

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC  
ATTORNEYS AT LAW

127 Parrott Avenue | Portsmouth, NH, 03801  
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

March 20, 2024

HAND DELIVERED

Micah Warnock, Chair  
Town of Durham  
8 Newmarket Road  
Durham, NH 03824

Re: Applicant: David T. Della Penta 2013 Trust &  
Karen S. Della Penta 2013 Trust  
Property: 561 Bay Road  
Map 239, Lot 9

Dear Chair Warnock:

On behalf of the owners and applicants, David & Karen Della Penta, Trustees, we are pleased to submit the enclosed application materials in support of their request for zoning relief for the above-referenced property.

Enclosed please find an original and six (6) copies of the following documents:

- A. Application for Special Exception.
- B. Memorandum in Support of Special Exception with supporting exhibits.

Also enclosed is an Abutter's list (x10) on mailing labels together with my firm's check in the amount of \$397.00 to cover the \$100 Application Fee, \$225 cost of legal notice and \$72 abutter fee (\$9 x 8). Please do not hesitate to contact us should you need anything further.

Very truly yours,



Kevin M. Baum, Esq.

KMB:maw  
Enclosures

cc: David & Karen Della Penta  
Altus Engineering (email)

---

DANIEL C. HOEFLE	R. PETER TAYLOR	GREGORY D. ROBBINS	OF COUNSEL:
R. TIMOTHY PHOENIX	ALEC L. MCEACHERN	PETER V. DOYLE	SAMUEL R. REID
LAWRENCE B. GORMLEY	KEVIN M. BAUM	MONICA F. KIESER	JOHN AHLGREN
STEPHEN H. ROBERTS	JACOB J.B. MARVELLEY	STEPHANIE J. JOHNSON	



TOWN OF DURHAM  
ZONING BOARD OF ADJUSTMENT  
8 NEWMARKET RD  
DURHAM, NH 03824  
PHONE: 603/868-8064  
www.ci.durham.nh.us

RECEIVED  
Town of Durham

MAR 20 2024

Planning, Zoning  
and Assessing

Fees paid 3/20/24  
\$285 # 2182  
29 # 2183

**SPECIAL EXCEPTION**

David and Karen Dell Penta, Trustees of the  
David T. Della Penta 2013 Trust and Karen S. Della Penta 2013 Trust

Name of Applicant \_\_\_\_\_

Address: 561 Bay Road, Durham, New Hampshire

Phone # (603) 502-4634 Email: david@dellapenta.com

Owner of Property Concerned Same  
(If same as above, write "Same")

Address: Same  
(If same as above, write "Same")

Location of Property: 561 Bay Road  
(Street & Number)

Tax Map & Lot Number 239-9

Description of proposed use showing justification for a Special Exception as specified in  
the Zoning Ordinance: Article: XII Section: 175-56.H

Construction of an advanced treatment subsurface disposal system within the setback from  
the side property line. See provided memorandum for additional detail and discussion of  
special exception criteria.

**EXPIRATION PERIOD FOR SPECIAL EXCEPTIONS:**

Any Special Exceptions granted shall be valid if exercised within **2 years** from the date of final approval,  
or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided  
that no such special exception shall expire within 6 months after the resolution of a planning application  
filed in reliance upon the special exception.

**Article XIII, Section 175-26**  
**Special Exceptions**

- A. *Criteria for the Granting of Special Exceptions.* The Zoning Board of Adjustment is authorized to grant a special exception in accordance with RSA 674:33 IV, as amended. The board shall grant a special exception if, and only if, it finds that all of the following general criteria, along with additional specific criteria for particular uses and activities given elsewhere, are met. The following are conditions of all special exceptions.
1. That the use will not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation from the kind and nature of other uses in the vicinity or by reason of obvious and adverse violation of the character or appearance of the neighborhood.
  2. That the use will not be injurious or noxious and thus detrimental to the neighborhood by reason of any of the causes stated in Part B. Zoning Districts (See Table of Contents) of this chapter.
  3. That the use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life or property, unsanitary or unhealthful emissions or waste disposal, excessive noise, or comparable adverse causes, impacts, or conditions.

MEMORANDUM IN SUPPORT OF  
APPLICATION FOR SPECIAL EXCEPTION

TO: Durham Zoning Board of Adjustment (“ZBA”)  
FROM: Kevin M. Baum, Esquire  
DATE: March 20, 2024  
Re: David and Karen Dell Penta, Owner/Applicant  
561 Bay Road  
Tax Map 239, Lot 9  
Residence C (RC) Zoning District

On behalf of David and Karen Dell Penta, Trustees of the David T. Della Penta 2013 Trust and Karen S. Della Penta 2013 Trust (“Della Penta”), we are pleased to submit this memorandum and attached exhibits in support of the Della Penta’s Application for Special Exception to permit the replacement of the existing septic system, currently within the side setback, with a new, more conforming, advanced treatment system at the above referenced property.

**I. Exhibits**

1. Site Plan Set by Altus Engineering
  - a. Cover Sheet
  - b. Existing Conditions Plan by Doucet Survey
  - c. Overall Site Plan (Sheet G-1)
  - d. Site Preparation Plan (Sheet C-1)
  - e. Overall Plan (Sheet SS-1)
  - f. Subsurface Disposal Plan (Sheet SS-2)
  - g. Subsurface Disposal Details (Sheet SS-3)
2. 1/24/24 Planning Board Meeting Minutes
3. Tax Card
4. Town GIS Map showing Property and surrounding area

**II. Overview of Property/Project**

The Della Pentas own the property located at 561 Bay Road (also identified as Tax Map 239, Lot 9) (the “Property”) in the RC Zoning District. The Property is currently developed with a residence, detached garage and shed and an older septic system. Exhibit 1.b (Existing Conditions Plan). The existing home and septic system are both non-compliant with current setbacks. Id. The Della Pentas propose to replace the home and septic system with a residential structure and advanced treatment subsurface waste disposal system. The new residence will meet all setback requirements. The new septic system will likewise be located farther from the side setback but,

due to the presence of wetlands and associated buffers as well as significant ledge outcrops which limit the suitable area for siting the septic system, it will still be within the fifty-foot side structure setback of the Durham Zoning Ordinance (“DZO”) Section 175-54 (Table of Dimensions). Exhibit 1.e (showing existing and proposed new systems).

After discussions with the Durham Planning Department, the Della Pentas applied for a Conditional Use Permit from the Planning Board, who heard the application on January 24, 2024. At that meeting, the Planning Board ultimately determined that the proposed reconstruction was a permitted use and that the Conditional Use Permit was not required. Exhibit 2 (Meeting Minutes). Subsequent to the Planning Board decision, the building inspector determined that relief was needed to permit the new septic system within the side setback.<sup>1</sup> Pursuant to DZO Section 176.H, septic systems (including leach fields) may be placed closer to property lines than otherwise permitted by special exception, provided that they are not placed closer to property lines than permitted by New Hampshire Department of Environmental Services (“NHDES”). The new proposed advanced treatment system complies with all NHDES requirements, and is, in fact, almost three times the minimum required property line distance.

### **III. Special Exception Criteria**

Unlike a variance, a special exception is not a waiver or relief from the express terms of the ordinance. Rather, a special exception is a permitted use provided that the general or specific criteria of the ordinance met.<sup>2</sup> Provided that the proposed use meets the requirements of DZO Article VIII, Section 175-26, the application must be granted. As discussed in greater detail below, the Della Pentas’ proposed new, more conforming, advanced treatment subsurface waste disposal system meets the stated special exception criteria of the DZO.

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<sup>1</sup> The applicant notes that pursuant to DZO Section 175-56.D, “accessory structures (not including driveways and parking areas) for residential uses may occupy up to 30 percent of a front, side, or rear setback area provided they are set back at least 10 feet from any lot line and do not exceed 20 feet in height.” Arguably, the proposed septic system is an accessory structure, which meets these dimensional requirements, and thus, it is permitted as proposed without the need for further relief. However, after discussions with the building inspector, the Della Pentas request this special exception application to permit the new proposed system.

<sup>2</sup> See NH Department of Business and Economic Affairs, The Board of Adjustment in New Hampshire: A Handbook for Local Officials, Chapter II, p. II-6 (2023); RSA 674:33, IV(a).

**DZO Section 175-26.A. – Criteria for the Granting of Special Exceptions**

1. The use will not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation from the kind and nature of other uses in the vicinity or by reason of obvious and adverse violation of the character or appearance of the neighborhood.

As a result of the reconstruction of the house in compliance with building setbacks, the proposed new, state of the art, advanced treatment subsurface sanitary waste disposal system will be located further from the front and side property lines than the existing septic disposal system. The proposed leachfield is approximately 28-feet to the nearest abutting property line and almost three times the minimum property line setback required by the NHDES Subsurface Bureau. The overall location of the system remains similar but with both the new residence and septic system becoming more conforming with setback requirements. Thus, there will be little if any noticeable change to the character or appearance of the Property or the neighborhood. To the extent there is any noticeable change, the lot will be improved and more compliant with the zoning ordinance. In addition to the reduction of existing non-conformities, the overall Property will be improved by the reconstruction of the house and new landscaping. Accordingly, granting the special exception to permit the new, more conforming septic system, will not be detrimental to the character or enjoyment of the neighborhood.

2. The use will not be injurious or noxious and thus detrimental to the neighborhood by reason of any of the causes stated in Part B (Zoning Districts) of the DZO.

DZO Part B sets forth the general requirements within each zoning district. With respect to the RC District, the stated purpose is “to protect the water quality of the community’s principal surface waters and to preserve the rural character and scenic beauty of these coastal areas...” DZO Section 175-41.A. The proposal is consistent with this stated purpose. The new septic system will be farther from the lot boundary and more conforming with setbacks than the existing system. By installing an advanced treatment subsurface waste disposal system the Della Pentas are improving the septic system further protecting the areas surface waters and coastal areas. The proposed use is consistent with the existing use, a single-family residence, an allowed use in the zoning district. Thus, the installation of a new, advanced septic system, located farther from the lot line and almost three times the minimum property line setback as required by NHDES, will not be injurious, noxious or detrimental to the neighborhood.

3. The use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life or property, unsanitary or unhealthful emissions or waste disposal, excessive noise, or comparable adverse causes, impacts, or conditions.

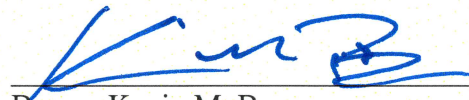
The proposed use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion, undue risk to life or property or cause excessive noise. The installation of the proposed septic system has no bearing on any traffic, noise, or hazards. The installation of a new advanced treatment septic system will reduce the potential for risks or impacts to public health, surface or groundwater sources. The new septic system meets and exceeds the separation to ledge and the seasonal high-water table. Since the lot is already developed with a conventional treatment system, the redeveloped lot with a new septic system being further from the property line and having advanced treatment will be an improvement over the current system.

#### **IV. Conclusion**

For all of the reasons stated, the Della Pentas respectfully request that the Zoning Board of Adjustment grant the requested special exception to permit the installation of a new, more conforming, advanced treatment subsurface waste disposal system within the side setback for the Property.

Respectfully submitted,

David and Karen Dell Penta, Trustees of the  
David T. Della Penta 2013 Trust and  
Karen S. Della Penta 2013 Trust



By: Kevin M. Baum  
Hoefle, Phoenix, Gormley & Roberts, PLLC  
127 Parrott Avenue  
Portsmouth, NH 03801  
[kbaum@hpgrlaw.com](mailto:kbaum@hpgrlaw.com)  
(603) 436-0666

# SPECIAL EXCEPTION SUBMISSION

## PROPOSED SINGLE-FAMILY RESIDENCE

561 BAY ROAD  
DURHAM, NH

Assessor's Parcel 239, Lot 9

Plan Issue Date:

March 19, 2024

Special Exception Submission

**Applicant:**

DAVID T. DELLA PENTA 2013 TRUST &  
KAREN S. DELLA PENTA 2013 TRUST

561 BAY ROAD  
DURHAM, NH 03824

**Architect/Builder:**



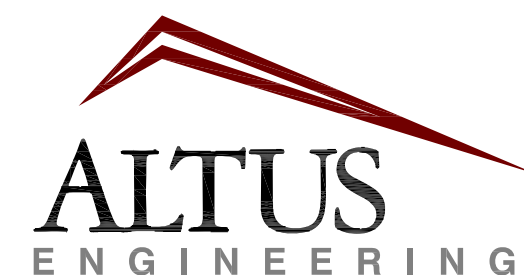
255 Portsmouth Avenue  
Greenland, NH 03840  
Phone (603) 430-9004

**Landscape Architect:**



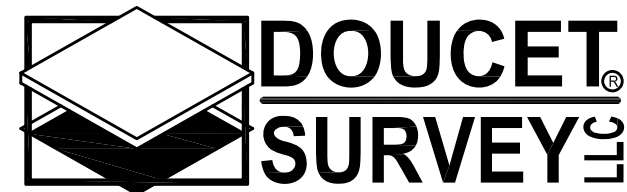
103 Kent Place Newmarket, New Hampshire Phone: 603.659.5949

**Civil Engineer:**

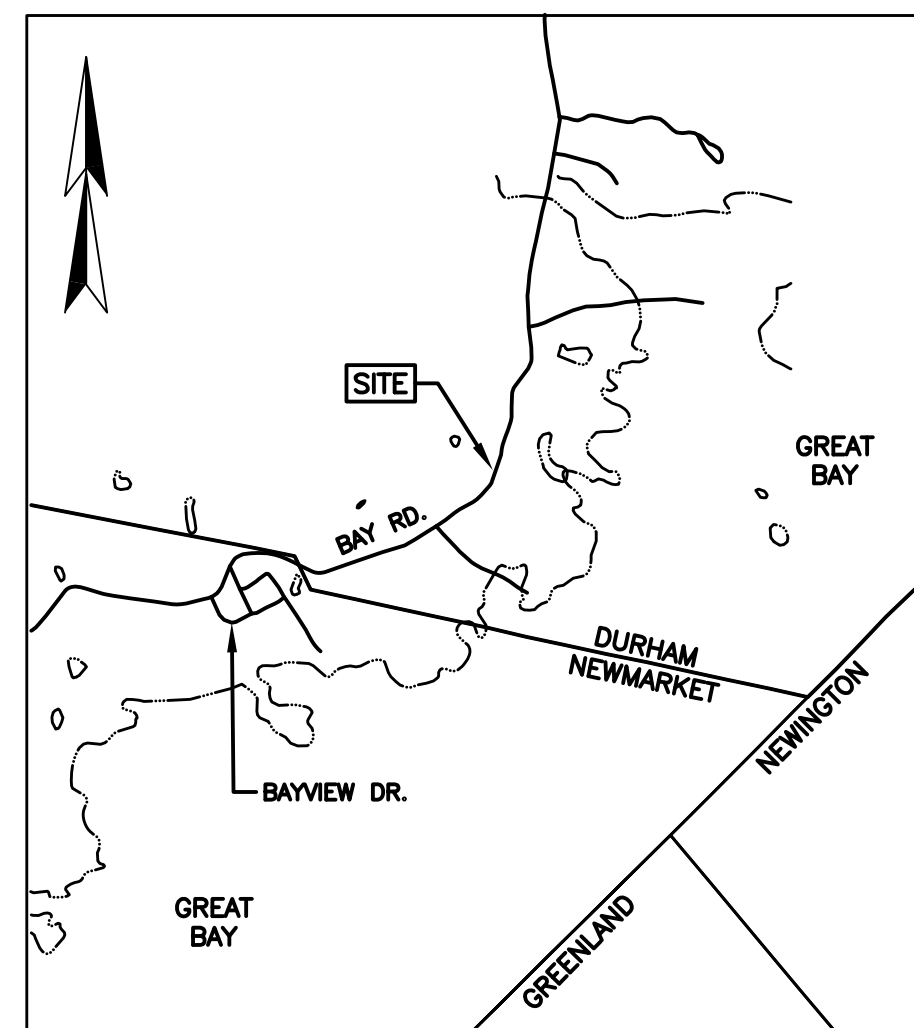


133 Court Street Portsmouth, NH 03801  
(603) 433-2335 www.altus-eng.com

**Surveyor:**



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102 Kent Place, Newmarket, NH 03857 (603) 659-6560  
Offices in Bedford & Keene, NH and Kennebunk, ME  
<http://www.doucetsurvey.com>



LOCUS

NOT TO SCALE

**Sheet Index**

Title	Sheet No.:	Rev.	Date
Existing Conditions Plan	1 of 1	0	05/10/23
Overall Site Plan	G-1	0	03/19/24
Site Preparation Plan	C-1	0	03/19/24
Overall Plan	SS-1	0	03/19/24
Subsurface System Disposal Plan	SS-2	0	03/19/24
Subsurface Disposal System Details	SS-3	0	03/19/24

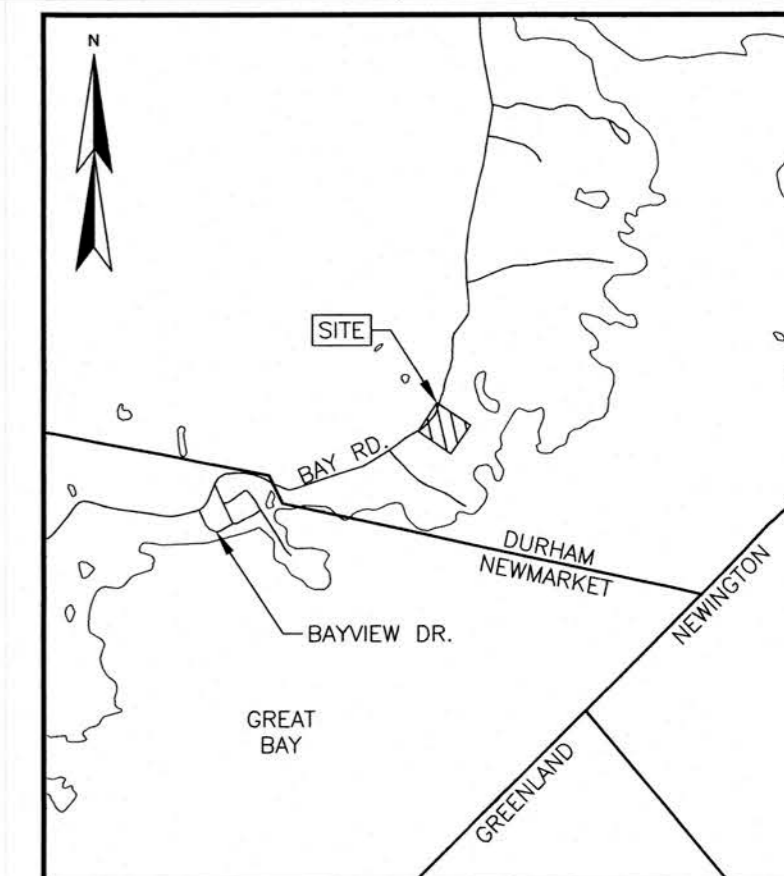
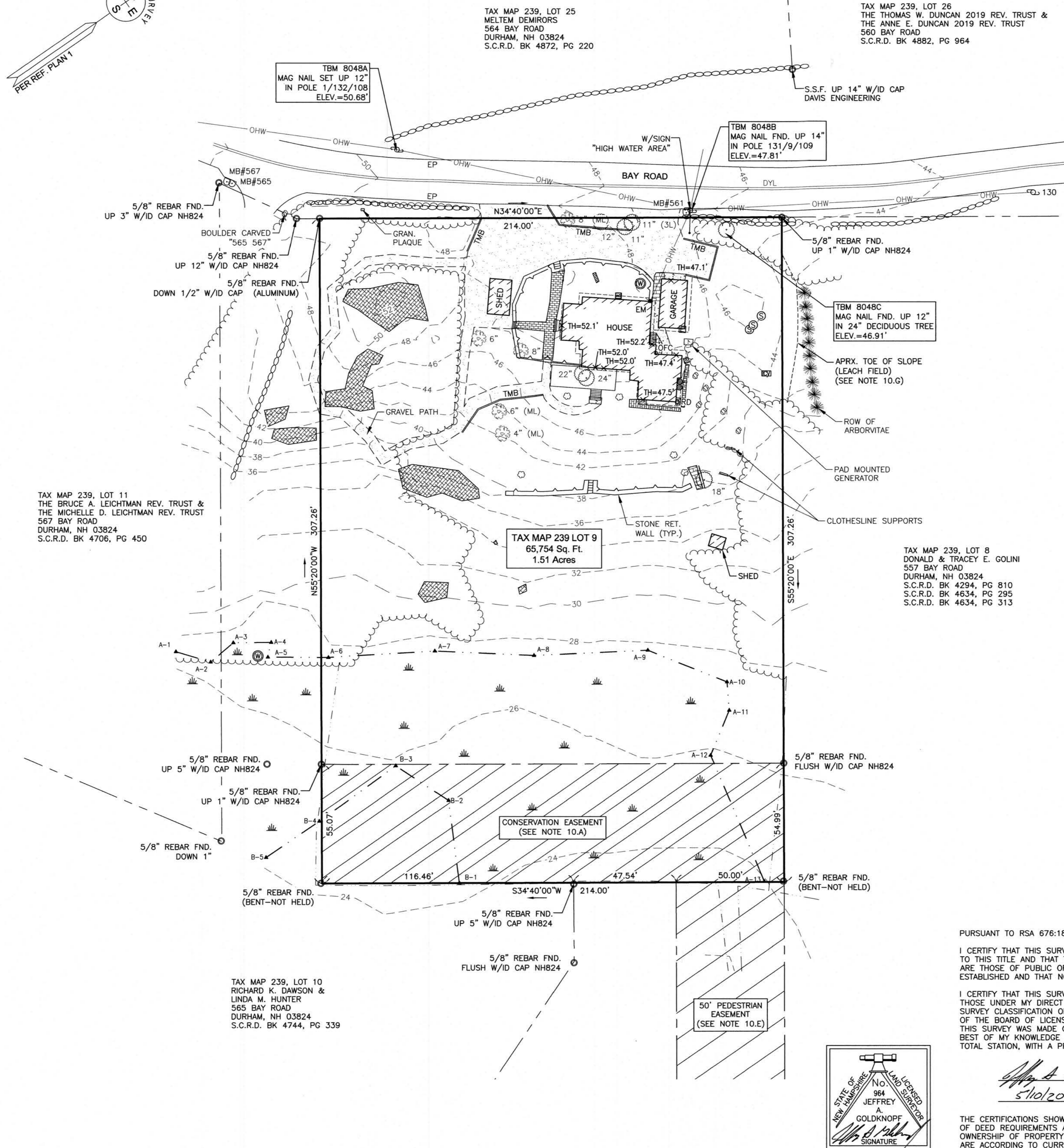
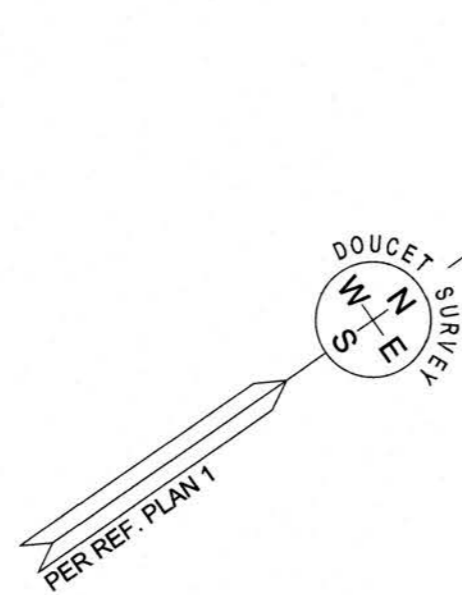


NOTES:

- REFERENCE: TAX MAP 239, LOT 9  
561 BAY ROAD  
DURHAM, NEW HAMPSHIRE
- TOTAL PARCEL AREA: 65,754 SQ. FT. OR 1.51 AC.
- OWNER OF RECORD: THE DAVID T. DELLA PENTA 2013 TRUST  
AND THE KAREN S. DELLA PENTA 2013 TRUST  
2320 WASON ROAD  
SARASOTA, FL 34231  
S.C.R.D. BK 5107, PG 1026
- ZONE: RC - RESIDENCE C  
DIMENSIONAL REQUIREMENTS:  
MIN. LOT AREA 150,000 sq.ft. OR 3.44 AC.  
MIN. FRONTAGE 300 ft.  
MIN. FRONT SETBACK 30 ft.  
MIN. SIDE/REAR SETBACK 50 ft.  
MAX. BUILDING HEIGHT 30 ft.  
MAX. BUILDING HEIGHT 35 ft. (WITH SPECIAL EXCEPTION)  
MAX. IMPERVIOUS RATIO 20 %  
WETLAND SETBACKS 100 ft.  
ZONING INFORMATION LISTED HEREON IS BASED ON THE TOWN OF DURHAM ZONING ORDINANCE DATED FEBRUARY 6, 2023 AS AVAILABLE ON THE TOWN WEBSITE ON THE DATE RESEARCHED. ADDITIONAL REGULATIONS APPLY, AND REFERENCE IS HEREBY MADE TO THE EFFECTIVE ZONING ORDINANCE. THE LAND OWNER IS RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE MUNICIPAL, STATE AND FEDERAL REGULATIONS.
- FIELD SURVEY PERFORMED BY M.A.W. & A.E.K. ON MAY 5, 2023 USING A TOTAL STATION, SURVEY GRADE GPS WITH A DATA COLLECTOR, AND AN AUTO-LEVEL. TRAVERSE ADJUSTMENT BASED ON LEAST SQUARE ANALYSIS.
- VERTICAL DATUM IS BASED ON APPROXIMATE NAVD88(GEOD18) (±.2') DERIVED FROM REDUNDANT GPS OBSERVATIONS UTILIZING THE KEYNET GPS VRS NETWORK.
- HORIZONTAL DATUM BASED ON REFERENCE PLAN 1.
- THE WETLAND BOUNDARY AS DEPICTED ON THIS PLAN WAS DELINEATED BY JOSEPH W. NOEL, NH CERTIFIED SOIL SCIENTIST #017 AND NH CERTIFIED WETLAND SCIENTIST #086, ON MAY 5, 2023. THE FLAGS WERE SURVEY LOCATED BY DOUCET SURVEY LLC. THE DELINEATION WAS CONDUCTED IN ACCORDANCE WITH THE U.S. ARMY CORPS OF ENGINEERS DOCUMENT "CORPUS OF ENGINEERS WETLANDS DELINEATION MANUAL", (1987) ALONG WITH THE "REQUIRED REGIONAL SUPPLEMENT TO THE CORPUS OF ENGINEERS WETLAND DELINEATION MANUAL; NORTHCENTRAL AND NORTHEAST REGION", (VERSION 2, JANUARY 2012).
- THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH AND IN RELATION TO THE CURRENT LEGAL DESCRIPTION, AND IS NOT AN ATTEMPT TO DEFINE UNWRITTEN RIGHTS, DETERMINE THE EXTENT OF OWNERSHIP, OR DEFINE THE LIMITS OF TITLE.
- TAX MAP 230, LOT 9 IS EITHER SUBJECT TO OR IN BENEFIT OF, BUT NOT LIMITED TO, THE FOLLOWING EASEMENTS/RIGHTS OF RECORD:  
10.A. SUBJECT TO A CONSERVATION EASEMENT (SHOWN HEREON) GRANTED TO THE STATE OF NEW HAMPSHIRE AT S.C.R.D. BK 1568, PG 416.  
10.B. POSSIBLY SUBJECT TO WELL RIGHTS (LOCATION UNCERTAIN) RESERVED AT S.C.R.D. BK 962, PG 367.  
10.C. POSSIBLY SUBJECT TO WELL RIGHTS (LOCATION UNCERTAIN) RESERVED AT S.C.R.D. BK 1736, PG 170.  
10.D. SUBJECT TO "WOODEN NUTMEG FARM PROTECTIVE COVENANTS" AS REFERENCED IN S.C.R.D. BK 1736, PG 170.  
10.E. IN BENEFIT OF A 50' WIDE PEDESTRIAN EASEMENT (PARTLY SHOWN HEREON) GRANTED AT S.C.R.D. BK 1736, PG 170.  
10.F. IN BENEFIT OF A 30' RIGHT OF WAY (NOT SHOWN HEREON) AS ACCESS TO GREAT BAY AS DESCRIBED IN AFFIDAVITS RECORDED AT S.C.R.D. BKS/PGS: 2138/429, 2142/125, 3186/83, AND 3186/35.  
10.G. S.C.R.D. BK 4294, PG 810, THE CURRENT DEED FOR TAX MAP 239, LOT 8 STATES, "SUBJECT, HOWEVER, TO THE ENCROACHMENT OF THE LEACH BED SERVICING TAX MAP 20, LOT 5 AS SHOWN ON SAID PLAN". THE TAX MAP 20, LOT 5 REFERRED IN THE AFOREMENTIONED DEED IS CURRENTLY REFERRED TO AS TAX MAP 239, LOT 9 BY THE TOWN OF DURHAM.
- FLOOD HAZARD ZONE: "X", PER FIRM MAP #33017C0385E, DATED SEPTEMBER 30, 2015.
- PROPER FIELD PROCEDURES WERE FOLLOWED IN ORDER TO GENERATE CONTOURS AT 2' INTERVALS. ANY MODIFICATION OF THIS INTERVAL WILL DIMINISH THE INTEGRITY OF THE DATA, AND DOUCET SURVEY WILL NOT BE RESPONSIBLE FOR ANY SUCH ALTERATION PERFORMED BY THE USER.
- UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON OBSERVED PHYSICAL EVIDENCE AND PAINT MARKS FOUND ON-SITE.
- ALL UNDERGROUND UTILITIES (ELECTRIC, GAS, TEL, WATER, SEWER DRAIN SERVICES) ARE SHOWN IN SCHEMATIC FASHION. THEIR LOCATIONS ARE NOT PRECISE OR NECESSARILY ACCURATE. NO WORK WHATSOEVER SHALL BE UNDERTAKEN USING THIS PLAN TO LOCATE THE ABOVE SERVICES. CONSULT WITH THE PROPER AUTHORITIES CONCERNED WITH THE SUBJECT SERVICE LOCATIONS FOR INFORMATION REGARDING SUCH. CALL DIG-SAFE AT 1-888-DIG-SAFE.

REFERENCE PLANS:

- "LOT LINE REVISION, WOODEN NUTMEG FARM, BAY ROAD, DURHAM, NH" DATED MARCH 24, 1994 BY DOUCET SURVEY. S.C.R.D. PLAN 43-100
- "PEDESTRIAN EASEMENT PLAN OF WOODEN NUTMEG FARM, BAY ROAD, DURHAM, NH" DATED FEBRUARY 17, 1993 BY DOUCET SURVEY. S.C.R.D. PLAN 43-97
- "CONSERVATION EASEMENT PLAN OF WOODEN NUTMEG FARM, FOR CHENEY-ENGLAND, BAY ROAD, DURHAM, NH" DATED 3/28/91 AND REVISED 5/21/91 BY LAMPREY RIVER SURVEY COMPANY. S.C.R.D. PLAN 39-35
- "SHANKHASSICK ON GREAT BAY: A DEVELOPMENT BY CHENEY ENGLAND LIMITED PARTNERSHIP, BAY ROAD, DURHAM, NH" DATED MARCH 5, 1998 BY DOUCET SURVEY. S.C.R.D. PLAN 53-8
- "SHANKHASSICK ON GREAT BAY: A DEVELOPMENT BY CHENEY ENGLAND LIMITED PARTNERSHIP, BAY ROAD, DURHAM, NH" DATED MARCH 5, 1998 BY DOUCET SURVEY. S.C.R.D. PLAN 53-9
- "SHANKHASSICK ON GREAT BAY: A DEVELOPMENT BY CHENEY ENGLAND LIMITED PARTNERSHIP, BAY ROAD, DURHAM, NH" DATED JUNE 24, 1998 BY DOUCET SURVEY. S.C.R.D. PLAN 53-46
- "CORRECTIVE BOUNDARY LINE ADJUSTMENT OF TAX MAP 19 LOTS 19-6 & 19-7" DATED APRIL 18, 2017 BY DOUCET SURVEY. S.C.R.D. PLAN 114-7
- "LOT LINE REVISION PLAN FOR WOODEN NUTMEG CONDOMINIUM" DATED OCTOBER 2018 BY DOUCET SURVEY. S.C.R.D. PLAN 117-79
- "LOT LINE REVISION PLAN FOR WOODEN NUTMEG CONDOMINIUM" DATED OCTOBER 2018 BY DOUCET SURVEY. S.C.R.D. PLAN 117-80
- "EASEMENT PLAN FOR WOODEN NUTMEG FARM CONDOMINIUM" DATED OCTOBER 2018 BY DOUCET SURVEY. S.C.R.D. PLAN 117-81
- "AMENDED PLAN OF LAND AND CONDOMINIUM SITE PLAN FOR WOODEN NUTMEG FARM CONDOMINIUMS" DATED JANUARY 25, 2019 BY DOUCET SURVEY. S.C.R.D. BOOK 118-11
- "AMENDED PLAN OF LAND AND CONDOMINIUM SITE PLAN FOR WOODEN NUTMEG FARM CONDOMINIUMS" DATED JANUARY 25, 2019 BY DOUCET SURVEY. S.C.R.D. BOOK 118-12
- "PLAN OF LAND FOR KATARAK BAY ROAD REALTY TRUST" DATED FEBRUARY 19, 2019 BY DOUCET SURVEY. S.C.R.D. BOOK 118-54



**LEGEND**

- LOT LINE
- MAJOR CONTOUR LINE
- MINOR CONTOUR LINE
- STONE WALL
- RETAINING WALL
- HANDRAIL
- OVERHEAD WIRE
- TREE LINE
- MOWING LINE
- EDGE OF DELINEATED WETLAND
- WETLAND AREA
- CONCRETE
- CRUSHED STONE
- BRICK
- LEDGE OUTCROP
- PIPE/ROD FOUND
- UTILITY POLE
- UTILITY POLE & GUY WIRE
- PLASTIC SEPTIC TANK COVER
- SUPPLY WELL
- IRRIGATION CONTROL VALVE
- ELECTRIC BOX
- ELECTRIC METER
- AIR CONDITIONING UNIT
- OIL FILL CAP
- PROPANE TANK
- ROCK/BOULDER
- MAIL BOX
- DECIDUOUS TREE 10" DIA. OR GREATER
- DECIDUOUS TREE LESS THAN 10" DIA.
- WETLAND FLAG
- DOUBLE YELLOW LINE
- EDGE OF PAVEMENT
- RETAINING WALL
- STEEL STAKE FOUND
- TIMBER EDGE
- TYPICAL

SCALE: 1 INCH = 30 FT.

**EXISTING CONDITIONS PLAN FOR ALTUS ENGINEERING OF TAX MAP 238, LOT 9 561 BAY ROAD DURHAM, NEW HAMPSHIRE**

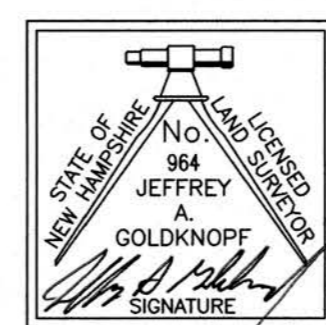
NO.	DATE	DESCRIPTION	BY

DRAWN BY:	A.K.H.	DATE:	MAY 10, 2023
CHECKED BY:	J.A.G.	DRAWING NO.:	8048A
JOB NO.:	8048	SHEET	1 OF 1

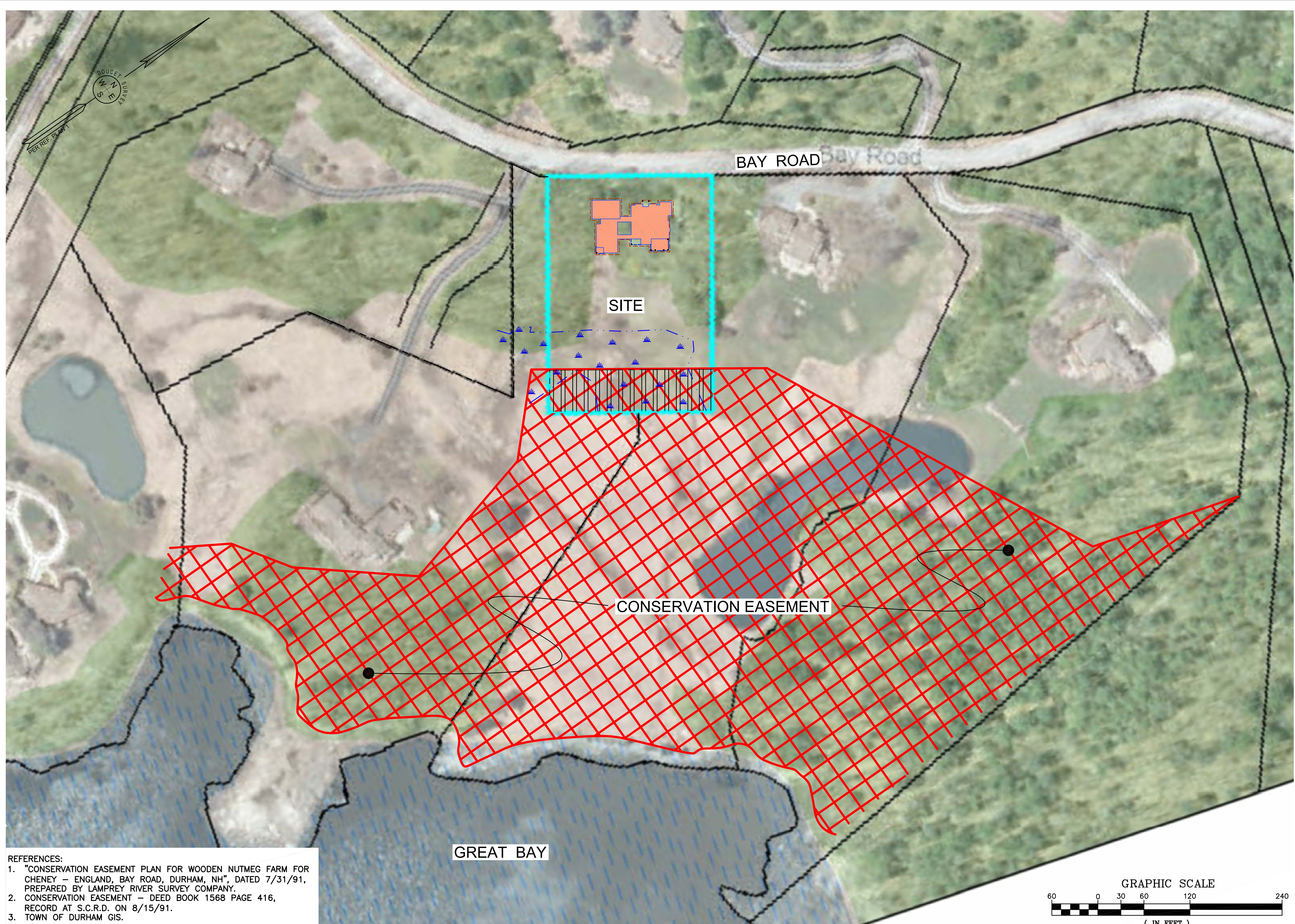
PURSUANT TO RSA 676:18, III:  
I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.  
I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY ME OR BY THOSE UNDER MY DIRECT SUPERVISION AND FALLS UNDER THE URBAN SURVEY CLASSIFICATION OF THE NH CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS. I CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. RANDOM TRAVERSE SURVEY BY TOTAL STATION, WITH A PRECISION GREATER THAN 1:15,000."

*Jeffrey A. Goldknopf* L.L.S. #964  
5/10/2023 DATE

THE CERTIFICATIONS SHOWN HEREON ARE INTENDED TO MEET REGISTRY OF DEED REQUIREMENTS AND ARE NOT A CERTIFICATION TO TITLE OR OWNERSHIP OF PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.



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102 Kent Place, Newmarket, NH 03857 (603) 659-6560  
Offices in Bedford & Keene, NH and Kennebunk, ME  
http://www.doucetsurvey.com



NOT FOR CONSTRUCTION

ISSUED FOR: APPROVAL

ISSUE DATE: MARCH 19, 2024

REVISIONS	NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION		EDW	03/19/24

DRAWN BY: \_\_\_\_\_ RMB  
APPROVED BY: \_\_\_\_\_ EDW  
DRAWING FILE: 5433SITE.dwg

SCALE:  
(22"x34") 1" = 60'  
(11"x17") 1" = 120'

OWNER/APPLICANT:  
DAVID T. DELLA PENTA  
2013 TRUST  
&  
KAREN S. DELLA PENTA  
2013 TRUST

ASSESSOR'S MAP 239  
LOT 9

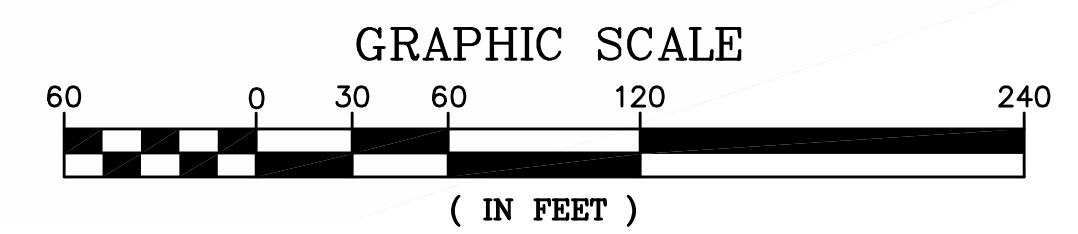
MAILING ADDRESS:  
561 BAY ROAD  
DURHAM, NEW HAMPSHIRE

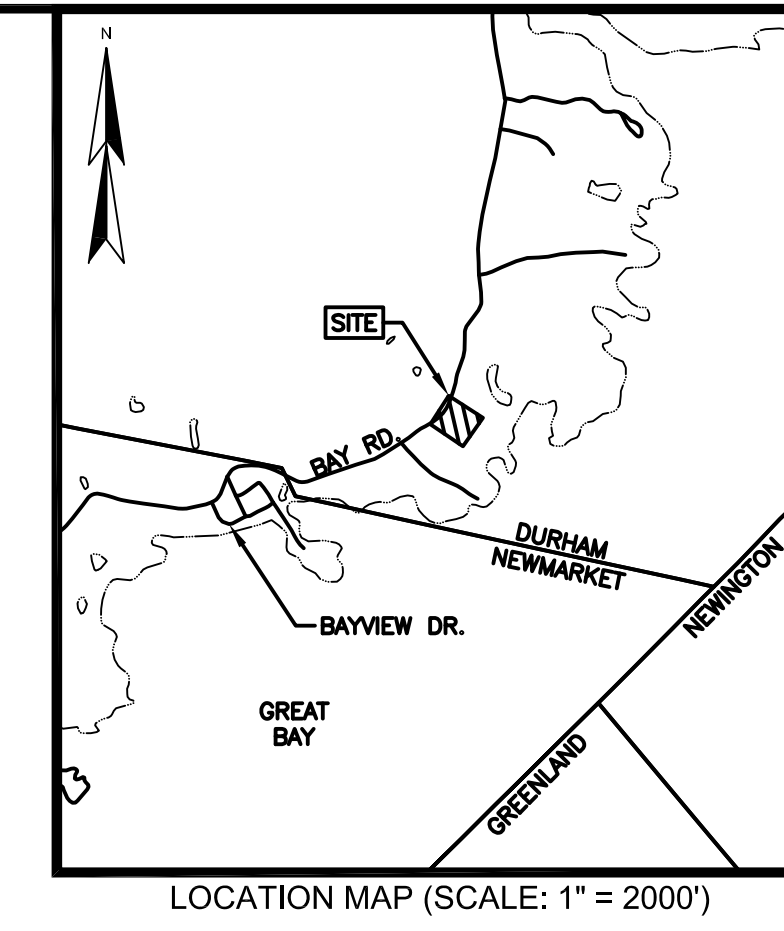
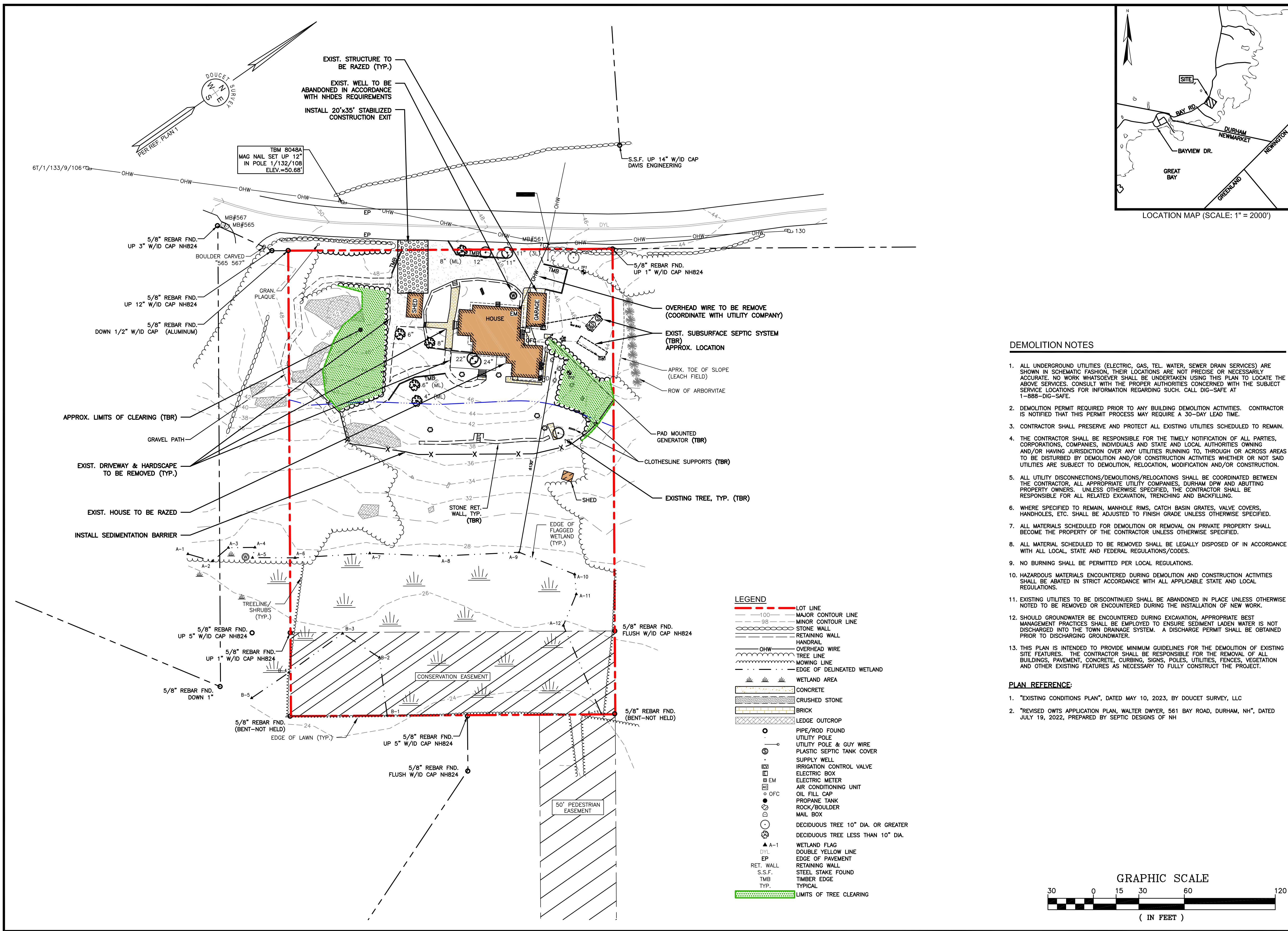
PROJECT:  
PROPOSED SINGLE  
FAMILY  
RESIDENCE

TITLE:  
OVERALL  
SITE PLAN

SHEET NUMBER:  
G - 1

- REFERENCES:
- "CONSERVATION EASEMENT PLAN FOR WOODEN NUTMEG FARM FOR CHENEY - ENGLAND, BAY ROAD, DURHAM, NH", DATED 7/31/91, PREPARED BY LAMPREY RIVER SURVEY COMPANY.
  - CONSERVATION EASEMENT - DEED BOOK 1568 PAGE 416, RECORD AT S.C.R.D. ON 8/15/91.
  - TOWN OF DURHAM GIS.





**NOT FOR CONSTRUCTION**  
**ISSUED FOR: APPROVAL**  
**ISSUE DATE: MARCH 19, 2024**

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EDW	03/19/24

**DEMOLITION NOTES**

- ALL UNDERGROUND UTILITIES (ELECTRIC, GAS, TEL, WATER, SEWER DRAIN SERVICES) ARE SHOWN IN SCHEMATIC FASHION. THEIR LOCATIONS ARE NOT PRECISE OR NECESSARILY ACCURATE. NO WORK WHATSOEVER SHALL BE UNDERTAKEN USING THIS PLAN TO LOCATE THE ABOVE SERVICES. CONSULT WITH THE PROPER AUTHORITIES CONCERNED WITH THE SUBJECT SERVICE LOCATIONS FOR INFORMATION REGARDING SUCH. CALL DIG-SAFE AT 1-888-DIG-SAFE.
- DEMOLITION PERMIT REQUIRED PRIOR TO ANY BUILDING DEMOLITION ACTIVITIES. CONTRACTOR IS NOTIFIED THAT THIS PERMIT PROCESS MAY REQUIRE A 30-DAY LEAD TIME.
- CONTRACTOR SHALL PRESERVE AND PROTECT ALL EXISTING UTILITIES SCHEDULED TO REMAIN.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE TIMELY NOTIFICATION OF ALL PARTIES, CORPORATIONS, COMPANIES, INDIVIDUALS AND STATE AND LOCAL AUTHORITIES OWNING AND/OR HAVING JURISDICTION OVER ANY UTILITIES RUNNING TO, THROUGH OR ACROSS AREAS TO BE DISTURBED BY DEMOLITION AND/OR CONSTRUCTION ACTIVITIES WHETHER OR NOT SAID UTILITIES ARE SUBJECT TO DEMOLITION, RELOCATION, MODIFICATION AND/OR CONSTRUCTION.
- ALL UTILITY DISCONNECTIONS/DEMOLITIONS/RELOCATIONS SHALL BE COORDINATED BETWEEN THE CONTRACTOR, ALL APPROPRIATE UTILITY COMPANIES, DURHAM DPW AND ADJUTING PROPERTY OWNERS. UNLESS OTHERWISE SPECIFIED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELATED EXCAVATION, TRENCHING AND BACKFILLING.
- WHERE SPECIFIED TO REMAIN, MANHOLE RIMS, CATCH BASIN GRATES, VALVE COVERS, HANDHOLES, ETC. SHALL BE ADJUSTED TO FINISH GRADE UNLESS OTHERWISE SPECIFIED.
- ALL MATERIALS SCHEDULED FOR DEMOLITION OR REMOVAL ON PRIVATE PROPERTY SHALL BECOME THE PROPERTY OF THE CONTRACTOR UNLESS OTHERWISE SPECIFIED.
- ALL MATERIAL SCHEDULED TO BE REMOVED SHALL BE LEGALLY DISPOSED OF IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS/CODES.
- NO BURNING SHALL BE PERMITTED PER LOCAL REGULATIONS.
- HAZARDOUS MATERIALS ENCOUNTERED DURING DEMOLITION AND CONSTRUCTION ACTIVITIES SHALL BE ABATED IN STRICT ACCORDANCE WITH ALL APPLICABLE STATE AND LOCAL REGULATIONS.
- EXISTING UTILITIES TO BE DISCONTINUED SHALL BE ABANDONED IN PLACE UNLESS OTHERWISE NOTED TO BE REMOVED OR ENCOUNTERED DURING THE INSTALLATION OF NEW WORK.
- SHOULD GROUNDWATER BE ENCOUNTERED DURING EXCAVATION, APPROPRIATE BEST MANAGEMENT PRACTICES SHALL BE EMPLOYED TO ENSURE SEDIMENT LADEN WATER IS NOT DISCHARGED INTO THE TOWN DRAINAGE SYSTEM. A DISCHARGE PERMIT SHALL BE OBTAINED PRIOR TO DISCHARGING GROUNDWATER.
- THIS PLAN IS INTENDED TO PROVIDE MINIMUM GUIDELINES FOR THE DEMOLITION OF EXISTING SITE FEATURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL BUILDINGS, PAVEMENT, CONCRETE, CURBING, SIGNS, POLES, UTILITIES, FENCES, VEGETATION AND OTHER EXISTING FEATURES AS NECESSARY TO FULLY CONSTRUCT THE PROJECT.

**PLAN REFERENCE:**

- "EXISTING CONDITIONS PLAN", DATED MAY 10, 2023, BY DOUCET SURVEY, LLC
- "REVISED OWTS APPLICATION PLAN, WALTER DWYER, 561 BAY ROAD, DURHAM, NH", DATED JULY 19, 2022, PREPARED BY SEPTIC DESIGNS OF NH

**DRAWN BY:** RMB  
**APPROVED BY:** EDW  
**DRAWING FILE:** 5433SITE.dwg

**SCALE:**  
(22"x34") 1" = 30'  
(11"x17") 1" = 60'

**OWNER/APPLICANT:**  
**DAVID T. DELLA PENTA**  
**2013 TRUST**  
**&**  
**KAREN S. DELLA PENTA**  
**2013 TRUST**

**ASSESSOR'S MAP 239**  
**LOT 9**

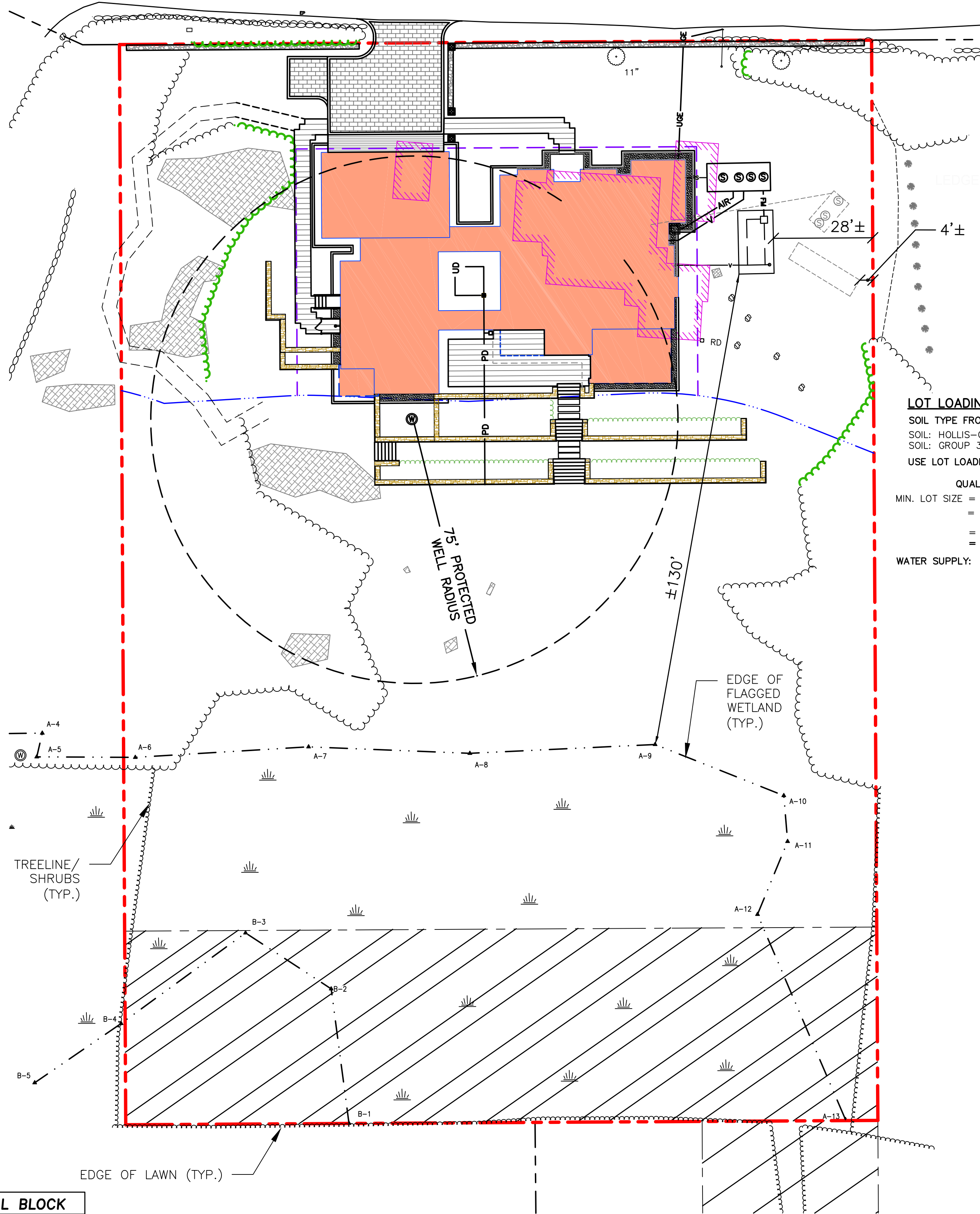
**MAILING ADDRESS:**  
**561 BAY ROAD**  
**DURHAM, NEW HAMPSHIRE**

**PROJECT:**  
**PROPOSED SINGLE**  
**FAMILY**  
**RESIDENCE**

**TITLE:**  
**SITE**  
**PREPARATION**  
**PLAN**

**SHEET NUMBER:**  
**C - 1**

BAY ROAD



**LOT LOADING CAPACITY CALCULATION**

SOIL TYPE FROM NRCS MAP  
 SOIL: HOLLIS-CHARLTON - 8-15% SLOPES  
 SOIL: GROUP 3 LOT LOADING FACTOR = 1.43  
 USE LOT LOADING FACTOR FROM TEST PIT 2 (JUNE 30, 2023) - GROUP 4  
 QUALIFIED LAND AREA - 47,900 SF (1.1 ACRES)  
 MIN. LOT SIZE =  $(Q(\text{gpd})/2,000 (\text{gpd}/\text{acre})) / \text{FACTOR}$   
 =  $(1.1 \text{ acres} \times 2,000 \text{ gpd}/\text{acre}) / 1.60 = 1,375 \text{ GPD}$   
 = 1,375 GPD ALLOWED  
 = 600 GPD PROPOSED  
 WATER SUPPLY: ON-SITE WELL - 75' RADIUS - SUBTRACT 0.41 AC.

**TEST PIT LOGS**

TEST PITS WERE PERFORMED ON JULY 5, 2023.  
 WITNESSED BY MR. DICK KEARNEY, TOWN REPRESENTATIVE

**TEST PIT 1**

0-2" VERY DARK BROWN (10YR 2/2) SANDY LOAM FILL MATERIAL (RECENT), FRIABLE, GRANULAR  
 2-8" YELLOWISH BROWN (10YR 5/6) SAND FILL MATERIAL (RECENT), VERY FRIABLE, MASSIVE TO SINGLE GRAIN  
 NATURAL SOIL SURFACE  
 8-24" DARK BROWN (10YR 3/3) VERY FINE SANDY LOAM, FRIABLE, BLOCKY (SOME MIXING/ADDING OF TOPSOIL)  
 24-26" OLIVE BROWN (2.5Y 4/3) SILT LOAM, FRIABLE, BLOCKY  
 26-60" OLIVE (5Y 5/3) SILT LOAM, FIRM, BLOCKY TO MASSIVE, COMMON DISTINCT AND PROMINENT REDOX FEATURES  
 ESHWT @ 26"  
 OBSERVED WATER TABLE: NONE TO 60"  
 RESTRICTIVE HORIZON @ 26"  
 BEDROCK NONE TO 60"

**TEST PIT 2**

0-2" VERY DARK BROWN (10YR 2/2) SANDY LOAM FILL MATERIAL (RECENT), FRIABLE, GRANULAR  
 2-15" LIGHT YELLOWISH BROWN (10YR 6/4) SAND FILL MATERIAL (RECENT), VERY FRIABLE, MASSIVE TO SINGLE GRAIN  
 NATURAL SOIL SURFACE  
 15-21" VERY DARK GRAYISH BROWN (10YR 3/2) FINE SANDY LOAM, FRIABLE, GRANULAR  
 21-45" DARK YELLOWISH BROWN (10YR 3/6) VERY FINE SANDY LOAM, FRIABLE, BLOCKY  
 45-53" OLIVE (5Y 5/3) VERY FINE SANDY LOAM TO SILT LOAM, FIRM, MASSIVE, COMMON DISTINCT REDOX FEATURES  
 53++" POSSIBLE BEDROCK  
 ESHWT @ 45"  
 OBSERVED WATER TABLE: NONE TO 53"  
 RESTRICTIVE HORIZON @ 45"  
 BEDROCK POSSIBLE BEDROCK @ 53"

NOTE: TEST PIT AT BASE OF RECENTLY CONSTRUCTED DISPOSAL SYSTEM AND ADJACENT TO A CLUSTER OF LARGE ASH TREES.

USE TP 2

**DESIGN INTENT:**  
 THE INTENT OF THIS DESIGN IS TO PROVIDE A SEPTIC SYSTEM DESIGN FOR A NEW 4-BEDROOM RESIDENCE. THESE PLANS ARE NOT A PROPERTY BOUNDARY.

**SITE DATA:**

LOT AREA: 65,754 S.F. (±1.51 AC.)  
 OWNER: DAVID T. DELLA PENTA 2013 TRUST & KAREN S. DELLA PENTA 2013 TRUST  
 561 BAY ROAD  
 DURHAM, NH 03824  
 TELEPHONE: (603) 502-4634

DEED: RCRD BOOK 5107, PAGE 1026

DURHAM TAX MAP 239, LOT 9

WATER SUPPLY: TO BE PROVIDED BY AN ON-SITE PRIVATE WELL

**DESIGN DATA:**

150 GPD/BEDROOM x 4 BEDROOMS = 600 GPD REQUIRED

TOTAL DESIGN FLOW: 600 GPD REQUIRED

**LEACHFIELD:**

PERCOLATION RATE: 18 MINUTES/INCH  
 USE: STONE & PIPE LEACHING SYSTEM  
 LEACHING AREA REQUIRED: 180 S.F. FOR 4-BEDROOM RESIDENCE w/"THE CLEAN SOLUTION"  
 LEACHING AREA PROVIDED: 180 S.F. (CONSTRUCT 1 BED - 10' X 18' = 180 SF)

**LEACHFIELD DESIGN INTENT:**

- 1) THE BOTTOM OF THE BED SHALL BE CONSTRUCTED AT ELEVATION 46.25'
- 2) THE ELEVATION OF THE HIGH CONTOUR OF THE DESIGNED BED (46.0') IS APPROXIMATELY 0.25' ABOVE EXISTING GROUND LEVEL (46.0')
- 3) 50% RULE NOT APPLIED

**SEPTIC TANK SIZING:**

1,250 GALLONS FOR SINGLE FAMILY RESIDENCE UP TO 4 BEDROOMS

1,500 GALLON TANK PROVIDED

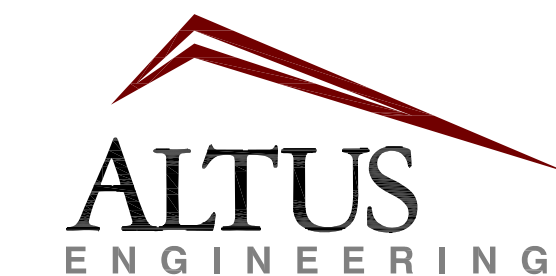
**GENERAL NOTES:**

1. THERE ARE NO KNOWN CEMETERIES WITHIN 100-FEET OF THE ISDS COMPONENTS.
2. PROJECT MEETS ALL LOCAL ZONING REGULATIONS.
3. FOUNDATION/PERIMETER DRAIN OUTFALLS WILL NOT BE CONSTRUCTED WITHIN 25' OF THE LEACHFIELDS, SEPTIC TANKS OR GREASE TRAPS. FOUNDATION/PERIMETER DRAIN PIPE WILL NOT BE CONSTRUCTED WITHIN 15' OF THE LEACHFIELDS OR 5' OF THE SEPTIC TANKS.
4. ANY DISCREPANCY BETWEEN THE PLAN AND APPARENT FIELD CONDITIONS SHALL BE REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION.
5. WRITTEN DIMENSIONS SUPERSEDE SCALED DIMENSIONS. ANY DISCREPANCY IN DIMENSIONS SHALL BE BROUGHT TO THE DESIGNER'S ATTENTION.
6. SHOULD FAILURE OCCUR, SYSTEM SHALL BE REBUILT IN THE SAME LOCATION, A NEW PERMIT FROM NHDES-SSB IS NOT REQUIRED.
7. CONTRACTOR SHALL BE LICENSED BY THE NHDES SUBSURFACE SYSTEMS BUREAU TO INSTALL SEPTIC SYSTEMS.
8. THE NEAREST WETLAND OR SURFACE WATER IS GREATER THAN 75 FEET TO THE PROPOSED ISDS COMPONENTS.
9. THIS SYSTEM IS NOT DESIGNED FOR USE WITH GARBAGE GRINDER OR A WATER SOFTENER.
10. THERE ARE LEDGE OUTCROPS WITHIN 25' OF THE EFFLUENT DISPOSAL AREAS.
11. THE PARCEL IS WITHIN FLOOD ZONE "X" AS SHOWN ON FIRM PANEL 33017C0385E DATED SEPTEMBER 30, 2015. SYSTEM IS NOT IN A FLOOD ZONE.
12. THE PROPERTY IS NOT LOCATED IN A PROTECTED SHORELAND BUFFER.
13. THE PROPERTY IS NOT SUBJECT TO DEEDED RIGHTS OF FLOWAGE.
14. THE PROPERTY IS NOT SUBJECT TO PENDING SUBDIVISION APPROVAL.
15. THIS SUBSURFACE DISPOSAL SYSTEM PLAN DOES NOT REPRESENT A PROPERTY BOUNDARY SURVEY.
16. ALL WORK IS TO COMPLY WITH THE LATEST NHDES SUBSURFACE SYSTEMS BUREAU REGULATIONS & SPECIFICATIONS.
17. THERE ARE NO PROPOSED WETLAND DREDGE AND FILL AREAS ON THE PROJECT SITE.

**SITE PREPARATION AND FILL:**

17. CHECK DESIGN INTENT AND VERIFY THE ELEVATION OF EXISTING GROUND BEFORE DISTURBING SITE. THE "DESIGN INTENT" OF THE SYSTEM MUST BE MAINTAINED.
18. REMOVE ALL TREES, LOAM, BRUSH, BOULDERS, AND DEBRIS FROM THE AREA TO BE FILLED.
19. REMOVE EXISTING EFFLUENT DISPOSAL SYSTEM INCLUDING PIPING & DISTRIBUTION BOX. EXISTING SEPTIC TANK TO BE REMOVED. CONTRACTOR SHALL REMOVE EXISTING CONTAMINATED SOIL UNDER EXISTING LEACHFIELD IF FOUND WITHIN WORK LIMITS. REMOVE TOPSOIL. LEAVE SUBSOIL IN PLACE. DO NOT COMPACT SUBSOIL WITH MACHINERY. SCARIFY, AS NEEDED, BEFORE FILLING. THIS IS BEST DONE WITH THE TEETH OF AN EXCAVATOR. SCARIFY PARALLEL WITH CONTOURS, WORKING FROM THE CENTER OUTWARD. LARGER EXCAVATORS CAN REMOVE TOPSOIL AND SCARIFY IN THE SAME PROCESS. SITES CANNOT BE PROPERLY PREPARED UNLESS THE SOIL IS DRY.
20. SAND FILL SHALL BE PUSHED ONTO PREPARED SURFACE FROM THE SIDE. DO NOT ALLOW EQUIPMENT ON THE SCARIFIED SOIL SURFACE.
21. FILL FOR BACKFILLING SHALL BE CLEAN, PERMEABLE FILL, FREE OF ORGANICS AND STONES LARGER THAN 6". SAND IS ACCEPTABLE.
22. BACKFILL DEPTH OVER SYSTEM SHALL BE 6" - 12". CROWN SLIGHTLY TO PROMOTE RUNOFF.
23. PLACE FILL IN 12" LOOSE LAYERS USING A TRACK TYPE TRACTOR WITH BLADE. ALWAYS KEEP A MINIMUM OF 9" OF FILL MATERIAL BENEATH TRACKS OF TRACTOR TO MINIMIZE COMPACTION OF NATURAL SOIL. EACH LAYER SHALL BE SPREAD IN UNIFORM THICKNESS PRIOR TO PLACING NEXT LAYER. CONTINUOUS GRADING AND SHAPING SHALL BE CARRIED OUT TO ASSURE UNIFORM DENSITY THROUGHOUT EACH LAYER.
24. ENTIRE DISTURBED AREA INCLUDING FIELD AND SIDESLOPES SHALL BE COVERED WITH 6" (MIN.) OF TOPSOIL AND SEEDED AS SOON AS POSSIBLE AFTER BACKFILLING TO PREVENT EROSION.
25. FILL UNDER LEACHING AREA AND FOR SHOULDERS TO BE A MEDIUM TO COARSE TEXTURED SAND:

SIEVE SIZE	PERCENT RETAINED
1/4"	0 - 5%
#8	0 - 10%
#12	0 - 10%
#100	40 - 65%
#200	0 - 0.5%



133 Court Street Portsmouth, NH 03801  
 (603) 433-2335 www.altus-eng.com

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**REVISIONS**

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DRAWN BY: \_\_\_\_\_ RLH

APPROVED BY: \_\_\_\_\_ EDW

DRAWING FILE: \_\_\_\_\_ 5433SITE.dwg

**SCALE:**

(22"x34") 1" = 20'  
 (11"x17") 1" = 40'

**OWNER/APPLICANT:**

DAVID T. DELLA PENTA  
 2013 TRUST  
 &  
 KAREN S. DELLA PENTA  
 2013 TRUST

ASSESSOR'S MAP 239  
 LOT 9

MAILING ADDRESS:  
 561 BAY ROAD  
 DURHAM, NEW HAMPSHIRE

**PROJECT:**

PROPOSED SINGLE  
 FAMILY  
 RESIDENCE

**TITLE:**

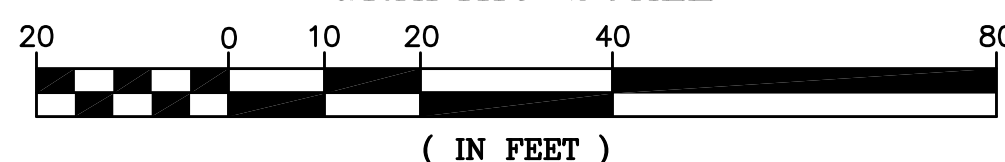
OVERALL PLAN

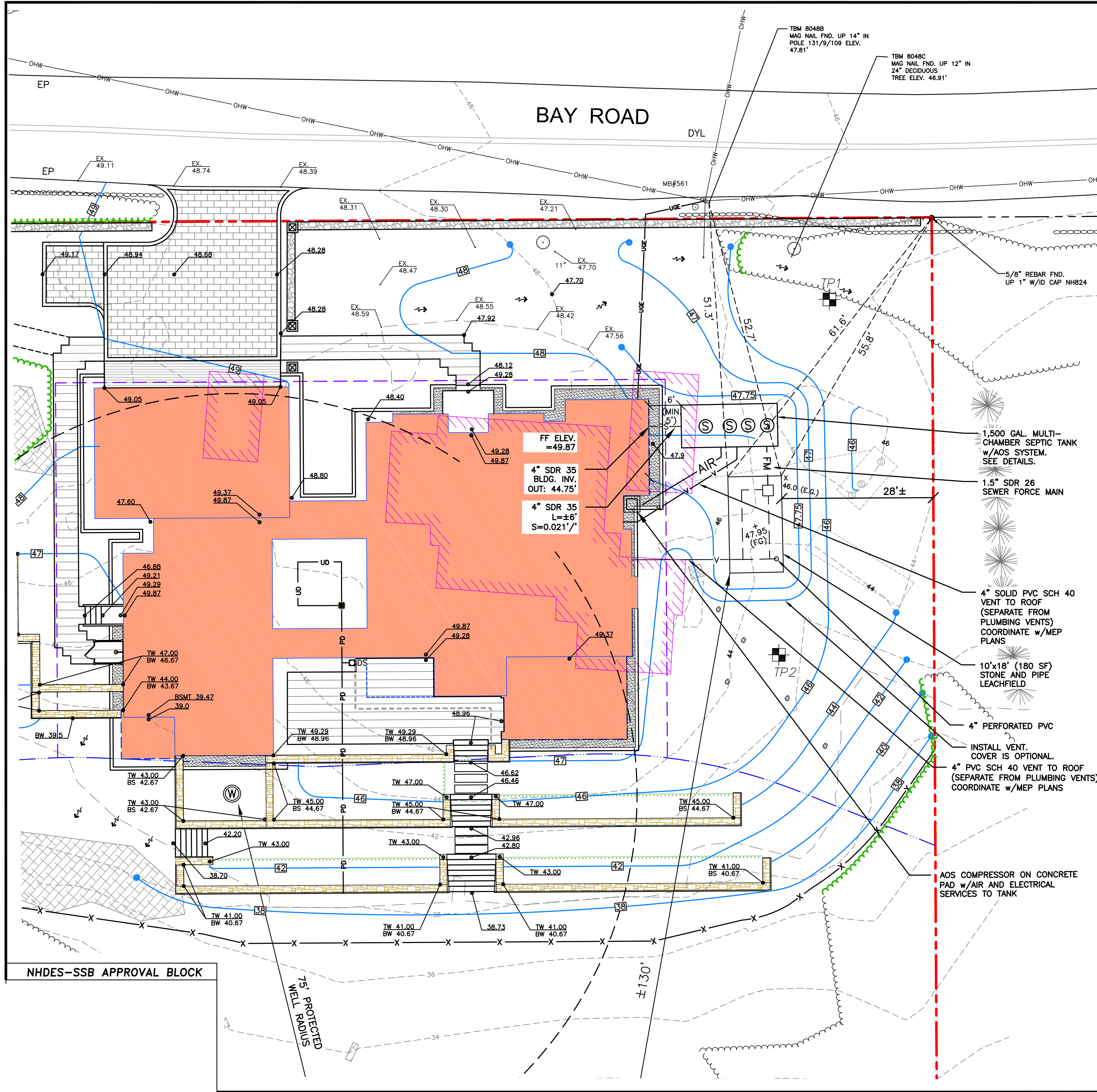
SHEET NUMBER:

SS-1

NHDES-SSB APPROVAL BLOCK

GRAPHIC SCALE





**NOTES**

- CONSTRUCTION NOTES:**
- UNLESS OTHERWISE NOTED, ALL CONCRETE PRODUCTS SHALL BE AS MANUFACTURED BY PHOENIX PRECAST PRODUCTS, CONCORD, NEW HAMPSHIRE 03301 (1-800-639-2199) OR APPROVED EQUAL.
  - SEPTIC TANK, DISTRIBUTION BOX AND PUMP CHAMBERS JOINTS, INLETS, OUTLETS AND RISERS SHALL BE SEALED WITH NON-SHRINK GROUT "WATER PLUG", "BOND BLOCK" OR EQUAL. ALL CONCRETE STRUCTURES SHALL BE ASPHALT SEALED.
  - IF ANY PART OF THIS DESIGN IS ALTERED IN ANY WAY, THE DESIGNER AND APPROVING AUTHORITIES SHALL BE NOTIFIED IN WRITING BEFORE CONSTRUCTION. NEW PLANS MAY BE REQUIRED TO REFLECT THE CHANGES.
  - SYSTEM SHALL BE INSPECTED PER REQUIREMENTS OF ENV-WQ 1004.07 WHICH STATES "AS REQUIRED BY RSA 485-A:29, I, THE CONSTRUCTED ISDS SHALL NOT BE COVERED OR PLACED IN OPERATION WITHOUT FINAL INSPECTION AND APPROVAL BY THE DEPARTMENT (NHDES-SSB) OR BY AN AUTHORIZED AGENT OF THE DEPARTMENT." ADDITIONALLY, THE MUNICIPAL INSPECTOR SHALL INSPECT THE SYSTEM PRIOR TO BACKFILLING.
  - THE CONTRACTOR SHALL OBTAIN A "DIGSAFE" NUMBER AT LEAST 72 HOURS PRIOR TO COMMENCING CONSTRUCTION.
  - THE CONTRACTOR SHALL PROVIDE THE ENGINEER AND THE OWNER WITH AS-BUILT PLANS IN DIGITAL FORMAT DETAILING LEACHFIELD CORNERS, ELEVATIONS, DISTRIBUTION BOX AND SEPTIC TANK.
  - DO NOT BEGIN CONSTRUCTION UNTIL ALL LOCAL AND STATE PERMITS HAVE BEEN OBTAINED.
  - THE LOCATION OF EXISTING UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE. THE LOCATIONS ARE NOT GUARANTEED BY THE OWNER OR ENGINEER. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE ALL UTILITIES, ANTICIPATE CONFLICTS, REPAIR EXISTING UTILITIES, AND RELOCATE EXISTING UTILITIES REQUIRED TO COMPLETE THE WORK AT NO ADDITIONAL COST TO THE OWNER. THE CONTRACTOR SHALL PERFORM TEST PITS AS NECESSARY TO VERIFY LOCATION AND DEPTH OF UTILITIES.
  - SEPTIC TANK MUST BE 5' MIN. FROM FOUNDATION. LEACH FIELD TO BE 15' MINIMUM FROM FOUNDATION.
  - ALL CONCRETE STRUCTURES SHALL BE PLACED ON A COMPACTED SUBSURFACE OF 6" STONE MEETING THE FOLLOWING GRADATION:
 

SIEVE SIZE	MAXIMUM PERCENT PASSING (BY WEIGHT)
1"	100
NO. 4	15
  - MAINTAIN 18" VERTICAL SEPARATION BETWEEN WATER AND SEWER LINES. SEWER BELOW WATER, IF CROSSINGS ARE REQUIRED.
  - APPROVED SEPTIC STONE FOR THE LEACHFIELD SHALL MEET THE SPECIFICATIONS OF NHDES-SSB. THE STONE SHALL BE WASHED CRUSHED STONE MEETING THE FOLLOWING GRADATION:
 

SIEVE SIZE	MAXIMUM PERCENT PASSING (BY WEIGHT)
2"	100
1-1/2"	90 - 100
3/4"	0 - 20
No. 4	0 - 5
No. 200	0 - 1.5
  - LEACH LINES SHALL BE FOUR (4) INCH DIAMETER RIGID PVC PERFORATED PIPE. THE PIPES SHALL BE LAID LEVEL. THE PERFORATIONS SHALL BE POSITIONED AT THE 5 AND 7 O'CLOCK POSITIONS.
  - ALL LEACH LINES WITHIN THE LEACHFIELD SHALL BE INTERCONNECTED AT THE ENDS.
  - MINIMUM SLOPES:  
BUILDING TO SEPTIC TANK: 1/4 INCH PER FOOT  
SEPTIC TANK TO D-BOX: 1.5" SDR 26 FORCE MAIN
- OPERATION AND MAINTENANCE:**
- REQUIRED MAINTENANCE BY OWNER:
    - SIGN SYSTEM MAINTENANCE AGREEMENT FOR THE CLEAN SOLUTION SYSTEM.
    - SEPTIC TANK & SETTLING TANK SHALL BE PUMPED OUT EVERY TWO YEARS OR MORE FREQUENTLY IF THERE IS A SIGNIFICANT BUILDUP OF SLUDGE OR GREASE.
    - BIOCON TANK TO BE INSPECTED EVERY TWO YEARS BY APPROVED AOS TECHNICIAN.
    - OWNER SHALL KEEP ALL PUMPING RECORDS.
    - FAILURE TO COMPLY WITH "A" - "D" ABOVE WILL VOID WARRANTY WITH THE CLEAN SOLUTION AND AOS.
  - EVERY SYSTEM'S DESIGN CAPACITY IS DIFFERENT. CAREFUL AND RESPONSIBLE WATER USE IS REQUIRED TO MAXIMIZE THE SYSTEM'S LIFE.
  - DO NOT DISPOSE OF GREASE, FOOD SCRAPS, CHEMICALS, SOLVENTS, ETC. INTO THIS SYSTEM.
  - DO NOT ALLOW VEHICULAR TRAFFIC OVER ANY COMPONENT OF THE SYSTEM UNLESS THAT STRUCTURE IS DESIGNED TO WITHSTAND AN H-20 WHEEL LOAD.
  - KEEP DEEP ROOTED TREES AND BUSHES AWAY FROM THE LEACHING SYSTEMS.
  - DO NOT FLUSH CIGARETTE BUTTS, COTTON SWABS, CAT LITTER, SANITARY NAPKINS, TAMPONS, DISPOSABLE DIAPERS, DISPOSABLE WIPES, CONDOMS, UNUSED MEDICINE AND OTHER NON-BIODEGRADABLE PRODUCTS INTO YOUR SYSTEMS.
  - DO NOT CONTAMINATE YOUR SYSTEM BY DUMPING SOLVENTS, OILS, PAINTS, THINNERS, DISINFECTANTS, PESTICIDES, OR POISONS DOWN THE DRAIN WHICH CAN KILL BACTERIA THAT HELP PURIFY SEWAGE AND CAN CONTAMINATE GROUNDWATER.
  - DO NOT DIG INTO YOUR LEACHFIELD OR BUILD ANYTHING OVER IT.
  - DO NOT PLANT ANYTHING OVER YOUR LEACHFIELD EXCEPT GRASS OR NON-EDIBLE CROPS.
  - DO NOT DISPOSE OF FLOOR WAX OR FLOOR WAX STRIPPER INTO ANY DRAIN OR FIXTURE CONNECTED TO THE SEPTIC SYSTEM.
  - SYSTEM IS NOT DESIGNED TO HANDLE DISCHARGE FROM A HOT TUB OR SIMILAR.

NOT FOR CONSTRUCTION

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APPROVED BY: EDW

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(22"x34") 1" = 10'  
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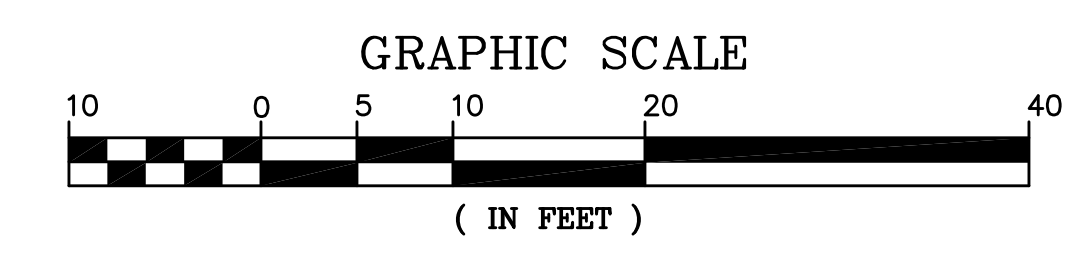
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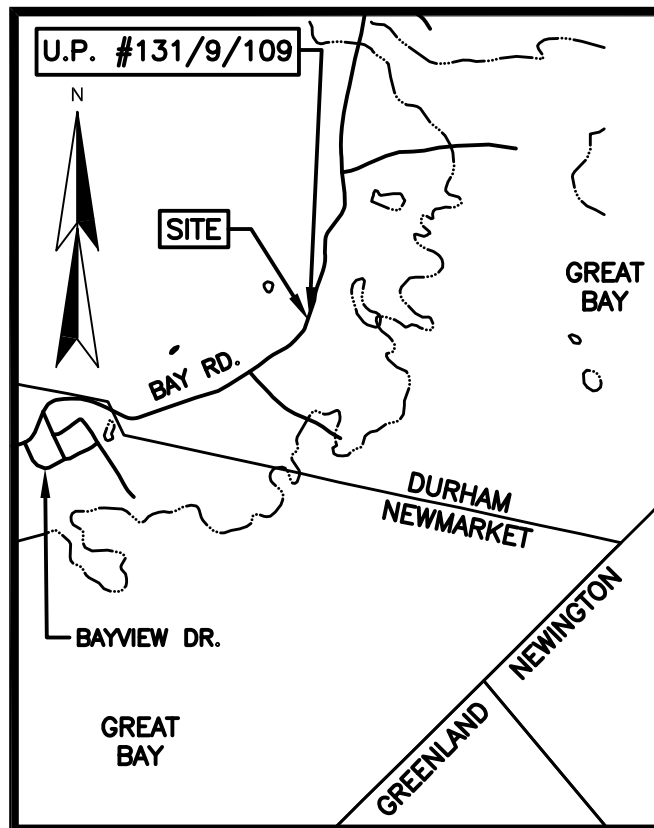
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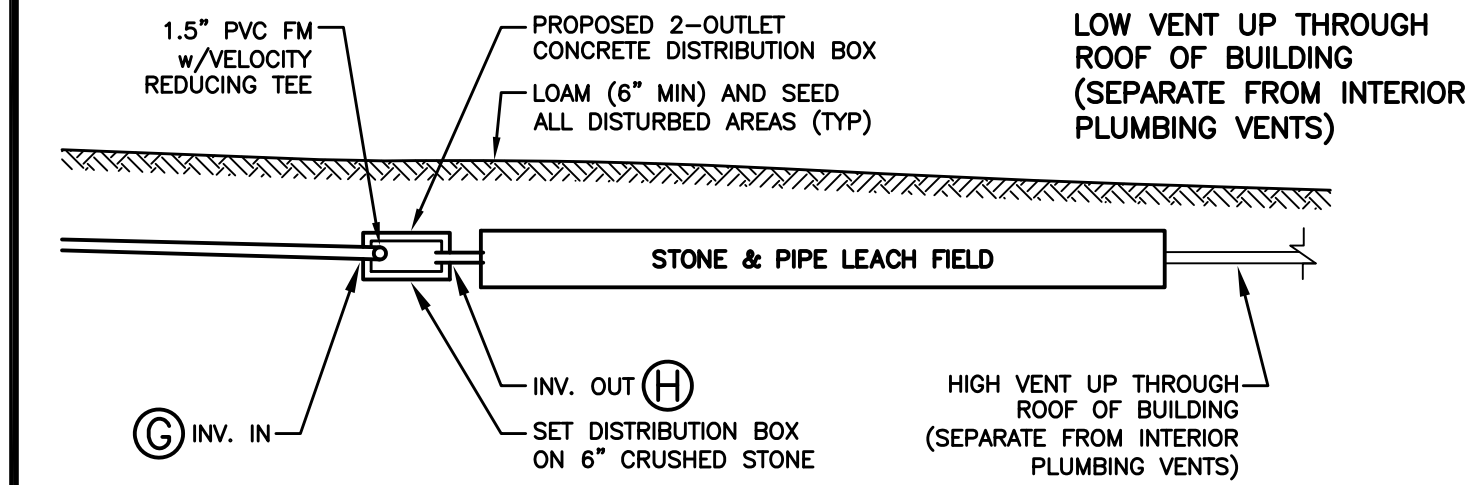
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SUBSURFACE  
SYSTEM  
DISPOSAL PLAN

SHEET NUMBER:  
SS-2

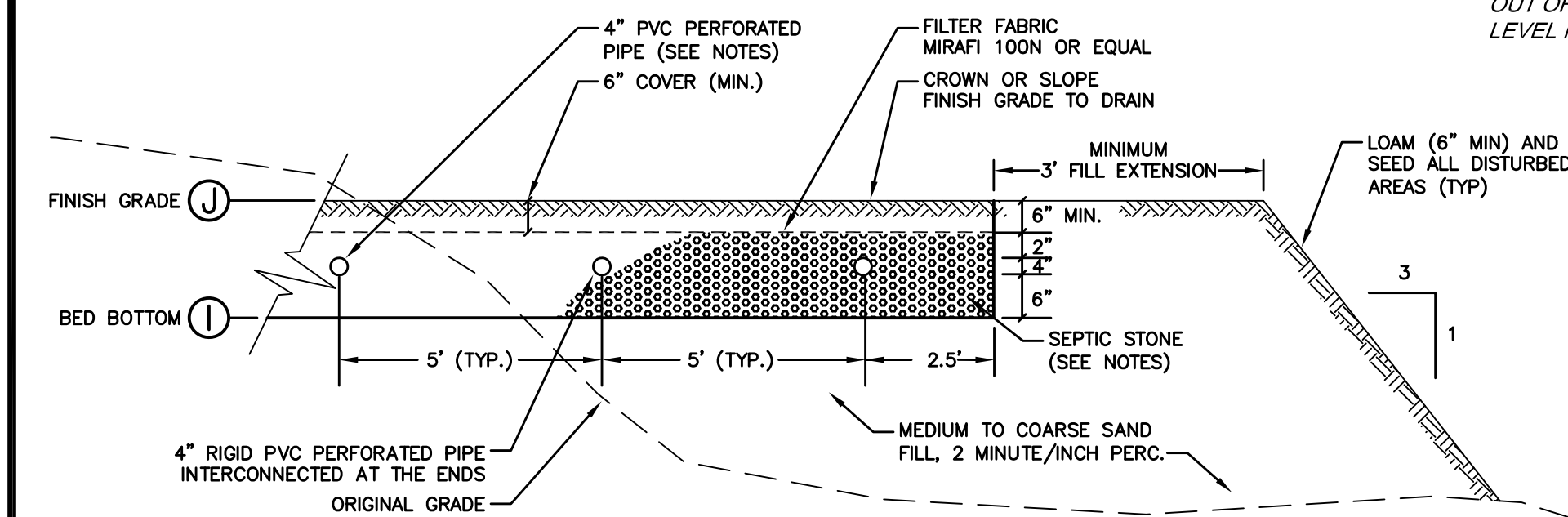




LOCUS NOT TO SCALE



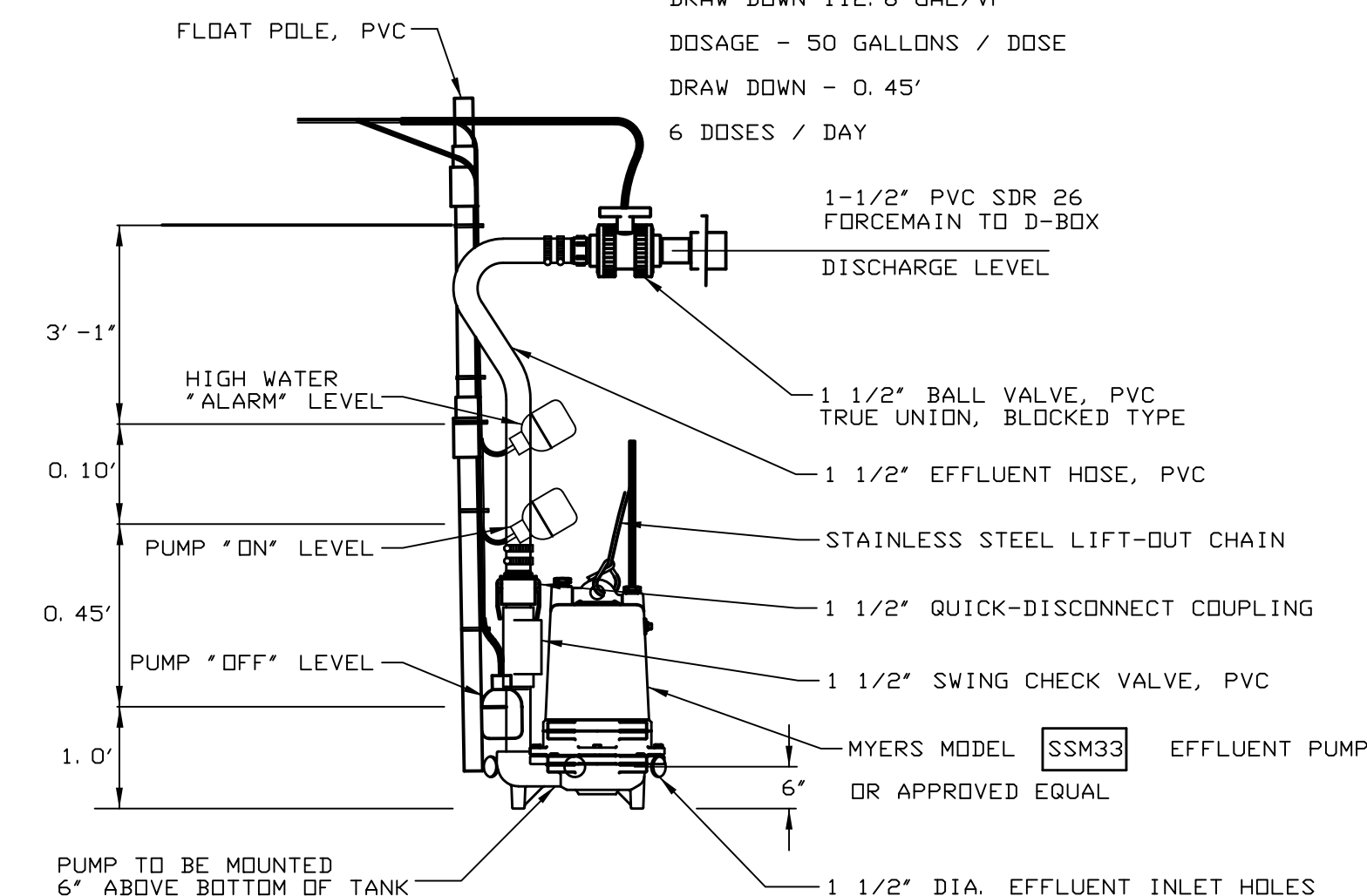
TYP. SECTION OF SANITARY SYSTEM NOT TO SCALE



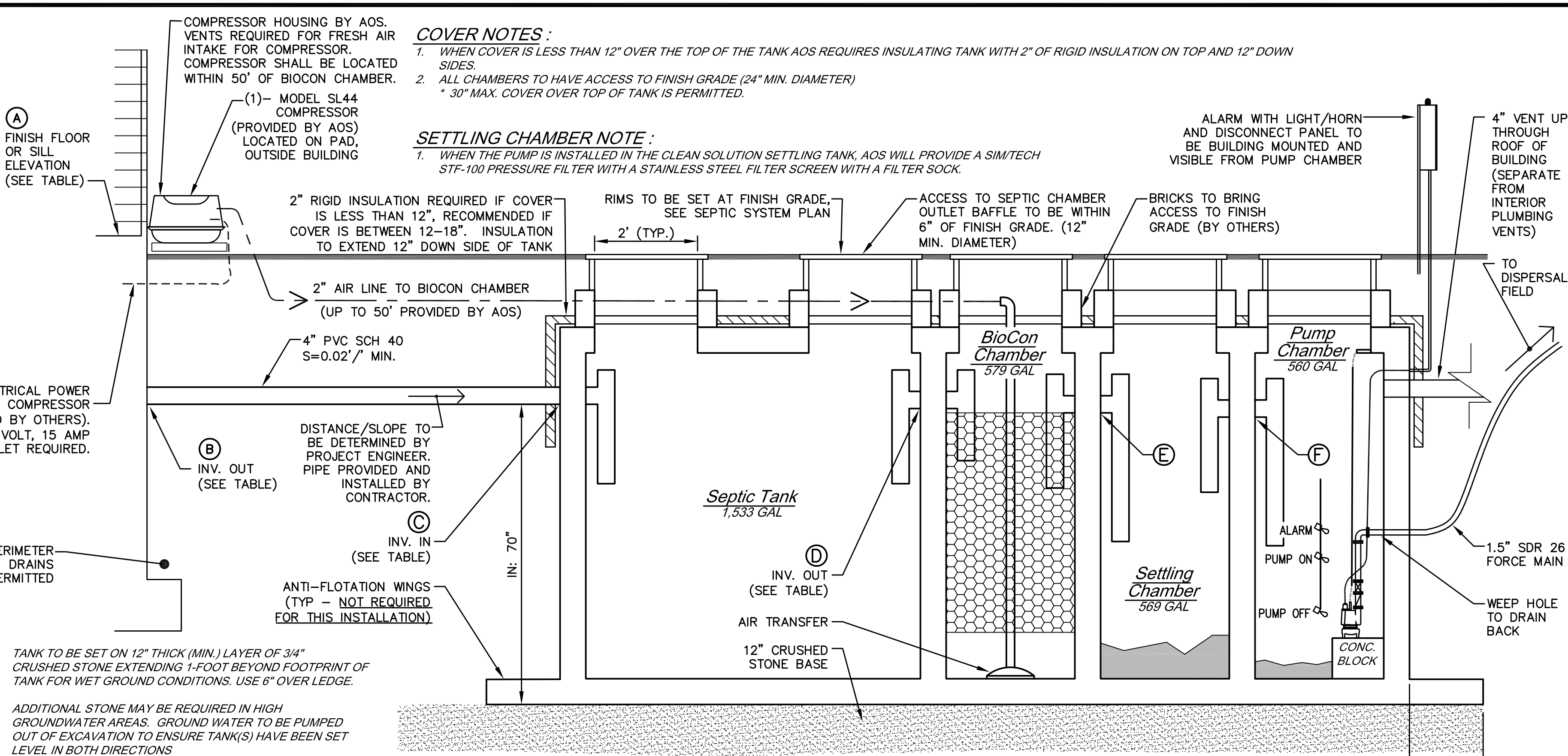
LEACHFIELD CROSS SECTION NOT TO SCALE

**PUMP CHAMBER CALCULATIONS:**

4-BEDRM HOUSE - 600 GPD  
 < 300 GPD EXPECTED FLOW  
 DRAW DOWN 112.8 GAL/VF  
 DDOSAGE - 50 GALLONS / DDSE  
 DRAW DOWN - 0.45'  
 6 DDSES / DAY



**PUMP DETAIL NOT TO SCALE**



**COVER NOTES:**

1. WHEN COVER IS LESS THAN 12" OVER THE TOP OF THE TANK AOS REQUIRES INSULATING TANK WITH 2" OF RIGID INSULATION ON TOP AND 12" DOWN SIDES.
2. ALL CHAMBERS TO HAVE ACCESS TO FINISH GRADE (24" MIN. DIAMETER) \* 30" MAX. COVER OVER TOP OF TANK IS PERMITTED.

**SETTLING CHAMBER NOTE:**

1. WHEN THE PUMP IS INSTALLED IN THE CLEAN SOLUTION SETTLING TANK, AOS WILL PROVIDE A SIMTECH STF-100 PRESSURE FILTER WITH A STAINLESS STEEL FILTER SCREEN WITH A FILTER SOCK.

**KEY ELEVATIONS TABLE**

SILL ELEV. (BLDG 1)	INV. OUT (BLDG 1)	INV. IN (TANK)	INV. OUT (TANK)	INV. OUT (BIOCON)	INV. OUT (SETTLING)	INV. IN (D-BOX)	INV. OUT (D-BOX)	BED BOTTOM	FINISH GRADE
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)
49.87	44.75	44.50	44.25	44.16	44.08'	46.92'	46.75'	46.25'	47.75'

**BAFFLE NOTES:**

1. OUTLET BAFFLES TO EXTEND 40% INTO LIQUID DEPTH UNLESS NOTED OTHERWISE.
2. IF SIDE INLET IS USED, BAFFLE MUST BE EXTENDED TO ACCESS STACK AND PROPERLY SUPPORTED.

**PUMP CHAMBER NOTES:**

1. PUMP TO BE PLACED ABOVE SLUDGE LEVEL ON A 12" CONCRETE BLOCK.

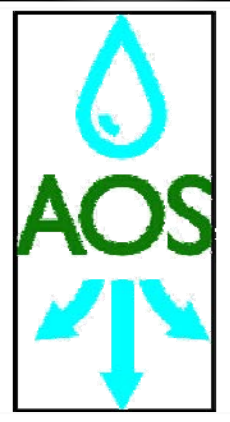
**Septic/BioCon/Settling/Pump Chamber Tank**

4-Bedroom Residence: 4-Compartment Tank (3,241 gal.) AOS to verify  
 (15'8"L x 7'0"W x 7'0"H)- Extended base - 17'8"L x 9'-0"W AOS to verify

**THE CLEAN SOLUTION SYSTEM**

**THE CLEAN SOLUTION DESIGN NOTES**

1. SUBSURFACE DISPOSAL SYSTEM IS BASED ON THE CLEAN SOLUTION™ SYSTEM PROVIDED BY ADVANCED ONSITE SOLUTIONS LLC. CONCORD, NH. (AOS) 1-866-900-2415
2. THIS SUBSURFACE DISPOSAL SYSTEM HAS BEEN DESIGNED UNDER NHDES Env-Ws 1024 INNOVATIVE / ALTERNATIVE TECHNOLOGY RULES.
3. MINIMUM SIZE DISPERSAL FIELD AREA: FOR THIS PROJECT IS 180 SQ.FT/FIELD - PROVIDE 180 SQ. FT DISPERSAL AREA IS ACTUAL FOOTPRINT WITHIN 3 FOOT FILL EXTENSIONS.
4. THE CLEAN SOLUTION PROVIDED BY AOS TO INCLUDE:
  - A.) BIOCON/SETTLING TANK.
  - B.) AIR COMPRESSORS.
  - C.) MEDIA.
  - D.) ACCESS COVERS & RISERS (AOS PROVIDES PLASTIC COVERS & RISERS - NOT H-20 LOAD RISERS) AOS OR THEIR REPRESENTATIVES SHALL PERFORM ALL INTERNAL PIPING IN THE BIOCON TANK AND SYSTEM STARTUP.
5. INSTALLER SHALL FOLLOW THE CURRENT EDITION OF THE MANUFACTURERS GUIDELINES TO PREPARE SITE FOR INSTALLATION OF THE CLEAN SOLUTION DESIGN SYSTEM AND SHALL PROVIDE THE FOLLOWING:
  - A.) CONTRACTOR SHALL FOLLOW APPROVED DESIGN PLANS AND NHDES SUBSURFACE SYSTEM RULES.
  - B.) CONTRACTOR TO SUPPLY NECESSARY SEPTIC TANKS AND GREASE TRAPS AS REQUIRED BY DESIGNER.
  - C.) EXCAVATION OF ALL TANKS INCLUDING TANKS SUPPLIED BY AOS TO GRADES ESTABLISHED BY DESIGNER.
  - D.) SETTING AND LEVELING OF ALL TANKS INCLUDING TANKS SUPPLIED BY AOS.
  - E.) SERVICE CONNECTIONS FROM BUILDING TO SEPTIC TANK(S), SEPTIC TANK(S) TO BIOCON TANK(S), BIOCON TANK(S) TO SETTLING TANK(S), SETTLING TANK(S) TO DISPERSAL FIELD(S).
  - F.) CONTRACTOR SHALL EXCAVATE FOR ALL AIR CONDUIT LINES FROM COMPRESSOR HOUSING TO BIOCON TANK(S).
  - G.) CONTRACTOR TO WATER PLUG ALL TANK PENETRATIONS TO PREVENT GROUNDWATER LEAKS.
  - H.) CONTRACTOR TO WATER PLUG ALL INLET AND OUTLETS NOT USED.
  - I.) CONTRACTOR SHALL SET ALL RISERS TO GRADES ESTABLISHED BY DESIGNER. CONTRACTOR TO INSTALL ACCESS STACKS PER THE MANUFACTURERS INSTALLATION GUIDELINES. CONTRACTOR TO ENSURE THAT RUBBER GASKET O-RING IS IN PLACE PRIOR TO SECURING SECTIONS. ALL SCREW HOLES TO BE USED TO SECURE SECTIONS TO EACH OTHER.
  - J.) CONTRACTOR TO BUILD / MODIFY DISPERSAL FIELD AS REQUIRED BY DESIGNER.
  - K.) CONTRACTOR SHALL CALL NHDES AND LOCAL BOARD (IF REQUIRED) FOR SYSTEM INSPECTION.
  - L.) CONTRACTOR TO PROVIDE OWNER WITH TIES FROM TWO FIXED POINTS TO ACCESS COVERS.
  - M.) CONTRACTOR SHALL BACKFILL SYSTEM AFTER APPROVAL FOR OPERATION BY NHDES.
  - N.) CONTRACTOR SHALL PROVIDE THE EFFLUENT PUMP (IF NECESSARY) AND ALL CONTROLS TO MEET SITE CONDITIONS.
6. THE OWNER/CONTRACTOR SHALL PROVIDE THE FOLLOWING:
  - A.) OWNER/CONTRACTOR SHALL SUPPLY NECESSARY OUTLETS CAPABLE OF 3 AMPS - 115 VOLTS FOR EACH COMPRESSOR. THE CIRCUIT PROVIDED SHALL NOT BE GFI PROTECTED.
  - B.) ALL 24" DIAMETER ACCESS RISERS MUST BE BROUGHT TO FINISH GRADE.
  - C.) COMPRESSOR HOUSING TO BE SUPPLIED BY OWNER / CONTRACTOR.
  - D.) COMPRESSOR(S) LOCATION TO BE MUTUALLY DETERMINED BY OWNER / REPRESENTATIVE AND AOS.
  - E.) MAXIMUM DISTANCE FROM COMPRESSOR(S) TO BIOCON TANK IS 50'. FOR DISTANCES GREATER THAN 50' CONTACT WAL.
  - F.) AIRLINE SLEEVES TO BE PROVIDED AND INSTALLED BY SITE CONTRACTOR UNLESS NOTED OTHERWISE. CONTACT AOS FOR SIZING REQUIREMENTS.
  - G.) CONTRACTOR SHALL PROVIDE EFFLUENT PUMP AND ALL CONTROLS TO MEET SITE CONDITIONS.
7. REQUIRED MAINTENANCE BY OWNER:
  - A.) SIGN SYSTEM MAINTENANCE AGREEMENT FOR THE CLEAN SOLUTION SYSTEM.
  - B.) SEPTIC TANK(S) AND SETTLING TANK(S) TO BE PUMPED OUT EVERY 2 YEARS OR MORE FREQUENT DEPENDING UPON USE.
  - C.) BIOCON TANK(S) TO BE INSPECTED EVERY 2 YEARS BY APPROVED AOS TECHNICIAN OR MORE FREQUENT DEPENDING UPON USE.
  - D.) OWNER SHALL KEEP ALL PUMPING RECORDS.
  - E.) FAILURE TO COMPLY WITH "A" - "D" ABOVE WILL VOID WARRANTY OF THE CLEAN SOLUTION SYSTEM.



**ADVANCED ONSITE SOLUTIONS LLC.**

2 Whitney Road - Suite 1  
 Concord, NH 03301  
 Tel. 1-866-900-2415 Fax. 603-783-4499  
 www.thecleansolution.com  
 www.aosne.com  
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THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF ADVANCED ONSITE SOLUTIONS LLC. DETAILS AND NOTES PROVIDED HEREIN ARE FOR USE SOLELY WITH THE CLEAN SOLUTION™. ANY REPRODUCTION IN PART OR AS A WHOLE WITHOUT THE WRITTEN PERMISSION OF ADVANCED ONSITE SOLUTIONS LLC. IS PROHIBITED.

**ALTUS ENGINEERING**  
 133 Court Street Portsmouth, NH 03801  
 (603) 433-2335 www.altus-eng.com

NOT FOR CONSTRUCTION  
 ISSUED FOR: APPROVAL  
 ISSUE DATE: MARCH 19, 2024

**REVISIONS**

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EDW	03/19/24

DRAWN BY: RLH  
 APPROVED BY: EDW  
 DRAWING FILE: 5433SITE.dwg

SCALE:  
 (22"x34") NOT TO SCALE  
 (11"x17") NOT TO SCALE

OWNER/APPLICANT:  
 DAVID T. DELLA PENTA  
 2013 TRUST  
 &  
 KAREN S. DELLA PENTA  
 2013 TRUST

ASSESSOR'S MAP 239  
 LOT 9

MAILING ADDRESS:  
 561 BAY ROAD  
 DURHAM, NEW HAMPSHIRE

PROJECT:  
 PROPOSED SINGLE FAMILY RESIDENCE

TITLE:  
 SUBSURFACE DISPOSAL SYSTEM DETAILS

SHEET NUMBER:  
 SS-3

*These minutes were approved at the February 14, 2024 meeting.*

**TOWN OF DURHAM  
DURHAM PLANNING BOARD**

**Wednesday, January 24, 2023**

**Town Council Chambers, Durham Town Hall**

**7:00 pm**

**MEMBERS PRESENT:** Paul Rasmussen (Chair), Heather Grant (Vice Chair), Sally Tobias, William McGowan, Peyton McManus, Emily Friedrichs (Council Rep), Tom DeCapo (Alternate), Chuck Hotchkiss (Alternate Council Rep), Erika Naumann Gaillat (Alternate); Richard Kelley (on Zoom)

**MEMBERS ABSENT:** Chris McClain (Alternate)

**ALSO PRESENT:** Town Planner Michael Behrendt

**I. Call to Order**

Chair Paul Rasmussen called the meeting to order at 7:00 pm.

**II. Roll Call and Seating of Alternates**

No alternates were seated; Richard Kelley on Zoom due to health issues.

***Mr. McGowan MOVED to approve the Agenda for January 24, 2024 as presented; SECONDED by Mr. DeCapo; Roll Call Vote: Sally Tobias-aye, Bill McGowan-aye, Emily Friedrichs-aye, Peyton McManus-aye, Heather Grant-aye, Paul Rasmussen-aye, Richard Kelly-aye; APPROVED 7-0, Motion carries.***

**IV. Town Planner's Report**

Mr. Behrendt said the Historical District Heritage Commission held first roundtable meeting to discuss Oyster River Massacre marker; next meetings February 15 and March 21, to wrestle with controversy of the marker, whether to reinstall, what language, and help the community discuss this difficult issue.

**V. Reports from Board Members who serve on Other Committees**

Reporting from Energy Committee: Councilor Friedrichs said the Committee continued to work on goals established: Community Power: negotiating energy rates to lower prices and building more sustainable options; evaluate Lee Energy Grid for Town purchase for future savings and other energy-saving projects; Transportation: EV chargers; Built Environment: find funding to help residents organize and plan home projects to increase efficiency and de-carbonize.

Reporting from Town Council: Councilor Hotchkiss said there was only one meeting in January before the last Planning Board meeting; nothing to report.

Reporting from IWMAC: Vice Chair Grant said she missed the last meeting, but they worked on the campaign for reuse and repair in terms of awareness in the community and different repair capabilities; working on new pamphlets.

Reporting from the Housing Task Force: Chair Rasmussen said the Housing Needs Assessment has been received and HTF is going to start work on a first Zoning Amendment: Board was approached by a team who would like to do Work Force Housing in Durham and the location available does not currently allow WF Housing; will try to put together an amendment to make this work.

Reporting from Conservation Commission: Mr. Kelley said the Commission met Monday, with presentation by Land Stewardship Coordinator Sara Callaghan about easement monitoring; Trail Stewards program initiated in November with 20 volunteers. Commission acted on and supported Title Docket for 18 Meadow Road, and directed Mr. Behrendt to prepare and direct comments to NHDES; acted on 561 Bay Road; Duane Hyde of SELT informed commission of Langley & Kennard Forest Conservation Easement: funding made available with \$2.4 Million investment to conserve 44.5 acres on Durham Point and along Durham Point Road.

## **VI. Public Comments**

## **VII. Review of Minutes (old):**

**VIII. 561 Bay Road – Conditional Use.** Conditional use for retaining walls and landscaping within the Wetland Conservation Overlay District. The existing house will be demolished, and a new house constructed. David and Karen Della Penta, property owners. Ron Beal and Eric Weinrieb, Altus Engineering. Robbi Woodburn, Landscape Architect. Ben Auger and Christian Cote, Auger Building Company. Map 239, Lot 9. Residence Coastal District. Recommended action: Set public hearing and schedule site walk.

Chair Rasmussen asked Mr. Behrendt to explain an item discussed this afternoon. Mr. Behrendt said this is a non-conforming lot in Residence Coastal Zone; minimum lot size is 150,000 sq ft (3.5 acres) and this lot is 1.5 acres; non-conforming with a house to be demolished and rebuilt. Use is permitted even though the lot is undersized; must meet all requirements and setbacks.

Landscape Architect Robbi Woodburn said she is representing Della Pentas for a new residence: removing and rebuilding existing home. The current house is non-compliant and sits over the front and side yard setbacks; new home will fit within all setbacks, replacing septic with new advanced treatment system; 1 shed on site. The existing house sits on a high point of site and rolls down a slope to flatter area towards bay; existing gravel loop driveway with small retaining wall holds up house in front. At bottom of slope is a 2 ft high retaining wall and existing steps with footprint at edge of wetland; south portion of property is a wetland bordered by a larger conservation easement.



Proposed Plan: New house, new driveway, low stone walls on property line in front, new septic to right of building with regraded slope, front and side walkways with retaining wall in back, new stairs down from patio to field below. Replacing the back retaining wall with 2 shorter retaining walls, to better hold the slope and provide safer access with new steps, both within 100-ft conservation wetland buffer. From patio to bottom of steps roughly 10-10.5 ft; finished floor to bottom of steps 11 ft (existing grade); rebuild stone wall at bottom at same height but longer.

Landscape Concept: Plant massing shown without specific plan; plant list at top with everything in the buffer native species, aiming for 75%/25% native/non-native; ornamental plantings in front (non-native). Removing at least 1 tree in buffer, maybe 2, and replacing with 2 more trees. Fit of house on site: shallow positive pitch at driveway from edge of road to garage with steps up to finished floor, set as close to ground as possible.; black dotted line shows existing grade mimicked by steps; new bottom retaining wall back one foot further back from wetland; slope will be better from erosion standpoint.

Questions: Mr. McManus asked if the retaining wall covers the whole back expanse of the house or extends a little beyond. Ms. Woodburn said it goes beyond the house with a lower-level walkout and walls turn back into the house with door to basement at left with walls that hold up the rest of the grade. The existing wall is 2 ft high with 3:1 slope; replacing with two 2-ft retaining walls. Mr. Kelley said the Conservation Commission voted in favor with 2 stipulations and said the impact in wetland setback is 25 ft of the permanent impact within the 100-ft setback line.

Eric Weinrieb of Altus Engineering said the closest point to the wetland is 74.2 ft, with about 25-26 ft of the permanent impact. Mr. Kelley said the impact is modest compared to existing, but there is concern about whether the sedimentation barrier as shown is the limit of the impact and whether there is enough room to construct the walls and perform the grading. Mr. Weinrieb said corners closest to sedimentation barrier are about 5 ft off the wall which is more than adequate; for fill section of the wall only digging down a few feet to create a foundation.

Councilor Friedrichs said shoreland setback extends another 25 ft and said there cannot be any new landscaped area or lawn established in the buffer; Board said it is not shoreland. Mr. Weinrieb said the area is currently lawn and will be less after we are done. Ms. Woodburn said the edge of the buffer is along the base of the house, and there is an existing access path at end of the steps to right at the end of the second wall and a strip of lawn between the 2 retaining walls. Councilor Friedrichs said if area is dug up to grade, Ordinance states you cannot re-establish lawn in that area.

Ms. Woodburn said she did not read it that way and agreed to a stipulation from the Conservation Commission that the area only be mowed twice yearly; but the path going down to bay is our conservation easement and would be mowed. Councilor Friedrichs said his concern is that the Board is not privileged to trade off in the language of the Ordinance, but mowing is allowed for removing invasive species and said the area was probably being illegally mowed by prior owners.

Ms. Woodburn said it is being mowed to remove invasives. Chair Rasmussen asked about a site walk; Mr. McManus said he is cross-comparing Durham GIS with Google Maps and has enough information.

Councilor Friedrichs asked about the tree removals; Ms. Woodburn said there is an oak at end of existing stone wall and one just above the buffer with an ash tree in the unsurveyed area to right of house. Mr. Kelley said our zoning ordinance does allow the repair or replacement of existing retaining walls, and the existing wall is being replaced upgradient of the buffer; grading is permitted where necessary to accommodate a structure located outside the WCOD, and proposed structure will be within setbacks; those 3 items do not require CU and only require Permitted Use B.

Mr. Behrendt said wall and grading are Permitted Use B according to just 3 criteria, but those criteria are also subsumed into the CU. The 3 Permitted Use B criteria are: erosion control, restoration of disturbed areas, and minimum lasting impact on wetlands. Chair Rasmusen said an existing retaining wall is being replaced with something more suitable for structure and going in same location. The Board did not object to Permitted Use B, and final action could be taken at this meeting.

Councilor Friedrichs recommended the applicants to allow biannual mowing, with ½ in one year and the other half the next year, to allow insects to survive and native plants to repopulate, maintaining conserved land to best standards possible. Ms. Woodburn said she spoke with a person who mows conservation easements and he stressed the importance of mowing at least once/year to control invasives; she said she wants the mowing to be on the same schedule as conservation easement.

Chair Rasmussen said Permitted Use B does not require a public hearing, is recommended by the Conservation Commission with final action by Planning Board, and there are no fees or notices; fees will be returned to applicants. Mr. Kelley asked Mr. Behrendt to review the provisions supported by the Conservation Commission: Mr. Behrendt said they recommend (1) a note on the plan and condition in ordinance that no pesticides or fertilizers be used within the buffer; (2) existing grass area in WCOD be mowed no more than twice per year.

Councilor Friedrichs asked if the Board would still be able to add Conditions of Approval, and Mr. Behrendt said they could. Mr. Kelley said he would then like to see the sedimentation fence be laid out by a surveyor so it is not encroaching further into the overlay district, and asked if further sedimentation measures should be taken. Councilor Friedrichs read Section 175-65 Performance Standards in WCOD: existing lawns may be allowed to remain provided there is a 25-ft wide strip which is not mowed and is allowed to reestablish naturally occurring vegetation; applicant would need to extend 25 ft between wetlands and lawn area only mowing to control invasives.

Ms. Woodburn said there is an existing pathway that leads off the property onto conservation lands. Councilor Friedrichs said that would be allowed to be mowed with width of 6 feet. Councilor Friedrichs said it would need to be revegetated and reestablished. Ms. Woodburn said they are not making any changes to WCOD except up near the house, and asked Mr. Behrendt why this is coming into play now. Mr. Weinrieb said the property was recently purchased and no maintenance changes were made; current owners did not know there was a wetland until the property was mapped.

Mr. Behrendt said the Ordinance refers to SPOD in terms of buffers and is quite confusing with contradictions. Vice-Chair Grant said if a strip is left unmowed it might be a problem for the conservation land abutting that area. Chair Rasmussen said the Board is up against an “administrative gloss” wall, and until the new ordinance is written does not have a place to stand regarding enforcement. Administrative gloss has a legal meaning as courts have ruled towns cannot pick and choose *where* rules and regulations are enforced; Mr. Behrendt agreed it was not enforceable. The Board discussed the issue in depth and agreed to consider application as Permitted Use B.

Mr. Behrendt recommended the Board go through the 3 criteria for grading the site, including the Conservation Commission conditions, and any other conditions you wish to include. Mr. Kelley asked that the sedimentation barrier as shown on the plan be laid out by a surveyor; Councilor Friedrichs asked that a note about the administrative gloss issue be added; total of 4 conditions including those of Conservation Commission.

The board further discussed mowing of wetlands; Councilor Friedrichs amended language to: “mowing of wetlands must be consistent with the greater conservation easement”. Mr. Behrendt said the site now has 5 items: (1) mowing of wetlands, (2) no pesticides /fertilizers, (3) Permitted Use B: well, grading, retaining wall and steps; (4) Note of administrative gloss; (5) have a surveyor lay out locations of sedimentation barrier as shown on plan within WCOD.

***Chair Rasmussen MOVED that the Planning Board accept the application for 561 Bay Road as a Permitted Use B with 4 conditions and one note as detailed by Mr. Behrendt for Map 239, Lot 9, in Residence Coastal District; SECONDED by Mr. McManus; Roll Call Vote: Sally Tobias-aye, Bill McGowan-aye, Emily Friedrichs-aye, Peyton McManus-aye, Heather Grant-aye, Paul Rasmussen-aye, Richard Kelly-aye; APPROVED 7-0, Motion carries.***

*Mr. McGowan left the Planning Board meeting at 8:34 pm.*

**IX. Reschedule April 10 meeting.**

Chair Rasmussen said the date must be changed to either April 3 or 17, with back-to-back meetings; Board agreed to April 17 and April 24, 2023.

- X. Review of Definitions in Zoning Ordinance.** Review of the Zoning Ordinance as part of the zoning rewrite. The board completed a first pass through the Definitions. The board is conducting its second review. Once the board is satisfied with the changes an amendment will be presented for a public hearing. Recommended action: Ongoing review.

Page 48: Subdivision – Chair Rasmussen said a lot line adjustment is not necessarily a subdivision; Mr. Behrendt said it is treated as one by subdividing one lot and taking part of it away.

Support Center – Definition deleted.

Surface Parking – Vice-Chair Grant suggested: single-level parking. Councilor Friedrichs brought up the issue of significant fill being considered a structure and said amount of fill should be set as X-feet difference from existing to finished grade. Chair Rasmussen said that does not belong under surface parking and is better with “steep slopes”. Councilor Friedrichs said the Table of Uses in the Zoning Ordinance differentiates surface from structured, and it is important to consider some reference to ultimate grade-level change in one of these definitions.

The Board had a very lengthy discussion of this issue. Mr. Behrendt said the question of whether a retaining wall is a structure is a Site Plan issue, not a definition. Councilor Friedrichs said in structured parking there is no reference to what the structure is made of and could be earth. Chair Rasmussen said surface parking has nothing to do with whether you have a structure associated with it and recommended getting rid of *structured parking* and call it “parking garage” and call *surface parking* “parking lot”. Mr. Behrendt said concerns should be dealt with in Site Plan Regulations.

Councilor Friedrichs said there are currently three parking uses: off-street parking on lot to serve allowed use; structured parking; surface parking. Mr. Behrendt said they will only look at the Table of uses as it is impacted by what you are doing with definitions. The board changed Surface Parking to *Parking Lot*.

Theater – Combined with Cinema.

Completed Page 49.

Variance – Councilor Friedrichs suggested: “the specified purpose for which a parcel or portion thereof”. Mr. Behrendt said a lot is a parcel; the Board decided to leave definition as is. Councilor Friedrichs said: “a deviation from the terms of this chapter is allowed when the ZBA determines that the criteria are met.”

Vernal Pool – Moved to WCOD.

Self-Storage Facility – Board changed to: “any self-service storage unit composed of individual units or lockers rented to the public.”

Wetland, Wetland, Non-Tidal, Wetland, Tidal, and Wetland, Prime all moved to WCOD.

Workforce Housing; Workforce Housing, Subdivision– Textbook definitions.

Councilor Friedrichs proposed the Board add Wildlife Corridor to definitions and reference WCOD. Board agreed.

Mr. Behrendt said the HTF will look at changes on Monday, then the whole new section on Workforce Housing will be called Option A, and part in Conservation Subdivision called Option B.

**XI. Other Business**

**XII. Review of Minutes (new):**

**XIII. Adjournment**

***Ms. Tobias MOVED to adjourn the Planning Board Meeting; SECONDED by Vice-Chair Grant; Roll Call Vote: Sally Tobias-aye, Emily Friedrichs-aye, Peyton McManus-aye, Heather Grant-aye, Paul Rasmussen-aye, Richard Kelly-aye; APPROVED 6-0, Motion carries.***

Chair Rasmussen adjourned the meeting at 9:11 pm

Respectfully submitted,

Patricia Denmark, Minute Taker  
Durham Planning Board

**561 BAY ROAD**

**Location** 561 BAY ROAD

**Mblu** 239 / 9/0 0/0

**Owner** DELLA PENTA 2013 TRUST,  
DAVID T

**Assessment** \$784,914

**Appraisal** \$788,500

**PID** 1730

**Building Count** 1

**Location**

**Current Value**

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$288,600	\$499,900	\$788,500

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$288,600	\$496,314	\$784,914

**Parcel Addresses**

Additional Addresses
No additional Addresses available for this parcel

**Owner of Record**

<b>Owner</b>	DELLA PENTA 2013 TRUST, DAVID T	<b>Sale Price</b>	\$875,000
<b>Co-Owner</b>	DELLA PENTA 2013 TRUST, KAREN S	<b>Certificate</b>	
<b>Address</b>	561 BAY ROAD	<b>Book &amp; Page</b>	5107/1026
	DURHAM, NH 03824	<b>Sale Date</b>	05/01/2023
		<b>Instrument</b>	00

**Ownership History**

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
DELLA PENTA 2013 TRUST, DAVID T	\$875,000		5107/1026	00	05/01/2023
DWYER, WALTER J	\$500,000		4707/0701	UNKQ	11/12/2019
BRAND REV TRUST, GERHARD K	\$0		3618/0005		02/22/2008

BRAND, GERHARD K	\$0	3618/0001	02/22/2008
BRAND FAMILY REV TRUST	\$0	2539/0261	07/05/2002

## Building Information

### Building 1 : Section 1

**Year Built:** 1945  
**Living Area:** 2,008  
**Replacement Cost:** \$367,516  
**Building Percent Good:** 75  
**Replacement Cost Less Depreciation:** \$275,600

#### Building Attributes

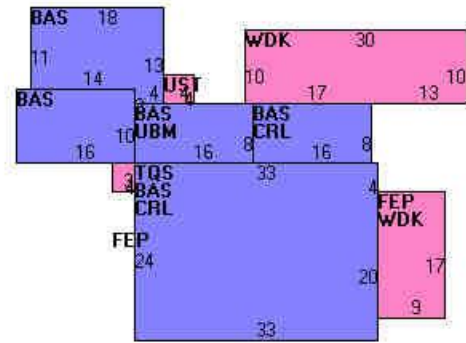
Field	Description
Style:	Cape Cod
Model	Residential
Grade:	Average +10
Stories:	1 3/4 Stories
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	Central
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	0
Bath Style:	
Kitchen Style:	
Num Kitchens	01
Cndtn	
Num Park	
Fireplaces	
Fndtn Cndtn	

### Building Photo



([https://images.vgsi.com/photos/DurhamNHPhotos/\0007\4944711-1\\_7079.jiff](https://images.vgsi.com/photos/DurhamNHPhotos/\0007\4944711-1_7079.jiff))

### Building Layout



([https://images.vgsi.com/photos/DurhamNHPhotos/Sketches/1730\\_1730.jj](https://images.vgsi.com/photos/DurhamNHPhotos/Sketches/1730_1730.jj))

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	1,414	1,414	
TQS	Three Quarter Story	792	594	
CRL	Crawl	920	0	
FEP	Porch, Enclosed, Finished	165	0	
FGR	Garage, Framed	320	0	
UBM	Basement, Unfinished	128	0	
UST	Utility, Storage, Unfinished	16	0	

Basement	
----------	--

WDK	Deck, Wood	453	0
		4,208	2,008

### Extra Features

Extra Features				<u>Legend</u>
Code	Description	Size	Assessed Value	
JAC	JACUZZI TUB	1.00 UNITS	\$1,400	
HRTH	HEARTH	1.00 UNITS	\$800	
ACD	Ductless A/C	1.00 UNITS	\$1,100	

### Parcel Information

**Use Code** 1010  
**Description** Single Fam MDL-01  
**Deeded Acres** 1.51

### Land

#### Land Use

**Use Code** 1010  
**Description** Single Fam MDL-01  
**Zone** RC  
**Neighborhood** 70  
**Alt Land Appr** No  
**Category**

#### Land Line Valuation

**Size (Acres)** 1.51  
**Frontage** 0  
**Depth** 0  
**Assessed Value** \$496,314  
**Appraised Value** \$499,900

### Outbuildings

Outbuildings					<u>Legend</u>
Code	Description	Sub Code	Sub Description	Size	Assessed Value
FGR1	GARAGE-AVE			264.00 S.F.	\$4,000
SHD1	SHED FRAME			96.00 S.F.	\$1,700
GENW	GEN-WHOLE HSE			10.00 KW	\$4,000

### Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$160,600	\$283,400	\$444,000
2021	\$160,600	\$283,400	\$444,000
2020	\$143,500	\$283,400	\$426,900

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$160,600	\$280,610	\$441,210



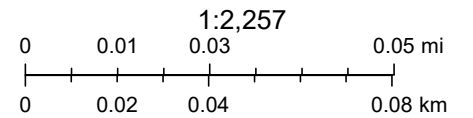
2021		\$160,600	\$280,613	\$441,213
2020		\$143,500	\$280,613	\$424,113

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Karen S. Della Penta 2013 Trust  
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Tax Map 239 /Lot 9

Donald & Tracy Golini  
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Durham, NH 03824  
Tax Map 239/Lot 8

Richard Dawson & Linda Hunter  
565 Bay Road  
Durham, NH 03824  
Tax Map 239/Lot 10

Bruce & Michelle Leichtman Rev. Trust  
567 Bay Road  
Durham, NH 03824  
Tax Map 239/Lot 11

Meltem Demirors  
564 Bay Road  
Durham, NH 03824  
Tax Map 239/Lot 25

Thomas & Anne Duncan 2019 Rev. Trust  
560 Bay Road  
Durham, NH 03824  
Tax Map 239, Lot 26

Kevin M. Baum, Esquire  
Hoefle, Phoenix, Gormley & Roberts  
127 Parrott Avenue  
Portsmouth, NH 03801

Altus Engineering  
133 Court Street  
Portsmouth, NH 03801

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