



**TOWN OF DURHAM**  
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***Town Planner's Recommendation***  
**Wednesday, September 10, 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 17.

Please note the following:

**Process**

- 1) 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 on September 9, just prior to the Planning Board meeting. A key issue to discuss is the applicant's proposal to keep Edgewood Road the way it is.
- 2) Site walk. The Planning Board held a site walk on August 28. A key item the board looked at was the design of the existing Edgewood Road.

**Zoning Ordinance/Subdivision Regulations**

- 3) Frontage. I confirmed with the Zoning Administrator that the 100 foot frontage requirement may be met using the state right of way.

**Edgewood Road**

- 4) Edgewood Road. The applicant proposes that there be no physical improvements to Edgewood Road, at any point from the intersection with Emerson Road northerly alongside the parcel, other than creation of one (or more) turnouts so that vehicles can pass each other. The Class 6 portion is now about 10-1/2 feet wide. This is a key issue to address. I suggested that the applicant provide examples and photos of other such roads in Town with comments from residents and realtors about the viability of such roads.
- 5) Name of road. According to the Fire Department, we are no longer using "Extension" so this section of road is called "Edgewood Road," though the road sign says "Extension."

**Private Road/Shared Driveway**

- 6) 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).
- 7) Angle of driveway. The board seemed fine with where the driveway would come off Edgewood Road. A few mature trees will need to be removed. However, the driveway should come straight off Edgewood Road rather than being angled as now shown on the plans.
- 8) Written easements. Draft easements should be provided prior to Planning Board approval, allowing for passage and utilities.
- 9) Easements on the plan. Notation on the plan will need to be more clear about cross easements.
- 10) Maintenance. We will need a language for the deeds providing for maintenance of the shared driveway.
- 11) 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...*

- 12) 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.
- 13) Timing. It will need to be determined when the improvements will be made, and by whom.

## **Wetlands**

- 14) 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.

## **Utilities**

- 15) Hydrants. Will an additional hydrant be needed? There is one near the access way from Lot 15-0 on Emerson Road.
- 16) Water/sewer. Water and sewer service is available. Proposed lines should be shown on the plans.
- 17) Electric. Show how electric lines will reach prospective houses. Is there any problem with it all being underground?
- 18) Trash. It was the sense of the board to not create a shed or other provision for trash for the 3 new lots. Homeowners would need to bring their trash to Emerson Road for pick up.

## **Other**

- 19) 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.
- 20) Lot condition. The applicant has offered, and it should be made a condition of approval, to limit the lots to single family use only with no accessory dwelling units and no home occupations. (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).
- 21) Additional buffers. The applicant has offered other conditions for additional buffers that are shown on the plans.
- 22) 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.