



TOWN OF DURHAM
 15 NEWMARKET RD
 DURHAM, NH 03824-2898
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RECEIVED
Town of Durham

APR 19 2013

Planning, Assessing,
 Zoning & Code Enforcement

**BEFORE FILLING OUT THIS APPLICATION, PLEASE CONSULT ARTICLE XVII
 OF THE DURHAM ZONING ORDINANCE.**

APPLICATION FOR CERTIFICATE OF APPROVAL

HISTORIC DISTRICT COMMISSION
 DURHAM, NEW HAMPSHIRE

Owner of Land: Name: Geoff Sawyer d/b/a Great Bay Kennel
 Address: 27-35 Newmarket Road
 Phone number: _____
 Email: _____

Location of Land: Address: same
 Tax Map/Lot #: Tax Map 6 Lot 7-11
 Site Plan Attached? _____ Yes _____ No

Provide a detailed description of your proposed plan(s) to construct, alter, repair, move in/out, or demolish including building dimensions, set-backs, number of stories, door and window openings in the façade, architectural details, roof slope, construction materials, surface finish, fencing, signage, and landscaping. Provide photographs of existing conditions. Drawings, plans, elevations and photos will assist the Commission in rendering their decision.

Summary of proposed change(s)---check those that apply:

- 1. Restore appearance to that of time when historic event occurred.
- 2. Restore appearance to that of time when constructed.
- 3. Restore appearance to period later than original construction.
- 4. Restore appearance to that typical of period or architectural style.
- 5. New construction.
- 6. Moving of existing building to new site.
- 7. Addition of or change in signage
- 8. Demolition of existing building
- 9. Other minor amendment (re: fencing) to HDC Cert. of Approval granted 12/6/2012
 . see letter attached.
 . see buffer list attached.

The HDC reserves the right to require additional specifications if they feel them necessary to make an informed judgment.

FOR OFFICE USE ONLY

Date Received: 4/19/13

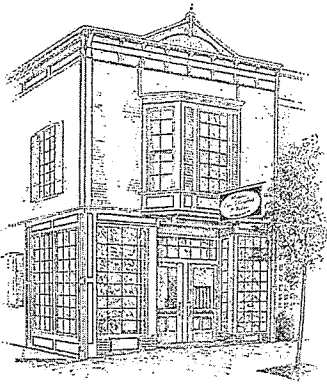
By: ke

Date to HDC: _____

Date of HDC Meeting: _____

Date of HDC Decision: _____

Approval _____ Denial _____



Wyskiel,
Boc,
Tillinghast
& Bolduc, P.A.
Attorneys at Law

*Christopher A. Wyskiel
William E. Boc
**D. Lance Tillinghast
*Michael J. Bolduc
Thomas G. Ferrini
*William R. Phipps
***Bain D. Testa

* also admitted in Maine
**also admitted in MA, ME & VT
***also admitted in MA

April 19, 2013

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APR 19 2013

Planning, Assessing,
Zoning & Code Enforcement

Durham Historic District Commission
ATTN: Karen Edwards
Town of Durham
15 Newmarket Road
Durham, NH 03824-2898

RE: Geoff Sawyer d/b/a Great Bay Kennel Property at 27-35 Newmarket Road
Tax Map 6, Lot 7-11
**Application for Minor Amendment to Certificate of Approval
Granted by December 6, 2012 Vote of HDC**

Ladies and Gentlemen:

This office continues to represent the above referenced Applicant. This letter supplements the Application filed this date with the Durham Historic District Commission for Certificate of Approval to modify the fencing previously approved as explained below.

Attached is a copy of the Certificate of Approval, dated January 3, 2013, which was approved by the Durham Historic District Commission on December 6, 2012. That Certificate of Approval refers to and incorporates by reference site, fencing and structure building plans reviewed and marked as approved as shown to the HDC on December 6, 2012. A reduced photocopy of the fencing plan, marked up to clarify this application, is attached. See also construction detail drawing labeled "A8."

This application is filed in contemplation of a Planning Board Amended Site Plan and Conditional Use Permit approval requiring a slight modification to some of the fencing (enclosing dog daycare pen areas) running parallel to the driveway on the site. See attached plan.

Durham's Zoning Ordinance Section 175-94 (A)(3) requires approval of the HDC for the "... alteration . . . of any kind of . . . fence" within the HDC Zone.

In reviewing and approving the application resulting in the attached Certificate of Approval, the HDC knew the applicant would seek Planning Board approval of the same intended development under Amended Site Plan and Conditional Use Permit Applications. The Planning Board has concluded its public hearing on both applications. At its Wednesday, April 10, 2013 meeting, the Planning Board deliberated and modified proposed findings and conditions of approval which included, among other things, extending six foot (or slightly less) wooden shiplap fencing on the northerly (driveway abutting)

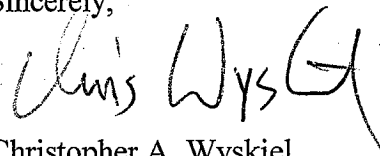
side where it would meet existing wooden stockade fencing (so as to cover presently approved and plan shown six foot high chain link fence). See page 2 of attached "Final Notes Town Planner Recommendations" to Planning Board dated Wednesday, April 10, 2013.

In essence, this proposed change filled a gap in the fencing where only chain link was approved by the HDC, so that the fencing shown on the plans would be the 8 foot, then 6 foot wooden shiplap from the new proposed structure to the point of existing wooden stockade fencing.

Because the Planning Board is scheduled to meet again Wednesday, April 24, 2013, to resume its Amended Site Plan and Conditional Use Permit Application deliberations, clarification of any actual Planning Board approval can be presented prior to or at the HDC's next scheduled Thursday, May 2, 2013, meeting.

From the Planning Board's perspective, this alteration of fencing will have the added benefit of additional sound attenuation. From the HDC's perspective, this alteration in fencing will actually make the wooden construction of new fencing more consistent and aesthetically pleasing. It is a positive amendment to the approval already granted.

Sincerely,



Christopher A. Wyskiel

CAW/nl
Enclosures

cc: Geoff and Jaki Sawyer
Robin Wunderlich
Michael J. Sievert, P.E.
Michael Behrendt - Durham Planner



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CERTIFICATE OF APPROVAL

January 3, 2013

Geoff and Jaki Sawyer
Great Bay Kennel
27-35 Newmarket Road
Durham, NH 03824

Re: Fencing and Building for Dog Day Care Facility – Map 6, Lot 11-7

Dear Mr. and Ms. Sawyer,

I am pleased to inform you that the Durham Historic District Commission approved your application for fencing and building changes at the above referenced project at its meeting on Thursday, December 6, 2012. I am sorry for the delay in sending you this letter. The application was approved exactly as submitted and discussed, with the following modifications/clarifications:

- An 8-foot high shiplap fence as shown on the plan. The final color is to be the dark gray stain (not white nor weathered wood) as shown on site. This color was approved on site after the meeting, as directed by the HDC.
- Evergreen planting is to be installed to buffer the fence to be approved by the Tree Warden (Mike Lynch, Director of Public Works). The Tree Warden approved a plan per a site visit with Robin Wunderlich and Michael Behrendt on December 19. This requirement applies to the ship lap fence located southerly of the proposed large barn type building (shown in blue on the map depicting fencing). You will relocate at least 15 spruce trees from elsewhere on the property, as viewed at the site visit. The trees will be located along the easterly side/edge of the existing vegetated buffer. The trees will be planted 7 feet on center, starting at the southerly corner of the fence. They should be staggered diagonally as space allows and the smaller and larger trees interspersed. You will clear some branches, as needed, to get a vehicle into the area and allow for some increased light. There are likely enough trees to extend beyond the fence and provide additional buffering in front of the barn type building as well. Note that the Town will require a standard monetary surety to ensure successful transplant for a period of two years.

- The final design of the buildings and site was approved per the plans presented at the meeting. These plans are identified in the file (“Approved as shown here 12/6/12”). The vertical boarding on the barn will be the same design and the same color as the shiplap fencing.
 - The color of the house will be Stonington Gray (sample in file) for the body and white for the trim. The material will be hardiplank as shown on the plans.
-

As you know, the fence and building may not be erected until the Planning Board also approves the conditional use for this project. Once all of your approvals are issued, please contact the Building Department in this office to apply for your building and fence permits. Also, please be certain to contact me if any other changes are proposed.

Mr. and Ms. Sawyer, thank you for your cooperation in the review process. Please feel free to contact me with any questions or concerns. I wish you the best of luck with your project.

Sincerely,

Michael Behrendt, AICP
Town Planner

cc: *(all via email)*
Historic District Commission
Tom Johnson, CEO
Chris Wyskiel
Mike Sievert
Robin Wunderlich



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FINAL NOTES
Town Planner Recommendations
Great Bay Kennel – Dog Day Care Facility
Wednesday, April 10, 2013

see p. 2

Application for Conditional Use and Amendment to approved site plan to replace dog daycare facility with new building including indoor and outdoor play areas, parking, office and studio apartment at 27 & 35 Newmarket Road. **Great Bay Kennel, c/o Jaki and Geoff Sawyer (applicant), Christopher A. Wyskiel (attorney), Mike Sievert, MJS Engineering (engineer), Robin Wunderlich (building designer). Tax Map 6, Lot 11-7. Residence C Zoning District. *Recommended action:* Final action.**

➤ I recommend approval of the application as stated below

Please note:

- At Peter Wolfe's request I have broken up the Precedent Conditions and Subsequent Conditions into four sections: noise issues, environmental issues, operational issues, and other issues.
- ~~*Rick Renner, an abutter, asked the applicant to make some repairs to his driveway/mailbox likely caused by vehicles driving past queueing cars on Route 108. This is a question for the Planning Board as NHDOT will review whether a slip lane should be installed but they will not require the applicant to make these types of repairs. Mr. Renner mentioned, "personal issues with torn up driveway/rutted front of mailbox/banged mailbox for impatient people going around onto our property to avoid the parked cars waiting at turn into the Sawyers." It would be beneficial if Planning Board members could take a look at the driveway and see if any correction should be required as part of this approval.*~~

[Disregard this comment. The Town Attorney advised that the Planning Board has no jurisdiction in this matter, which is between the two private parties.]

DRAFT

Notice of Decision

Approval of Conditional Use and Amended Site Plan for Dog Day Care Facility

Project: **Dog Day Care Facility – Great Bay Kennel**
Address: 27 and 35 Newmarket Road
Applicant: Great Bay Kennel
Property Owner: Great Bay Kennel
Engineer: Mike Sievert, MJS Engineering
Building Designer: Robin Wunderlich

Map and Lot: 6, 11-7
Zoning: Residence C
Date of approval: April 10, 2013

"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.

PRECEDENT CONDITIONS

[Office use only. Date certified: _____; CO signed off _____;
As-built's received? _____; All surety returned: _____]

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified. Certification of the plans is required prior to issuance of a building permit or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

***Please note.** If all of the precedent conditions are not met within 6 calendar months to the day of the board's approval - by October 10, 2013 - the board's approval will be considered to have lapsed and resubmission of the application will be required (unless an after-the-fact extension is granted by the Planning Board). *It is the sole responsibility of the applicant (or his/her agent) to ensure that these conditions are met by this deadline.* We urge the applicant to carefully track his/her progress in meeting the individual conditions. See RSA 674:39 on vesting.

Noise Issues

Please note. Chris Wyskiel and I spoke today about possibly making some changes to the southerly wall of the barn building (facing toward Newmarket) to explore adding some sound attenuation somehow. Chris is exploring this issue with the applicant. I would request that the Planning Board ask Attorney Wyskiel at the meeting tonight for his thoughts on this item.

- 1) Additional fence. Show on the plans extension of ~~the 8~~ 6 foot shiplap fence on the northerly side to where it would meet the 6' high chain link fence with stockade, as shown on the fence plan.

[Planning Board member Lorne Parnell suggested adding solid fencing in this gap area, but there was no mention of height. I realize that my recommendation for 8 feet here would be problematic (I suggested 6 feet in my prior recommendation). Any fencing over 6 feet in height must meet building setbacks and the existing fencing onto which the solid fence would be added is just inside the setback area. For the minimal additional sound attenuation that would be achieved with an 8 foot versus a 6 foot fence it is not worth requiring the applicant to either physically move that fence several feet or pursue a variance.]

- 2) HDC for fence. Obtain approval from the HDC for this change, above regarding the fence, to the plans.

Environmental Issues