

**From:** [Michael Behrendt](#)  
**Subject:** Main Street #19 - Development of Regional Impact for construction vehicles? \*\*\*  
**Date:** Tuesday, April 13, 2021 5:33:05 PM

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To the Planning Board,

Please see the email from Barbara Dill below. Barbara raises a very good point.

I certainly did not consider the proposal for 19 Main Street to meet the threshold for a Development of Regional Impact (DRI) for the proposed use but with the construction vehicles it may well be, especially in reference to the construction for Riverwoods which was deemed a DRI. [A key question would be where the dump trucks are coming from and going to.](#) If limited to Route 4 this would likely not be a DRI. The Planning Board should take this question up as soon as possible, tomorrow if you are able to or at the following meeting if more information and discussion is needed. I will send more information in a moment

### **Review of Developments of Regional Impact**

#### **36:54 Purpose. –**

The purpose of this subdivision is to:

- I. Provide timely notice to potentially affected municipalities concerning proposed developments which are likely to have impacts beyond the boundaries of a single municipality.
- II. Provide opportunities for the regional planning commission and the potentially affected municipalities to furnish timely input to the municipality having jurisdiction.
- III. Encourage the municipality having jurisdiction to consider the interests of other potentially affected municipalities.

#### **36:55 Definition. –**

In this subdivision "development of regional impact" means any proposal before a local land use board which in the determination of such local land use board could reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:

- I. Relative size or number of dwelling units as compared with existing stock.
- II. Proximity to the borders of a neighboring community.
- III. Transportation networks.
- IV. Anticipated emissions such as light, noise, smoke, odors, or particles.
- V. Proximity to aquifers or surface waters which transcend municipal boundaries.
- VI. Shared facilities such as schools and solid waste disposal facilities.

**36:56 Review Required. –**

I. A local land use board, as defined in RSA 672:7, upon receipt of an application for development, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.

II. Each regional planning commission may, with public participation following the public posting of notice of the intent to develop guidelines, including notice published in a newspaper of general circulation in the planning region, develop guidelines to assist the local land use boards in its planning region in their determinations whether or not a development has a potential regional impact. The regional planning commission may update the guidelines as needed and provide them, as voted by the regional planning commissioners, to all municipalities in the planning region.

**36:57 Procedure. –**

I. Upon determination that a proposed development has a potential regional impact, the local land use board having jurisdiction shall afford the regional planning commission and the affected municipalities the status of abutters as defined in RSA 672:3 for the limited purpose of providing notice and giving testimony.

II. Not more than 5 business days after reaching a decision regarding a development of regional impact, the local land use board having jurisdiction shall, by certified mail, furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made. The local land use board shall, at the same time, submit an initial set of plans to the regional planning commission, the cost of which shall be borne by the applicant.

III. At least 14 days prior to public hearing, the local land use board shall notify, by certified mail, all affected municipalities and the regional planning commission of the date, time, and place of the hearing and their right to testify concerning the development.

IV. Notwithstanding the foregoing, when the building inspector determines that a use or structure proposed in a building permit application will have the potential for regional impact and no such determination has previously been made by another local land use board, he or she shall notify the local governing body. The building inspector shall also notify by certified mail the regional

planning commission and the affected municipalities, who shall be provided 30 days to submit comment to the local governing body and the building inspector prior to the issuance of the building permit.

**Michael Behrendt**

Durham Town Planner

Town of Durham

8 Newmarket Road

Durham, NH 03824

(603) 868-8064

[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

**From:** Barbara Dill [mailto:barbaradill@gmail.com]

**Sent:** Tuesday, April 13, 2021 2:57 PM

**To:** Michael Behrendt

**Subject:** 19 Main St.--Regional Impact?

Michael, this email has been sitting in my Drafts for some time. I guess I never sent it, so I'm sending now just in case:

Michael, I remember that during the Riverwoods Site Plan review a question arose about whether it was a development of regional impact, I think during the phase when there would be many dump trucks taking trees and rocks, etc., away from the site and down Rte 108. I forget how thi was resolved but I do think there was communication with neighboring towns that this would be happening and approximately when. Is that likely to be an issue here?