



**PLANNING DEPARTMENT**  
**Town of Durham**  
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[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

## **M E M O R A N D U M**

**TO:** Applicants for review of a **SUBDIVISION**

**FROM:** Michael Behrendt, Durham Town Planner

**DATE:** July 2018

**SUBJ:** **Submission Requirements and Review Process for Formal Applications**

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We appreciate your interest in developing property in the Town of Durham and would like to make the application process as simple and pleasant for you as possible. Please review this memorandum carefully and feel free to contact our office with any questions or comments. You can reach Andrea Novotney, Administrative Assistant, at (603) 868-8064 or at [anovotney@ci.durham.nh.us](mailto:anovotney@ci.durham.nh.us) and Michael Behrendt, Durham Town Planner, at (603) 868-8064 or at [mbehrendt@ci.durham.nh.us](mailto:mbehrendt@ci.durham.nh.us).

### **Preliminary discussions and review**

***Please note.*** For applicants and agents who are not highly familiar with the review process in Durham it is **strongly recommended** that you speak with the Town Planner about the submission and review process before preparing an application, especially if you are considering developing a conservation subdivision. Also, please review the Town of Durham **Subdivision Regulations**, **Road Construction Regulations**, and **Zoning Ordinance** carefully before preparing an application.

Applicants are urged to speak with other Town departments, including the Assessing, Building, Economic Development, Fire, Police, and Public Works Departments, as appropriate, early in the process to learn of any potential issues. See the contact information at the bottom. In particular, applicants should contact the Public Works Department to coordinate about water and sewer connections.

Most larger subdivisions will need to be developed as conservation subdivisions. See Article XIX in the Zoning Ordinance. The Subdivision Regulations lay out the process for conservation subdivisions.

### **Application Package**

The applicant must submit all of the following items in order for the application to be accepted as complete and processed as a **formal application** (*see exception/clarification at the end*):

- 1) Application. Completed application form
- 2) Narrative. Written narrative explaining the proposed project, including any pertinent details
- 3) Small Drawings. Complete set of drawings on 11" x 17" sheets (paper only) – 15 sets folded in half
- 4) Large Drawings. Complete set of full size drawings on 24" x 36" sheets (paper only) – 3 sets
- 5) Checklist. Complete and submit the checklist. All items specified on the Subdivision Checklist must be submitted unless they are not applicable or a waiver is requested and approved.
- 6) Fees. Application fee and fees to cover notices. One check or two separate checks may be used. Checks should be made out to "Town of Durham".
- 7) Abutter's List. Coordinate with Andrea Novotney on preparing the list. All parcels of land which are contiguous to the subject property at any point, or which would be contiguous if not for an intervening road or stream, must be listed. The list may not be filled out more than 5 days prior to the application deadline. Please note that the list shall also include the names and address of all holders of conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45, and the names and business addresses of every engineer, architect, land surveyor and soil scientist whose professional seal appears on any plat submitted to the board. For conditional use applications abutters within 300 feet must be notified.
- 8) Waivers. Requests for waivers, if any, using the waiver form. The applicant may request waivers from submission requirements and design standards. Waivers are granted by the Planning Board at its discretion. If you believe that obtaining a waiver will improve your project we encourage you to apply for it.
- 9) Drainage Analysis. Submit a written analysis unless not applicable - 2 copies
- 10) Digital version. Include a digital version of all documents in this section via email (preferably) or disk.

If all necessary items are not submitted, such that the application cannot be accepted as complete, the application will be treated as a preliminary application. However, *at the discretion of the Planning Board*, various items which can be reviewed fairly independently and readily inserted into an engineered plan *may* be submitted later, after plan acceptance, provided they are submitted in a form and timeframe to allow for full review prior to final action. Consult the Planning Department for more information. In addition, particular items – such as the drainage report, for example – may be submitted after the application deadline but prior to the Planning Board meeting and not affect acceptance, *if the timeframe for submittal of those items is approved in advance by the Planning Department*.

## **Review Process**

- 1) **Schedule**. See the schedule of Planning Board meetings and submission deadlines. The submission deadline is 21 days prior to the Planning Board meeting. Applications may be submitted for any meeting except Planning Board workshops.
- 2) **Planning Board meeting**. The applicant or agent must attend all Planning Board meetings at which the project is discussed.
- 3) **Public Hearing**. A public hearing will be held on the application, generally at the meeting immediately following when the application is accepted as complete. The Planning Board may continue the hearing or close it at any time.
- 4) **Site Walk**. The Planning Board may schedule a meeting on site. The site walk is considered a public meeting and the public is welcome to attend.
- 5) **Technical Review Group**. Agents and/or applicants must attend the Technical Review Group (TRG) meeting when scheduled. These are held on Tuesdays at 10:00 am, generally on the week prior to the Planning Board meeting where the application is first presented. Follow up meetings are held later as needed. TRG meetings are an opportunity for the applicant to meet with staff and representatives of Town boards to discuss the project.
- 6) **Regulations**. The application must be in compliance with all of the following: the Town of Durham **Subdivision Regulations** and **Road Construction Regulations**, unless a waiver is obtained; the Town of Durham **Zoning Ordinance**, unless a variance is obtained; and all other applicable local, state, and federal regulations. Applicants are encouraged to review these documents on line. Hard copies are also available for purchase.
- 7) **Energy Checklist**. The Town has developed a checklist to encourage applicants to systematically consider the energy efficiency of buildings and sites. Completion of the checklist and a meeting with the Building Inspector and a representative of the Durham Energy Committee is required prior to subdivision approval.
- 8) **Fees and Improvements**. The application may be subject to the following additional fees and assessments:
  - a) A connection fee will be imposed on all projects that tie into the Town's water or sewer system.
  - b) Where utilities, roads, sidewalks, drainage systems, or other infrastructure impacted by the project are substandard the applicant could be required to upgrade these facilities or contribute to an upgrade.
  - c) Payment to any outside consultants whose review is deemed necessary by the Planning Board.

- d) Reimbursement of any out-of-pocket expenses incurred by the Town in evaluating the project.
  - e) A school impact fee of \$3,699 will be assessed for each new house that will be built within the subdivision. The fee is payable prior to issuance of a certificate of occupancy for each house.
- 9) Other Studies. Additional studies, such as a traffic study (and analysis using the Town's traffic model on large projects) or fiscal impact study, may be required by the Planning Board, when appropriate.
- 10) Tax Implications. It is recommended that the applicant contact the Durham Tax Assessor to learn about any tax implications of your project, *including payment of a change of use tax for property that will come out of the current use program*.
- 11) Conditions of Approval. Numerous proposed conditions will be delineated on a draft Notice of Decision presented for consideration by the Planning Board at a final meeting. Such conditions may include, but are not limited to, modifying plans, paying outstanding fees, obtaining state permits, and placing sureties/guaranties. If the applicant does not think any of these conditions are appropriate he/she may certainly point out concerns to the staff and/or Planning Board prior to approval by the board.

### **Process after Approval**

- 1) Execution. The project must be built and executed exactly as specified in the approved application package unless modifications are subsequently approved. All of the documentation submitted in the application package will be considered part of the approval unless otherwise updated, revised, or superseded.
- 2) Modifications. If you seek to make changes in the plans after approval, please notify the Planning Department. Modifications/amendments must be approved. We have a fairly quick administrative process for reviewing simple changes.
- 3) Precedent Conditions. On project approvals there are generally a number of precedent conditions – which may include, for example, payment of outstanding fees, modifying plans, and obtaining state permits - which must be met by the applicant prior to recording the plat and conveying any lots.
- 4) Construction Meetings. An on-site pre-construction meeting with Town staff must be held prior to any construction or site activity for all projects that include a new street or other significant improvements. Regular construction meetings with staff may be required during the construction process.
- 5) Inspections. For significant projects, the applicant will need to coordinate with the Durham Public Works Department for periodic on-site inspections.
- 6) Current use. If any portion of the subject property is enrolled in current use, the applicant will need to provide the Durham Assessing Department with a revised

Current Use map and any other items needed to comply with RSA 79-A. Note that the land use change tax must be paid for property that comes out of current use. The tax is 10% of the market value of the property at the time that it no longer qualifies for current use designation.

- 7) Appeals. Any party who is aggrieved by the decision of the Planning Board may appeal the decision to Superior Court provided the appeal is filed within 30 calendar days of the board's decision.