



ENGINEERING, P.C.
CIVIL • STRUCTURAL • ENVIRONMENTAL

5 Railroad Street • P. O.Box 359
Newmarket, NH 03857
Phone: (603) 659-4979
Email: mjs@mjs-engineering.com

Letter of Intent – Site Plan Review and Conditional Use Application
For
Harmony Homes By the Bay
Eldercare Facility at the Durham Business Park
Tax Map 11 / Lots 27-1 - 27-7

September 14, 2015

The Subject Property

The subject property known as, “The Durham Business Park”, is located in the Durham Business Park Zone (DBP). The parcel is also within the Shoreland Protection Overlay District, the Wetland Protection Overlay District and Flood Hazard Overlay District. The parcel is bordered on the east by Johnson Creek, the south by the Oyster River, the west by the Town of Durham Wastewater Treatment Facility and the north by NH Route 4. The property is serviced by municipal water and sewer and has an existing roadway ending in a cul-de-sac. Overhead utilities are also currently provided to the site from Route 4 on the west side of the existing roadway. The existing overhead utilities currently end within the Route 4 right of way.

The parcel is currently subdivided into 7 commercial lots, as approved by the Durham Planning Board on March 28, 2012. The lots all have frontage on the existing town road know as Arthur Grant Circle. All of the lots within the subdivision are currently undeveloped. The design proposal will include merging the 7 lots together into one lot. There is currently a gravity sewer collection system within the roadway which flows into an existing sewer pump station. There is an existing force main from the pump station westerly across the property and onto the Town sewage treatment facility property. This entire sewer system is approximately 25 years old but has never been used. The system was investigated during the previous subdivision proposal and some repairs were noted for the use of the entire system, however with this proposal only part of the system will be used and the appropriate repairs will be completed. The pump station and force main system will also be tested for this proposal and recommendation will be made for repairs as necessary. Municipal water is also at the site coming from the sewage facility and onto the subject property. There is one fire hydrant and then the main is stubbed at the roadway near the sewage pump station. There are also a few catch basins within the existing roadway which collect runoff from the roadway and discharge into existing swales.

Harmony Homes By the Bay Proposal

Mr. John Randolph the owner and operator of Harmony Homes in Durham, NH is proposing to develop a new Eldercare facility at the Durham Business Park. The name of the proposed development will be Harmony Homes By the Bay. The first two single story buildings and the age restricted single family home will be constructed in two phases with a maximum occupancy

of 60 residents in building one and up to 60 residents in building #2 and 4 residents in the age restricted dwelling units. The total number of residents on the site will not exceed the permitted number for the intended use based on the density calculations in the zoning regulations referenced in section 175-56.A.1.

Harmony Homes is an existing assisted living facility in Durham. Harmony Homes provides an affordable living atmosphere for seniors that is comfortable, fun, safe and caring. This is the mission of the owners and this mission will be extended to this proposed facility. This facility will provide living for all needs, including memory care. The setting for this proposed facility will be picturesque in its setting with views of the Oyster River, walking trails, outdoor access for all residents and guests and a horse farm. The owners strive to create a unique and high quality setting for seniors that are not done enjoying life.

Access to the facility will be via the existing road. The proposed changes to the existing roadway will include removing a portion of the existing cul-de-sac and constructing a new driveway loop road providing vehicle access to the front entrances of each building with parking and service roads for deliveries and maintenance. The proposed buildings will be connected into the existing municipal utilities and these utilities will be extended and upgraded as necessary. The site development will also include, landscaping, walking trails, conservation easement, horse barn and paddock, dock and accessory structures. The building layout will include a maximum of 3 single-story buildings that encompass the eldercare facility and one detached single family building for age restricted living. The two single story buildings will provide elderly residents with a full package of services. Both buildings will be designed with an exterior internal court yard, dining facilities, activity areas and a combination of single and double occupancy rooms. In addition, there is one single family unit located at the south easterly end of the parcel for age restricted, 55 and older occupancy. This detached unit will be accessed from the internal road and provide separate parking.

Approvals Being Requested from the Planning Board

The Site Plan Review Regulations (S.P.R.R.) will require the following approvals based on the current proposed development scope of work.

1. Planning Board Approvals:

- Site Plan Approval per Site Plan Review Regulations pursuant to Article V, Section 175-16.F and RSA 674:43, with intent of requesting consideration of the following:
 - i. Full Waiver of Public School Impact Fees for this Development: This is supported by the following:
 - 1. The development project is restricted to an elderly population not capable of living independently and requiring assistance with activities of daily living. The development will not generate school age children.
- Approval for uses permitted in the WCO district Article XIII, Section 175-60B.2 construction of water impoundments with a surface area of less than 10,000 SF and Section 175-60B.12 the construction of nature trails and paths. The planning board is required to approve these uses within the WCO district in accordance with this section.
- Conditional Use Permit, pursuant to Article XIII, Section 175-61.A.1 and A.3, of the Wetland Conservation Overlay District for construction of streets, roads

access ways, bridge crossings and utilities including pipelines, power lines and transmission lines; and the construction of a non-residential building within the upland buffer strip in a commercial or office-residential zoning district. This CU permit is needed to allow the development of the property as proposed for access to the age restricted housing unit, the construction of the retaining walls and the construction of the horse barn.

- Approval for uses permitted in the SPO district Article XIV, Section 175-71B.2 construction of water impoundments with a surface area of less than 10,000 SF and Section 175-71B.6 the construction of seasonal docks, and Section 175-71B.11 the construction of nature trails and paths. The planning board is required to approve these uses within the WCO district in accordance with this section.
- Conditional Use Permit, pursuant to Article XIV, Section 175-72.A.1 & A.3, of the Shoreland Protection Overlay District for construction of streets, roads access ways, bridge crossings and utilities including pipelines, power lines and transmission lines and the construction of accessory structures. This CU permit is required to allow the development of the property as proposed for the construction of the access to the age restricted housing unit, utilities, retaining walls and future gazebo.
- Conditional Use Permit, pursuant to Article XII, Section 175-53 Use Standards, Table of Land Uses, item III A elderly housing single family and multiunit requires a conditional use permit. This CU is require for the construction of the age restricted housing unit.

In addition to the above approvals by the planning board, MJS Engineering formally requests the following two specific approvals; First, that this proposed site plan and conditional use permit application be granted as one approval to construct everything except for building #3 and its associated improvements. The building #3 outline is shown for master planning purposes only. The project will be constructed in phases and the construction phases are shown on the phasing plans. Phase 1 will include the construction of building #1, the horse barn and upgrade to the pump station, all utilities, associated parking, access drives, landscaping and some walking paths. Phase 2 will include the construction of building #2, the detached age restricted building and its associated parking, service access, landscaping, and additional walking paths. The phasing plan identifies each site improvement that is to be constructed at each phase. The reason for the phasing is two-fold. First the project is being phased for financing purposes and secondly for timing purposes with respect to state permitting. The schedule for construction is to begin phase 1 in December of 2015 with a completion by December 2016 and possibly begin phase 2 as early as the spring of 2017. Obtaining a NH Department of Environmental Services wetlands permit for a construction start in December of 2015 is not achievable, therefore the project is being phased to only require the wetland permit for the second phase of the project. The proposed site plan does show the future build out of the site and the owner will apply for an additional site plan and conditional use permit for the construction of building #3. In addition, the owner is willing to return to the planning board for approval of any architectural changes to the buildings in phase 2.

Secondly, MJS is requesting that the planning board and code enforcement officer approve the horse barn and associated paddock fencing as an accessory structure to the elderly care facility as the principal residential use. The reason is the horse barn and

paddock are for non-commercial boarding of horses only and will provide therapy for the residents. The horses were also agreed to as part of the negotiated easement area creation. An accessory structure is allowed by right as shown in the Table of Uses, Section 175-53, III B. Accessory animal husbandry-livestock also shown in this section is not allowed and would require a variance.

Department Approvals

- Public Works relative to water and sewer connections, pump station upgrade and force main installation, drainage, and other design considerations.
- Fire & Police Departments relative to safety, fire protection, and other design considerations.
- Building department relative to building codes and ADA requirements.

A. Request for Site Plan Approval

In accordance with the site plan review regulations, this submission package includes the Site Plan Review Checklist, Stormwater Management Checklist and the Energy Considerations Checklist. Also, the following plans are included:

1. Cover Sheet
2. Existing Conditions Plan
3. Overall Site Plan
4. Site Plan
5. Phasing Plans
6. Grading, Drainage & Erosion Control Plans
7. Utility Plans
8. Plan and Profiles
9. Detail Sheets
10. Site Landscape Plan
11. Architectural Plans
12. Stormwater Management Plan (report)
13. Operations and Maintenance Plan (report)

B. Conditional Use Permit (CUP) for Elderly housing single family or multiunit and conditional uses in the WCO and SPO Districts

The following outlines how this project complies with the provisions of the general conditions for a Conditional Use Permit contained within Section 175-23.C and specific conditions for a CUP contained within Section 175-61.B for the Wetlands Conservation Overlay (WCO) and Shoreland Protection Overlay (SPO) Districts of the Town of Durham Zoning Ordinance. The numbering below coincides with the applicable sections. We anticipate that this application will be presented to the Conservation Commission at October 8, 2015 meeting in order to obtain their advice and comments for the Planning Board relative to approval of the CUP.

As previously stated, the project requires a CUP for use standards and for the construction of access ways, utility lines, retaining walls, gazebo and horse barn in the

WCO and SPO District. The statements below demonstrate how this development project complies with the CUP criterion. The plans incorporate best management practices for the construction and thereby satisfy the CUP criterion.

175-23.C

1. *Site Suitability:*

The property is suitable for the proposed eldercare facility development because it is an allowed use in this zone. The elderly housing is allowed as a conditional use and this site is suitable because it is accessory to the overall project and can be properly sited so there is no detriment to the surroundings. The property was previously developed with the construction of a 1400' town road and municipal utilities for anticipated uses that included residential and commercial developments. Since that initial construction was completed in or about 1987 no other development has taken place at the site. These use with the associated conservation easement will minimize the environmental impact on the property. It will also meet the goals of economic development, provide public access to the property and the water and provide a solution to the rapidly growing housing need for elderly citizens.

(a) This site provides adequate vehicle access as it is connected to a major state road and there is an existing roadway into the property that will be used. Pedestrian access is being provided throughout the site for both the residents, visitors and the general public to access and enjoy the site.

(b) Adequate, emergency services can be provided to the site by the police and fire departments with easy access from major roadways. The site is being design for emergency vehicle access including accommodations in the interior of the buildings for emergency personnel access. Pedestrian facilities will be enhanced with expanded access within the site consisting of extensive walking trails and a connection at the northerly property boundary for future access offsite and possible connection into Town; other municipal services are adequate as the infrastructure is existing on the site. The existing services need to be expanded into the site and the sewer system needs upgrades which will be completed by the developer/owner; the schools will not be impacted by this development; Solid waste will be handled onsite with disposal by a private waste company and recycling by the Town of Durham;

(c) The environmental constraints on and adjacent to the property include the Oyster River, the floodplain, wetlands and moderate slopes. However, the development proposal incorporates a balanced environmental design approach by minimizing the site development area, impervious areas, grading changes, avoiding construction on the steeper slopes and will have no impact on the flood zone. Stormwater will be collected from the roofs and other impervious areas and treated with treatment swales, sediment forebays and constructed wetlands. The collection/treatment system classified by the NHDES as a best management practice incorporating filtration and detention. Unfortunately, due to the clayey soils, and high water tables, infiltration will not be extensive at the site. However, the stormwater system will collect, treat and improve the quality of the stormwater runoff and reduce the peak flow discharged from the site. The landscape plan will also be extensive and enhance the site both visually and ecologically;

(d) The site is suitable because of the availability of appropriate utilities to serve the intended use including water, sewage disposal, storm water disposal, electricity, and other utilities. The site is currently serviced by municipal water with a connection to the

system at the wastewater treatment plant through an 8" D.I. water main. There is a gravity sewer collection system on the site, a sewer pump station and force main that ties into the wastewater treatment plant directly. This system will be repaired or replaced as required to meet the current standards. The stormwater system will meet LID standards and provide collection, filtration, minimal infiltration and detention. The system includes treatment swales, a constructed wetland system with sediment forebays, drip strips and closed drainage; the site is appropriate for the proposed use even with the consideration of the environmental constraints due to its size, the minimal use of the overall property and conservation of the sensitive areas.

2. *External Impacts:*

The external impacts of the proposed elderly care facility project on the abutting properties and the neighborhood will be no greater than the impacts of adjacent existing uses or other uses permitted in the zone because:

- The traffic generated by the uses will not cause a negative impact to the surrounding properties or public ways. The site is accessed from a State highway and there is an existing road into the site which will provide access to the buildings with adequate parking. The traffic impact from this use will be far less than most other allowed uses and the peak trips to and from the property will be below the threshold set by the NHDOT from previous proposed developments. Loading/unloading will be separated from the main access to the building. This will eliminate conflicts with visitors or emergency vehicles. Trash and recycling will be picked up from within the site via the proposed access road; the site will have minimal impact to abutting properties with respect to noise, odors, vibrations, dust, fumes and lighting because of its location on the parcel, remoteness to any adjacent structures and low usage. In fact, the wastewater treatment plant (wwtp) will have a greater negative impact to this facility, with respect to these issues, than this facility will have to other abutters, however, the elderly care facility will be less impacted by the wwtp than other allowed uses on the site. In addition, screening will be provided onsite, to minimize the visual impact from the public ways and adjacent properties and to minimize the impact of the wwtp on the proposed development.

The location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use will have no adverse effect on the surrounding environment and will not discourage the appropriate and orderly development and use of the land and buildings in the neighborhood because:

- The proposed development complies with all of the above requirements because it is being design within the constraints of the site plan regulations and in addition is designed to meet the specific design guidelines required for the Durham Business Park Zone.
- The building is being design as a low profile building to blend into the surrounding landscape and will be screened from the public ways by existing and proposed vegetation.
- The building architecture conforms to the design guidelines and is being reviewed by the review panel specified by the design guidelines.
- The architectural design of the building incorporates a blend of exterior finishes that meet the guidelines and include natural products. The buildings are being designed to complement their surroundings and preserve the significant views from Route 4 and the Oyster River.

3. *Character of the site development:*

The proposed layout and design of the site is compatible with the established character of the neighborhood and mitigates any external impacts of the use on the neighborhood because:

- The building orientation on the lot not only complies with the development standards of the underlying zoning district, but also with the design guidelines specifically for this zone; the building height is low and blends into the surrounding landscape minimizing the visual impact into the site.
- The development incorporates an extensive landscape plan with a densely treed/vegetated buffer screening the onsite parking in addition to plantings around the building to soften the structure from offsite views. The existing vegetation along the property boundary will be maintained with some added vegetation to enhance the screening.
- Adequate vehicular and pedestrian access to and within the property is provided from Route 4. An extensive walking trail system within the site will be provided for residents, visitors and the general public. Public access will also be provided to the water.

4. *Character of the buildings and structures:*

The design of the new buildings is compatible with the established character of the neighborhood because:

- The scale, height, building massing, roof line, architectural treatment of the front façade, location of the principal entrance, and materials and colors of the building conforms to the development standards and design guidelines of the Durham Business Park District, and the building architecture has been review and approved by the design committee.

5. *Preservation of natural, cultural, historic, and scenic resources:*

The proposed use of the site, including all related development activities, preserves identified natural, cultural, historic, and scenic resources on the site and does not degrade such identified resources on abutting properties because:

- The orientation of the building and associated site grading are designed to avoid impacts to the adjacent wetland and, buffers to the extent possible, while preserve wetlands, view sheds and the existing tree line along the property boundary
- Site grading and fill activities will be outside of the flood plain associated with Oyster River and will conform to the existing conditions as close as possible.
- The existing property affords no significant wildlife habitat, cemeteries, graveyards, or designated historic buildings. It does however, have an established view shed from public ways and adjacent properties which this development maintains by blending the development into the landscape and preserving a significant portion of the property.

6. *Impact on property values:*

- The proposed development will not cause or contribute to a significant decline in property values of adjacent properties. The increased value of this property and the significant preservation of the property will not cause a decrease to adjacent property values.

7. *Availability of Public Services and Facilities:*

- The site is serviced by an 8" D.I. water main. The site plan application will incorporate an extension of this main to connect to the proposed buildings. The building services will tie into the water main extension on the site. The municipal

sewer system already exists on the site and this proposal includes the design and approval of an upgrade to this system for adequate sewer connection to serve the proposed development. The proposed design will require a permit application submission to be filed directly with the Durham Department of Public Works and NHDES for approval.

- Solid Waste will be stored in screened dumpsters and collected and disposed via a private waste disposal company.
- Drainage will be controlled on site and released at a lesser rate than existing as documented in the included Drainage Analysis. The quality of the stormwater leaving the site will be equal to or improved from the existing condition.
- Electric, telephone, and data utilities will connect to the existing overhead public lines via underground conduit into the site.
- Police and Fire Department review and comment is conducted as part of the application. They have already been involved in several meetings and have given valuable input that has been incorporated into the design. This site has a central and easy accessible location from the police and fire departments. A well trained and professional staff will be at the facility 24 hours a day to minimize emergency calls to the site.
- The intended use of these new buildings as an elderly care facility and age restricted housing will not cause a demand on the Durham Public School System. In fact, the facility can provide educational value and employment to school age children.

8. Fiscal impacts:

- All of the residential units will be marketed to the elderly or age restricted (55 and older) population and have no impact on the Durham School system.
- Solid Waste disposal will be handled by a private contractor and paid for directly by the property owner and the owner will participate in the Town of Durham recycling program to help support that program.
- The proposed buildings will generate a significantly greater tax base for the community compared to the existing vacant use.
- The provision of a highly trained on-site management and medical staff will minimize the emergency calls to the highest extent possible generated by this property.

This section pertains only to the conditional use request within the WCO and SPO District:

175-61.B & 175-72.B

1. There is no alternative location on the parcel that is outside of the WCO & SPO District that is feasible for the proposed use.

A significant portion of the parcel is encumbered by the wetland conservation overlay district and the shoreland protection overlay district. The proposed development will be mostly located on the largest unencumbered land area on the parcel with a significant portion of the front of the parcel placed in a conservation easement to protect the sensitive areas and view sheds in perpetuity. The majority of the buffer areas on the site will remain unaltered with the exception of walking paths. No alternative location on the parcel that is outside the WCO and SPO District is available that would allow the proposed use to the extent proposed and allowed by the zoning ordinance without a large negative impact to the proposed development and the public benefit of the project.

2. *The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities as determined by the Planning Board.*

The proposed site layout and associated grading and drainage design has been prepared with the primary intent of minimizing soil disturbance by maintaining the existing grades of the property to the extent feasible. In addition, due to the clayey soils the fills on the site have been minimized. The largest soil disturbance will be for the building excavation, access and parking, however, those impacts has been minimized by designing the building as a slab on grade with only a small basement area and utilizing the majority of the existing roadway for access to the development. All utility construction will be within the previously disturbed areas or proposed construction areas

3. *The location, design, construction, and maintenance of the facilities will minimize any detrimental impact on the wetland and on the adjacent shoreland and water body as well as downstream water bodies, and mitigation activities will be undertaken to counterbalance any adverse impacts.*

Every feasible effort has been made in the design of the site layout and grading to minimize any detrimental impacts described above and mitigation activities incorporated as well. These include:

- Use of temporary erosion control measures such as silt soxx along the perimeter of the disturbed area; temporary and permanent stormwater control systems; and regular sweeping of public roadway to minimize tracking of dirt onto paved areas. Temporary construction fence is proposed around the active construction area to provide better assurance that construction equipment will not stray into the wetlands and buffers.
- Construction of a stormwater collection/treatment/detention system on the site will hold runoff from up to the 1" storm event which represents 90% of rain storms. Given the soil conditions, the gravel wetland system has been chosen as the best stormwater treatment system for the site.
- The disturbed area for construction will be minimized to retain the existing vegetation to the maximum extent possible. In addition, a substantial landscape plan is proposed to enhance the site both visually and ecologically.
- There is an extensive stormwater systems management and maintenance plan incorporated into the operations of the site to maintain the stormwater facilities and protect the wetland and shoreland.
- Temporary and permanent disturbances to the wetland and shoreland buffer to allow construction of the site amenities, will be fully reclaimed or properly stabilized for the intended use and these disturbances have been significantly minimized for the development of this project.

4. *Restoration activities will leave the site, as nearly as possible, in its pre-existing condition and grade at the time of application for the Conditional Use Permit.*

Any disturbances outside of the current limits of disturbance on the property will be fully restored and re-vegetated.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely;

A handwritten signature in black ink that reads "Michael J. Sievert". The signature is written in a cursive, flowing style with a large initial 'M' and 'S'.

Michael J. Sievert PE
MJS Engineering