHDES-approved innovative treatment system and the use will not generate excessive noise or create other adverse conditions for the neighborhood.

Furthermore, per Article IX, Section 175-29.B, the project must meet seven additional standards for individual non-conforming vacant lots in the Wetlands Conservation Overlay District:

1. *The lot upon which the exception is sought was an official lot of record, as recorded in the Strafford County Registry of Deeds, prior to the date on which this Article was posted and published in the town.*

The project is located on an official lot of record created by subdivision in 1966 which pre-dates the Article.

2. *The use for which the exception is sought cannot be carried out on a portion or portions of the lot which are outside the Wetland Conservation Overlay District or Shoreland Protection Overlay District without undue hardship.*

The site has a limited upland area located at the rear of the lot which is inaccessible without impacts to wetlands and the WCOD. This upland is characterized by extensive sections of ledge which restrict where a septic system can be placed. The leachfield was sited in the most suitable location on the lot within the setbacks mandated by the NHDES Subsurface Bureau.

3. *Due to the provisions of the Wetland Conservation Overlay District or Shoreland Protection Overlay District, no reasonable and economically viable use of the lot can be made without the exception.*

Without the ability to construct a septic system, the lot is unable to host any economically viable development.

4. *The location and design of the building(s) and all structures shall provide for the maximum setback from the reference line consistent with reasonable use of the property considering the size, shape, slope, and natural conditions of the lot including, but not limited to, soils, flood hazard areas, and wetlands.*

The proposed house is designed to be entirely within all applicable setbacks and the septic has been designed outside the 100' WCOD. The leachfield's encroachment into the 50' side yard setback was chosen as the most suitable alternative to moving it closer to the wetland.

5. *The design and construction of the proposed septic system will, to the extent practical, be consistent with the purpose and intent of this Article.*

The proposed septic system is consistent with the intent of the Article in that it allows for the reasonable development of an existing lot of record.

6. *The proposed septic system will not create a threat to individual or public health, safety and welfare, such as the degradation of ground or surface water, or damage to surrounding properties.*

Using an NHDES-approved advanced treatment design, the septic system will exceed the performance of typical systems. The leachfield also meets all NHDES-mandated setbacks. These features will serve to prevent water degradation or damage to abutting residences.


7. *Where site review is required, prior approval shall be obtained from the Planning Board.*

Site plan approval is not required for this project.

Please call me if you have any questions or need any additional information.

Sincerely,

ALTUS ENGINEERING, INC.



Erik B. Saari
Vice President

ebs/5192-APP-ZBA-CovLtr-090121

Enclosures



TOWN OF DURHAM
ZONING BOARD OF ADJUSTMENT
8 NEWMARKET RD
DURHAM, NH 03824
PHONE: 603/868-8064
www.ci.durham.nh.us

SPECIAL EXCEPTION

Name of Applicant Paul J. Runcy Revocable Trust, Paul J. Runcy, Trustee

Address: 2 Meader Lane, Durham, NH 03824

Phone # (603) 659-8112

Email: pjruncy@gmail.com

Owner of Property Concerned Same

(If same as above, write "Same")

Address: Same

(If same as above, write "Same")

Location of Property: 12 Mathes Cove Road

(Street & Number)

Tax Map & Lot Number Map 12 Lot 9-12

Description of proposed use showing justification for a Special Exception as specified in the Zoning Ordinance: Article: XII.1 Section: 175-56.H

Location of a septic system leachfield within the 50' side setback where 10' is permitted by NHDES.

The subject lot has a relatively small building envelope which requires that approximately half the proposed leachfield

be located in the side setback. The proposed septic system will utilize an advanced treatment system that will minimize

any potential for adverse effects to abutting properties or wetlands and applicable NHDES rules will be observed.

EXPIRATION PERIOD FOR SPECIAL EXCEPTIONS:

Any Special Exceptions granted shall be valid if exercised within **2 years** from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such special exception shall expire within 6 months after the resolution of a planning application filed in reliance upon the special exception.

Article XIII, Section 175-26
Special Exceptions

- A. *Criteria for the Granting of Special Exceptions.* The Zoning Board of Adjustment is authorized to grant a special exception in accordance with RSA 674:33 IV, as amended. The board shall grant a special exception if, and only if, it finds that all of the following general criteria, along with additional specific criteria for particular uses and activities given elsewhere, are met. The following are conditions of all special exceptions.
1. That the use will not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation from the kind and nature of other uses in the vicinity or by reason of obvious and adverse violation of the character or appearance of the neighborhood.
 2. That the use will not be injurious or noxious and thus detrimental to the neighborhood by reason of any of the causes stated in Part B. Zoning Districts (See Table of Contents) of this chapter.
 3. That the use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life or property, unsanitary or unhealthful emissions or waste disposal, excessive noise, or comparable adverse causes, impacts, or conditions.



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SPECIAL EXCEPTION

Name of Applicant Paul J. Runcy Revocable Trust, Paul J. Runcy, Trustee

Address: 2 Meader Lane, Durham, NH 03824

Phone # (603) 659-8112

Email: pjruncy@gmail.com

Owner of Property Concerned Same

(If same as above, write "Same")

Address: Same

(If same as above, write "Same")

Location of Property: 12 Mathes Cove Road

(Street & Number)

Tax Map & Lot Number Map 12 Lot 9-12

Description of proposed use showing justification for a Special Exception as specified in the Zoning Ordinance: Article: XIII and IX Section: 175-62 and 175-29.B

Location of a septic system within the 125' wetland setback.

The project site is an existing non-conforming lot of record. In addition, the proposed septic system will utilize an

NHDES-approved innovative treatment system which will mitigate any potential negative impact to abutting

properties or wetlands.

EXPIRATION PERIOD FOR SPECIAL EXCEPTIONS:

Any Special Exceptions granted shall be valid if exercised within **2 years** from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such special exception shall expire within 6 months after the resolution of a planning application filed in reliance upon the special exception.

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 3. That the use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life or property, unsanitary or unhealthful emissions or waste disposal, excessive noise, or comparable adverse causes, impacts, or conditions.

Letter of Authorization

I, Paul Runcy, Owner/Applicant, hereby authorize Altus Engineering, Inc. of Portsmouth, NH to represent me as the Applicant in all matters concerning the engineering and related permitting of a site plan on Durham Tax Map 12, Lot 9-12 located at 12 Mathes Cover Road in Durham, NH. This authorization shall include any signatures required for Federal, State and Municipal permit applications as well as any representation at related public hearings.


Signature

Paul Runcy
Print Name

8/23/2021
Date


Witness

Leslie Pasternack
Print Name

8/23/2021
Date



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Abutter's List

Tax Map 12, Lot 9-12
12 Mathes Cove Road
Durham, NH 03824

300-foot radius as of August 30, 2021

<u>Tax Map / Parcel</u>	<u>Abutter name & mailing address</u>	<u>Neighborhood address</u>
12 / 9-9	Edward J. & June M. Durnall Rev. Trust 26 Mathes Cove Road Durham, NH 03824	26 Mathes Cove Road
12 / 9-11	Robert M. Wade 16 Mathes Cove Road Durham, NH 03824	16 Mathes Cove Road
12 / 9-6	Cullen M. & Allison M. Jumper 23 Mathes Cove Road Durham, NH 03824	23 Mathes Cove Road
12 / 9-13	James J. Connell Rev Intervivos Trust 8 Mathes Cove Road Durham, NH 03824	8 Mathes Cove Road
12 / 9-5	Kathleen Fleming c/o Brian Fleming 1465 Hooksett Road, Unit 462 Hooksett, NH 03106	15 Mathes Cove Road
12 / 9-15	Grandy Rev. Trust, Andrew S. Grandy 1 Langley Road Durham, NH 03824	1 Langley Road
12 / 9-4	Thomas W. & Lee A. Huppuch 9 Mathes Cove Road Durham, NH 03824	9 Mathes Cove Road
12 / 9-16	Craig & Elizabeth Ann Lund 3 Langley Road Durham, NH 03824	3 Langley Road

12 / 9-3	Wharton/McDonald Rev. Trust. 5 Mathes Cove Road Durham, NH 03824	5 Mathes Cove Road
12 / 11-2	Nancy P. Sandberg Trust 15 Langley Road Durham, NH 03824	Lot 2 Langley Road
12 / 9-14	John E. Simeone 4 Mathes Cove Road Durham, NH 03824	4 Mathes Cove Road

Owner/Applicant:

12 / 9-12	Paul J. Runcy Rev. Trust 2 Meader Lane Durham, NH 03824	12 Mathes Cove Road
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Engineer/Agent:

Erik Saari
Altus Engineering, Inc.
133 Court Street
Portsmouth, NH 03801