

**AGENDA ITEM:**  
**DATE:**

## **COUNCIL COMMUNICATION**

**INITIATED BY:** Planning Board

**AGENDA ITEM:** Proposed amendment to the Durham Zoning Ordinance, Section 175-86 Aquifer Protection Overlay District, to remove requirement to connect with Town sewer and to modify the requirements for stormwater management.

**CC PREPARED BY:** Michael Behrendt, Town Planner

**PRESENTED BY:** Michael Behrendt, Town Planner

**AGENDA DESCRIPTION:**

This amendment corrects two problematic provisions in the Aquifer Protection Overlay District regarding stormwater and sewerage. Most of the district is located in the Rural and Residence Coastal districts where the main allowed use is single family housing.

The district requires connection to an underground stormwater system leading to a detention pond located outside of the overlay district. This is an excessive requirement, especially for single family housing located in outlying areas.

Town water and sewer are not available in the overlay district except in a small area located off Technology Drive. It is quite unlikely that it will be extended to the other areas in the near future. It is unreasonable to require connection to Town sewer when sewer is located a great distance away. *(See the map below. The overlay district is shown in green with cross hatches.)*

**LEGAL AUTHORITY:**

RSA 674:16; RSA 675:2; and Section 175-14 of the Durham Zoning Ordinance

**LEGAL OPINION:** n/a

**FINANCIAL DETAILS:** n/a

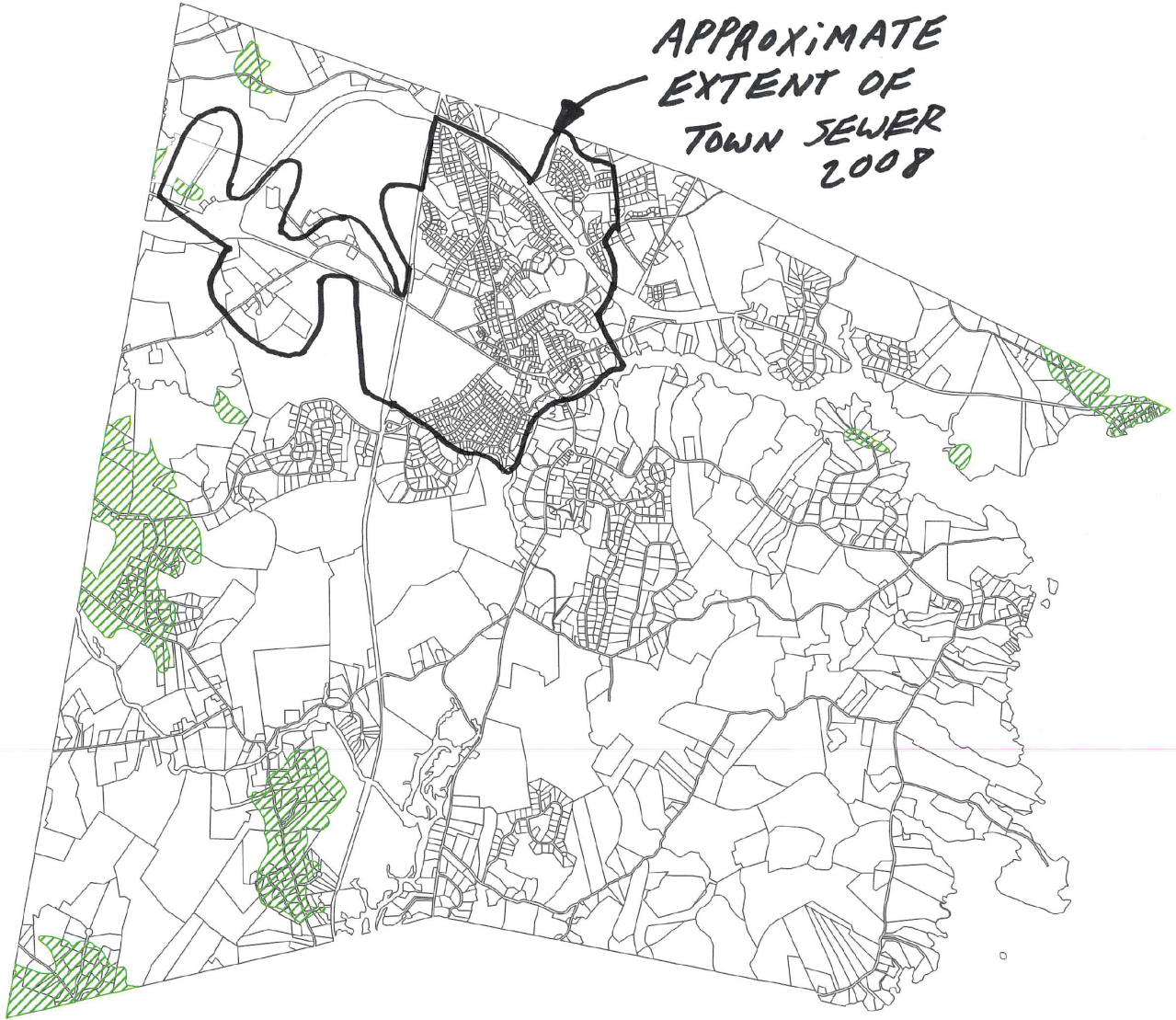
**SUGGESTED ACTION OR RECOMMENDATIONS:**

**Suggested Motions:**

*At first reading*

The Durham Town Council hereby moves on first reading and sets a public hearing on the proposed zoning amendment affecting the Aquifer Protection Overlay District to remove the requirement to connect to Town sewer and to change the requirements for stormwater management.

APPROXIMATE  
EXTENT OF  
TOWN SEWER  
2008



## **ORDINANCE #2025-XX OF DURHAM, NEW HAMPSHIRE**

**A PLANNING BOARD-INITIATED AMENDMENT TO CHAPTER 175 “ZONING” OF THE DURHAM TOWN CODE IN THE AQUIFER PROTECTION OVERLAY DISTRICT TO REMOVE THE REQUIREMENT TO CONNECT TO TOWN SEWER AND TO MODIFY THE REQUIREMENTS FOR SPECIAL STORMWATER TREATMENT.**

**WHEREAS**, the Aquifer Protection Overlay District requires connection to Town sewer but town sewer is not available and is located a significant distance from most parts of the overlay district; and

**WHEREAS**, the overlay district requires connection to an underground stormwater system and use of a detention pond located outside of the overlay district, a requirement that is not practical in outlying areas; and

**WHEREAS**, the main use allowed in the Aquifer Protection Overlay District is single family housing and it is unreasonable to require construction of this kind of stormwater system; and

**WHEREAS**, the Planning Board voted to initiate this amendment following a duly noticed public hearing; and

**WHEREAS**, the Town Council voted to adopt this amendment following a duly noticed public hearing.

**NOW, THEREFORE BE IT RESOLVED** that the Durham Town Council, the governing body of the Town of Durham, New Hampshire does hereby adopt the amendment presented below.

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**\*ADOPTED MAY 5, 2025\***

**ZONING AMENDMENT**

**ARTICLE XVI - AQUIFER PROTECTION OVERLAY DISTRICT**

*Proposed new text is shown like this*

*Existing text proposed to be deleted is shown like this:*

**175-86. Use Regulations.**

~~*C. Site drainage. All runoff from impervious surfaces, except roof and exterior foundation drains, shall be directed into an underground storm sewer system and directed to a detention/holding pond outside of the aquifer and aquifer recharge area. Any detention or holding pond must be located down the potentiometric gradient from any existing or potential Town well(s) and in the location where anticipated pumping will not so reverse the gradient that infiltrating water from the basin is drawn back into the well(s). The design and the construction of any detention or holding pond must be approved by the Public Works Department and the Planning Board.*~~

*C. Site drainage. All runoff from impervious surfaces shall be recharged on site and treated through structural best management practices to the maximum extent practical. Measures shall be consistent with the Durham Public Works Design and Construction Standards and the most current version of the New Hampshire Stormwater Manual as applicable.*

F. **Permitted uses.** The following uses are permitted, provided that they are conducted in accordance with the purposes and intent of this Article:

1. All uses permitted in the underlying zoning district and those regulated as Conditional Uses pursuant to Article VII. ~~*There must also be an approved hookup to the town's sewer system and the installation of an underground storm sewer system in accordance with Subsection C above.*~~

**PASSED AND ADOPTED** by the Town Council of the Town of Durham, New Hampshire this \_\_\_\_\_ day of \_\_\_\_\_ by \_\_\_\_\_ affirmative votes, \_\_\_\_\_ negative votes, and \_\_\_\_\_ abstentions.

\_\_\_\_\_  
Joe Friedman, Chair  
Durham Town Council

**ATTEST:**

\_\_\_\_\_  
Rachel Deane, Town Clerk-Tax Collector