



TOWN OF DURHAM
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Town Planner's Recommendation
Wednesday, October 14, 2015

- XII. **4 Griffiths Drive – Nitrogen-containment project.** Conditional use to implement a new passive technology on a single-family lot as part of a grant-funded pilot project. Installation of a permeable reactive barrier to prevent nitrogen from septic systems migrating to sensitive watershed areas. Danna Truslow, Truslow Resource Consulting, consultant. Map 14, Lot 1-2. Rural Zoning District.
- I recommend discussion, consideration of the applicant's request for a waiver of the application fee (See below), and continuation to the public hearing on November 18.

Please note the following:

- 1) **Application.** This application is presented by Danna Truslow, with Truslow Resource Consulting LLC. She is the project manager and hydrogeological consultant for Rockingham County Conservation District.
- 2) **Project.** The project is to install a permeable reactive barrier on a private homeowner's lot as part of a project to reduce nitrogen migration from septic systems. This project is funded by a watershed assistance grant provided through the NH Division of Environmental Services. Former Town Engineer Dave Cedarholm was involved in the early conception of the project. April Talon, current Town Engineer, is helping to oversee the project. The numerous documents submitted explain and illustrate the project in detail.
- 3) **Location.** This will be installed in Durham at 4 Griffiths Drive (located off Packers Falls Road). This is Map 14, Lot 1-2. The lot is zoned Rural. This is a 1-acre lot. The house was built in 1972. The owner is Jessa Doleac.
- 4) **Buffers.** There is a wetland buffer strip of 100 feet established in the Rural district from non-tidal wetlands and a 75 foot shoreland buffer from Chesley Brook, a tributary to the Oyster River. The proposed activity is located within the buffers, about 7 feet away, at its closest, (not including the silt fence) to the wetland and about 65 feet, at its closest, from Chesley Brook.
- 5) **Conditional use.** This structure would be considered an "accessory structure" under the Wetland Conservation and the Shoreland Protection Overlay Districts, and is allowed by conditional use. Tom Johnson, Zoning Administrator, confirmed this

interpretation. Monitoring wells will be installed within the buffers also. A recommendation from the Conservation Commission will be needed prior to the board taking action.

- 6) Conservation Commission. The applicant is coordinating with Ann Welsh, chair of the Commission, to present the project at October 8 and/or November 12 meeting(s) of the Conservation Commission.
- 7) State permits. Per the enclosed letter from NHDES, no permit is required through this agency (The Subsurface Systems Bureau).
- 8) Waiver of fee. The fee is \$125 for a conditional use (plus notices). The applicant has requested a waiver of the fee (in the packets). This request seems reasonable given the very particular circumstances of the application.
- 9) Criteria. Eight criteria must be met for the approval of any conditional use. The applicant speaks to these criteria in a separate letter (in the packet).
- 10) Technical Review Group. I have sent the information to the TRG to see if there are any concerns.
- 11) Standards and process. Under the ordinance, the Planning Board shall approve a Conditional Use Permit for a use in the WCO/SPO Districts only if it finds, with the advice of the Conservation Commission, that all of the following standards have been met in addition to the general standards for conditional uses and any performance standards for the particular use:
 - a) There is no alternative location on the parcel that is outside of the WCO/SPO District that is feasible for the proposed use;
 - b) The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities as determined by the Planning Board;
 - c) The location, design, construction, and maintenance of the facilities will minimize any detrimental impact on the wetland [“adjacent shoreland and waterbody as well as downstream waterbodies” from the Shoreland District], and mitigation activities will be undertaken to counterbalance any adverse impacts; and
 - d) Restoration activities will leave the site, as nearly as possible, in its existing condition and grade at the time of application for the Conditional Use Permit.

The applicant addressed these issues in her letter to the board.