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Town Planner's Recommendation
Wednesday, April 22, 2015

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 the public hearing be closed, the board provide direction on the subdivision including the designs for the Class 6 – Edgewood Road portion and the shared driveway portion, and the project be continued to May 13

Please note the following:

Next Steps

- 1) Next meeting. If all is in order I will have recommended conditions of approval prepared for the May 13 meeting. I think that one more set of revised drawings will be needed for the May 13 meeting (they should be submitted by May 4 at the latest to allow for final review by TRG members). A number of the items below, however, are intended to be addressed as precedent conditions, *after* Planning Board approval.
- 2) Proposed design and plan. Does the Planning Board find the proposed design and plan, as follows, acceptable?

Class 6 Road

- 3) Road Design. The TRG discussed in detail the proposed improvements to the Class 6 Road – the continuation of Edgewood Road at its meeting on April 14. Presently there is an approximately 12 foot paved road. The applicant proposes to add 8 feet of gravel on the easterly side of the pavement to create a 20 foot travel surface. It would be preferable to add 4 feet of gravel shoulders on each side (as was approved for the Mill Pond Subdivision), so the road would be symmetrical, but the existing pavement is situated far to the west of the right of way, so it would be very tight to try to add it on that side and remain within the right of way (allowing for the need for maintenance beyond the shoulder). Plus, one of the abutters on that side, Robert Marshall has requested to the board that improvements to the road be placed on the far side (easterly side) from him. Given that the vast majority of traffic on this road would be by the five residents, the members of the TRG thought that this was the most appropriate design for the road.
- 4) Section and plan. The applicant will submit a revised plan and cross section showing this design. The detail sheet shows “Typical Expanded Road Section.” This should be

changed to show 8 feet of gravel rather than 2 foot minimum and be relabeled as “Typical Class 6 - Edgewood Road Section.”

- 5) Gravel. Mike Lynch said the gravel will need to be good processed gravel. DPW will approve the specifications.

Shared Driveway

- 6) Design. See the detail sheet. The cross section for is shown as “Typical Road Section.” This should be changed to “Typical Shared Driveway Section.” The TRG thought this design made sense.
- 7) Drawings. Some changes should be made to the drawing – specify the width of various sections, identify the easement boundaries, and adjust easement boundaries so they extend at least 5 feet beyond the travelway to allow for maintenance. The easement areas should generally be centered around the travelway unless it is expected that more room for maintenance is needed on one side.
- 8) Access to 3 lots. The applicant has requested a waiver from Subsection 9.03 A. of the Subdivision Regulations which limits access to private driveways to 2 lots.
- 9) Street name. A street name will probably be needed (as a precedent condition). A street sign should be posted where the shared driveway meets the Class 6 road .
- 10) Mail boxes. Mail boxes should probably be placed near the street sign. The Post Office will drive down the Class 6 road to reach them.

Fire Department

- 11) Sprinklers. My understanding is that the Fire Department is fine with the designs of the class 6 road and the shared driveway. We will obtain a signoff from the department, of course. The applicant has agreed to sprinkle the 3 new houses which allows for more flexibility for the department.
- 12) Structure of roads. My understanding is that the gravel for both the class 6 road and shared driveway, as well as the 2 turnarounds shown on the individual lots is designed to support fire trucks. The department will confirm this with its signoff.

Utilities

- 13) Show utilities. The water, sewer, electric and any other utilities should be shown on the plan, including in the Class 6 and shared driveway areas.
- 14) Underground. New electric utilities are required to be placed underground. The lines are above ground within the Class 6 road. How will the new lines connect with these existing lines?
- 15) Trash. The TRG spent a good amount of time wrestling with this issue on April 14. After considering the various possibilities, members present thought it made sense to not erect any structure but rather let lot owners know that the Town does not pick up trash on the Class 6 road nor on the shared driveway, and that owners may either bring their trash to

the end of the Class 5 portion of Edgewood Road or take it to the transfer station on Durham Point Road. We should note that the Town reserves the right to not pick up trash at the end of Edgewood Road if the trash is not maintained in a neat and orderly manner. This information could be included in the maintenance agreements and the deeds, as appropriate. The Town picks up trash along Town roads in front of single family houses.

Situations like this fall into a gray area. The houses are single family but they are not located along a Town road. The challenges with requiring the applicant to erect an enclosure is that it would need to be maintained. The Town would not maintain it and it could be difficult to get the owners to maintain it. The structure would be in view all the time whereas the trash would be there only one day per week. Note that Town vehicles do not drive on Class 6 roads. Tom Johnson, Building Official (who could not make the TRG meeting), in contrast, believes that another approach is needed.

Construction of road/driveway improvements

- 16) **Construction**. The applicant proposes to not build the improvements – improvements to the Class 6 section, construction of the shared driveway, installation of utilities, and other improvements (such as the street sign) - himself but expects to sell the subdivision to a developer who would build them. This is reasonable provided appropriate surety, process, and notice is given.

- 17) **Process**. There would be a condition that no building permit on any of the 3 lots would be issued until a full surety is posted to guarantee the construction of all improvements. Then, no certificate of occupancy would be issued until all improvements are completed. There would need to be a very prominent note on the plan and in the deeds to this effect. We would want to be sure that any party buying a lot would clearly understand that the lot could not be built upon until the improvements are built or bonded for (presumably by a developer, rather than by one or more of the individual lot buyers, unless that was an intentional plan). In a conventional subdivision, the road would have to be built or bonded for prior to recording of the plat and selling of any lots, so that if the developed leaves town, there is money to build the street to provide access for people who have bought lots. Here, the applicant is proposing that the lots be sold without any surety. This different treatment may make sense given that this is not a conventional subdivision, but we need to avoid a situation where the lots are sold off with no surety and there is no party remaining to build the improvements. I don't know if that can be sufficiently provided for. ***I will check with the Town Attorney on this item.**

Wetland

- 18) **Dredge and fill**. The applicant has applied for his permit from NHDES

- 19) **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 several conditions.

- 20) **Conditional Use Criteria**. The applicant included a memo to the board addressing the criteria. It was included in the prior packet.

Agreements

- 21) Other 2 lots. There are 2 existing lots that already take access from the Class 6 road. The applicant is meeting with them hoping they will agree to be part of a 5-member group that will maintain the Class 5 road jointly. *We should know if they have agreed to be part of this prior to Planning Board approval as this will affect the structure of the agreements.*
- 22) Drafts submitted. The applicant has submitted draft agreements for access and maintenance of both the Class 6 road and shared driveway. I will review these again to see if there are any key concerns. These can probably be finalized as precedent conditions.

Miscellaneous

- 23) Accessory apartments. The applicant has agreed to a condition that accessory apartments not be permitted for the 3 new lots (in order to reduce traffic on the road/driveway and impacts upon abutters).
- 24) Variance. The ZBA granted a variance to allow for 4 lots to be developed not as a conservation subdivision. Conditions of the variance will be included in the subdivision approval.