



TOWN OF DURHAM
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Town Planner's Review
Wednesday, March 24, 2021

- IX. **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, Horizons Engineering. Robbi Woodburn, Landscape Architect. Map 10, Lot 8-6. Residence B District.
- I recommend that the board discuss the conditional use criteria and continue the review to April 14.

This application should be nearing the conclusion. The appropriate next step is for the Planning Board to focus on the fundamental question: does the application meet the conditional use criteria? The Planning Board could either take a formal vote now on the conditional uses or just discuss them.

If the latter, I recommend that we go around the table and have every Planning Board member give their thoughts both whether the overall application appears to meet the criteria and pointing out any specific criteria where there may be an issue. Until a final vote it is understood that any comments are not definitive and are subject to change as the review is finalized.

I expect to have a recommendation from the Conservation Commission at its meeting this Monday, March 22, about the four WCOD criteria. The Planning Board should discuss both the WCOD criteria and the eight general conditional use criteria. Keep in mind that the general criteria apply specifically to the proposed activity within the wetlands and buffers not the rest of the project.

The purpose of the vote or the discussion is to avoid a situation where the board reviews the criteria at the end during deliberations and finds that some particular issue must be addressed delaying final action. It is better to point out concerns earlier. Also, there are a number of final items that must be submitted (listed in my review for March 10). The applicant has conveyed to me that she prefers to not spend money preparing these final documents until she has a better sense where the project stands. That concern is reasonable.

Depending on the outcome of the board's discussion and submission of outstanding items we could be ready for final action at the May 12 meeting (May 26 is a workshop). The board could provide direction to me at the April 14 (or April 28) meeting so that I can prepare a draft notice of decision for approval or denial at the May meeting.

Beyond the conditional use criteria and outstanding items that must be submitted are there any particular concerns that board members have at this time?