



**TOWN OF DURHAM**  
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### ***Town Planner's Recommendation***

VIII. **13 Longmarsh Road – Kelly Cullen.** Modification to approved two-lot subdivision to allow overhead utilities to cross Longmarsh Road to reach one new utility pole. Kelly Cullen (applicant); Adam Fogg, Atlantic Survey (surveyor). Tax Map 15, Lot 23-0, Residence B Zoning District.

➤ I recommend approval of the modification and waiver as shown below

Please note the following:

- 1) Kelly Cullen's 2-lot subdivision on Longmarsh Road was approved by the Planning Board on March 27, 2013.
- 2) See the enclosed subdivision plan and modification request.
- 3) The applicant requests a modification of a condition of approval and a waiver from a provision of the Subdivision Regulations to allow for above ground utilities in a portion of her new lot
- 4) Precedent condition 2) b) states, "All utilities must be underground, including utilities extended onto the site from existing poles near the site."
- 5) The Subdivision Regulations state the following. A waiver is needed from this provision.

#### ***9.05 Non-Municipal Utilities***

*B. Design Standards - All utility facilities, including, but not limited to, electric power and telephone, shall be located underground throughout the development. Whenever existing utility facilities are located above ground, they shall be removed and placed underground. Existing utilities which are located within public rights-of-way are exempted from this provision. The Board shall review and approve the location of all non-municipal utility lines.*

- 6) For the new lot, there are two nearby existing poles. One is on the mother lot located to the southeast of the parcel. Using this for underground utilities would require going underground from that pole and running across that lot, under the driveway on that lot, providing an easement across that lot, extending a few hundred feet underground. The other existing pole is across Longmarsh Road. To go underground from that pole would require tunneling under or trenching across Longmarsh Road to serve one new single family house. I think either option would be unduly burdensome.

- 7) The applicant proposes to install one new pole as shown on the drawing. The line would run above ground, across Longmarsh Road, to the new pole. It would run underground from there to the house. This seems like a reasonable approach.
- 8) The new pole would need to be set 75 feet beyond the wetland boundary to stay out of the wetland buffer. If the Planning Board stipulated that the pole be as close to Longmarsh Road as possible then it would be set just beyond the wetland boundary and require a conditional use permit. It seems better (with no impact on the buffer) to place it beyond the 75 foot buffer.

**\*Draft\***

**NOTICE OF DECISION**

<b>Project Name:</b>	<b>13 Longmarsh Road – 2 lot subdivision</b>
<b>Project Description:</b>	MODIFICATION and waiver for above ground utilities
<b>Applicant:</b>	Kelly Cullen
<b>Surveyor:</b>	Adam Fogg
<b>Property Owner:</b>	Kelly Cullen
<b>Map and Lot:</b>	15, 23-0
<b>Zoning:</b>	Residence B
<b>Date of approval:</b>	<b>August 13, 2014</b>

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The requested modification and waiver are approved with the following terms and conditions.

- 1) Approval is granted to place one new pole as shown on the submitted plans (sent via email to Michael Behrendt on July 29, 2014). The pole will be located on the new, vacant lot at least 75 feet from the wetland boundary. The electric line(s) will run overhead from the existing pole on the opposite side of Longmarsh Road, across Longmarsh Road, to this new pole. The line(s) will run underground from the new pole to the house and any other sites on the lot.
- 2) This approval includes a modification from the original subdivision approval (precedent condition 2b) and a waiver from Section 9.05 B of the Subdivision Regulations.
- 3) All other conditions of the original subdivision approval shall apply.