



**TOWN OF DURHAM**  
8 NEWMARKET RD  
DURHAM, NH 03824-2898  
603/868-8064  
[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

## **NOTICE OF DECISION**

**Project Name:** Thompson Inn  
**Project Description:** Amendment to approved site plan for new parking lot and driveway and conversion of barn, additions to barn, and installation of a tent for function hall for 10-room inn.  
**Address:** 90 Bennett Road  
**Applicant:** Stephen and Lori Lamb  
**Property Owner:** Stephen and Lori Lamb  
**Engineer:** Rokeh Consulting  
**Map and Lot:** Map 14, Lot 34-1  
**Zoning:** Rural  
**Date of approval:** October 22, 2014

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### **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 by the Town Planner. Certification of the plans is required prior to issuance of a building permit or performing any significant site work. Once these precedent conditions are met and the plans are certified the approval is considered final. Note that no precedent conditions involve actual construction (except where otherwise specified). All work shall be completed prior to issuance of a certificate of occupancy unless otherwise specified or a surety acceptable to the Town is posted. "Applicant," herein refers to the applicant and his/her/their/its agents, successors and assigns.

Please note. If all of the precedent conditions are not met within 6 calendar months to the day of the board's approval - by April 22, 2015 (or as extended) - the Planning Board's approval will be considered to have lapsed. Extension(s) may be granted by the Planning Board for reasonable cause. **It is the sole responsibility of the applicant (or his/her agent) to ensure that the precedent conditions are met by this deadline.** See RSA 674:39 on vesting.

**Plan modifications**

- 1) Plan modifications. Make the following modifications to the plan drawings (Items do not need to be physically constructed as a precedent condition):
  - a) Erosion plan. Submit an erosion and sedimentation control plan to be approved by the Department of Public Works, and include with the site plan.
  - b) Foundation. Show the two building foundations in the parking area to be removed.
  - c) Handicap parking. The handicap parking space located next to the function hall shall be properly sized. Add appropriate handicap parking signs.

**Other precedent conditions**

- 2) Other precedent conditions:
  - a) Shoreland Protection. Approval from NHDES will be needed as a condition.
  - b) Leach field. Approval from NHDES will be needed for expanded use of the leach field if greater than what was originally approved.
  - c) Fire access. Confirm that the culvert under the new driveway, just past the cul de sac is sufficient to support a fire truck, to allow for access to the barn/function hall.
  - d) Sprinkling. Determine whether or not the barn/function hall will need to be sprinkled.
  - e) Excavation Permit. An excavation permit must be obtained from the Durham Department of Public Works for any work performed within the Bennett Road right of way.
  - f) Final drawings. The following complete sets of final approved drawings shall be submitted for signature (except the electronic version) by the Town Planner: a) one large set of mylars; b) one large set of black line drawings; c) one set of 11"x17" drawings; plus d) one electronic version by pdf or CD. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans. The most recent prior drawings are dated 8-5-14 and were received by the Town on September 2, 2014.
  - g) Signature. Signature by the applicant below acknowledging all terms and conditions of this approval herein.

## **SUBSEQUENT AND GENERAL TERMS AND CONDITIONS**

All of the conditions below are also attached to this approval.

### **Conditions to be met prior to commencing any site work**

- 1) Site work. No significant site work or ground disturbance may be undertaken until:
  - a) all of the precedent conditions are met;
  - b) the preconstruction meeting with Town staff has taken place (Contact Michael Behrendt, the Town Planner, at (603) 868-8064 to arrange for the preconstruction meeting);
  - c) all appropriate erosion and sedimentation control structures are in place.

### **Conditions to be met prior to issuance of certificate of occupancy for the function hall**

- 2) As-built drawings. One set of full size, one set of 11" x 17", and one electronic copy of as-built ("record") drawings of all buildings, structures, infrastructure, utilities, drainage structures, roads, parking areas, and other pertinent elements shall be provided prior to the certificate of occupancy (unless a surety to cover the cost of the as-built drawings is given). The plans shall be stamped and signed by the Engineer or Surveyor and include the following language or comparable: "This as-built drawing substantially conforms with the final plans approved by the Town of Durham Planning Board and certified by the Planning Department except for the following significant modifications: ....". If no significant modifications were made simply state "none". Otherwise, itemize the modifications on the as-built or on an accompanying letter.
- 3) Improvements. All improvements included in this approval shall be completed prior to issuance of a certificate of occupancy unless an acceptable surety is posted.

### **Other terms and conditions**

- 4) Recording. This notice of decision must be recorded at the Registry of Deeds within 14 days of certification of the plans.
- 5) Maximum capacity. The maximum number of persons allowed on site for any event connected with the function hall and related outdoor space is restricted by the limitations imposed by the septic approval and as determined by fire, building, plumbing and health codes (as specified in the October 7, 2014 variance).
- 6) Septic approval. The requirements imposed by the NH Septic System approval dated October 7, 2014 shall apply, unless modified by NHDES.
- 7) Lighting. All light fixtures must be shielded dark-sky compliant.

- 8) Minor changes. Minor changes to the approved plans may be approved by the Code Enforcement Officer, Town Engineer, or Town Planner, as appropriate. Staff shall inform the Planning Board of all such approved changes.
- 9) Waiver. The applicant will bury the electric line from the existing pole on his property. This approval includes a waiver to keep the portion of the line between the two existing poles above ground.
- 10) Variances. A variance was granted on October 14, 2014 to allow for use of the barn, barn addition, and tent as accessory function spaces. A variance was granted on July 8, 2014 to allow that no additional screening need be placed along the parking area adjacent to the abutting property boundary and to allow for the use of off-site parking to supplement the available site parking for the Inn. A variance was granted on May 12, 2009 to allow use of the barn as an accessory function room for the Inn for a maximum of 100 people (this limitation was superseded by the October 14, 2014 variance). All requirements stipulated under those variances are part of this approval herein.
- 11) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the Town as provided in this document (See Minor Changes provision herein).
- 12) Gate. The design of the gate, and determination whether to lock it or not, is up to the applicant.
- 13) Tent. The applicant has the option of not building the addition to the barn and using a tent structure instead or using a tent structure during an interim period of time prior to constructing the addition. If a tent structure is so used it shall not exceed the square footage of the approved addition. However, if a tent structure is used during any time when both the main barn structure and the addition are not used, or not yet usable, then a tent structure of up to 3,900 square feet may be used. In addition, when the main barn structure and addition are in use, an additional tent may be used provided the square footage of the tent does not exceed 2,400 square feet. Any time a tent is used, any appropriate permits for its use for such special events shall be obtained from the Technical Review Committee, which is hereby authorized to review such use for each individual use or with a blanket approval, as appropriate. When a tent is used, parking shall be provided as required as provided in the Zoning Ordinance and applicable variances for the project and as may be specified by the Technical Review Committee. Subject to such approvals, there is no limitation on the number of events for which a tent may be used.
- 14) Stormwater Management. In accordance with approved stormwater management plans, all stormwater must be conveyed off and away from the Bennett Road right of way and any debris from the westerly drive may not be allowed to spill out onto Bennett Road. It is the responsibility of the applicant to ensure that stormwater

runoff and erosion from the site does not have a negative impact on the existing drainage system within the Bennett Road right of way.

- 14a) Driveway Permit. The requirements of the driveway permit as specified by the Durham Department of Public Works, shall apply.
- 15) Approval. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall be determining.
- 13) Findings of fact. As part of this review and approval the Durham Planning Board finds the following: **A)** The applicant submitted an application, supporting documents, and plans for the project; **B)** The Planning Board held one or more continuous public hearing(s) on the application; **C)** The applicant revised and updated the plans and other documentation several times pursuant to comments from the Planning Board, public, and Technical Review Group; **D)** The Planning Board reviewed the application in accordance with state law, the Durham Zoning Ordinance, the Durham Site Plan Regulations, and other applicable law and found that the application meets all requirements (except where waivers or variances may have been granted); **E)** The two leach fields shown on the plans are in place now; **F)** The building elevations for the function hall shown in the file were deemed acceptable by the Planning Board for submission purposes. It is understood that the final design may change marginally from those designs; **G)** This project is not considered to be a Development of Regional Impact; and **H)** The Planning Board duly approved the application as stated herein. **I)** There is an approved site plan from August 27, 2008 to change the use from a single family residence to a 10-room inn; **J)** There is an approved variance from June 12, 2007 to have up to 10 sleeping rooms in the inn. **K)** There is an approved variance from May 12, 2009 to add a third floor apartment in the inn for the owners. **L)** The applicant submitted an easement for use of the driveway on UNH property; it is in the file. Substantial records are maintained of the process and documentation submitted in the Planning Department. A record of documentation and a timeline of the project will be prepared as needed.

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Stephen Lamb

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Date

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Lori Lamb

\_\_\_\_\_  
Date

\_\_\_\_\_  
Peter Wolfe, Planning Board Chair or designee

\_\_\_\_\_  
Date