



TOWN OF DURHAM
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NOTICE OF DECISION

Project Name: Perley Lane
Project Description: Site Plan Amendment and Conditional Use for site changes and activity within the buffers.
Applicant: Joe Caldarola
Map and Lot: Map 1, Lot 16-22 and 16-23
Zoning: Residence A
Date of approval: February 24, 2016

The changes to the site are approved as presented and as depicted on the Landscaping Plan (See the colored rendering on the Town's website) dated September 14, 2015 and the As Built Landscape Plan dated November 2015 with the following terms and conditions:

- 1) Site plan amendment and conditional use. The original site plan approval of June 11, 2003 is amended and a conditional use for construction activity within the buffers is granted for the changes to the site as presented and as depicted on the two drawings referenced above, except as stated in specific conditions contained herein. These changes include regrading of the site, construction of walls/slopes, planting of grass and gardens, installation of decks and patios, installation of footpaths, and installation of rain gardens.
- 2) Revised plans. Make the changes to the site required herein and submit a revised drawing, to be labeled "Revised Site Plan."
- 3) Treatment of buffer. In accordance with the 2003 approval, no fertilizer, herbicides, or pesticides may be used in the wetland or shoreland buffer. In particular, fertilizer use on the lawn at Unit 1 is prohibited, as fertilizer has been applied here by a lawn care service.
- 4) Sewer. The slope and wall for units 1 through 4 encroach into the sewer easement. The Durham Department of Public Works has inspected the sewer line and determined that the encroachment is not problematic based on the size and stability of the pipe, its apparent location relative to the slope, the apparent stability of the slope, and the standard methods available for repairing and replacing pipes. Per the request of DPW the 2 manholes must be added to the November 2015 plan.

- 5) Areas to be replanted. Provide planting information for the parallelogram marked on the November plan as “area to be replanted” next to Unit 1. [This is the only area required to be replanted under this approval.] The Town Planner shall review and approve the plan with input from the Conservation Commission/chair.
- 6) Slope stability. Confirm with the Town Building Official and Town Engineer that the slopes with the boulders are structurally sound and not subject to erosion. If any defects are revealed, fix the defects to the satisfaction of the Town Building Official and Town Engineer (See November 8, 2015 letter from Turgeon’s Construction).
- 7) Original approval. All conditions of the June 11, 2003 site plan approval for Perley Lane apply, unless otherwise superseded.
- 8) Merging of lots. The applicant is encouraged (but not required) to combine Map 1, Lot 16-22 and 16-23. This would make management of the parcel easier for both the Town Assessor and the condominium association. This is recommended by the Town Assessor.
- 9) Timeframe for completion. The tasks required in this approval must be completed by September 30, 2016 or this approval will be deemed null and void.
- 10) Findings of fact. As part of this review and approval the Durham Planning Board finds the following: **A) A Planning Board site walk was held on October 30, 2015.** **B) The Conservation Commission** met with the applicant several times and provided recommendations to the Planning Board on November 12, 2015. **C) The applicant met with the Technical Review Group** on November 10, 2015. **D) A variance** was granted on February 9, 2016 for the planting of grass in the Shoreland and Wetland buffers as depicted in the November 2015 plan. **E) The Department of Public Works inspected the sewer line** carefully and determined that the encroachment is not problematic.