



TOWN OF DURHAM
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Town Planner's Recommendation
Wednesday, November 18, 2015

- IX. **Harmony Homes - Eldercare Facility.** Durham Business Park off Route 4. Site plan and conditional use for an eldercare (assisted-living) facility with 2 single-story buildings (and likely a third in a future phase), parking, associated improvements, and a single family or duplex house for seniors. The conditional use is for activity within the Wetland and Shoreland Overlay Districts and for the senior house. John Randolph, Harmony Homes, applicant; Eric Chinburg, Grant Development, LLC, property owner; Mike Sievert, MJS Engineering, Engineer; Steve McHenry, Brandon Holben, and Mary Brake, McHenry Architecture, Architects. Tax Map 11, Lot 27-1 through 27-7. Durham Business Park Zone.
- I recommend approval as stated below, including the conditional uses and the waiver.

Please note the following:

- **Conservation Commission.** The DCC reviewed the Conditional Use for activities within the Wetland and Shoreland Overlay Districts and supports it. See the enclosed letter from Ann Welsh, DCC chair. Only issue raised is siting for manure for horse barns.
- **Conditional Uses.** There is an additional conditional use needed for the senior house. I recommend approval and keeping it flexible whether it is a single family or duplex building. The Zoning Ordinance allows “elderly housing, single family” and “elderly housing, duplex” by conditional use.
- **Hours of construction.** I did not include any hours of construction due to the location of the site. If the board thinks appropriate we can add the standard or other hours
- **Waiver.** The applicant has requested a waiver from the School Impact Fee. I included this in the draft conditions.
- **Traffic study.** Mike has Steve Pernaw’s traffic study in hand.
- **Horses.** The applicant said he is applying for a variance for the horses and horse barn in December. Tom Johnson suggested the Planning Board support this variance, if the

board thinks appropriate. If the board wishes to do this, Tom could convey its comments to the Zoning Board of Adjustment.

- Signoffs. We have final okays from the Police, Public Works, Economic Development, and Building Departments. I have not received a final signoff from the Fire Department but infer that the plans are acceptable since I do not have a response.
- Public Access question. The Planning Board and applicant have discussed public access to the site. The applicant has generously agreed to provide public access, subject to reasonable restrictions, but he does not wish to provide an easement. The Planning Board discussed this issue and said that the conditions of approval should be silent on this matter, leaving the issue up to the applicant. I checked again and see that this was an issue that we need to address in some fashion. I have included a condition below in the section for items to be addressed prior to the certificate of occupancy, for the board's consideration.

****DRAFT****
NOTICE OF DECISION

Project Name: Harmony Homes by the Bay
Project description: Eldercare Facility (assisted living). Site plan and conditional use with 2 single-story buildings (and likely a third in a future phase), parking, associated improvements, and a single family or duplex house for seniors
Address: Durham Business Park, Piscataqua Road
Applicant: John Randolph
Property Owner: Eric Chinburg, Grant Development, LLC
Engineer/Designer: Michael Sievert, MJS Engineering
Architect: McHenry Architects, Steve McHenry, Brandon Holben, Mary Brake
Landscape Architect: Terra Firma, Terrence Parker
Map and Lot: Tax Map 11, Lots 27-1 through 27-7
Zoning: Durham Business Park
Date of approval: November 18, 2015

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. Some precedent conditions may require Planning Board approval.

Please note. If all of the precedent conditions are not met within 12 calendar months to the day of the board's approval, i.e., - by November 18, 2016 (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

Plan modifications. Make the following modifications to the plan drawings, on the appropriate sheet(s) (Items do not need to be physically constructed as a precedent condition):

- 1) Fire connections. Show fire department connections to be approved by the Fire Department.
- 2) Irrigation. Show locations of hose bibs.
- 3) Transformer. Show screening from public view of all transformers, generators, dumpsters, and other utility elements.
- 4) Lighting. Submit lighting plan at a larger scale so that it is readable. Include cut sheets of all fixtures, which shall be fully shielded and dark-sky compliant. Update the lighting plan to include lighting on the rear of the buildings, between the buildings, and along the paths behind the buildings, if desired.
- 5) Approval block. Add an approval block on each page of drawings to read: "Final Approval by Durham Planning Board. Certified by Michael Behrendt, Town Planner _____ Date _____"
- 6) Path in woods. Slide the path through the woods a little over to the east, away from the Shoreland line, as discussed.
- 7) Curbing. Clarify the detail on sheet D107 to specify that the curb is 6 inches.
- 8) Horse manure. Change "horse manager" to "horse manure" on Sheets C100 and C101, and any other sheets.
- 9) One way loop. Add one way and "Do not enter" signs, and stenciling, as appropriate, in the one way loop.

- 10) Building #3 – electric. Show electric stub for Building #3 unless deemed unnecessary by the Town Engineer.
- 11) Railing. Add notes on sheet C101 that the metal railing will be added to the 3 retaining walls, if and as required.
- 12) Manure bin. Add construction detail for bin for manure, including concrete floor, as appropriate.

Notes on plans

Add the following notes on the plans, on the appropriate sheet(s):

- 13) Underground utilities. “All utility piping and wiring shall be located underground.”
- 14) Debris. “No cut trees, stumps, debris, junk, rubbish, or other waste materials shall be buried in the land, or left or deposited on site at the time the certificate of occupancy is issued, or at any time after that.”
- 15) Maintenance of Landscaping. “The provision for maintenance of landscaping materials as specified in Section 175-124 – Maintenance Requirements of the Article XXII – Landscaping in the Durham Zoning Ordinance, shall apply. The property owner shall be responsible for maintenance of the landscaping in perpetuity.”
- 16) Tree Planting. “Trees shall be planted using commonly accepted best management practices, such as those listed in ANSI A300 Part 6: Tree Maintenance Standard Practices (Transplanting), which is available from the International Society of Landscape Architects.” Add to the Landscaping plan.
- 17) BMP’s for Trees. “Best management practices shall be followed for the protection of existing trees and vegetation that are planned to be preserved. Also, the provisions of Section 175-123 – Protection During Construction under Article XXII - Landscaping of the Durham Zoning Ordinance shall be followed.”
- 18) Fertilizer. “Only low phosphorus/slow release nitrogen fertilizers for landscaping materials may be used.”
- 19) SWPPP. “This project will disturb over one acre of ground cover and/or meets other thresholds related to permit criteria for EPA National Pollutant Discharge Elimination System (NPDES) compliance. The site contractor is responsible for development and implementation of a Storm Water Pollution Prevention Plan (SWPPP), submission of a Notice of Intent (NOI) to EPA, inspection and maintenance of sediment control measures, documentation of maintenance activities, and submission a Notice of Termination (NOT) to EPA. The site

contractor is also responsible to comply with all other Federal, State and Local stormwater or NPDES requirements."

- 20) Erosion and sedimentation. "All erosion and sedimentation control structures shall remain in place and be maintained until vegetation is established and the ground surface is stabilized. Erosion and sedimentation control measures shall be monitored by the applicant on a periodic basis during construction and any deficiencies shall be corrected as soon as possible."
- 21) Fire access. "Access into the site for fire apparatus shall be maintained at all times during the construction process. Please contact the Fire Department at 868-5531 with any questions about access requirements".
- 22) Stormwater infrastructure. "All stormwater management infrastructure shall be designed and installed in accordance with Design Standards of the Durham Site Plan Review Regulations. The infrastructure shall be owned by the property owner and it shall be operated and maintained by the property owner to protect the quality of on-site and off-site water resources and wetland habitat.
- 23) Snow removal. "Snow shall not be pushed against trees or shrubs in any manner that could damage them."
- 24) Additional information. "For more information about this site plan, or to see the complete plan set, contact the Town of Durham Planning Department, 8 Newmarket Road, Durham, NH 03824. (603) 868-8064."
- 25) Notice of Decision. "It is the applicant's, site contractor's, and building contractor's responsibility to follow all requirements related to this site plan approval. Please review these plans and the Planning Board Notice of Decision carefully. Contact the Durham Planning Department at (603) 868-8064 with any questions or concerns."
- 26) Road maintenance. "The use of sodium-chloride based materials for winter road maintenance shall be the minimum necessary for roadway safety.
- 27) Wetlands. Add note on C100 next to the two exempt wetlands, that they are exempt from the Wetland Ordinance [The finger of wetland just east of the road is a manmade wetland created by the culvert crossing the road and a very small wetland just east of the existing cul de sac, is under 3,000 square feet and not a vernal pool].

Other precedent conditions

- 28) Wastewater. The applicant shall evaluate and address all deficiencies of the existing wastewater pump station and force main at the Durham Business Park to the satisfaction of the Department of Public Works and Wastewater Division. All construction plans and specifications shall be provided for review and approval by

the Department of Public Works (as a precedent condition or, at the Town's discretion, prior to construction of any improvements).

- 29) Drainage and construction. The applicant shall address all substantive construction plan and drainage design comments to the satisfaction of the Department of Public Works. All subsequent Plan revisions shall be incorporated into the project Construction Plans and Specifications and provided for review and approval by the Department of Public Works (as a precedent condition or, at the Town's discretion, prior to issuance of any permits including Utility Connection Permits, Driveway Permits, and Building Permits).
- 30) Utilities permit. The applicant shall submit a complete Utility Connection Permit Application for connection to the Town's water, stormwater, and wastewater systems to the Department of Public Works, and submit a wastewater connection permit application to the New Hampshire Department of Environmental Service Wastewater Engineering Bureau. All Utility Connection fees shall be paid and approvals of Town of Durham Utility Connection shall be made (as a precedent condition or, at the Town's discretion, prior to connection and applicable permits shall be obtained prior to performing any site work including demolition and ground disturbance).
- 31) Recycling. The applicant will coordinate with the Department of Public Works to create a recycling program.
- 32) Traffic study. Submit traffic study to the Town Planner, who will forward it to the Planning Board.
- 33) Route 4 improvements. If any improvements to Route 4 are stipulated by NHDOT for the access permit, the applicant shall notify the Town Planner who shall inform the Planning Board, for their interest.
- 34) Archaeology. Resolve issue with NH Department of Historical Resources.
- 35) Project name. The applicant will need to finalize the name of the project. He has another Harmony Homes project now in Durham.
- 36) State approvals. The following approvals will be needed, and copies submitted to the Planning Department:
 - a) NHDOT access permit;
 - b) NHDES alteration of terrain;
 - c) NHDES sewer discharge permit;

- d) NHDES wetland permit for activity within 100 feet of a tidal wetland (no wetland filling is proposed). This permit may be obtained later prior to start of construction for Building #2.
 - e) NHDES Shoreland Protection; and
 - f) Health and Human Services 805 License to Operate an Assisted Living Facility (or as required).
- 37) Energy Checklist. The applicant shall meet with a representative of the Durham Energy Committee and the Building Inspector to discuss the energy checklist (which has been submitted). The applicant is encouraged, but not required, to consider additional sustainability provisions. Any agreed to should be incorporated into the plans, as appropriate.
- 38) Variance - horses. A variance is needed to have horses on site and to build the horse barn. In the event that a variance is not granted (or some other appropriate relief granted) the applicant shall not keep horses on site nor include the barn, and would then build the fence around the paddock at his option. A revised drawing would be needed for the pump station, which would need to be reviewed and approved by the Durham Business Park Design Committee.
- 39) Addressing. Develop a numbering system for the buildings to be approved by the Fire and Police Departments.
- 40) Lot combination. All of the lots shall be combined (merged) into one lot in conformance with RSA 679:39a and Town policy (providing for administrative review).
- 41) Outstanding fees. The applicant shall pay any fees that are due. (We are not aware of any at this time).
- 42) Construction Guarantee. The applicant will provide completion assurance that is satisfactory to the Department of Public Works. Such assurances will be provided either through the General Contractor, the lending Bank or the applicant in the form of a surety, performance bond, letter of credit or cash deposit to be approved by the Town Business Manager for form and type. The assurance shall be in an amount sufficient to ensure the completion of all driveways, water service, sewage disposal, drainage, erosion control, and other infrastructure/improvements, and shall be effective until work is completed by the applicant. The surety may be released in phases as portions of the secured improvements are finalized. A cash deposit or letter of credit is an acceptable form.”
- 43) Architectural plans. Submit two final sets of 11x17 paper copies in color of the approved architectural elevations in color (one for the Building Official).

- 44) 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 (licensed in the State of New Hampshire) responsible for the plans. *Please note*. One full size paper check print must be sent to the Planning Department for review prior to producing these final drawings. (The primary set of plans was last received October 28, 2015.)
- 45) Signature. Signature by the applicant below acknowledging all terms and conditions of this approval herein.

John Randolph

Date

Andrew Corrow, Planning Board Chair or designee

Date

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 by the Town
 - 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. limits of clearing have been established in the field and approved by the Public Works Department; and
 - d. all appropriate erosion and sedimentation control structures are in place.
 - e. All Utility Connection fees are paid and approvals of Town of Durham Utility Connection and Driveway Permits are obtained.
 - f. A copy of the SWPPP is provided to the Durham Department of Public Works (See above).

Construction Management

The following provisions apply:

- 2) Meeting with Building Official. The applicant/contractor shall meet with the Building Official at least two months (60 days) prior to the start of construction in order to discuss the building process and to plan for the proper submittal of all structural, mechanical, electrical, plumbing and other plans. The Building Official may reduce this timeframe at his reasonable discretion for good cause.
- 3) Weekly meetings. The applicant/contractor shall hold weekly meetings, or talk by phone as mutually agreed upon, with the Durham Department of Public Works and other appropriate Town staff (as determined by the Durham Department of Public Works) to discuss the construction process and the schedule for the upcoming week. In addition, the applicant/contractor shall be responsible for communicating with appropriate Town staff should issues arise in the interim.
- 4) Fire Inspections. The Town of Durham Fire Code Official, or designee, shall perform on-site inspections during fire code and life-safety matters. The applicant shall pay the costs of any supplemental staff hired by the Town to assist the Fire Department in its inspection of this project.
- 5) Knox Box. If the construction site is to be closed in, a Knox Box, Knox Lock, or Town Lock shall be incorporated into the fence gates during construction to allow for emergency access by the Fire Department.”
- 6) e) Blasting BMP’s. In the event that any blasting is needed the applicant shall promptly notify the Town Planner. If blasting is needed the applicant shall obtain a blasting permit from the Durham Fire Department and follow all procedures specified in the Town of Durham Site Plan Regulations, except as may be waived by the Fire Department.

Conditions to be met prior to issuance of any certificate of occupancy

- 7) Maintenance Guarantee. An acceptable guarantee shall be provided to the Town ensuring that all relevant site work was installed in a correct and workmanlike manner. The guarantee shall be in an amount of two percent of the estimated site (not building) improvement costs and shall remain in effect for two years after site improvements are completed.
- 8) Landscaping Guarantee. An acceptable guarantee shall be provided to the Town ensuring that all landscaping vegetation was installed in a correct and workmanlike manner. The guarantee shall remain in effect for two years after the landscaping is installed.
- 9) Road and Road Name. W. Arthur Grant Circle is a private road, owned by the developer. Confirm that the name will remain the same or submit a request for a change in the name, if one is desired. If the name is changed, a new street sign will

need to be installed. (Grant Circle was informally discussed as a possible new name.)

- 10) WWTP notification. Develop a mutually acceptable approach, in coordination with the Town Administrator, for notification of present tenants and future purchasers of the site regarding the wastewater treatment plant, pursuant to the request from the Town Council.
- 11) PILOT. Record an appropriate instrument, providing that there shall be a payment in lieu of taxes for the site should any future property owner be exempt from Town property taxes. (This provision was in the original purchase and sales agreement when the Town conveyed the property, but the provision was not included in the deed). The original provision read:

Deed Real Estate Taxes: PILOT Public Access. Seller will deliver to Buyer at Closing a warranty deed acceptable to the Buyer in its sole discretion. The deed will contain a restriction that if any buyer or owner of the Property or a portion of the Property is a tax exempt organization, such buyer or owner shall be obligated to make a payment in lieu of taxes (a "PILOT") equal to the amount of state, county, municipal and school district taxes that otherwise would be payable as real estate taxes, or an amount that is less than said taxes due if the Town Council deems it in the best interest of the Town of Durham.
- 12) Conservation Easement. The applicant has agreed to establish a conservation easement for the front portion of the property in order to minimize the visual impact from Route 4. The Town and the applicant shall review the draft Declaration of Use Restriction, make any appropriate mutually-acceptable changes, and execute the final document. References to the Durham Business Park Design Committee shall be changed to the Planning Board (providing for the board's referral to the committee), as appropriate.
- 13) Pavement. The applicant will shim and place a 1 inch overlay on top of the entire road. He may make other improvements, such as a grind and overlay, after all construction is completed.
- 14) Alarms. Final locations for the fire alarm control panels will be determined during the building and systems plan review process.
- 15) Radio coverage. The requirements of the Durham Public Safety Amplification ordinance, Section 68-4 F., regarding installation of a radio repeater system for emergency service, shall be satisfied. Coordinate with the Fire Department during the building application process to determine if this ordinance applies.
- 16) 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). Since the project will be built in phases, appropriate arrangements for the timing of the drawings may be made with the Town Planner. 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.

- 17) Improvements. All improvements included in this approval shall be completed prior to issuance of a certificate of occupancy, except as specified in the phasing plan, unless an acceptable surety is posted.
- 18) Other applicable requirements. All other applicable requirements of this site plan, this Notice of Decision, and other terms and conditions must be satisfied prior to issuance of a certificate of occupancy.
- 19) Public access. The Town Administrator and applicant shall work to address this issue in a mutually satisfactory manner. The original Purchase and Sales Agreement when the Town conveyed the property to Eric Chinburg contained the provision below, but this provision was not included in the deed.

4.04 Deed Real Estate Taxes: PILOT Public Access. ... The Buyer shall provide for public access to the Oyster River in perpetuity over a portion of the area to be designated as an access easement for passive recreational use (the "Access Easement") in a location to be determined in the Phase I planning and approval process; provided however that the Access Easement shall be located in restricted wetland buffer areas along the shore and not interfere with any developable building area. Each deed or other transfer document from the Buyer to any future transferee of any interests shall be subject to the Access Easement.

Other Terms and Conditions

- 20) Recording. This notice of decision must be recorded at the Registry of Deeds within 14 days of certification of the plans.
- 21) House. Single-family or two-family house for seniors at the applicant's discretion. Depending on which type of residence is built, this will affect the number of dwelling units allowed in the large buildings.
- 22) Building Code. This approval is for the site plan only. Life safety code and building code review will be required as part of the building permit process when the construction plans are submitted. Various requirements regarding the building design may be specified at that time. The applicant is strongly encouraged to meet with Building and Fire Officials early to expedite the review process.

- 23) Waste management. The waste management plan shall include single-stream recycling. The property owner's waste management hauler's name, account number, and phone number shall be provided to the Durham Building Official/Health Officer (DHO) so that the DHO can call and order an emergency pick up if necessary. The DHO is authorized to request this service at the applicant's expense should it be deemed necessary. The DHO is authorized to contact the waste management hauler only after first contacting the property owner and allowing the property owner to order a pick up.
- 24) Solar power. It is understood that internal mechanisms will be in place for potential future use of solar power. Installing solar power is at the discretion of the applicant but is strongly encouraged if deemed workable.
- 25) Inspections. All inspection/observation services for the installation of water, wastewater, stormwater management, and other infrastructure shall be performed by authorized representatives of the Town of Durham as stipulated by the Durham Department of Public Works. The Developer shall reimburse the Town for all associated inspection/observation costs.
- 26) Conditional uses – buffers/setbacks. The conditional uses for encroachment into the 75-foot Shoreland Protection Overlay District and into the 75-foot Wetland Protection Overlay District upland buffer were approved as shown on the plans. This includes drainage structures, footpaths, retaining walls, a gazebo if built, utility structures, expansion of the sewage pump station for a barn, sewer upgrades, the fence for the paddock, and other elements.
- 27) Conditional use – elderly housing. A conditional use was approved for the proposed duplex or single family dwelling. This dwelling may be built at any time at the option of the applicant and may include a single unit or two units at the option of the applicant. The dwelling must be occupied by elderly persons as a conventional single family and duplex are not permitted uses in this zone. (The number of allowable beds in the other buildings will vary depending on whether this dwelling is built and whether it is a single family or duplex dwelling, as discussed herein under density.)
- 28) Building #3. It is understood that a conditional use may be required for the construction of Building #3 since it is located in proximity to the Shoreland and Wetland buffers/setbacks. If so, the applicant shall apply for the conditional use.
- 29) Energy Code. Building construction shall be in compliance with the energy efficient standards of Chapter 38 of the Town of Durham Code of Ordinances.
- 30) Sprinklers. All structures within the development will have sprinkler systems installed in accordance with applicable code or as specified by the Durham Fire Department.

- 31) Building Egress. The egress paths on the outside of the buildings shall be maintained, including during the winter months.
- 32) Fire Lane Enforcement. The property owner is responsible for maintaining and enforcing the fire lane requirements
- 33) Utilities. All water, wastewater, and stormwater structures on the subject property are to be owned and maintained by the applicant (except where there may be an existing easement or instrument to the contrary).
- 34) Minor changes. Minor changes to the approved plans and the provisions of this document may be approved by the Town Planner, as appropriate, pursuant to the Planning Board's policy on modifications. More significant changes will be presented to the Planning Board for consideration.
- 35) Density. Based on a parcel area of 28.4 acres (as shown on the plans as determined by Doucet Survey), or 1,235,700 is the accurate size.

35.3 dwelling units are permitted. The total number of beds permitted is:
141 with no separate house
139 with a single-family house
137 with a two-family house
- 36) Horse manure. Horse manure shall be stockpiled in the concrete bin/bunker as shown, cleaned out regularly, and trucked away from the site regularly.
- 37) Execution. The project shall be built and executed exactly as specified in the approved application package unless changes are approved by the Town as provided in this document
- 38) 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.
- 39) Violations. In the event of any violations of these conditions of approval or of any pertinent local, state, or federal laws – such as those regarding erosion and sedimentation control, wetlands, stormwater management, construction, and general site development standards – the Town reserves the right to take any appropriate permissible action, including, but not limited to, withholding building permits, withholding certificates of occupancy, revocations of permits/approvals, referring violations to other agencies, and calling of sureties.
- 40) Loop Road. The loop is approved as a 1-way loop. Should the applicant wish to change this to 2-way circulation, he should submit an application for a modification.

The loop is set up for a possible change to 2-way in the future should this be desired. There would need to be some change in signage.

- 41) Dock. A permit from NHDES will be needed. Docs are permitted by right with Conservation Commission recommendation and Planning Board approval.
- 42) Eldercare facility. The Durham Business Park Zone allows an eldercare (assisted living) facility by right. There may be a memory-care unit. Any medical facilities that may be included in the project area considered allowed accessory uses (provided they do not offer services to non-residents).
- 43) Street trees. The applicant proposes to plant an avenue of trees along both sides of the entry road. These can be planted at any time, at the discretion of the applicant. However, if planted, the trees must be deciduous and spaced at least 50 feet apart (on each side) as stipulated by the Design Committee.
- 44) Old Piscataqua Road. It may be desirable to connect the sidewalk in the project to Old Piscataqua Road in the future. The applicant and the Town should discuss this issue as part of the site plan review for Phase 3, to see if it is practical and desirable, and what type of contribution, if any, would be appropriate for the applicant to make.
- 45) Sprinklers. The main buildings shall be sprinkled. The single-family/two-family house will be sprinkled if stipulated by the Fire Department due to NFPA requirements.
- 46) Design Committee. The Durham Business Park Design Committee approved the design of the project on November 10, 2015. The approval covered all elements contained in The Durham Business Park Design Guidelines (recorded as Book 3905, Page 0444) including site design, building design, landscaping design, and lighting design. The project must be built in accordance with that approval (See separate document, attached to this approval).
- 47) Waivers. A waiver was granted from the school impact fees (Ordinance 75-9 B) as specified immediately below. This waiver was granted upon a finding that specific circumstances relative to the site plan or the conditions of the land in the site plan indicate that the waiver will properly carry out the spirit and intent of these regulations.
- 48) School impact fee. The appropriate fee(s) shall be paid for any grade school students who live at the development for whom the Town must provide educational services.
- 49) Floor plans. It is understood that the floor plan for Building #2 will be similar to that of Building #1 but that it will likely have various differences (not expected to have any relevance to this site plan approval).

- 50) Phasing. This project will occur in three phases, with Building #1 as Phase 1, Building #2 as Phase 2, and Building #3 as Phase 3. Each building/phase will be built separately. This approval herein covers Phase 1 and Phase 2. The applicant need not return to the Planning Board for site plan review of Phase 2 unless substantive changes are proposed. The applicant shall return to the Planning Board for full site plan review for Phase 3. The phasing of the project is laid out on Sheets C106 and C107. The Town Planner and Building Official may coordinate with the applicant on phasing, including timing for completion of specific elements, safety during construction, and adjustments and clarifications, as appropriate and consistent with the intent of this approval.

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 accepted the application as complete on September 23, 2015 and granted a waiver to submit several items later; those items were submitted later as required; **C)** The Planning Board held public hearing(s) on the application on October 14 and November 4, 2015; **D)** The applicant revised and updated the plans and other documentation several times pursuant to comments from the Planning Board, public, and Technical Review Group, and other Town boards and committees; **E)** 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); **F)** the Planning Board found that the eight criteria for conditional uses outlined in the Zoning Ordinance section 175-23 C. are adequately addressed in the applicant's application for conditional uses; **G)** The applicant met with the Durham Business Park Design Committee on July 22, August 20, September 16, and November 10, 2015 and the committee voted to approve the project on November 10; **H)** This project is not considered to be a Development of Regional Impact (DRI); **I)** The Planning Board duly approved the application as stated herein, including the conditional uses; **J)** A Design Review was held on July 8 and a public hearing for the design review was held on July 22, 2015; **K)** New site plan regulations were adopted after the project was submitted but it is subject to the draft new regulations (those portions that were ultimately adopted) that were noticed prior to submission of the design review application; the project meets those requirements, except where otherwise noted; **L)** It was determined that the bicycle racks as shown are appropriate, that interior and covered racks are not necessary for this use; racks are shown at the sides near the employee entrances; **M)** The applicant met with the Economic Development Committee on to discuss the project. **N)** A site walk was held on July 17, 2015 during the design review phase; **O)** The applicant presented his application for the conditional use to the Conservation Commission on October 8, 2015 and the commission recommended approval subject to addressing handling of manure from the horses; **P)** The applicant met with the Technical Review Group on September 15 and November 10, 2015. **Q)** All pertinent Town departments provided final comments about the project (Police, Building, Public Works, Economic Development) or earlier comments (Fire) and all such comments were incorporated into the final plans/conditions, as appropriate. **R)** A memorandum from NHDOT from May 16, 2008 stipulated a maximum of 60 trips per peak hour for development of this site and NHDOT will likely

use this memo as a guide in reviewing the project; **S)** Substantial records are maintained of the process and documentation submitted in the Planning Department. A record of documentation and a timeline of the project would be prepared as needed.