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Town Planner Recommendation
Peak Multi-Use Path
Wednesday, February 27, 2013

VII. **Application for Conditional Use Permit** submitted by Joseph Persechino, P.E., Tighe & Bond, Portsmouth, New Hampshire, on behalf of **Peak Campus Development, LLC**, Atlanta, GA (applicant), Chet Tecce Jr., Durham, New Hampshire, John & Patricia McGinty, Durham, New Hampshire and the University of New Hampshire, Durham, New Hampshire (property owners) for a **pedestrian and bicycle path** which will encroach into a small area of wetland and wetland buffer. The properties are Tax Map 13, Lots 6-1, 10-0, 3-0UNH, 4-0UNH, 1-0UNH and 3-1UNH, on **Mast Road**, in the Office Research/Light Industry Zoning District. **Recommended action:** Accept application and set public hearing on February 27

- I recommend approval as stated below. *However, please note the following:
- The Conservation Commission recommended including three conditions for the path. Joe Persechino will present information about the recommendations, including the installation and maintenance costs, at the meeting on February 27.
 - Regarding the commission's recommendations from John Parry, I recommend these be included. The applicant stated that he had no objection to these recommendations at the February 13 Planning Board meeting (incorporated below).
 - Regarding the commission's recommendation for elevating the crossing over the wetland, I recommend NOT including this - *The pedestrian path should be elevated (on pilings in a boardwalk style) over wetland #2 to avoid/minimize filling (porous asphalt not feasible on elevated path). This would minimize the amount of fill in wetland #2 and remove the need to install a new culvert and convert a portion of the wetland to rock riprap.* I think that the cost for doing this outweighs the benefits. Construction and maintenance costs would likely be substantial, whereas the wetland does not appear to be of high value.
 - I think that the key question for the Planning Board pertains to the commission's recommendation for a porous asphalt surface, whether to require this for all or a portion of the path - *A porous asphalt surface is recommended on most of the path to mitigate infringement on the wetland and wetland buffer and to minimize the use of chloride on the path during the winter season. This is particularly recommended for the eastern half of the trail which receives ample winter sun exposure that could melt ice and avoid the need for excessive use of chloride de-icer.*

Arguments in favor of porous asphalt:

- The existing path is porous pavement
- Porous pavement is the desirable low impact development approach
- The applicant will already need to be maintaining a portion of their parking lot which is porous pavement

Arguments against porous asphalt:

- This path is a requirement for the project and is being built to serve a broader public purpose.
- It is questionable whether porous pavement is as valuable for a long, narrow strip of pavement as for a broad, rectangular parking lot.
- The additional cost for installation and maintenance is likely to be somewhat significant

Approval. The conditional use application is approved with the following terms and conditions:

- 1) The application is approved as submitted except for any additional terms herein and any conditions imposed by the New Hampshire Division of Environmental Resources.
- 2) A variance was granted to fill the wetland by the Conservation Commission on February 12, 2013. The Conservation Commission reviewed the application and made three recommendations,
- 3) All terms regarding the path from the original multifamily site plan approval still apply (except where otherwise clarified or superseded herein).
- 4) The lighting shall be as presented to the Planning Board.
- 5) Conservation Commission chair John Parry's recommendations for avoiding damages to trees in terms of trail layout and construction methods/timing shall be followed. These recommendations are detailed in a separate December 20, 2012 memo from John Parry to Tighe & Bond,

*** Porous pavement ???