



ENGINEERING, P.C.
CIVIL • STRUCTURAL • ENVIRONMENTAL

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January 8, 2021

Michael Behrendt
Durham Town Planner
Town of Durham
8 Newmarket Rd.
Durham, NH 03824

Re: Mulhern project

Dear Michael,

Pursuant to our discussion, I wanted to provide this information to help determine the appropriate review process. According to the Subdivision Regulations, the town may hire outside consultants or require additional studies if the board feels either are needed to help determine if the design meets the regulations. In addition, the town may hire a soil scientist to verify the soils data, including wetlands. I believe that the Town of Durham Subdivision Regulation is the guiding document. MJS Engineering, as the applicants engineering consultant and as a professional engineering firm is bound by the requirements of the regulations for the design and permitting of the subdivision. If outside reviews are warranted, as determined by the planning board and not the abutters, than the scope of the review according to the regulations, should be limited to whether or not the design meets the town regulations. The town regulations specify the requirements for road design, sewer, water, drainage and erosion control among other town parameters. If the design meets the regulations then further review is not necessary. If it does not, the design needs to be revised in accordance with the regulations before it is approved.

In addition to the Town review process, this project will require permits from NHDES Wetlands Bureau and Alteration of Terrain (AOT) bureau. Each agencies review is extensive and more in-depth than the Towns review and requirements. The wetlands review is for disturbance to the wetland areas for dredging and filling, and the AOT is an intensive stormwater and erosion control review to insure the construction of the proposed development protects the surface waters of the US.

In our opinion and on behalf of our clients, MJS Engineering believes any outside review scope should be limited to compliance with the Town regulations. Any review that goes beyond that scope of determining if the design meets the regulations is unreasonable, inappropriate and unfair to our clients. This subdivision is an allowed use in this zone and is also allowed by

conditional use within the WCOD. As long as the subdivision and conditional use requirements are met, then it shall be approved.

If you require additional information or have any questions or comments, please call (603) 659-4979 x302.

Sincerely,

A handwritten signature in black ink that reads "Michael J. Sievert". The signature is written in a cursive style with a large, stylized initial "M".

Michael J. Sievert PE
President