

County Line Holdings, LLC
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**Formal Application for Residential Conservation Subdivision
Durham Tax Map 13, Lot 15-1**

July 30, 2012

As you know, we have been meeting with the Planning Board to review design considerations for a subdivision of the above property. This review has followed the process as provided for residential conservation subdivisions. In addition to meeting formally with the board during the preliminary phases as required, we have also met on the site on two occasions for site walks, and have met with the Conservation Commission to review the plan and seek guidance in its final design.

Comments of staff and the boards have been incorporated into the enclosed plans, which are presented as part of this final application.

We also met with the Zoning Board of Adjustment and received Special Exceptions as required for location of septic systems in order to proceed with this plan.

The owners of the property now wish to finalize the process of establishing a residential subdivision of the property as provided under Article XIX of the Zoning Ordinance, as a Conservation Subdivision.

The subject property comprises 46.79 acres and is located along the northerly side of Mill Road with over 2,500 lineal feet of existing road frontage. The property is located in the Residence B zoning district. This district provides for a minimum usable area per dwelling unit of 40,000 square feet, and a minimum road frontage per lot of 150 feet. With the exception of age-restricted development, residential use in the district is limited to single-family homes. All proposed lots meet or exceed the minimum standards of the district for area and frontage.

Existing land uses in proximity to the property include medium density single-family homes along Mill Road to the south, and undeveloped woodlands to the north and east. Open space areas, and some areas approved for future development of the Spruce Wood Senior Housing development are located to the north of the property.

Portions of the privately held undeveloped woodland to the north are located in the ORLI zoning district, which allows a wider range of residential as well as commercial uses in higher densities than the Residential B zone. Other undeveloped woodlands to the north, and those to the east, are held by the University of New Hampshire.

The property has been shown to contain 687,305 square feet of usable area, as defined by the Durham Zoning Ordinance. This comprises 15.79 acres, or approximately 34% of the land area. Provided that 40% of this usable area is set aside as open space, the Zoning Ordinance would allow for a maximum of 17 single family homes to be built on the site.

The property is gently rolling with large areas of little topographic change. There are significant areas of jurisdictional wetlands, as well as areas of somewhat poorly drained soils. Most of the property is in mixed woodlands. There are also large areas of overgrown wet meadow.

The primary drainage pattern off the site is to the Oyster River, however some portions of the southerly areas off the property drain under Mill Road and to the Lamprey River.

The primary existing land use is unmanaged woodland, with the exception of the original homestead located on Mill Road in the center of the road frontage. The residential dwelling is in poor condition. A stone outbuilding on the property has notable architectural significance and may be of interest to a future owner for restoration and adaptive re-use.

Wetland delineation, high intensity soils mapping and test pit analysis were completed by New Hampshire Soil Consultants and Jack P. Hayes, and were witnessed according to Durham regulations.

As was discussed at prior hearings, it is clear that the existence of significant wetlands and associated wetland setbacks impose major limitations on the placement of structures and septic systems on the property. For that reason, a large subdivision including construction of significant roads and other infrastructure is impractical.

However, we have shown that a limited subdivision of high quality lots is possible within the framework of Durham's Conservation Subdivision provision. We have shown that this can be accomplished, while at the same time providing significant area for permanent land conservation. Conserving this land would be especially important in light of its contiguity with the woodlands of the University of New Hampshire and surrounding privately held open space.

In light of these conditions, and with recognition of the adverse long term costs to the Town which result from the creation of new public roadways and related infrastructure, it is our belief that a limited subdivision of the property as shown here is best accomplished through the use of shared driveways, and on-site, individually owned and maintained wells and septic systems.

The enclosed subdivision plan shows a total of eight lots, one of which is already developed. This proposed developed area would consume approximately ten acres of the property, and would result in the permanent conservation of around 37 total acres. The majority of this conserved area is contiguous with the University woodlands, and as such it is especially valuable due to its contribution to the preservation of a large unfragmented area beneficial for water quality and wildlife habitat.

The limited extent and density of the proposed plan, coupled with the location of proposed conservation lands adjacent to College Woods and open space of the adjoining development will provide significant enhancement to those areas and add to the scope of contiguous conserved lands in the area, providing a long term benefit to wildlife habitat.

We have shown that innovative septic systems can be placed on the proposed lots in such a way as to minimize impact on wetlands. The limited number of driveways, many of which are common, and the lack of any new roadway construction will further reduce the project's impact on natural resources, and limit the creation of storm water runoff.

Project standards shall include requirement for rain gardens and other innovative low-tech methods to collect and treat storm water as closely as possible to its source and reintroduce it into the water table in small decentralized areas.

The landowners prefer that much of the conserved land remain as part of the original homestead. In addition, it is the intention of the landowners to annex portions of the property to the adjoining land of Melanson in a boundary line adjustment, which is included as part of this final subdivision plan. Any such land that is part of the required minimum conservation land would be subject to easement and use restriction as specified in the regulations. Other portions of the property, which are to be set aside for conservation purposes, shall also be subject to easement and deed restriction.

The easement holder for the conservation easements could be the Town of Durham Conservation Commission or other suitable agency. The landowners are open to discussion of this option. Easement restrictions will be included on the property deeds at the first conveyance.

We look forward to your final review of this application.

Respectfully,

John H. Farrell

Cc/ Joyce Melanson, Martha and Wayne Garland