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Letter of Intent –Conditional Use Application  
For  
Daniel Huntoon  
Driveway and Utility Construction for Residential House  
Tax Map 17 / Lots 14 & 15

April 4, 2018

**The Subject Property**

The subject lots are located at 195 & 207 Packers Falls Road. The lots are shown on tax map 17 as lots 14 & 15. Lot 15 is a 2.1 acre undeveloped lot and lot 14 is a 12.4 acre lot developed with a single-family home. Lot 14 was developed in 1982.

**The Proposed Use**

The proposal is to reconfigure the lots in a way to make the undeveloped lot a more usable and less environmentally constrained lot for residential use. The lot line adjustment results in the same number of lots but provides a more developable lot that is greater than twice the size of the existing undeveloped lot.

**Other Approvals Requested from the Town of Durham**

1. Lot Line Adjustment

**Approvals from NHDES;**

1. Onsite subsurface disposal system.
2. Subdivision approval.

**Planning Board Approval Required**

***A. Conditional Use Permit (CUP) Section 175-61.A.1 - for construction of a driveway to access a single-family home and construction of utilities to service the single-family home within the WCO District.***

The following information outlines how this project complies with the provisions of the general conditions for a Conditional Use Permit contained within Section 175-23.C and specific conditions for a CUP contained within Section 175-61.B for the Wetlands Conservation Overlay

(WCO) and Shoreland Protection Overlay (SPO) Districts of the Town of Durham Zoning Ordinance. The numbering below coincides with the applicable sections. We anticipate that this application will be presented to the Conservation Commission at April 12, 2018 meeting in order to obtain their advice and comments for the Planning Board relative to approval of the CUP.

As previously stated, the project requires a CUP for use standards and for the construction of access ways and utility lines in the WCO District. The statements below demonstrate how this development project complies with the CUP criterion. The plans incorporate best management practices for the construction and thereby satisfy the CUP criterion.

#### 175-23.C

##### 1. *Site Suitability:*

The property is suitable for a proposed single-family home development because it is an allowed use in this zone. The existing conditions include two lots. One lot is 2.1 acres and the second lot is 12.4 acres. The smaller lot is an existing lot of record and does not meet the current regulations while the larger lot exceeds the current regulations. The lot line revision provides two conforming lots.

(a) This site has adequate existing vehicle access from Packers Falls Road, a town maintained Road. A driveway permit was obtained in 1982 when the original house was constructed, and this access will be adequate for access to both lots. Pedestrian access is available along the existing road.

(b) Adequate, emergency services can be provided to the site by the police and fire departments with easy access from town maintained roadways. A driveway to access both lots is existing. The schools are adequate and there is availability for this development; This project will have onsite water and sewer systems, therefore no impact to municipal services; Solid waste and recycling will be provided by the Town of Durham;

(c) The environmental constraints on and adjacent to the property includes wetlands, River, ledge outcrops, and moderate slopes. However, the development proposal incorporates a balanced environmental design approach by reconfiguring the lot lines to create a usable lot that has less constraints. The building envelope on the newly created lot is outside of the shoreland zone, on less sloping land and much further away from the river. During construction, erosion controls will be installed to minimize the transport of sediments. Construction will be sequenced to minimize overall disturbance and re-establish ground cover to stabilize disturbed areas. A short driveway connection will be required to access the new lot from the existing driveway. The lot will be developed in a way to maintain the current flow patterns for surface runoff. The lot will remain mostly wooded and the disturbed areas will be loamed and seeded.

(d) The site is suitable because of the availability of appropriate utilities to serve the intended use including electricity, and other utilities. Water and sewer service will be private on site.

##### 2. *External Impacts:*

*The external impacts of the proposed construction of the single-family home on the abutting properties and the neighborhood will be no greater than the impacts of adjacent existing residential uses or other uses permitted in the zone because:*

- The traffic generated by the use will not cause a negative impact to the surrounding properties or public ways as they will match the existing uses; the development will have minimal impact to abutting properties with respect to noise, odors, vibrations, dust, fumes, and lighting because it will be used as a residential structure similar to all the neighbors. In addition, screening will be provided by maintaining the existing woods, to minimize the visual impact from the public ways and adjacent properties.

*The location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use will have no adverse effect on the surrounding environment and will not discourage the appropriate and orderly development and use of the land and buildings in the neighborhood because:*

- The proposed house will be similar to other buildings to blend into the surrounding landscape. Screening will be maintained using the existing vegetation between the road and building envelope.
- The building architecture will be consistent with the surrounding properties and will blend with the lot constraints.
- The building design will incorporate high quality energy efficiency technologies to meet current building codes.

3. *Character of the site development:*

*The proposed layout and design of the site is compatible with the established character of the neighborhood and mitigates any external impacts of the use on the neighborhood because:*

- The building orientation on the lot works with the lot topography and will blend into the surrounding landscape minimizing the visual impact into the site.
- The entire perimeter of the property will remain vegetated with the existing forest cover.
- The driveway location from the public way will remain the same to minimize changes in traffic patterns and disturbance within the buffers.

4. *Character of the buildings and structures:*

The design of the new building will be compatible with the established character of the neighborhood because:

- The scale, height, building massing, roof line, architectural treatment of the front façade, location of the principal entrance, and materials and colors of the building will be similar to the surrounding properties.

5. *Preservation of natural, cultural, historic, and scenic resources:*

*The proposed use of the site, including all related development activities, preserves identified natural, cultural, historic, and scenic resources on the site and does not degrade such identified resources on abutting properties because:*

- The orientation of the building and site grading will be at the top of the slope to avoid impacts to the adjacent wetland to the greatest extent possible. Erosion controls will be in place during construction. A significant wooded buffer will be maintained throughout the parcel.
- Site grading and fill activities will conform to the existing conditions as close as possible.

- The existing property has no cemeteries, graveyards, or designated historic buildings. Any existing wildlife habitat will be temporarily impacted during construction but will be regained with the remaining woodland and wetland areas intact.

6. *Impact on property values:*

- The proposed house construction will not impact property values of adjacent properties. The increased value of this property, the minimizing of existing environmental constraints and the significant preservation of the property will not cause a decrease to adjacent property values.

7. *Availability of Public Services and Facilities:*

- Water and sewer will be provided to the house from private onsite well and septic. The septic system requires approval from the NHDES.
- Solid Waste removal and recycling will be provided by the town.
- Drainage will be controlled on site. The quality of the stormwater leaving the site will be equal to or improved from the existing condition.
- Electric, telephone, and data utilities will connect to the existing overhead public lines via underground conduit into the site.
- Police and Fire Department can access the site without any constraints.

8. *Fiscal impacts:*

- The construction of one single-family house on an existing lot of record will not have a negative fiscal impact on the town.
- The site will be serviced by private onsite water and sewer.

*This section pertains only to the conditional use request within the WCO District:*

175-61.B & 175-72.B

1. *There is no alternative location on the parcel that is outside of the WCO & SPO District that is reasonably practical for the proposed use.*

A significant portion of the parcel is encumbered by the wetland conservation overlay district. The utilities will be placed with the existing disturbed area where the driveway is already located to eliminate any new disturbance. The house and septic system will be constructed on the only buildable portion of the lot and will minimize the impacts within the buffer, however due to the excessive septic setback requirements in Durham, the access will be required to be placed with the wetland buffer or the side/rear lot setback. The alternative that is outside of the buffer will put the driveway within the setback, closer to the existing house, requiring the removal of existing vegetation as a buffer between residences and limit the garage access due to the lot configuration.

2. *The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities as determined by the Planning Board.*

The proposed house location and access will be designed with the primary intent of minimizing soil disturbance by maintaining the existing grades of the property to the extent feasible. The house and septic will be placed within the building envelope and conform to the topography to minimize the fill. Accessing the building area from the northerly side provides an opportunity to minimize the building footprint by using a

drive under garage type design. All utility construction will be within the existing driveway area and outside the buffer for access to the new house location.

3. *The location, design, construction, and maintenance of the facilities will minimize any detrimental impact on the wetland and on the adjacent shoreland and water body as well as downstream water bodies, and mitigation activities will be undertaken to counterbalance any adverse impacts.*

Every feasible effort has been made in the design of the site to minimize any detrimental impacts described above and mitigation activities incorporated as well. These include:

- Use of temporary erosion control measures such as silt soxx along the perimeter of the disturbed area; temporary and permanent stormwater control systems; Temporary construction fence is proposed around the active construction area to provide better assurance that construction equipment will not stray into the wetlands and buffers.
- The disturbed area for construction will be minimized to retain the existing vegetation to the maximum extent possible.
- Temporary and permanent disturbances to the wetland buffer to allow construction of the site amenities, will be fully reclaimed or properly stabilized for the intended use and these disturbances have been significantly minimized for the development of this project.

4. *Restoration activities will leave the site, as nearly as possible, in its pre-existing condition and grade at the time of application for the Conditional Use Permit.*

Any disturbances outside of the current limits of disturbance on the property will be fully restored and re-vegetated.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely;

A handwritten signature in dark ink, reading "Michael J. Sievert". The signature is written in a cursive, flowing style.

Michael J. Sievert PE  
MJS Engineering