



**TOWN OF DURHAM**  
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***Town Planner's Recommendation***  
**Wednesday, February 25, 2015**

XII. **Public Hearing - Edgewood Road and Emerson Road Subdivision.** 4-lot subdivision and a boundary line adjustment. Jack Farrell, applicant. County Line Holdings, LLC and Mark Morong 1991 Trust, owners. David Vincent, surveyor. Map 1, Lot 15-0. Residence A Zoning District.

➤ I recommend discussion and continuing the public hearing to March 25. See items 4) and 5), below.

Please note the following:

- 1) 4 lots. The plan has been changed back to the original 4-lot subdivision. The applicant had changed it to a 2-lot subdivision but has now returned to the original layout.
- 2) Edgewood Road design. The key issue is the design of Edgewood Road. Edgewood Road provides access to the three new lots. The first third or so is a Town-maintained Class 5 road. The second two-thirds or so is a Class 6 road.
- 3) I believe that once an acceptable road design is presented, the subdivision will move along. At that point, we will need a design for the private shared driveway that will serve the three lots.
- 4) Moving forward. There has been much discussion for what if any improvements need to be made to the road for the subdivision. This discussion has not moved forward. The applicant must present a design (i.e. showing the specific improvements to the existing road) that is acceptable to the Planning Board with input from the Fire, Police, Public Works, and Building Departments. The applicant has proposed only minimal improvements but this has not (yet) been deemed acceptable. The final improvements must include a plan and cross section (A profile should not be needed due to the fairly flat grades).
- 5) March 25 meeting. I would recommend that the application and public hearing be continued to the March 25 meeting. If the applicant has not submitted a design that these 4 departments consider workable or potentially workable by the TRG meeting on March 17, then, at the March 25 meeting, the board may wish to postpone or table this item until such a design is submitted.
- 6) Flexibility. While the Road Regulations stipulate a 20 foot wide paved road for new roads, I believe that the Town has been reasonably flexible on these matters. For example,

the applicant for the Mill Pond Subdivision met with the TRG on site and all parties agreed that a moderate improvement to the road made sense – retaining the existing 12 foot pavement and adding 4 foot gravel shoulders on each side. I offer this as an example only; I am not saying this would necessarily be the appropriate design for this subdivision (Mill Pond is adding 1 lot for a total of 2; Edgewood Road is adding 3 lots to the existing 2 for a total of 5).

- 7) Road Maintenance Agreement. The applicant prepared a draft Road Maintenance Agreement for Class VI Portion of Edgewood Road Extension (It is no longer called “Extension”) among the 3 owners of the proposed lots and the 2 existing lots that already take access from the Class 6 Road. It is hoped that the owners of these 2 lots would sign on to such an agreement. Has the applicant spoken with them about it yet? At the appropriate time, this document will need to be reviewed by the Town Attorney. The draft is included in the packet.
- 8) Other Road Abutters. Does the applicant know if these 2 lot owners have any particular opinion about what sorts of improvements should be made to the road?
- 9) Private Driveway Agreement. The applicant prepared a draft Private Common Driveway Maintenance Agreement for the private shared driveway. At the appropriate time, this document should also be reviewed by the Town Attorney.
- 10) Conditions of ZBA Variance. This new document from the applicant is included in the packet.
- 11) Conditional Use – DCC. A conditional use will be needed as part of the subdivision approval for the shared private driveway to cross the wetland. The Conservation Commission reviewed the application on February 12, 2015 and recommends approval of the conditional use with the following conditions (my paraphrasing DCC Chair Ann Welsh’s email to me):
  - a) The applicant will need to come back to the Conservation Commission as part of the NHDES Dredge and Fill review to fill the wetland, so other appropriate conditions may be specified at that time.
  - b) Every effort shall be made to save any large trees on the property.
  - c) The Conservation Commission reserves the right to comment on conditional use permit conditions two, three, and four as part of the NHDES wetland review.
- 12) Conditional Use Criteria. The applicant included a memo to the board addressing the criteria. It is included in the packet.