

March 25, 2015

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The Durham Planning Board  
15 Newmarket Road  
Durham, NH 03824

**RE: Public Hearing - Former Mill Pond Center Property - 2-lot Subdivision. 50 Newmarket Road. Formal application for a 2-lot subdivision. Seacoast Repertory Theatre, property owner; Matt Faginger-Auer for Doucet Survey, Surveyor. Tax Map 6, Lot 9-8. Residence B Zoning District.**

Dear Members of the Planning Board:

Not unlike others in the community, and perhaps on the Board, I have been a bit slow to learn about this application and to consider the ramifications if it is approved. In a nutshell, I think it is a poor idea with potentially significant ramifications for the Town.

First, the plan compromises the back property. Anyone likely to purchase an historic property with conservation protected viewsapes is unlikely to want a nearby neighbor, let alone a shared driveway. The house on the back property is the former Smith Tavern, built in 1686 and at its original site just feet away at what was then the center of Town. I would respectfully request that the Board postpone its decision until the Heritage Commission could consider the proposal at its meeting next week.

Second, anyone who purchases the front property with the understanding that their neighbor to the back is a single family may be in for a surprise down the road.

So long as both properties enjoy single family uses, there may be no issue. But uses allowed under the zoning ordinance, combined with features of back property—the size, age and number of buildings, combined with the condition of the buildings and the likely cost to improve them make the back property more attractive for uses other than single family dwelling, that is, “bigger uses”—may lead to increased driveway traffic, which experience tells us is likely to lead to tensions and perhaps lawsuits.

Finally, the Planner’s Recommendation recommends adding the following notes (or equivalent) to the plan drawings:

*15) Access easement. Add additional sentences to Note 13: “The access easement allows for a potential broad range of uses on the rear lot. The terms of the easement, as approved and as recorded herein may not be changed without the express approval of the Durham Planning Board.”*

I would suggest amending the note to be more precise and explicit about the “range of uses,” since potential buyers of the front property should be clear about what they might be getting into.

Sincerely yours,

