



PLANNING DEPARTMENT
Town of Durham
8 Newmarket Road
Durham, NH 03824-2898
Phone (603) 868-8064
www.ci.durham.nh.us

RECEIVED
Town of Durham

MAR 14 2019

Planning, Assessing
and Zoning

CONDITIONAL USE APPLICATION

Date: March 11, 2019

Property information

Property address/location: 119 Mill Road

Tax map #: 7; lot #'s: 1-70; Zoning District: RB

Property owner

Name (include name of individual): William Mark Regan

Mailing address: 119 Mill Road

Telephone #: 703-928-7788 Email: mark.regan@ki.com

Engineer, Surveyor, or Other Professional

Name (include name of individual): Mark C. West_Wetland Scientist

Mailing address: 48 Stevens Hill Road_Nottingham, NH 03290

Telephone #: 603-734-4298 Email address: mar@westenv.net

Proposed project

What is the proposed project? Construction of a wooden boardwalk bridge for bus stop access for children. Also removal of invasive shrubs, vines and dead and dying pine trees.

Which provision in the zoning ordinance calls for this conditional use? 175-60 B work in wetland and within the 75 foot buffer.

Justification for granting the conditional use: The boardwalk foot bridge is needed for the children of the residence to gain access to the school bus stop on Fogg Lane. The bus does not stop on Mill Road due to sight line safety and the children also can't walk on Mill Road safely.

Have you completed the conditional use checklist? Yes

Have you addressed the eight conditional use criteria? Yes

(over)

Other Information


Please note the following:

- Coordinate with Michael Behrendt, the Durham Town Planner, at 868-8064 or mbehrendt@ci.durham.nh.us about the process and any additional information that may be needed.
- Coordinate with the Karen Edwards, the Planning Department Administrative Assistant, at 868-8064 or kedwards@ci.durham.nh about preparing the list of abutters. All property owners within 300 feet of the site will be notified of the application and public hearing.
- Please be sure to attend all meetings of the Planning Board and the Conservation Commission, if the latter will be making a recommendation.
- The Planning Board may schedule a site walk after the first meeting.
- A public hearing will be held on the application. A sign must be placed on the property at least 10 days prior to the hearing.
- The applicant will need to address the eight general conditional use criteria. For conditional uses within the Wetland or Shoreland Overlay Districts additional criteria must be addressed by the applicant.
- For conditional uses within the Wetland or Shoreland Overlay Districts, the application will be presented to the Conservation Commission for a recommendation.
- See Article VII in the Durham Zoning Ordinance for additional information about conditional uses.

Submission of application

This application must be signed by the property owner(s) *and/or* the agent.

I(we) attest to the best of my(our) knowledge that all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As agent, I attest that I am duly authorized to act in this capacity.

Signature of property owner: 

Date: 3/11/19

Signature of agent:



Date: 3-11-19

119 Mill Road CUP Application Conditional Use Criteria 175-61 B

1. *There is no alternative location on the parcel that is outside of the WCO District that is feasible for the proposed use;* The wetland bisects the property and must be crossed in order to access the bus stop location.
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 small stream/ditch is bridged and there is no disturbance to the stream. The trail is located in a narrow portion of the wetland.
3. *The location, design, construction, and maintenance of the facilities will minimize any detrimental impact on the wetland, and mitigation activities will be undertaken to counterbalance any adverse impacts;* The foot bridge allows for natural flow in the stream channel and the six-foot wide trail has minimal impact to the wetland.
4. *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 wetland previously has been restored per the NHDES and an application has been submitted to retain the foot bridge and the trail. We have attached a buffer planting scheme to mitigate impacts or removal of invasive shrubs and vines and dead trees.



1. Looking north at the bridge across the small stream channel.



2. Looking east at the portion of the trail which crosses the wetlands.



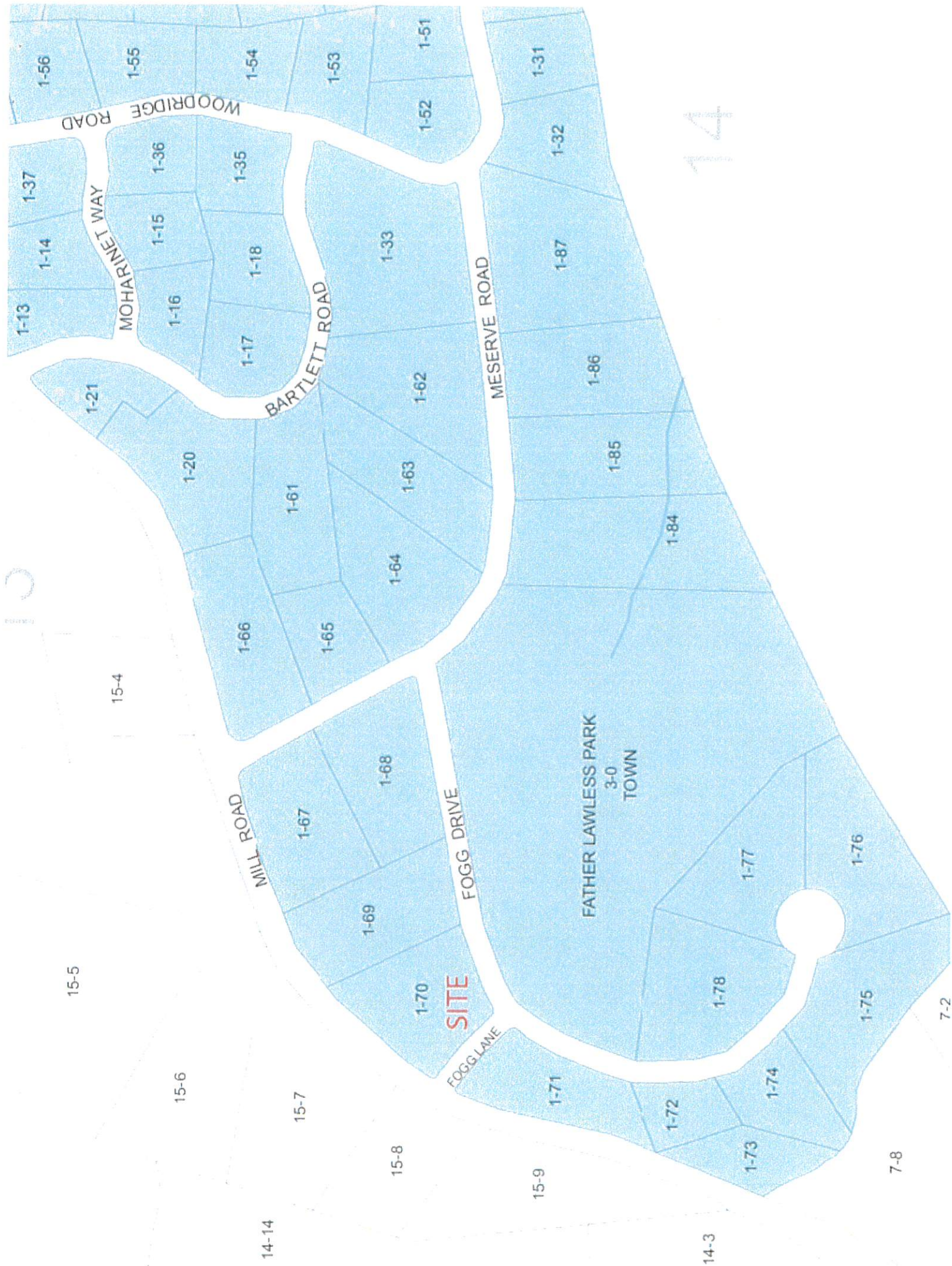
3. This is a close up of the stream channel which is 6 inches wide.



4. This is a view of the stream below the crossing.



5. This is a view of the restored wetland in the foreground and areas that we cleaned of invasive shrubs and vines in the wetland buffer in the background.



2007 JAN -3 AM 11:24

REGISTER OF DEEDS
STRAFFORD COUNTY

000089

BK 3478PG0792

After Recording Return To:

Sarah E. Rosenbleeth

William M. Regan, Jr.

119 Mill Road

Durham, NH 03824

LN-40179-06

PD14
SS

STATE OF NEW HAMPSHIRE	
DEPARTMENT OF REVENUE ADMINISTRATION	REAL ESTATE TRANSFER TAX
***5 THOUSAND 1 HUNDRED AND 00 DOLLARS	
01/03/2007 808288	\$ ***5100.00
VOID IF ALTERED	

[Space Above This Line For Recording Data]

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That I, **Caroline M. Adams**, an unmarried individual, with a mailing address of 68 Willow Street, Dover, NH 03820 for consideration paid grants to **Sarah E. Rosenbleeth**, an unmarried individual, and **William M. Regan, Jr.**, an unmarried individual, with a mailing address of 12 B Portsmouth Ave, Exeter, NH 03833 as **Joint Tenants with Rights of Survivorship**, with Warranty Covenants:

A certain tract or parcel of land, with any buildings or improvements thereon, situated on the Northerly side of Fogg Drive in the Town of Durham, County of Strafford and State of New Hampshire, and being known as Lot #70 as set forth in a plan entitled, "Woodridge Acres, Section No. 3" by G.L. Davis and Associates, Dover, New Hampshire, dated November 1968 and recorded as Plan 8B in Pocket 9, Folder 3 of the Strafford County Registry of Deeds, to which plan reference is made for a more particular description.

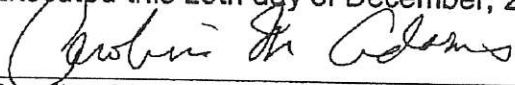
Subject to notes, rights of way, rights, easements, restrictions, covenants, conditions and any and all other matters, including setbacks if any, as shown on Plan recorded with the Strafford County Registry of Deeds as Plan 8B, Pocket 9, Folder 3.

Excepting and reserving from the premises hereinabove described certain rights to operate and maintain underground telephone and telegraph lines granted by George G. Hoitt, a predecessor in title, to New England Telephone and Telegraph Company, being reaffirmed and recorded again in Book 506, Page 26 of the Strafford County Registry of Deeds.

Subject, however, to easements granted to Public Service Company of New Hampshire and New England Telephone and Telegraph Company dated and recorded June 23, 1969 in Book 858, Page 483 and June 6, 1959, recorded July 14, 1969 in Book 860, Page 58 of said Registry.

Meaning and intending to describe and convey the same premises as conveyed to Caroline M. Adams by deed dated May 21, 2004 and recorded in Volume 3004, Page 558, of the Strafford County Registry of Deeds.

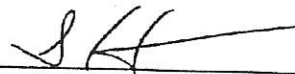
Executed this 29th day of December, 2006.


Caroline M. Adams

State of New Hampshire
County of Rockingham

Personally appeared the above-named **Caroline M. Adams** before me this 29th day of December, 2006 known to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes therein contained.




Notary Public/Justice of the Peace
Commission Expiration:

BK 3478PG0793



TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824-2898
603/868-8064
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CONDITIONAL USE PERMIT APPLICATION CHECKLIST

Date: 3-11-19

Name of Applicant: Mark Regan

Location of Property: 119 Mill Road

Tax Map and Lot Number: Map 7 Lot 1-70

Name of Plan:

yes_____ a Conditional Use Permit application

yes_____ a letter of intent detailing the proposal

n/a_____ a letter of authorization (if applicable)

_\$415_____ all applicable fees

yes___ a list of the names and addresses of all the abutters within 300' feet of the subject property, as shown in town records not more than five (5) days before the day of filing; and a listing of all holders of conservation, preservation, or agricultural preservation restrictions on the subject property

yes___ Copies of the current deed, purchase and sale agreement, and copies of all easements, deed restrictions, rights-of-ways, or other encumbrances currently affecting the property.

_____ five copies, 24" x 36" and ten additional copies at 11" x 17" of the plat.

The Plan shall show (only if applicant is not submitting a Site Plan Review or Subdivision Application):

☒ Title Block with title, owner's name and address, date, scale and name, address and seal of the preparer of the plan

☒ names of owners of abutting properties

☒ North Arrow and bar scale

☒ locus plan sat a minimum scale of one (1) inch equals one thousand (1,000) feet showing required information

☒ Surveyed property lines of the parcel showing their bearings;

☒ Location and layout of existing and proposed structures and buildings;

- _____ Existing and proposed contours at two (2) foot intervals for the entire site. Where a change in grade is proposed, existing contours shall be dotted lines and finished elevations solid;
- _____ Area of entire parcel in acres and square feet;
- _____ Zoning and special district boundaries;
- _____ Deed reference and tax map number;
- _____ Location width, curbing and paving of access ways, egress ways and streets within the site;
- _____ Location and layout of all on-site parking and loading facilities;
- _____ Location and size of all municipal and non-municipal utilities and appurtenances including: water, sewer, electric, telephone, gas lines and fire alarm connections, indicating whether overhead or underground, and the location of wells and septic systems;
- _____ Type and location of solid waste disposal facilities;
- _____ Location, elevation and layout of catch basin and other surface drainage features;
- _____ Location of all physical/natural features including: water bodies, watercourses, wetlands, vegetation/foilage lines, soil types, railroads, rock outcroppings and stone walls;
- _____ Dimensions and area of all property to be dedicated for public use of common ownership;
- _____ Location of 100 year flood hazard boundaries;
- _____ Date and permit numbers of all required state and federal permits.
- _____ Location of all buildings, wells and leach fields within one hundred and fifty (150) feet of the parcel;
- _____ Dimensions, area and minimum setback requirements on all existing and proposed lots;
- _____ Proposed landscaping plan including size and type of plant material;
- _____ Pedestrian walks providing circulation through the site;
- _____ Location and size of proposed and existing signs, walls and fences;
- _____ Location and type of lighting for outdoor activities; and
- _____ Location, widths and purposes of any easements or rights-of-way.
- _____ Total on-site square footage of impervious surfaces.
- _____ Letter to Planning Board detailing how application meets the criteria for approval set out in Section 175-23(C)
- _____ Applicant has met with neighbors to discuss project and concerns.

Written waivers from these requirements may be requested with specific justification to the requirements of Section 12.02 of the Site Plan Review Regulations for the Town of Durham.

The applicant is reminded that they need to place a sign on the property measuring 2'x3' at least ten (10) calendar days prior to the time of the public hearing by the Planning Board. The sign shall remain on the property until the conclusion of the public hearing. The sign shall be visible from the most heavily traveled street right-of-way adjacent to the property. The sign shall state the date of the public hearing, the time, the location and the action to be considered.



119 Mill Road

Durham, NH

- Wetland Boundary
- Stream
- 75' Buffer
- ImpactArea

WEST
ENVIRONMENTAL

0 25 50 Feet



Data Sources: Background image is a 5/2018 aerial photograph from Google Earth. All features and locations are approximate.

Buffer Planting Scheme
119 Mill Road



4' red maple



3' silky dogwood



3' arrowwood



3' highbush
blueberry

Impact Area
280 sq ft

