

TOWN OF DURHAM
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Town Planner's Review
Wednesday, November 8, 2023

- VIII. **Fitts Farm – Shed Addition.** Request for waiver from site plan review for 24 square foot (4 feet x 6 feet) addition to existing mail kiosk for storage of materials. Marden Way just off Emerson Road. Requested by Robert Dusinger, Maintenance Manager, Fitts Farm. If the waiver is not granted then staff requests an okay to review the proposal under the Minor Site Review. Tax Map 104, Lot 21. Residence A District.
- I recommend that the Planning Board grant a waiver from Site Plan review. Alternatively, I recommend that the Planning Board okay reviewing this proposal under the Minor Site Review process.

Please note the following:

- 1) Please see the enclosed request for a waiver from site plan review submitted by Bob Dusinger, Maintenance Manager for Fitts Farm.
- 2) Fitts Farms wants to build a 24 square foot addition (6 feet x 4 feet) onto an existing mail kiosk at Fitts Farm. The kiosk is situated just off Emerson Road where Fitts Farm Drive meets Marden Way (both are private roads within the Fitts Farm development). See maps below.
- 3) This is a very small building addition but technically any building or building addition, regardless of size is subject to Site Plan Review. Article 1. Authority in the regulations states that *development of parcels* is subject to review. *Development* is defined in the regulations as, “Any man-made change to improved or unimproved land, including but not limited to changes to buildings or other structures...”
- 4) This is a marginal, de minimus addition and arguably the staff could find this proposal not rising to a reasonable threshold for “development” but I thought it better to bring this question to the Planning Board.
- 5) I would not expect there to be any site concern but I will visit the site with Audrey Cline, Code Administrator, and/or April Talon, Town Engineer, to make sure that is the case. I have looked at photos provided by Mr. Dusinger.
- 6) Alternatively, the board could specify that the request be reviewed through the minor site process. For a minor site the application fee is \$50 and notices to abutters are \$5 each. There is no longer a legal notice fee since we now post the notice on the website rather than buying an ad in Fosters.

- 7) There is a wetland close to the mail kiosk, located to the west, shown on the image below, approximately in blue from the GIS and on the portion of the enclosed plat.
- 8) The Fitts Farm subdivision was approved around 2000. The buffer for the Wetland Overlay District at that time was 50 feet for poorly drained soils and 75 feet for very poorly drained soils. According to a note on the plat (prepared by the engineer with a wetland scientist's stamp) all of the wetlands are poorly drained. Only a pond nearby is very poorly drained. The 50-foot buffer line is shown on the plat.
- 9) The project is vested under the old zoning so the wetland buffer for Fitts Farm is 50 feet. It appears that the area proposed for the shed is beyond the 50-foot buffer. Mr. Dusinberre shows a photo below with a white line placed in a ditch. He measured this line from the nearest corner where the edge of the shed will be placed. The shoulder to the right of the white line is not a wetland as it is part of the shoulder of Marden Way covered with grass (not a wetland plant). I will go to the site and confirm the measurement of 50 feet. (If the addition were within 50 feet of the wetland then a conditional use would be needed.)

See the enclosed drawing in color. The dotted area is the utility and access easement, including Fitts Farm Drive and Marden Drive.

The existing Mail kiosk is shown in the middle of the picture just to the east of Marden Way, adjacent to a paved area (from GIS).



This image shows the larger view of Fitts Farm. The kiosk is located on Lot 21 but not marked in this image.

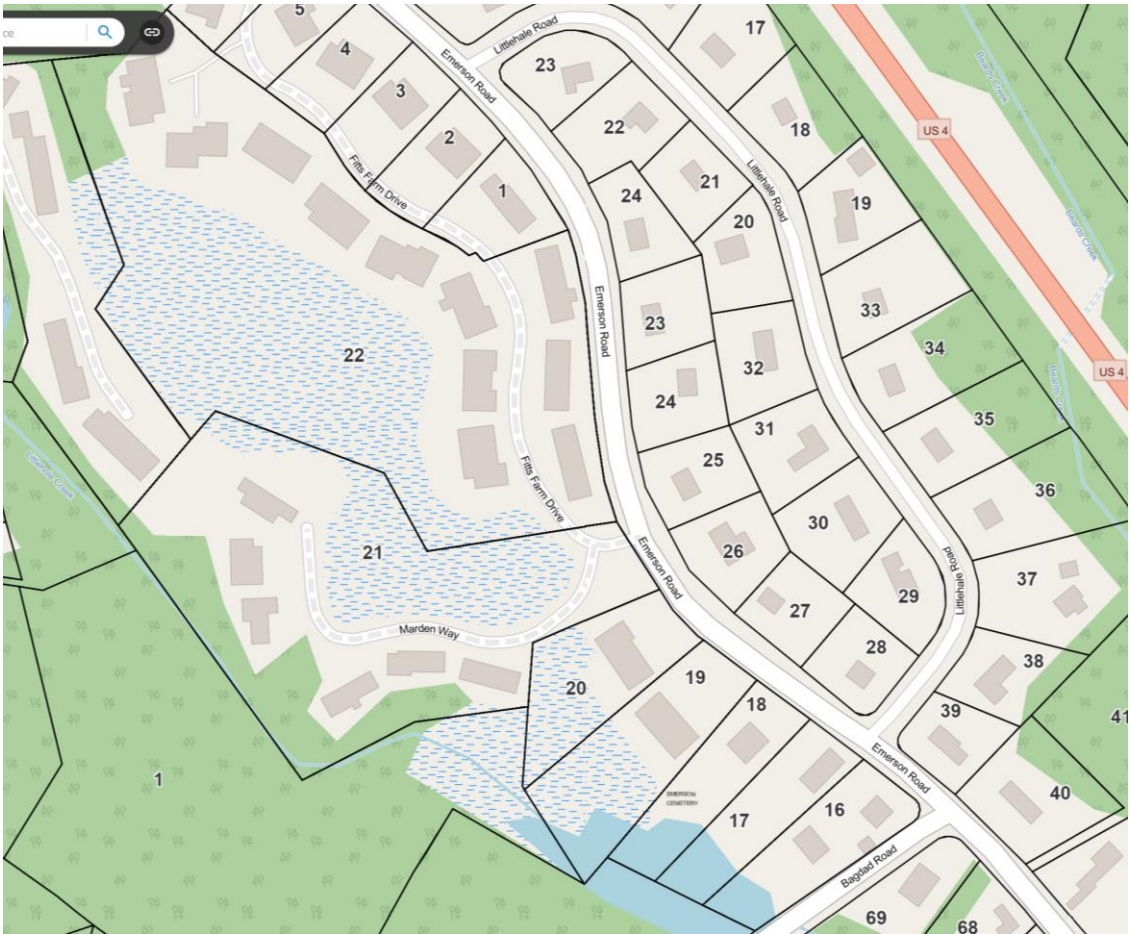


Photo from Bob Dusinberre showing rope line he placed 50 feet from the edge of the proposed addition, with wetland on the left and Marden Way pavement on the right.

