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Town Planner's Review
Wednesday, May 12, 2021

- X. **Public Hearing - Subdivision off Gerrish Drive.** Parcel at 91 Bagdad Road (address). 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. *The board will discuss with Rich Reine, Public Works Director, whether the road should be a Town or private road.* Marti and Michael Mulhern, property owners. Mike Sievert, Horizons Engineering. Robbi Woodburn, Landscape Architect. Mark West, Wetland Scientist. Map 10, Lot 8-6. Residence B District.
- I recommend that the board: 1) discuss the roads with Rich Reine, 2) receive an updated presentation from the applicant, 3) open the public hearing and then adjourn the hearing, 4) vote on whether the roads should be Town or private, 5) vote again on the criteria for the wetland finger, 6) vote on the 8 general criteria, 7) discuss other issues, and 8) continue the hearing and review to May 26.

Please note the following:

- **Roads.** At the board's request, Rich Reine will join the board to discuss the roads. There has been debate whether the first, straight section should be a Town or private road. Rich will explain why he recommends that this section be a private road. It has been assumed all along that the loop road would be a private road because of the significant departures from the standard Town road for that section of the plan. I recommend that the board vote on whether the road should be Town or private after the public hearing.
- **General criteria.** Mike Sievert included an updated memorandum about the 8 general criteria. Please review the applicant's original narrative addressing the criteria. This is on the website here: https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning_board/page/59621/letter_of_intent.pdf. It is under *Letter of Intent*, the item second from the bottom. Abutters have submitted numerous letters also with arguments regarding the 8 general criteria.

I recommend that the board vote on the eight general criteria. Note that the criteria apply specifically to the three wetland crossings and activity within the wetland buffer, not to any other aspects of the subdivision. I confirmed with the Town Attorney that the board's review of these criteria is narrowly focused on the wetlands and buffer and

impacts upon those resources, so a number of items here will likely not be applicable. For example: regarding impacts on abutting properties this discussion should be limited to impacts on resources on abutting properties related to the wetlands and wetland buffer.

The board can include any appropriate conditions in its review. A final vote on the subdivision itself should occur later as there is still more information to be submitted and issues to be addressed. However, I believe that all of the information necessary to review the eight general criteria has been provided.

- **Updated information.** Updated information was provided for the April 28 meeting:
 - Plan set – selected sheets. Note that they have pulled back the area of disturbance for the wetland finger in consultation with Durham Public Works.
 - A response from Mike Sievert to a list of outstanding issues that I had shared
 - An updated drainage report
 - A management plan for the Stormwater Infrastructure
- **Wetland finger.** The Planning Board voted on the four criteria under the Wetland Conservation Overlay District for the three wetland crossings and activity in the wetland buffer. The board found that all criteria were met except for the wetland crossing at the finger where the question arose if more wetland was being filled than was necessary.

The board asked for an opinion from Durham Public Works. Mike Sievert revised the design around the finger, reducing the area of impact, in consultation with Public Works. Rich Reine, Public Works Director, sent a memo to the board on April 26 with this comment. *I recommend that the board vote to clarify the criteria now regarding the wetland finger.*

One specific question was raised after the VHB 3rd party review, relative to the roadway and wetland finger located at Station 15 +50 and the impact of the roadway width to the wetland. Following review and discussions with Michael Sievert, the impact to the wetland has been minimized to the extent practicable allowing for necessary roadway and shoulder width and utility corridors. This was achieved by tightening up the fill slopes with the use of a culvert headwall and down gradient retaining wall located either side of the roadway.

- **Additional information.** Please review the letter of April 22 from Mike Sievert in response to my comments about additional information. This is about the sixth item down on the website: “Letter from Horizons Engineering and Waiver Applications.”