



TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824-2898
603/868-8064
www.ci.durham.nh.us

NOTICE OF APPROVAL

Project Name: The Lodges – Landscaping and Beds
Project Description: Amendments and Conditional Uses to add landscaping and 26 beds
Address: 259 Mast Road
Applicant: Peak Campus Development, LLC
Map and Lot: Map 13, Lot 6-1
Zoning: ORLI
Date of approval: June 24, 2015

The application as submitted was approved by the Planning Board with the following clarifications, terms, and conditions:

- 1) Approval. This approval includes the following:
 - a) Amendment to the approved site plan
 - b) Amendment to the original conditional use for the multi-unit residence
 - c) Conditional use for expansion of a nonconforming use (residence, multi-unit)
 - d) Reduction of the parking requirements, as described by the applicant, below the minimum requirement (per Section 175-23 D. 10.) of the Zoning Ordinance as part of the conditional use

- 2) Landscaping plan. The landscaping plan labeled, “Revised Landscape Buffer Sketch Plan,” revision May 26, 2015, is approved as rendered (and is not a schematic design). The following are clarifications/corrections to the landscaping plan:
 - a) There are eight rather than nine 7-8 foot white spruce (This appears to be an error in the count)
 - b) The 11 hemlocks at the base of the retaining wall are presently in place.
 - c) The tree labeled “1GT” in the peninsula to the west of the volleyball court is an existing tree - Gleditsia Triacanthos ‘Skyline’ – Skyline Honeylocust.
 - d) The tree labeled “1PC” in the peninsula to the north of the volleyball court is an existing tree - Pyrus Calleryana ‘Chanticleer’ – Chanticleer Flowering Pear.

- 3) Site changes. This approval includes all of the site changes shown on the landscaping plan, including changes to the bike shelter location, relocation of sidewalk, volleyball court relocation, relocation of the area drain, and foam protection on post (subject to approval of pertinent details by the Town Engineer, below).

- 4) Detail drawings. Submit detail drawings to the Town Engineer for approval for changes to the sidewalk, relocation of the area drain, and any other details which she may specify.

- 5) Building permit. The interior of the units may require some minor construction. If so, a building permit may be required. Consult with the Building Official.
- 6) Maintenance of plantings. All of the landscaping materials included in the landscaping plan must be maintained in a healthy condition. However, if the Planning Board approves subsequent changes to this landscaping plan or if the Planning Board determines, in its sole reasonable discretion, that some or all of the landscaping included in this landscaping plan is no longer necessary to meet the intent of this plan, due to substantial redevelopment of this site or changes in the form of this site, then some or all of the landscaping may be removed or changed as determined by the Planning Board.
- 7) Surety. The applicant shall submit a maintenance surety to cover reasonable replacement for a period of two years from installation (notwithstanding the requirement maintenance above). The amount shall be specified by the Town Tree Warden.
- 8) Completion. The plants shall be installed and the other site changes must be completed by November 1, 2015. If any of the beds are added prior to installation of the plantings and site changes, an adequate surety shall be placed for the plantings and site changes.
- 9) Emergency access and pruning. The applicant shall prune any new and existing trees, as necessary, in the future to maintain emergency access.
- 10) Conditional use. All of the requirements for a conditional use, as specified in Article VII of the Zoning Ordinance apply.
- 11) Original approval. All other pertinent conditions of the original Site Plan approval still apply.
- 12) Findings of fact
The Planning Board has approved this application due to the following highly unusual circumstances. It is recognized that:
 - a) It is vitally important to preserve the Mast Road gateway, one of the most visually sensitive corridors in Durham.
 - b) The Town has received an extraordinary amount of community feedback supporting addressing the views toward the project, deemed by many to be a substantial problem.
 - c) There were mistakes made by various parties and oversights that occurred in the course of the original review of the Peak project resulting in significant impairment of the Mast Road gateway.
 - d) Exceptional mutual efforts have been made by the Town and the applicant to mitigate these impacts. By the Town granting additional beds, the applicant has been willing to work with the community in addressing this concern. The additional beds will also help to pay for the new landscaping.

- e) The Town, rather than the applicant, initiated this process, encouraging the applicant to develop a landscaping plan to mitigate the impacts of the project.
- f) The landscaping subcommittee appointed by the Planning Board in the prior submission held numerous meetings with the applicant to develop the plan.
- g) The additional beds would add value to the tax base without requiring any new buildings, changes to the interiors of the buildings, or site changes.
- h) There is not a concern about parking supply due to the number of spaces provided, the large number of bicycle storage units, the frequent transit service, and the creation of a multi-use path linking the project with Main Street.
- i) There is substantial community support for adding this landscaping.
- j) Additional density at the Lodges would be located away from residential neighborhoods.
- k) The 8 conditional use criteria are satisfied.