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Town Planner's Review
Wednesday, March 10, 2021

- XI. **Public Hearing - Subdivision off Gerrish Drive.** Parcel at 91 Bagdad Road (address). Formal application for conservation subdivision for single family and duplex houses (15 units total) on 16-acre lot off Gerrish Drive including conditional use for wetland crossings. Presentation of peer review for drainage studies. Marti and Michael Mulhern, property owners. Mike Sievert, engineer. Robbi Woodburn, Landscape Architect. Map 10, Lot 8-6. Residence B District.
- I recommend that the two peer reviews be presented, the board discuss outstanding issues, and start the discussion soon about the conditional use criteria.

Please note the following:

- 1) Stormwater. At the request of the board, the Town hired an outside consultant to conduct a peer review of Mike Sievert's drainage plan. Mark Verostick of VHB will join the board on zoom to give a short presentation of his findings and answer any questions from the board. Revisions to the design will be needed as noted in the review.
- 2) *Conditional uses. I expect that the Conservation Commission will make its recommendation on the four WCOD criteria at its March 22 meeting. It seems that the key concern about the project involves the conditional use for the wetlands and wetland buffers. I recommend that the board discuss the eight general and four specific criteria at the following meeting on April 14 so the applicant can get a clear sense of how the project stands. There are numerous other issues to finalize but they appear to be workable (?) based upon discussions by the board, notwithstanding waivers that will be needed. The board can even take a formal vote on the conditional uses prior to final action if desired.
- 3) Final action. Depending on the outcome of the board's review of the conditional uses, submission of outstanding items, consideration of other issues related to the subdivision, and review by the Madbury Planning Board, the application could be ready for final action at the May 12 meeting (May 26 is a workshop).
- 4) Other issues. Is it accurate to say that the other issues appear to be workable, with any appropriate modifications? Basic layout of the subdivision, final road design (including a number of waivers from the road regulations), use of private roads, sewer layout, water pressure (It needs to be determined if there is adequate pressure), basic house site layout, and landscaping plan.

- 5) Revised plans. Revised plans were submitted on February 4.
- 6) Additional information. The applicant will need to submit additional information and do additional work for a number of items prior to final action. The applicant can do this when they are ready. It is understandable if the applicant might wish to get a clear sense from the board about the viability of the project before the spending additional time and money on these outstanding items. These include:
- a construction management plan (including protection of trees during construction);
 - a plan to manage open space (See below);
 - the structure of the Homeowners Association including a general breakdown for future HOA infrastructure costs;
 - structure for ownership and management of houses (See below);
 - a maintenance plan for the road and infrastructure (sand, salt, SnowPro certified?). A drawing has been submitted showing key elements.
 - a landscaping plan for the center green including what type of grass, if any, will be planted;
 - final layout of house sites;
 - delineation of location and design for post office boxes;
 - existing house. It is recommended that the applicant apply for a variance to take the existing house out of the parcel and place it on its own lot. A waiver would be needed to keep the existing electric line above ground.
 - an architectural plan including house sizes, if appropriate; and
 - presenting the application to the Madbury Planning Board.
- 7) Roads. The roads within the loop would have 18 feet of pavement with 1 foot of gravel on each side in a 30-foot right of way. The road would likely be two-way as discussed recently. The main road leading in would have a 50-foot right of way with 20 feet of pavement and 4 foot gravel shoulders on each side. All of the roads would be privately owned by the HOA. The details in the plan set need to be updated accordingly.
- 8) Road Standards. Several waivers will be needed from the Durham Road Construction Regulations. The regulations apply to private roads but are more oriented to Town roads so granting waivers may be appropriate, plus these standards are old and can be excessive.
- The minimum right of way is 50 feet.
 - The minimum shoulder width is 4 feet.
 - The maximum slope is 8% (I believe this is met).
 - The minimum tangent length between reverse curves is 75 feet.
 - The minimum centerline curve radius is 180 feet for a design speed of 20 mph and 280 feet for a design speed of 25 mph.

Does the board see concerns at this point with any of these likely waiver requests?

- 9) Private driveways. Under Article XXI – Off Street Parking and the Public Works policy there are limits on the width of driveways for individual houses. Driveways must be

single lane and may not exceed 10 feet in width except where needed to provide access into a wider garage.

- 10) Permeable pavement. I suggest that permeable pavement not be used for several individual driveways. It requires special treatment and it is questionable if we can rely on such treatment for some individual driveways, especially where serving single family residences, where it is not specified for all.
- 11) Sewer. Is this the final design? Is it acceptable to tie in at the Sumac Lane manhole? Will stubs for future connections be built into the line?
- 12) Water service. There will be a connection to Town water. We are waiting for a determination if there is sufficient pressure in the system now.
- 13) Utilities. Final locations of water, sewer, and electric lines will need to be shown. These are depicted now and some adjustments may be made.
- 14) Fire Hydrants. Brendan O'Sullivan identified two locations for hydrants around the circle. Mike Sievert will make the adjustments.
- 15) Open space and trails. Final provisions for ownership and management of the open space as specified in 7.03 F. 9.09 of the Subdivision Regulations and for a stewardship account or fund as specified in 175-107 H.5. will need to be provided. The applicant can decide whether or not to allow outside parties to walk on the trails and open space. Some of these items can probably be submitted after approval. A detail is needed showing the cross section for the design of the trails.
- 16) Ownership of land. The applicant will need to provide specific information about how the land, limited land under the dwellings, and the dwellings themselves will be owned and managed since there will not be individual lots for each dwelling.
- 17) Landscaping. A landscaping plan is submitted which includes plantings along the loop road, inside the green, for screening of the White property along the new road, and around the drainage structures.
- 18) Madbury Planning Board. The portion of the road located in Madbury will need to be approved by the Madbury Planning Board. A formal application should be submitted as soon as possible. I believe an approval or at least a finding of no concern should be obtained prior to final action by the Durham Planning Board.
- 19) Energy Checklist. The applicant submitted an energy checklist. We are meeting with the applicant, staff, and a representative of the Energy Committee.
- 20) Age restriction. I will analyze the density for the site and clarify whether the percentage of units that must meet the 55+ standard. The requirement is that at least 80% of the units have at least one person who is at least 55 years old. Depending on the density parameters of the site more than 80% of the units may have to have a senior.

- 21) School impact fees. A waiver request for school impact fees will be needed.
- 22) Driveway and Playground. A simple plan should be submitted for dealing with the playset within the right of way owned by the Michael and Molly White and for relocating the end of the driveway on the Kelley lot.
- 23) Revisions to plans. Are there any changes to the plans that the Planning Board thinks are needed?
- 24) Outstanding information. Beyond the items I list in this review, is there any additional information that the Planning Board would like to see?
- 25) Precedent conditions. As with any involved project, if this plan is approved there will be numerous precedent conditions. Some would include geotechnical analysis of crossings supporting the road, issuance of state permits (wetland crossings, alteration of terrain, and approval of the Town sewer), approval by the Town Council of an easement for installation of a private road in the Gerrish Drive right of way stub (which should be perfunctory based on the Town Council's motion regarding the right of way), and any of the outstanding items if deemed acceptable by the board. Precedent conditions are usually handled in a ministerial manner by staff but items can be brought back to the board for approval if so specified.