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RECEIVED
Town of Durham

DEC 10 2020

Planning, Assessing
and Zoning

December 9, 2020

Re: General description of Common Open Space Ownership and Stewardship plan for Mulhen Conservation Subdivision and Pocket Neighborhood design

The following information is provided as a general description of the proposed common open space ownership and stewardship plan. The proposed open space plan is shown as sheet C106 in the subdivision plan set. The proposal is to develop a “pocket neighborhood” centered around a common green space that is the central gathering space in the neighborhood. The form of ownership for this proposed conservation subdivision is a condominium. Each residential structure will be developed within a designated deeded area, which will provide specific ownership of the structure and have a limited exterior common area for each respective unit (The condominium areas).

It is the intent of the developers to create three types of common open space. Open space 1, the largest area will be the conservation open space with restrictive covenants to promote forest and wildlife management and protection of wetlands. This area will be limited in use except for construction of walking paths. The preferred management of this open space area would be by an outside organization. Open space area 2 is the area that encompasses the roads, utilities and drainage structures. A homeowners association would manage this common open space area. Open space area 3 is the open space that encompasses the central green area and surrounds the residential units. The homeowners association will also manage this open space area. This area will be the most highly used and unrestricted area with covenants pertaining to the residential use. The most protected open space is approximately 11.4 acres and the other common open space is approximately 2.2 acres. We have had discussions with outside conservation entities but the area is too small and not adequately connected to other larger tracts to provide a basis for management by an outside entity. The owner will continue the discussion with a municipal organization if the opportunity exists. In the event there is no outside entity for management or oversight, then the homeowners association will manage the open space in its entirety. This would be done by preparing a declaration of covenants, conditions and restrictions giving ownership and management to the homeowners association in perpetuity. The legal documents will be prepared to legally determine the association, membership, operations, collection of funds for management and restrictions for use of each area.

The owners attorney will prepare all legal documents addressing the requirements as defined in the regulations upon the final determination of the ownership and stewardship plan.