

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

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: _____

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

B. The Planning Board shall approve a Conditional Use Permit for a use in the WCOD only if it finds that all four of the following criteria have been met in addition to the general criteria for conditional uses and any performance standards for the particular use:

1. There is no alternative design and location on the parcel for the proposed project that would:
 - a) have less adverse impact on the WCOD and overall ecological values;
 - b) be workable; and
 - c) be reasonable to expect the applicant to utilize.

There is no alternative location suitable as the retaining wall and rain garden must be built in the specific locations outlined in the plans to address the existing runoff and erosion issues. The entire house falls within the WCOD, so there is no other location where a rear door off of the main floor could be placed. Additionally, given the topography of the lot, placing a door anywhere else off of the rear of the house would require a larger deck and stair structure than proposed.

2. The design, construction, maintenance and operation of the proposed structures and activities within the wetland and buffer will minimize soil disturbance and adverse impacts to water quality to the extent workable.

The proposed plans will create a self sustaining system that reduces erosion, manages runoff and introduces native plants to stabilize the soil.

There will be some impact and disturbance during the construction process, but all efforts will be taken by the construction and landscaping crews to keep any necessary soil disturbances to a minimum. I believe the temporary disturbance and impact of the construction is outweighed by the benefits the new retaining wall, water management systems, and strategic planting plan will provide for this area for the foreseeable future.

The deck was designed to be compact (requiring only 2 footings) and all construction work on the deck and landscaping/hardscaping will be completed simultaneously to reduce the amount of machinery traveling across the soil.

3. Mitigation and restoration activities of the area being disturbed will allow for the site to perform the functions of the wetland and buffer to the extent workable. Planting of native or naturalized vegetation shall be included as appropriate (See Section 175-60 A. 1. for reference).

The plans improve the ability of the area to perform functions as a woodland buffer area as they will better manage the runoff of soil into the oyster river and introduce native plants.

The plans create a more stable area on a slope that currently has very little mature, native vegetation due to erosion and invasive plant growth. It will replace existing buckthorn, vinca, bittersweet, and Japanese honeysuckle with more appropriate native plants for a woodland area.

4. The proposed project will not have substantial adverse impacts to known rare species, rare habitats, water quality, aquatic connectivity, or wildlife corridors. Applicants are not required to provide supporting documentation for this criterion unless the Planning Board has good reason to believe this criterion applies.

The project does not have any substantial adverse impacts.

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.

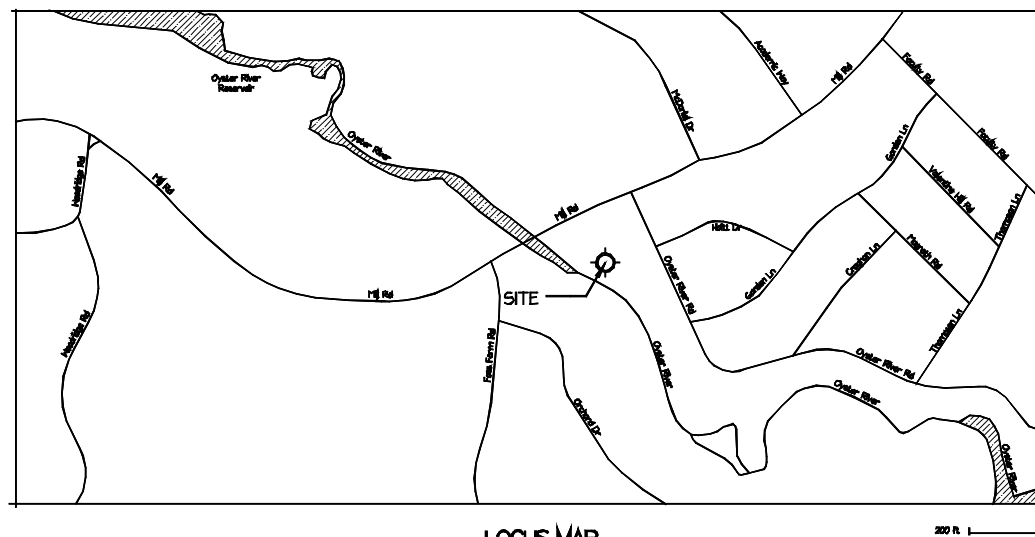
7. Availability of Public Services & Facilities: Adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage, and other necessary public or private services, are approved or assured, to the end that the use will be capable of proper operation. 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

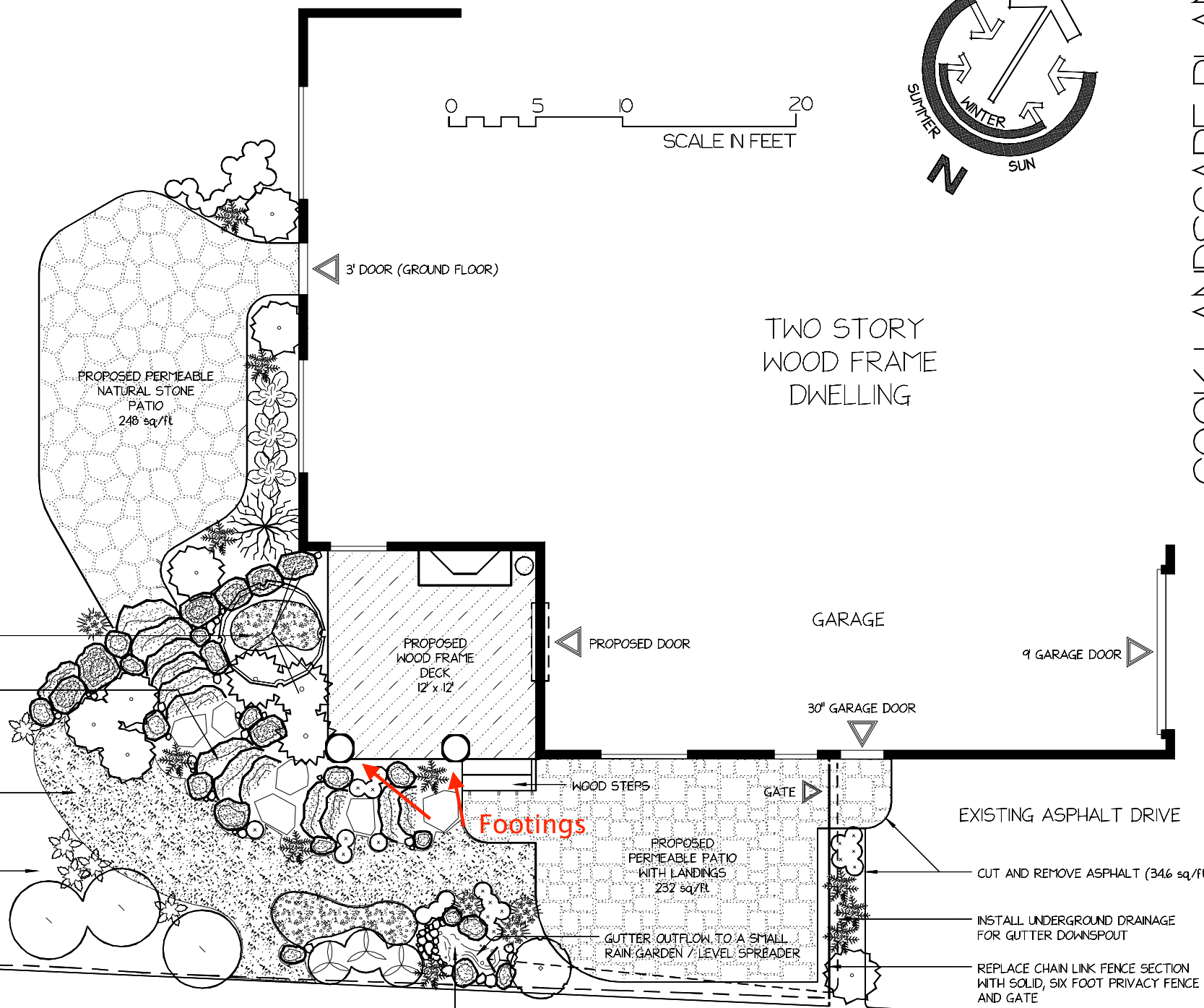
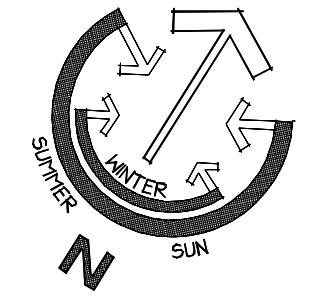
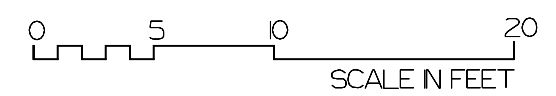


LOCUS MAP

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

GARAGE

PROPOSED WOOD FRAME DECK 12' x 12'

Footings

WOOD STEPS

PROPOSED PERMEABLE PATIO WITH LANDINGS 232 sq/ft

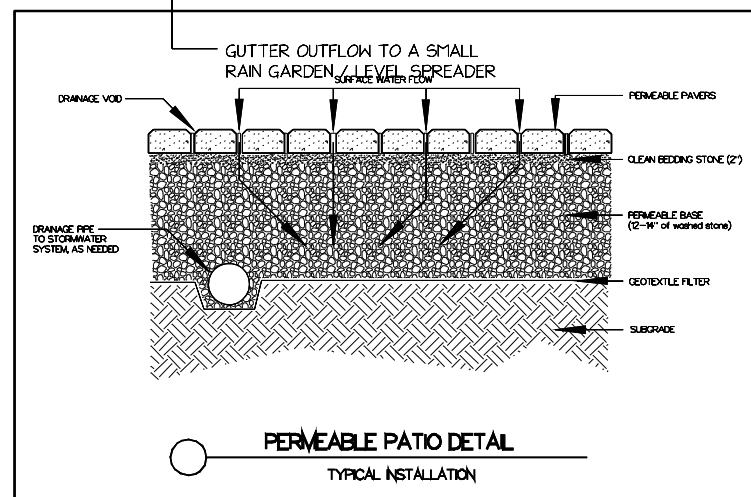
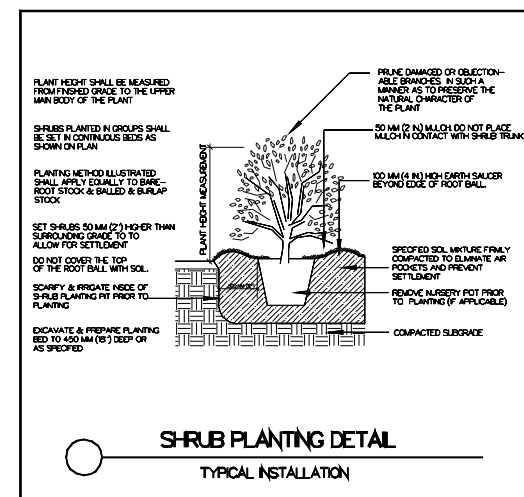
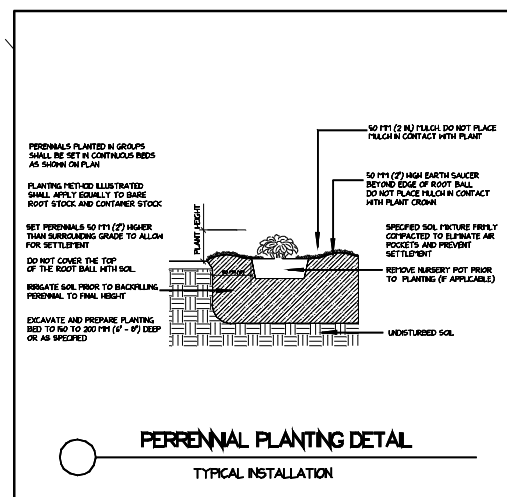
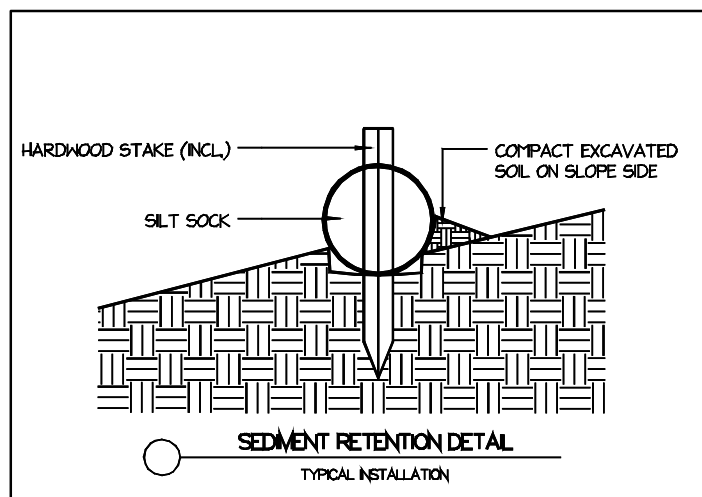
GUTTER OUTFLOW TO A SMALL RAIN GARDEN / LEVEL SPREADER

EXISTING ASPHALT DRIVE

CUT AND REMOVE ASPHALT (346 sq/ft)

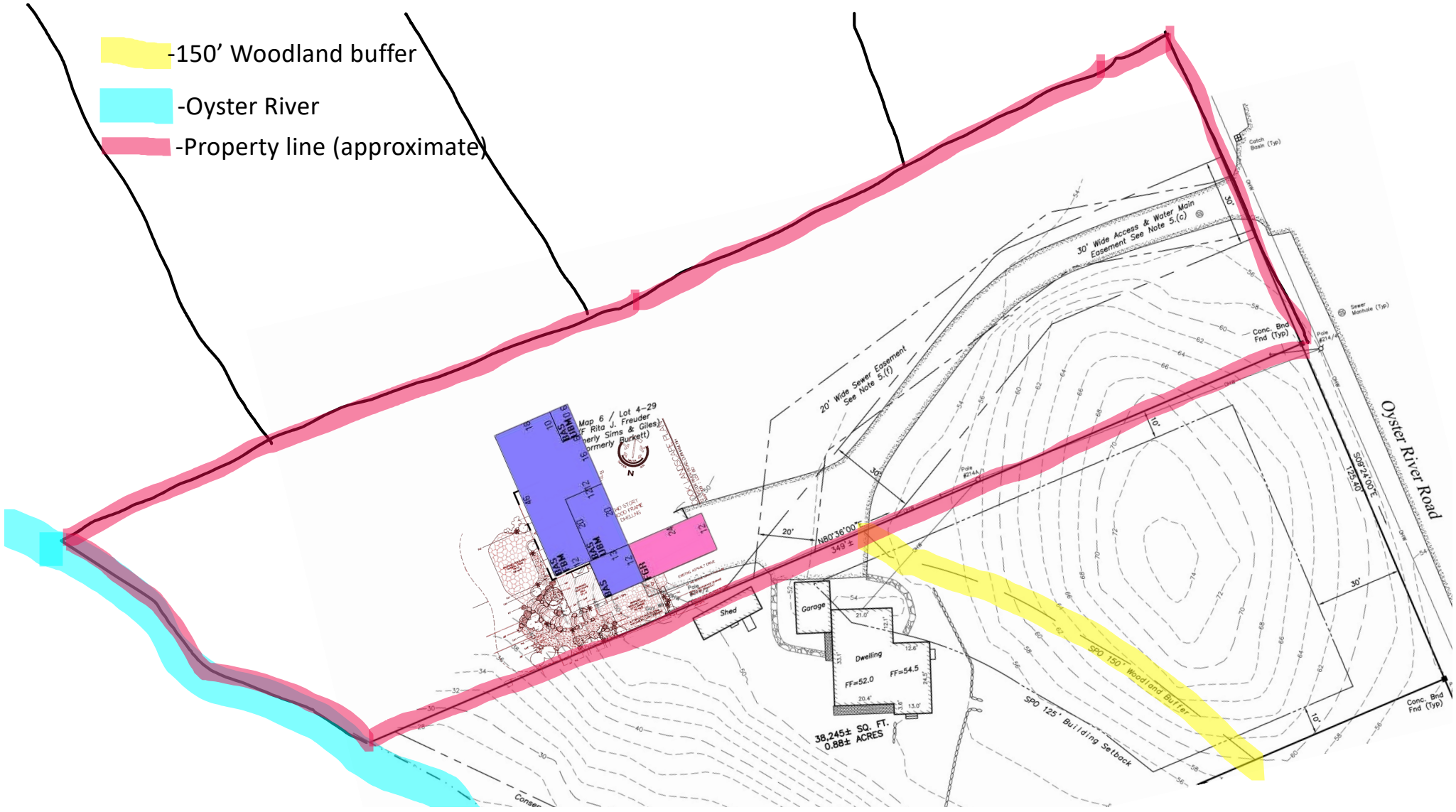
INSTALL UNDERGROUND DRAINAGE FOR GUTTER DOWNSPOUT

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



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

RYE BEACH LANDSCAPING
8 PERENNIAL PL, EXETER, NH



- 150' Woodland buffer
- Oyster River
- Property line (approximate)

Map 6 / Lot 4-29
 Rita J. Freuder
 formerly Sims & Giles
 formerly Burket

38,245± SQ. FT.
 0.88± ACRES

SPO 150' Woodland Buffer

SPO 125' Building Setback

Oyster River Road

30' Wide Access & Water Main
 Easement See Note 5.(c)

20' Wide Sewer Easement
 See Note 5.(f)

N80°36'00"
 349 ±

Conc. Bnd
 Fnd (Typ)

Conc. Bnd
 Fnd (Typ)



Sewer Manhole (Typ)

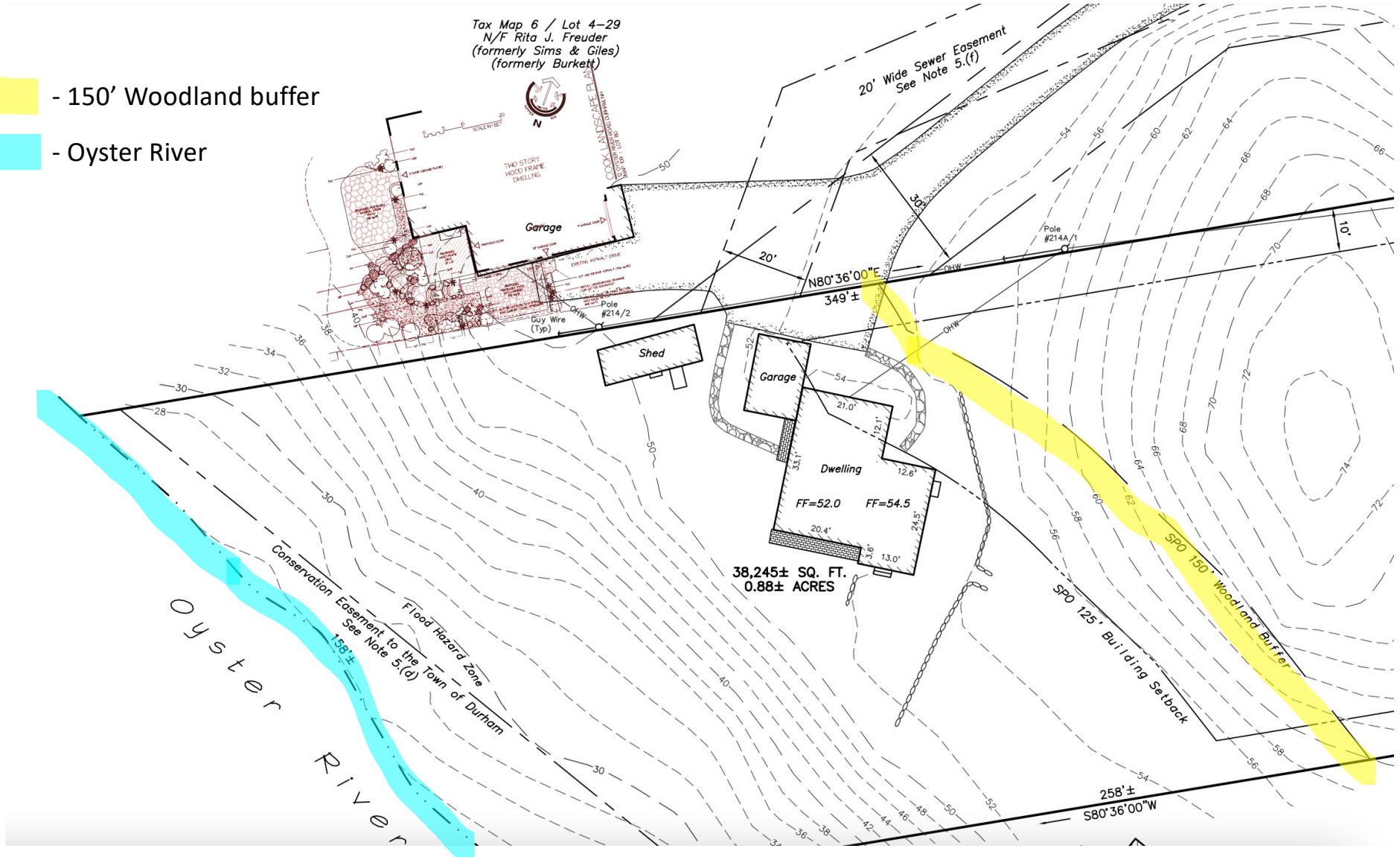
Catch
 Basin (Typ)



N

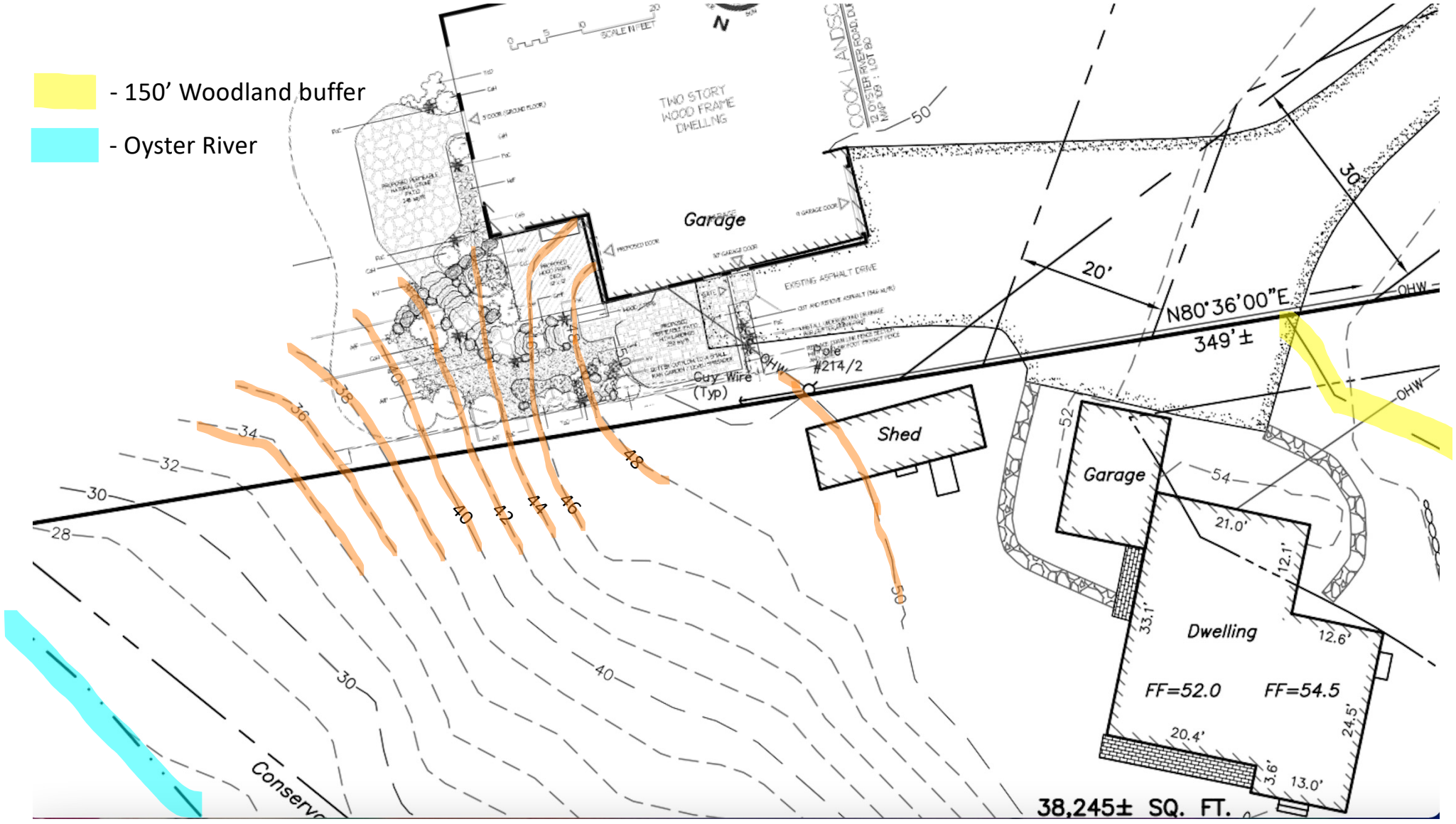
Conser

Tax Map 6 / Lot 4-29
N/F Rita J. Freuder
(formerly Sims & Giles)
(formerly Burkett)

-  - 150' Woodland buffer
-  - Oyster River



-  - 150' Woodland buffer
-  - Oyster River



38,245± SQ. FT.

Measurement

Feet (US)

Measurement Result

50 Feet (US)

Clear

Press **CTRL** to enable snapping



ading...















