



TOWN OF DURHAM
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Town Planner's Recommendation
Wednesday, March 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. ***Recommended action:*** Discussion and continuation of project and public hearing.
- I recommend discussion, continuation of the project and public hearing, and guidance if a 20 foot road and driveway surface seems acceptable.

Please note the following:

Edgewood Road

- 1) **Updated road/driveway plans.** Updated plans are enclosed. The subdivision plat has not changed but the applicant has provided a conceptual layout of the road and shared driveway. A detailed cross section of both is needed along with details on which trees, if any, would need to be removed. Since the road is pretty flat a profile is probably not be needed unless deemed necessary by the Town Engineer.
- 2) **20 Foot Surface.** After consulting with the Fire Department, the applicant is modifying the plans to provide for a 20 foot surface for both the Edgewood Road section and the shared driveway. This was discussed at the TRG meeting on March 17 and the TRG thought this seemed reasonable, but more details are needed.
- 3) **Class 6.** The Town maintains the wide section of Edgewood Road but not the section where it narrows down. The plans show this as a Class V but I believe it would be classified as a Class 6 (not Town-maintained) road. The applicant would add gravel shoulders to the existing pavement. It is preferable for the shoulders to be added on both sides equally if possible. This is similar to the approach being taken for the former Mill Pond Center 2-lot subdivision.
- 4) **Condition of pavement.** Once we receive a plan we will ask the Town Engineer to review the condition of the existing pavement.
- 5) **Waiver.** The Road Regulations stipulate a 20 foot wide paved road for new roads, so a waiver would be needed for use of gravel.

- 6) 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. Mr. Farrell said he is in discussions with the owners of the two other lots (12-6 and 12-9) that already take access from this road and is trying to develop a maintenance agreement among those two owners and the three new lots. Presumably, this would apply only to the Edgewood Road section, since it is only those two owners who take access from the portion beyond Edgewood Road, that lies within the DOT right of way.

Shared Driveway

- 7) For the shared driveway that will lead directly to the three lots, this would also be 20 feet wide. Mr. Farrell was not clear at this point whether he would like for this to be pavement, gravel, or a combination. Since this would be an entirely private way, it seems appropriate for him to propose a design which the TRG and Planning Board could then review.
- 8) Private Driveway Agreement. The applicant prepared a draft Private Common Driveway Maintenance Agreement for the private shared driveway.
- 9) 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.
- 10) Conditional Use Criteria. The applicant included a memo to the board addressing the criteria. It is included in the packet.
- 11) Access to 3 lots. Again, the applicant has requested a waiver from Subsection 9.03 A. of the Subdivision Regulations which limits access to private driveways to 2 lots.

Other Issues

- 12) 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.
- 13) Sprinklers. A condition of the Fire Department agreeing to this road/driveway layout is for the 3 houses that would take access to this road to be sprinkled.

- 14) Accessory Apartments. The applicant has committed to specifying that the three lots be used for single family only without accessory apartments. This makes sense given the constrained access.
- 15) Utilities. All 4 lots would be served by Town water and sewer.
- 16) Police Department. We received a sign off from the Police Department.
- 17) Other issues. Other issues have been discussed, such as the applicant's proposal for extra buffers on the lots.
- 18) Council approval. Again, the Town Council would need to authorize issuance of building permits for these three lots per RSA 674:41. This could be included as a precedent condition.
- 19) Next steps. Once we receive detailed plans for the road and driveway that are deemed acceptable, I can put together draft conditions for the board to evaluate.