



**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

August 30, 2021

Michael Behrendt
Town Planner
Town of Durham
8 Newmarket Road
Durham, NH 03824

**Re: Application for Conditional Use Permit
Assessor's Map 12, Lot 9-12
12 Mathes Cove Road
Altus Project No. 5192**

Dear Mr. Behrendt,

On behalf of the Applicant, Paul Runcy, Altus Engineering, Inc. respectfully submits an application for a Conditional Use Permit for a property located at 12 Mathes Cove Road. This project entails the construction of a single-family residence together with a driveway and associated utilities and drainage infrastructure. A similar application was approved by the Town in 2017 to allow impacts to the Wetlands Conservation Overlay District. Although this prior Town approval has since lapsed, the NHDES Wetlands Permit granted in January of 2018 is still valid. The current plan is analogous to the permitted design with the notable exception that the wetland impact has been reduced by over 1,100 sf.

Subject Property

Located at 12 Mathes Cove, the 1.87-acre lot of record was created in 1966 as part of a sixteen-lot subdivision referred to as Mathes Farm. Surrounded by residential properties, the parcel is the only lot in the subdivision that has not been developed. Zoned Residential-C (RC), the site contains an area of wetland and is therefore subject to the Wetland Conservation Overlay District (WCOD) and associated 100' upland buffer. This wetland encumbers the front portion of the lot with an upland area located towards the rear. The site is wooded with sections of ledge evident throughout it.

Proposed Use

The Applicant intends to construct a single-family home on the property served by a well, septic system and underground utilities. Impacts to the WCOD for driveway and utility construction will require a Conditional Use Permit under Durham Zoning Section 175-61.

Prior Approvals

A Conditional Use Permit for impacts to the WCOD was granted by the Durham Planning Board on August 23, 2017. On July 11, 2017, the Durham Zoning Board of Adjustment also granted a Special Exception to allow construction of a septic system within the 125' wetland setback. Both of these local permits have since expired.

The NH Department of Environmental Services granted approval for the septic system on February 5, 2018 and a wetlands permit on January 26, 2018. Both NHDES permits are still valid although the subsurface permit will need to be amended to reflect the current plan.

Approvals Required

In addition to the Conditional Use Permit, the project requires two Special Exceptions related to the proposed septic system:

- Sections 175-62 and 175-29.B for septic construction in the 125' wetland setback;
- Section 175-56.H for septic construction in the 50' side structure setback.

Conditional Use Permit Criteria (175.23.C)

1. Site Suitability:

A single-family home is an allowed use in the RC Zone. Although it does not meet some of the current dimensional requirements, the lot has grandfathered status as it was compliant at the time of its creation. It is also similar in size to other properties in the neighborhood, all of which are residential.

- (a) The site is located on Mathes Cove Road, a Town-maintained cul-de-sac constructed as part of the original subdivision. Although there are no sidewalks, traffic is light and generally limited to residents of the neighborhood. This allows for a safe pedestrian environment.
- (b) As it fronts on a public roadway, the lot has adequate access to emergency services similar to the surrounding area. Public schooling will be provided by the Oyster River School District and the Town of Durham will provide solid waste collection. There are no public water or sewer services available at this location and the home will be served by a septic system and well.
- (c) The parcel is encumbered by wetlands and sections of ledge. These restrictions drove the proposed design with an eye towards the minimization of wetland impacts. As currently shown, the plan calls for 1,145 sf less wetland impact than the previously approved design from 2017. To complement this, appropriate erosion and sediment controls will be installed and maintained for the duration of construction. The site plan was also designed to be as compact as possible, minimizing tree clearing and land disturbance.
- (d) Electric, cable, phone and internet services are available at the front of the site. Water and sewer will be by a private septic and well similar to surrounding properties.

2. External Impacts:

- The proposed single-family home will be located in an existing residential neighborhood and will cause no impacts to the surrounding area greater than adjacent uses.

- The size of the home will be consistent with the area and will not require any zoning relief for encroachments into building setbacks or for height.
 - Given the residential nature of the use, the project will not create excessive noise, odors, vibrations, dust, fumes or light.
 - The home has also been designed to be extremely energy efficient and use up to 80% less energy than typical homes.
3. Character of the Site Development:
- The proposed house and driveway have been sited to work with the site's topography as much as possible.
 - With the exception of the driveway, the perimeter of the property will remain wooded, allowing the house to blend into its surroundings.
 - The driveway has been designed to minimize wetland fill and impacts to the WCOD.
4. Character of the Buildings and Structures:
- The residential nature and scale of the house will be similar to the rest of the neighborhood.
 - Architecturally, the new home will fit with the traditional New England style of the area.
5. Preservation of Natural, Cultural and Scenic Resources:
- The property hosts no significant communities of wildlife habitat and is surrounded by other residential properties.
 - The driveway was designed to minimize impacts to wetlands and the WCOD and tree clearing is intended to be kept to a minimum.
 - No known cultural resources, cemeteries or structures are located on the site.
6. Impact on Property Values:
- The construction of a tasteful new home will have no adverse effect to the value of abutting properties.
 - It is possible that the increased tax assessment resultant of this new home may increase the values of other homes in the neighborhood.
7. Availability of Public Services and Facilities:
- Electric, cable, phone and internet and internet services are available at the site.
 - Water and sewer will be by private well and septic system.
 - Trash and recycling will be provided by the Town of Durham.
 - Emergency services will be able to access the site from Mathes Cove Road, a public way.
 - Drainage will be addressed on site and will convey runoff through the site by way of two new culverts under the driveway. Together with the proposed vegetated swale on the uphill side, stormwater quality and quantity will be similar to the existing conditions.
8. Fiscal Impacts:
- The site is an existing lot of record and construction of a single-family home will present no negative fiscal impact to the Town.
 - The installation of private water and septic systems will also not impact Town infrastructure.

Standards for Conditional Uses in the WCOD (175-61.B)

1. *There is no alternative location on the parcel that is outside of the WCOD that is reasonably practical for the proposed use.*

The only suitable building envelope is located across the wetlands and WCOD at the rear of the lot. It is impossible to access this area without direct impacts to the wetlands and WCOD.

2. *The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities as determined by the Planning Board.*

The driveway has been designed to minimize excessive fills and the overall area of disturbance. In addition, the proposed house has been located so as to potentially avoid any need for ledge removal.

3. *The location, design, construction, and maintenance of the facilities will minimize any detrimental impact on the wetland, and mitigation activities will be undertaken to counterbalance any adverse impacts.*

By locating the driveway as shown on the plans, impacts to the wetland have been reduced to the greatest extent possible. During construction, appropriate temporary erosion and sediment control measures will be implemented and the slopes stabilized with vegetation once the work is completed. In addition, riprap located at the culvert outfalls will prevent erosion on a permanent basis. Although not located in the WCOD, the site's septic system will use an advanced treatment system subject to a maintenance agreement with the supplier which will ensure that it will not present a long-term liability to the nearby wetland.

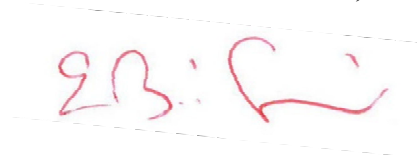
4. *Restoration activities will leave the site, as nearly as possible, in its existing condition and grade at the time of application for the Conditional Use Permit.*

No area outside the proposed limit of work will be disturbed. Those portions of the site outside the driveway and building that are to be regraded will be stabilized with vegetation.

Please call me if you have any questions or need any additional information.

Sincerely,

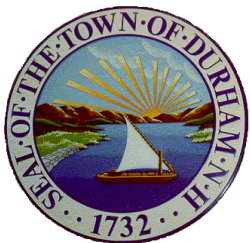
ALTUS ENGINEERING, INC.



Erik B. Saari
Vice President

ebs/5192-APP-PB-CovLtr-090121

Enclosures



PLANNING DEPARTMENT

Town of Durham

8 Newmarket Road

Durham, NH 03824-2898

Phone (603) 868-8064

www.ci.durham.nh.us

CONDITIONAL USE APPLICATION

Date: August 30, 2021

Property information

Property address/location: 12 Mathes Cove Road

Tax map #: 12; lot #(s): 9-12; Zoning District: RC

Property owner

Name (include name of individual): Paul J. Runcy Revocable Trust, Paul J. Runcy, Trustee

Mailing address: 2 Meader Lane, Durham NH 03824

Telephone #: (603) 659-8112 Email: pjruncy@gmail.com

Engineer, Surveyor, or Other Professional

Name (include name of individual): Erik Saari, Altus Engineering, Inc.

Mailing address: 133 Court Street, Portsmouth, NH 03801

Telephone #: (603) 433-2335 Email address: esaari@altus-eng.com

Proposed project

Activity within the WCOD X; Activity within the SPOD ____; Other proposal or activity ____

What is the proposed project? Construction of a single-family residence with a driveway and utilities.

Which provision in the zoning ordinance calls for this conditional use? 175-61

Justification for granting the conditional use: The existing lot's legal building envelope cannot be accessed without impacts to the WCOD and associated wetlands.

Have you completed the conditional use checklist? Yes

(over)

Other Information

Please note the following:

- Coordinate with Michael Behrendt, the Durham Town Planner, at 868-8064 or mbehrendt@ci.durham.nh.us about the process and other information that may be needed.
- Coordinate with Karen Edwards, Planning Department Administrative Assistant, at 868-8064 or kedwards@ci.durham.nh.us about fees and preparing the abutters list. All property owners within 300 feet of the site will be notified about the application and public hearing.
- Please be sure to attend all meetings of the Planning Board and the Conservation Commission, if the latter will be making a recommendation.
- The Planning Board may schedule a site walk after the first meeting.
- A public hearing will be held on the application. A sign must be placed on the property by the applicant at least 10 days prior to the hearing.
- The applicant will need to address the eight general conditional use criteria. For conditional uses within the Wetland or Shoreland Overlay Districts four additional specific criteria must be addressed by the applicant.
- For conditional uses within the Wetland or Shoreland Overlay Districts, the application will be presented to the Conservation Commission for a recommendation.
- See Article VII in the Zoning Ordinance for additional information about conditional uses.
- We encourage you to check with the New Hampshire Division of Environmental Services to see if any state permits are needed prior to spending money on any Town applications.

Submission of application

This application must be signed by the property owner(s) *and/or* the agent.

I(we) attest to the best of my(our) knowledge that all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As agent, I attest that I am duly authorized to act in this capacity.

Signature of property owner: _____

Date: _____

Signature of agent:  _____

Date: August 30, 2021

Conditional Use Checklist **for WCOD and SPOD applications**

**To be filled out by the applicant/agent*

Address or location of property: 12 Mathes Cove Road

Applicant/agent: Paul J. Runcy, Rev. Trust, Owner/Applicant and Altus Engineering, Inc., Agent

Owner, if different from applicant: _____

Map: 12 Lot: 9-12 Date: August 30, 2021

The following items must be included in a conditional use application for activity within the Wetland Conservation Overlay District (WCOD) and the Shoreland Protection Overlay District (SPOD). Please mark the items below and return this form to the Planning Department.

General items and documentation:

- X Conditional use application
- X This conditional use checklist
- X A letter of intent/narrative describing the project
- X A narrative addressing the 8 general conditional use criteria
- X A narrative addressing the 4 specific criteria for activity within the WCOD and SPOD
- X An electronic/pdf version of the plan (below)
- X Application and notice fees. Please coordinate with Karen Edwards, Admin. Assistant.
- X Abutters list including properties within 300 feet of the subject lot. Please coordinate with Karen Edwards.
- X Letter or email from property owner authorizing agent to submit the application or represent them, if applicable
- X Photograph(s) of the site showing where the proposed activity will occur
- X Confirmation that the applicant will install a sign on the property about the public hearing once the hearing date with the Planning Board is set
- X Confirmation that the applicant has seen the documents *Considerations for Potential Impacts on Wetlands* and *Wetland and Shoreland Resources for Applicants*. No action is required in regard to these documents; rather applicants are simply encouraged to review and consider information contained in the documents.
- X Confirmation that the applicant has discussed their project with the Town Planner

(over)


Information to be included on the plan:

The function of the plan is to convey very clearly the nature and pertinent details of the project. Some of these items may not be needed depending on the character and scope of the proposal. Please check with the Town Planner with any questions. The Town Planner can advise the applicant about which items he believes may not be needed in order to save the applicant expense. However, the Conservation Commission and Planning Board make their own determination about particular items that are necessary to conduct their review. If the timeframe for the project is tight, the applicant is encouraged to provide more information up front to reduce the chances of the review being continued to an additional meeting allow for additional information to be submitted.

- X A plan drawing to scale prepared by a surveyor, engineer, or other qualified professional
- X A title block with title, owner's name, address of the property, date, and name, address and seal of the person preparing the plan
- X A north arrow and a bar scale. A legend if applicable
- X A locus plan showing the location of the subject lot at an appropriate scale (such as 1" = 500 feet or 1" = 1,000 feet)
- X Names of owners of abutting lots
- X Property lines and location of the proposed activity within the lot. Where the proposed activity is close to a property line and on larger, more significant projects inclusion of surveyed property lines may be needed.
- X Existing buildings, structures, driveways, parking areas, utilities, drainage structures, water bodies, and other salient features in the vicinity of the proposed activity
- X The wetland and edge of wetlands in the WCOD and the waterbody and reference line in the SPOD delineated by a qualified professional
- X The buffer/setback line from the edge of wetlands or reference line
- X All proposed activity within the buffer/setback area and in the vicinity of the buffer/setback area clearly delineated
- X On larger or more significant projects existing and proposed contours in the vicinity of the proposed activity
- X Erosion and sedimentation control measures, if applicable
- N/A Restoration plan, if applicable
- N/A Landscaping plan, if applicable

Letter of Authorization

I, Paul Runcy, Owner/Applicant, hereby authorize Altus Engineering, Inc. of Portsmouth, NH to represent me as the Applicant in all matters concerning the engineering and related permitting of a site plan on Durham Tax Map 12, Lot 9-12 located at 12 Mathes Cover Road in Durham, NH. This authorization shall include any signatures required for Federal, State and Municipal permit applications as well as any representation at related public hearings.


Signature

PAUL RUNCY
Print Name

8/23/2021
Date


Witness

Leslie Pasternack
Print Name

8/23/2021
Date



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133 Court Street
Portsmouth, NH
03801-4413

Abutter's List

Tax Map 12, Lot 9-12
12 Mathes Cove Road
Durham, NH 03824

300-foot radius as of August 30, 2021

<u>Tax Map / Parcel</u>	<u>Abutter name & mailing address</u>	<u>Neighborhood address</u>
12 / 9-9	Edward J. & June M. Durnall Rev. Trust 26 Mathes Cove Road Durham, NH 03824	26 Mathes Cove Road
12 / 9-11	Robert M. Wade 16 Mathes Cove Road Durham, NH 03824	16 Mathes Cove Road
12 / 9-6	Cullen M. & Allison M. Jumper 23 Mathes Cove Road Durham, NH 03824	23 Mathes Cove Road
12 / 9-13	James J. Connell Rev Intervivos Trust 8 Mathes Cove Road Durham, NH 03824	8 Mathes Cove Road
12 / 9-5	Kathleen Fleming c/o Brian Fleming 1465 Hooksett Road, Unit 462 Hooksett, NH 03106	15 Mathes Cove Road
12 / 9-15	Grandy Rev. Trust, Andrew S. Grandy 1 Langley Road Durham, NH 03824	1 Langley Road
12 / 9-4	Thomas W. & Lee A. Huppuch 9 Mathes Cove Road Durham, NH 03824	9 Mathes Cove Road
12 / 9-16	Craig & Elizabeth Ann Lund 3 Langley Road Durham, NH 03824	3 Langley Road

12 / 9-3	Wharton/McDonald Rev. Trust. 5 Mathes Cove Road Durham, NH 03824	5 Mathes Cove Road
12 / 11-2	Nancy P. Sandberg Trust 15 Langley Road Durham, NH 03824	Lot 2 Langley Road
12 / 9-14	John E. Simeone 4 Mathes Cove Road Durham, NH 03824	4 Mathes Cove Road

Owner/Applicant:

12 / 9-12	Paul J. Runcy Rev. Trust 2 Meader Lane Durham, NH 03824	12 Mathes Cove Road
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Engineer/Agent:

Erik Saari
Altus Engineering, Inc.
133 Court Street
Portsmouth, NH 03801



At driveway entrance looking into site



House site



Leachfield location



On driveway looking towards Mathes Cove Road