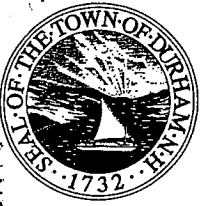


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REGISTER OF DEEDS
STRAFFORD COUNTY

024353

BK2166PG0332



TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2898
603/868-8064 • 603/868-8065
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**FINDINGS OF FACT AND
CONDITIONS OF APPROVAL**

Approval of a Site Plan for the Foss Farm Water Tank site submitted by the Town of Durham represented by Kreines & Kreines, Inc., on behalf of Sprint Spectrum, L.P., for a personal wireless service facility (PWSF) on Foss Farm Road. The applicant proposes to construct a PWSF and associated improvements on and around the Foss Farm Water Tank. The property is located in the Residence A Zoning District.

FINDINGS OF FACT

1. The applicant submitted a Site Plan entitled "Town of Durham and Sprint Spectrum L.P.," prepared by GEZ Architects Engineers, 120 Montgomery Street, Suite 300, San Francisco, CA. The plan is identified as Job #272300B, created on December 30, 1998 and last modified June 25, 1999.
2. This application was made by the Town of Durham on behalf of Sprint Spectrum L.P. as part of a court settlement. However, the Site Plan and subsequent construction plans and construction shall comply with all applicable codes, ordinances, regulations, and laws.
3. The applicant has requested waivers to the following sections of the Site Plan Review Regulations:

Section 7.03(G)(1): Location of all buildings, wells, and leach fields within 300 feet of the parcel.

Section 7.02(D)(4)(x): Total on-site square footage of impervious surfaces.

Section 9.15: Structural report for all ground mounted personal wireless service facilities.

CONDITIONS OF APPROVAL

- The Planning Board hereby grants the requested waivers based upon the justification provided by the applicant.

The following conditions shall be met prior to the Signature of Approval on the Site Plan. These conditions shall be met within six months of the signing of these Findings of Fact and Conditions of Approval by the Chair of the Planning Board. If these conditions are not met within six months, the applicant must come before the Planning Board for review of the Plan and conditions:

1. An authorized representative from Sprint Spectrum L.P. and an authorized representative from the Town of Durham shall sign the plan in an appropriate place indicating their approval of the plan as presented.
2. Sprint Spectrum L.P. shall provide the Town of Durham with a security meeting the requirements of the Durham Site Plan Regulations and Zoning Ordinance in the amount of \$28,750.
3. A security in a form and amount approved by the Town Administrator shall be provided to the Town for the installation of the landscaping shown on the Site Plan. The security for the landscaping shall remain in force for one (1) year after the Zoning Administrator certifies that the landscaping is planted in accordance with the Plan.
4. The Site Plan shall be stamped with the plan preparer's professional seal.
5. The Site Plan shall have the following corrections placed on the plan:

The plan shall show the detail of the equipment structure and the containment basin to be installed to protect against the accidental leakage of hazardous material from the equipment.

The plan shall include a note stating that adequate ventilation shall be installed at the base of the wall enclosure for the propane tank.

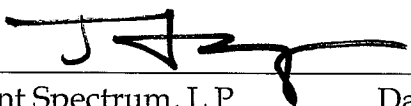
Conditions to be Met Subsequent to the Signature of Approval on the Subdivision Plan:

1. This site plan approval shall be valid for three years from the date of the Planning Board Chair's signature on Site Plan.
2. These Findings of Fact and Conditions of Approval shall be recorded with the Strafford County Registry of Deeds, at the applicant's expense, within seven (7) days of the Planning Board Chair's signature on the Site Plan.

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3. In addition to meeting all requirements of the Durham Noise Ordinance, the emergency generator shall include all necessary mufflers and sound control enclosures to ensure that its noise does not exceed 43 dBA at the nearest homes during operating conditions from idle to full rated load. This is equivalent to 74 dBA when measured at 23 feet. Sprint Spectrum L.P. shall install additional sound dampening equipment at the exhaust and air intake locations on the generator to further reduce sound created by the generator.
4. In addition to meeting all requirements of the Durham Noise Ordinance, all continuously operating proposed and future equipment operated by Sprint Spectrum L.P. at the PWSF shall not produce prominent discrete tones and not exceed 35 dBA at 550 feet. This is equivalent to 56 dBA at 50 feet.
5. A facility operating noise measurement report demonstrating and documenting compliance with the above requirements shall be submitted to the Town prior to the issuance of a certificate of occupancy and prior to beginning commercial operation.
6. Engine powered construction equipment operating at this PWSF shall have mufflers installed that are in proper working condition.
7. Construction work on the PWSF shall be limited to the hours between 7:00 AM and 5:00 PM.
8. The emergency generator for the PWSF shall not be exercised between the hours of 5:00 PM and 7:00 AM.

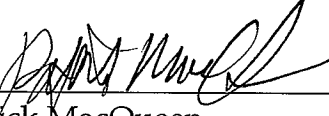
APPROVED AT THE PLANNING BOARD MEETING OF JUNE 16, 1999:



Sprint Spectrum, L.P. Date
By its duly authorized representative 8/20/99



Neil Wylie, Chair Date
Durham Planning Board 6/18/99



Patrick MacQueen, Date
Interim Town Administrator 7/21/99

BK 2166 PG 0384