

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: 2/27/2024

Property information

Property address/location: 12 Oyster River Rd, Durham, NH, 03824

Tax map #: 109 (& partially 113) ; lot #'(s): 80 ; Zoning District: RA

Property owner

Name (include name of individual): New Heritage Designs (Katherine Cook)

Mailing address: 12 Oyster River Rd, Durham, NH 03824

Telephone #: 631-871-6119 Email: katherineleecook@gmail.com

Engineer, Surveyor, or Other Professional

Name (include name of individual): Rye Beach Landscaping (Ben Groves)

Mailing address: 8 Perennial Place, Exeter, NH, 03833

Telephone #: 603-964-6888 Email address: design@ryebeachlandscaping.com

Proposed project

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

What is the proposed project? Add a 12'x12' deck off of house, install retaining wall and stone steps to mitigate runoff and erosion, install permeable patio off of driveway and at base of stone steps.

Which provision in the zoning ordinance calls for this conditional use? A-1: The construction of streets, roads, driveways, access ways (but not including any parking areas other than those serving single-family uses), bridge crossings, and utilities including pipelines, power lines, and transmission lines

Justification for granting the conditional use: The retaining wall, steps, and patio will manage runoff and the resulting erosion issues and also allow safe access to the rear of the property. The style of the masonry hardscaping will be fitting with the surroundings, and the landscaping will be comprised of native plants that will also aid with erosion control and replace invasive species like barberry, buckthorn, and bittersweet that were ground down last summer. The deck

will be tucked in a corner of the house to remain low-profile and will allow access to enjoy the rear yard from the main floor of the house.

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 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.

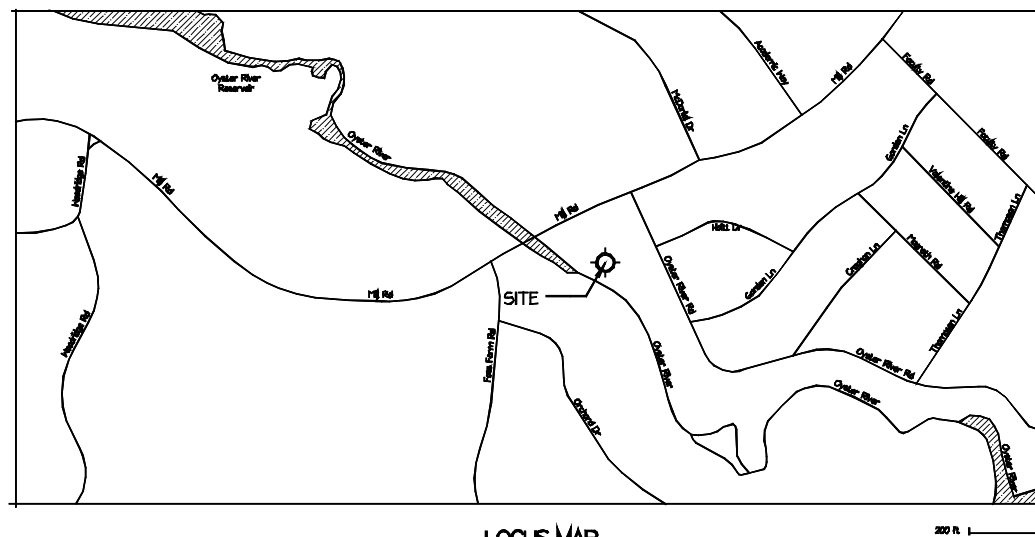
Signature of property owner: _____



Date: 2/27/2024

Signature of agent: _____

Date: _____

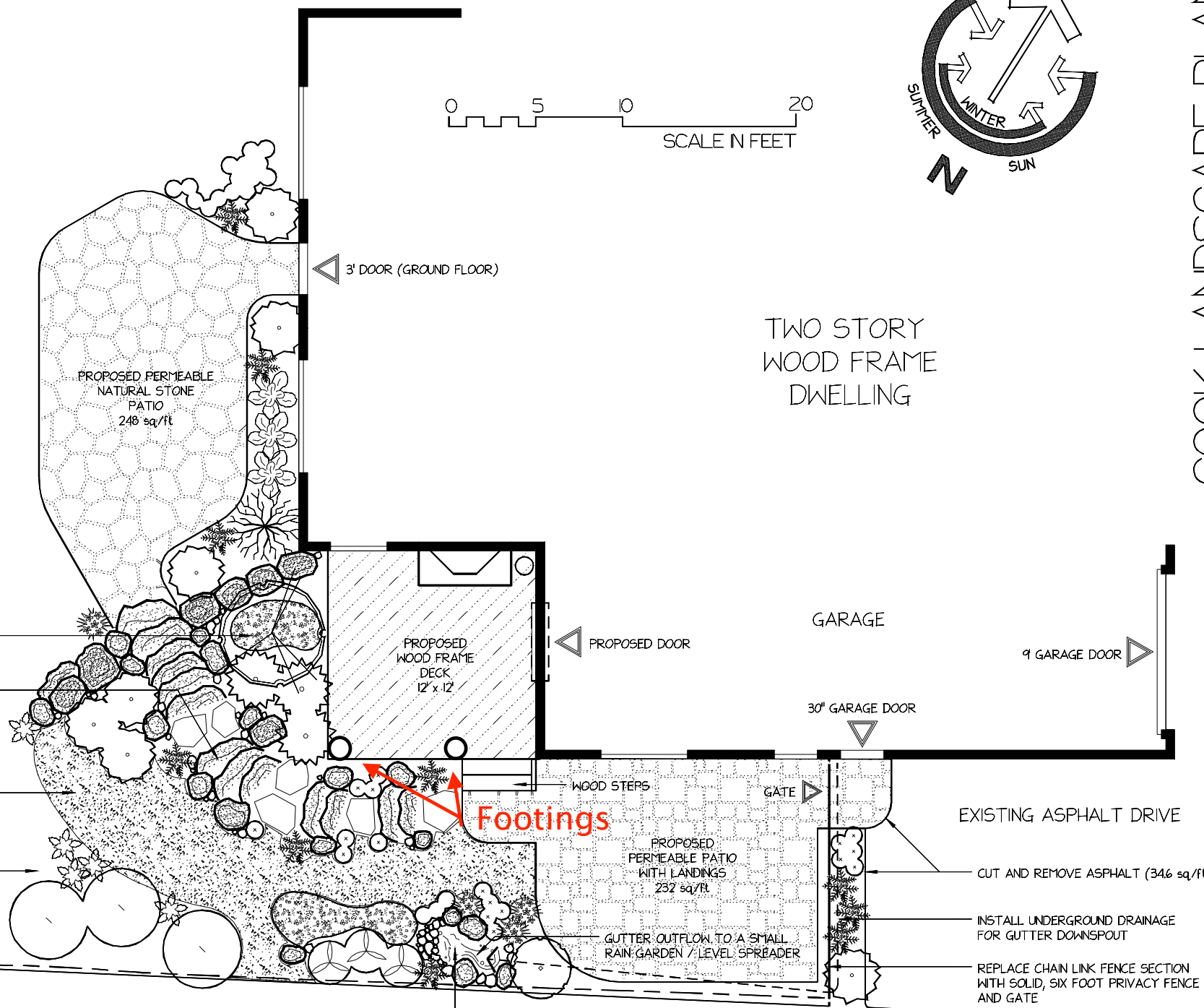
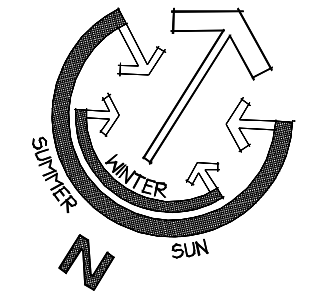
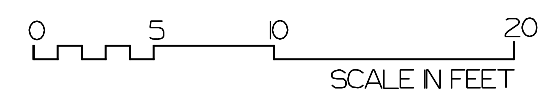


LOCUS MAP

SCALE, AS NOTED

50' WETLANDS SETBACK

- SILT SOCK TO REMAIN FOR DURATION OF CONSTRUCTION, INSTALL AT TOP OF SLOPE
- NATIVE PLANT GARDEN
- PROPOSED NATURAL STONE STEPS AND WALK WITH BOULDER RETAINING WALLS (+/- 140 sq/ft)
- COVER SLOPE AND DISTURBED AREAS WITH 4" OF HARDWOOD CHIPS
- ADD NATIVE PLANTS TO VINCA BED
- EXISTING CHAIN LINK FENCE TO REMAIN



TWO STORY WOOD FRAME DWELLING

PROPOSED WOOD FRAME DECK 12' x 12'

Footings

PROPOSED PERMEABLE PATIO WITH LANDINGS 232 sq/ft

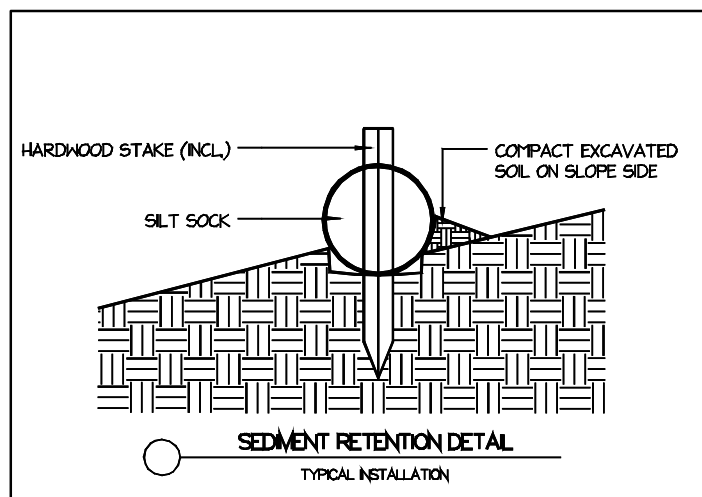
PROPOSED PERMEABLE NATURAL STONE PATIO 248 sq/ft

EXISTING ASPHALT DRIVE

CUT AND REMOVE ASPHALT (346 sq/ft)

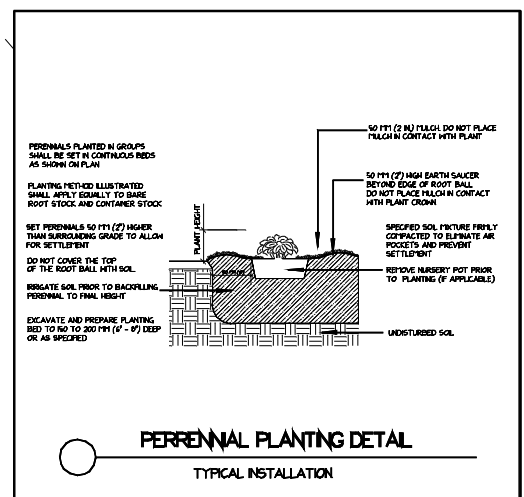
INSTALL UNDERGROUND DRAINAGE FOR GUTTER DOWNSPOUT

REPLACE CHAIN LINK FENCE SECTION WITH SOLID, SIX FOOT PRIVACY FENCE AND GATE



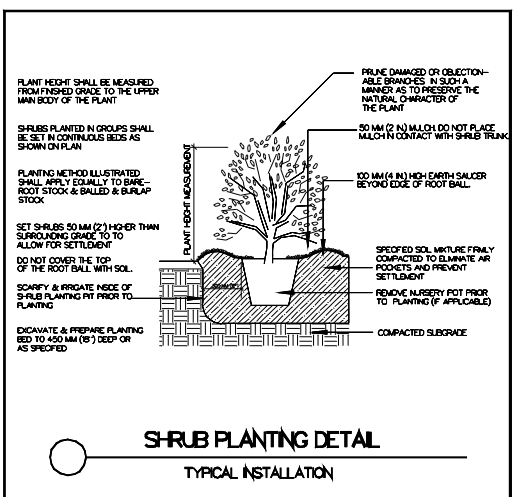
SEDIMENT RETENTION DETAIL

TYPICAL INSTALLATION



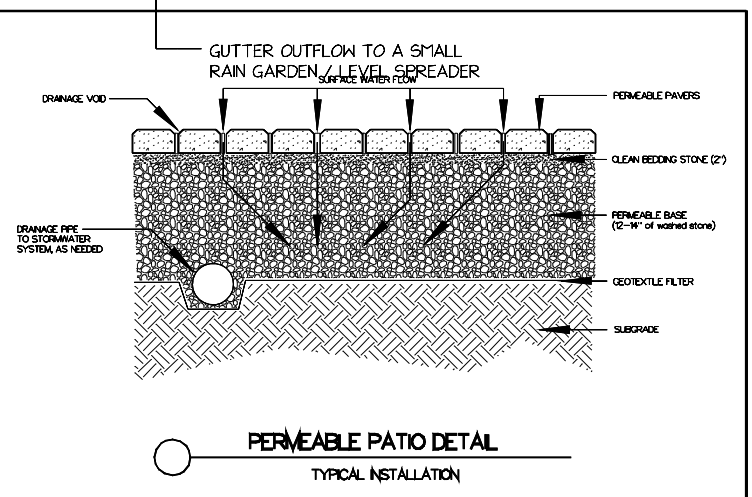
PERENNIAL PLANTING DETAIL

TYPICAL INSTALLATION



SHRUB PLANTING DETAIL

TYPICAL INSTALLATION



PERMEABLE PATIO DETAIL

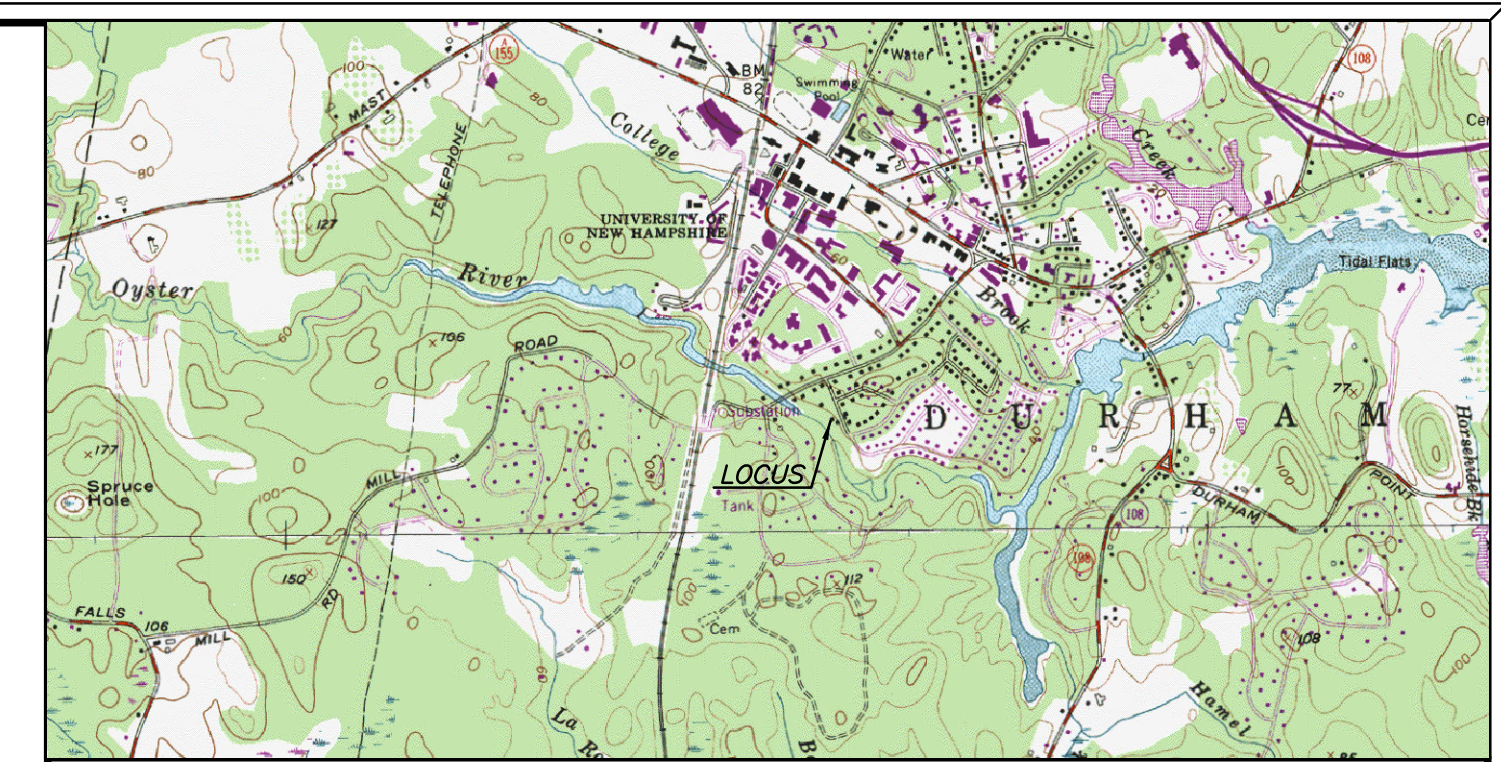
TYPICAL INSTALLATION

COOK LANDSCAPE PLAN
12 OYSTER RIVER ROAD, DURHAM, NH
MAP 109 : LOT 80

RYE BEACH LANDSCAPING
8 PERENNIAL PL, EXETER, NH

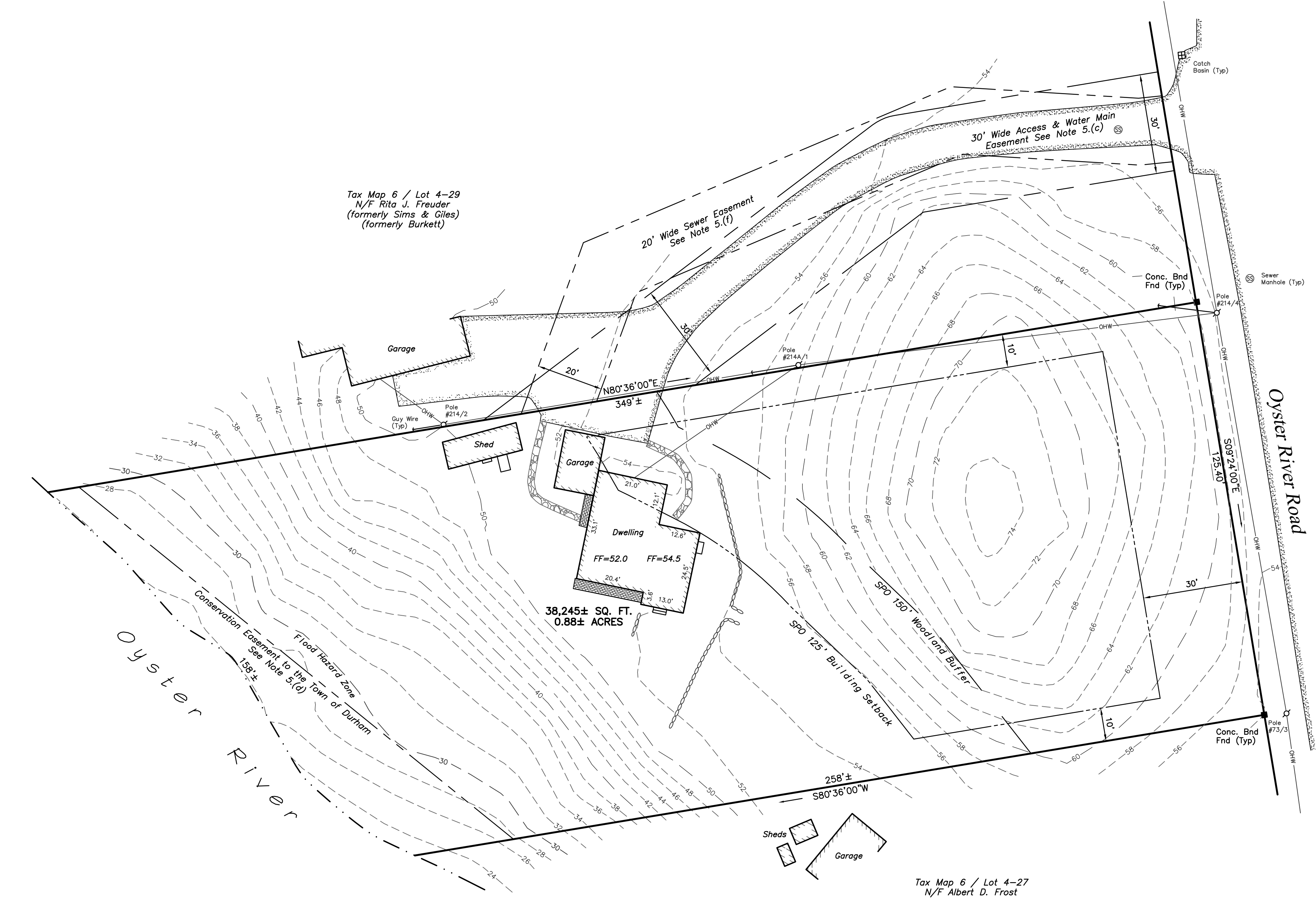
- Legend:**
- N/F Now or Formerly
 - OHW Overhead Wires
 - SCRD Strafford County Registry of Deeds
 - Building Setback
 - Utility Pole
 - Existing Contour

- Plan References:**
- 1.) "Plan of Land of Harry L. & Barbara P. Barrett, Oyster River Road, Durham, NH," dated December 1951, prepared by Ned Spaulding, SCRD Pocket 2, Folder 16, Plan 48.
 - 2.) "Plan of Land of F. R. Woods, Oyster River Road, Durham, NH," dated December 1951, prepared by Ned Spaulding, SCRD Pocket 2, Folder 16, Plan 51.
 - 3.) "Plan of Land of Max S. & Fredelle Maynard, Oyster River Road, Durham, NH," dated December 1951, prepared by Ned Spaulding, SCRD Pocket 2, Folder 16, Plan 50.
 - 4.) "Easement Location for W. Sims & F. Hall, Durham, NH," dated July 27, 1981, prepared by Bruce L. Pohopek, SCRD Plan No. 22A-89.

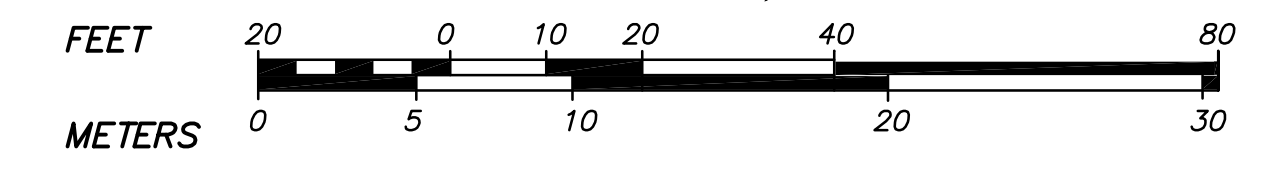


LOCATION PLAN
NOT TO SCALE

- Notes:**
- 1.) The purpose of this plan is to depict the existing conditions of the subject tract for a site planning purposes.
 - 2.) Field Procedure: Topcon (GTS-240) Electronic Total Station Instrument with a Carlson Explorer II Data Collector, Performed April 2013.
 - 3.) Parcel is shown as Lot 4-28 on the Town of Durham Assessor's Map 6.
 - 4.) Owner of Record: Francis & Carmen F. Hall
60 Middle Road
Dover, NH 03820
SCRD Bk 920, Pg 304
 - a.) Parcel is subject to a 20' wide sewer easement to the University of New Hampshire as described in SCRD Bk 607, Pg 181 and SCRD Bk 920, Pg 304.
 - b.) Parcel is subject to easements to the New Hampshire Electric Co. & New England Telegraph Co. as described in SCRD Bk 611, Pg 71 and SCRD Bk 655, Pg 407.
 - c.) Parcel has the benefit of a 30' wide access and water maintenance easement across land formerly of W. Keith & Evelyn M. Burkett, now land of Rita J. Freuder, (Lot 4-29), as described in SCRD Bk 654, Pg 303.
 - d.) Parcel is subject to an easement to the Town of Durham along the Oyster River as described in SCRD Bk 866, Pg 194.
 - e.) Parcel has been released and discharged of covenants from the University of New Hampshire as described in SCRD Bk 919, Pg 99.
 - f.) Parcel has the benefit of a 20' wide sewer easement across land formerly of W. Keith & Evelyn M. Burkett, now land of Rita J. Freuder, (Lot 4-29), as described in SCRD Bk 1069, Pg 627.
 - 5.) Parcel is located in the Town of Durham Residence A (RA) zoning district and the Shoreland Protection Overlay (SPO) district.
 - 6.) A portion of the parcel is located in a Flood Hazard Zone at elevation 30 as depicted on Flood Insurance Rate Map No. 33017C0318D, Strafford County, New Hampshire (All Jurisdictions) effective date, May 17, 2005.
 - 7.) The location of all underground utilities shown are approximate and are based upon a partial field survey and a compilation of plans of record or information. David W. Vincent, LLS does not warrant nor guarantee the location of all utilities depicted or not depicted. The contractor or design engineer, prior to the commencement of any construction, shall verify the location of all utilities and contact DIGSAFE at 1-888-344-7233.
 - 8.) Existing conditions represented on this plan are at the time of the field survey performed between April 2, 2013, and April 5, 2013. The contractor or design engineer shall notify David W. Vincent, LLS if any conditions are contrary to those depicted on this plan.
 - 9.) Horizontal Datum is based upon plan reference no. 1 and Vertical Datum is based upon the National Geodetic Vertical Datum of 1929.



EXISTING CONDITIONS SITE PLAN
PREPARED FOR
ELIZABETH R. & WILLIAM W. STINE
OF
TAX MAP 6 / LOT 4-28
LOCATED AT
14 OYSTER RIVER ROAD
COUNTY OF STRAFFORD
DURHAM, NH



SCALE: 1" = 20' DATE: APRIL 7, 2013



NO.	DATE	DESCRIPTION	BY
4			
3			
2			
1			

DAVID W. VINCENT, LLS
LAND SURVEYING SERVICES
19 MORGANS WAY
BARRINGTON, NH 03825
TEL: (603) 664-5786
www.landsurveyingservices.net
LAND PLANNING
BOUNDARY SURVEYS, SUBDIVISIONS,
SEPTIC SYSTEM DESIGNS & PLOT PLANS

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

**To be filled out by the applicant/agent and returned with the application*

Address or location of property: 12 Oyster River Rd, Durham, NH, 03824

Applicant/agent Katherine Cook

Owner, if different from applicant: _____

Map: 109 (& partially 113) Lot: 80 Date: 2/27/2024

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

N/A 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)

_____ Application and notice fees. Please coordinate with Tracey Cutler, Admin. Assistant.

_____ Abutters list including properties within 300 feet of the subject lot. Please coordinate with Tracey Cutler.

N/A 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

No Is a permit through the New Hampshire Division of Environmental Services required?

No Is the site subject to review under the New Hampshire Rivers Management Program, RSA 483 or the Shoreland Protection Act, RSA 483B?

Narrative addressing the 4 specific criteria for activity within the WCOD and SPOD

1. There is no alternative location on the parcel that is outside of the WCOD that is reasonably practical for the proposed use;
No, The entire rear side of the house is inside the SPOD so there is no other place to put a door and deck to access the rear yard that would be outside the buffer.
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;
All efforts will be taken by the construction and landscaping crews to keep any necessary soil disturbances to a minimum: The small size of the deck will require only two footings be installed and a silt sock will be installed at the top of the rear yard slope for the duration of construction. The deck and hardscaping will be completed simultaneously as to reduce the amount of machinery travelling across the soil.
3. The location, design, construction, and maintenance of the facilities will minimize any detrimental impact on the adjacent shoreland and waterbody as well as downstream waterbodies, and mitigation activities will be undertaken to counterbalance any adverse impacts;
The deck is minimal in size and will not significantly obtrude into the environment. The hardscaping will resolve a current erosion issue threatening the southeast rear slope of the yard.
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.
Re-Grading will be required to build up the soil lost to erosion and install the retaining wall and steps. This will be done only to the extent needed to complete the designs outlined in the plan and will not significantly change the appearance of the grading in the area. The plans have been designed to maintain the existing grade as much as possible, which is why the steps are needed because of the steep slope in that area.

Narrative addressing the 8 general conditional use criteria

1. Site suitability: The site is suitable for the proposed use. This includes:
 - a. Adequate vehicular and pedestrian access for the intended use.
N/A
 - b. The availability of adequate public services to serve the intended use including emergency services, pedestrian facilities, schools, and other municipal services.
N/A
 - c. The absence of environmental constraints (floodplain, steep slope, etc.).
N/A- this plan addresses accessibility and runoff issues due to a steep slope
 - d. The availability of appropriate utilities to serve the intended use including water, sewage disposal, stormwater disposal, electricity, and similar utilities.
N/A

2. External impacts: The external impacts of the proposed use on abutting properties and the neighborhood shall be no greater than the impacts of adjacent existing uses or other uses permitted in the zone. This shall include, but not be limited to, traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare. In addition, the location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use, shall not have an adverse effect on the surrounding environment nor discourage the appropriate and orderly development and use of land and buildings in the neighborhood.
The deck and hardscaping will not contribute additional external impacts to abutting properties

3. Character of the site development: The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts of the use on the neighborhood. This shall include, but not be limited to, the relationship of the building to the street, the amount, location, and screening of off-street parking, the treatment of yards and setbacks, the buffering of adjacent properties, and provisions for vehicular and pedestrian access to and within the site.
The deck and hardscaping will not protrude out towards the street and will not increase the traffic to the property. The deck does not encroach on any zoning setback areas.

4. Character of the buildings and structures: The design of any new buildings or structures and the modification of existing buildings or structures on the site shall not be incompatible with the established character of the neighborhood. This shall include, but not be limited to, the scale, height, and massing of the building or structure, the roof line, the architectural treatment of the front or street elevation, the location of the principal entrance, and the material and colors proposed to be used.
The hardscaping and deck design are in line with the established character of the neighborhood and surrounding environment.

5. Preservation of natural, cultural, historic, and scenic resources: The proposed use of the site, including all related development activities, shall preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties. This shall include, but not be limited to, identified wetlands, floodplains, significant wildlife habitat, stonewalls, mature tree lines, cemeteries, graveyards, designated historic buildings or sites, scenic views, and viewsheds.
All mature trees are to remain

6. Impact on property values: The proposed use will not cause or contribute to a significant decline in property values of adjacent properties.

The proposed plans will likely increase property values by allowing the homeowner and guests to enjoy the beautiful property.

7. Availability of Public Services & Facilities: Adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage, and other necessary public or private services, are approved or assured, to the end that the use will be capable of proper operation. In addition, it must be determined that these services will not cause excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police protection, fire protection, and schools.

N/A

8. Fiscal impacts: The proposed use will not have a negative fiscal impact on the Town unless the Planning Board determines that there are other positive community impacts that off-set the negative fiscal aspects of the proposed use. The Planning Board's decision shall be based upon an analysis of the fiscal impact of the project on the town. The Planning Board may commission, at the applicant's expense, an independent analysis of the fiscal impact of the project on the town.

N/A



