



TOWN OF DURHAM
15 NEWMARKET RD
DURHAM, NH 03824-2898
603/868-8064 603/868-8065
FAX 603/868-8033
www.ci.durham.nh.us

Town Planner's Recommendation
Wednesday, August 13, 2014

EDGEWOOD ROAD AND EMERSON ROAD. Subdivision & Boundary Line Adjustment for 4-lot subdivision. Jack Farrell, applicant. County Line Holding, LLC and Mark Marong 1991 Trust, owners. David Vincent, surveyor. Map 1, Lot 15-0.

➤ I recommend continuing the public hearing to September 10 and scheduling a site walk.

Please note the following:

Process

- 1) Acceptance. The application was accepted as complete on July 23.
- 2) Variance. A variance was granted to this application on April 8, 2014 to be exempted from the Conservation Subdivision requirements. There will need to be a condition that no further subdivision (other than boundary line adjustments) will be permitted, so there may be a total of only 4 lots in perpetuity.
- 3) Waivers. The applicant has requested several waivers, including waivers from the Conservation Subdivision requirements. Since this will not be a conservation subdivision granting of those waivers makes sense.
- 4) TRG. This project was reviewed by the Technical Review Group. No significant issues were raised at that preliminary review. It will come back for further discussion soon.

Zoning Ordinance/Subdivision Regulations

- 5) Frontage. I believe that the 100 foot frontage requirement can be met using the state right of way. I will confirm this with the Zoning Administrator
- 6) Lot dimensions. Setbacks and lot sizes for Residence A are complied with.

Edgewood Road

- 7) Class 6. The Class 6 portion of Edgewood Road should probably be converted to a Class 5 (regular Town Road). This would require approval of the Town Council.
- 8) Edgewood Improvements. What should be the design of the revised Edgewood Road? There should be a new design for the portion from Emerson Road to the State right of way. I believe it will need to be at least 20 feet wide. Input from the Public Works and Fire Departments is needed.

- 9) Design. We will need a cross section and plan for the improvements (and possibly a profile depending on grades).
- 10) Name of road. According to the Fire Department, we are no longer using “Extension” so this section of road is called “Edgewood Road.”
- 11) Abutter. Bob Marshall, the owner of Map 1, Lot 12-11 (located southwesterly of Edgewood Road) spoke to me about concerns for upgrades to Edgewood Road. He is concerned about the impact of trees along the right of way and hopes that any upgrade/new road be located as far from his lot as practical, to minimize impact on the trees and disturbance to quiet enjoyment of his home.
- 12) Timing. It will need to be determined when the improvements will be made, and by whom.

Private Road/Shared Driveway

- 13) Improvements. What design should the shared driveway have? We will need a cross section and plan of the driveway (and possibly a profile depending on grades).
- 14) Written easements. Draft easements should be provided prior to Planning Board approval, allowing for passage and utilities.
- 15) Easements on the plan. Notation on the plan will need to be more clear about cross easements.
- 16) Maintenance. We will need a language for the deeds providing for maintenance of the shared driveway.
- 17) Indemnification. This is a shared driveway/private street. Pursuant to RSA 674:41, approval from the Town Council will be needed to erect building permits on lots taking access from the shared driveway/private road. The applicant will need to record an indemnification at the Registry.

674:41 Erection of Buildings on Streets; Appeals. –

I. ... no building shall be erected on any lot within any part of the municipality nor shall a building permit be issued for the erection of a building unless the street giving access to the lot upon which such building is proposed to be placed: ...

a. (d) Is a private road, provided that:

(1) The local governing body, after review and comment by the planning board, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof; and

(2) The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and

(3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought...

- 18) Waiver. The applicant has requested a waiver from Subsection 9.03 A. of the Subdivision Regulations which limits access to private driveways to 2 lots.

- 19) Timing. It will need to be determined when the improvements will be made, and by whom.

Lots

- 20) Lot 15-0 access. This lot will take access directly from Emerson Road.
- 21) Parcel A. Clear notation/line format is needed to show the lot line to be abandoned and the new lot line.

Wetlands

- 22) Conditional use. A conditional use for the driveway in the wetland buffer will be needed. The applicant should meet with the Conservation Commission to obtain a recommendation.
- 23) Dredge and Fill. A dredge and fill permit from NHDES will be needed for the wetland crossing for the driveway.

Utilities

- 24) Hydrants. Will an additional hydrant be needed? There is one near the accessway from Lot 15-0 on Emerson Road.
- 25) Water/sewer. Water and sewer service is available. Proposed lines should be shown on the plans.
- 26) Electric. Show how electric lines will reach prospective houses. Is there any problem with it all being underground?

Other

- 27) Drainage. Are any drainage improvements needed other than appropriate swales/ditches alongside Edgewood Road and the new private driveway? Will there be more than 10,000 square feet of overall disturbance? A waiver is requested from Section 9.06 of the Subdivision Regulations. I will check with April Talon, Acting Town Engineer, on this request.
- 28) Lot 15-0 condition. The applicant has offered, and it should be made a condition of approval, to limit the residual lot to single family use only. (There are not many objectionable uses that are allowed in the Residence A zone but there are some that could have significant impact here such as multi-unit elderly housing).
- 29) Additional buffers. The applicant has offered other conditions for additional buffers that are shown on the plans.
- 30) Old projects. According to a memo in the files, the Planning Board gave approval in 1986 for a cluster development with 10 buildings with 61 condominium units. That approval is null and void. A conceptual plan was submitted in 2003 for 27 duplex houses on 27 lots. The plan was never approved. In 2006 a conceptual plan was submitted for 11 lots with 15 houses. That plan was never approved.