



**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

June 9, 2017

Michael Behrendt, Town Planner
Town of Durham
8 Newmarket Road
Durham, NH 03824

Re: Conditional Use Permit Application
Marketing Center for RiverWoods Durham
Assessor's Map 11, Lot 8-0
Durham, NH

Dear Mr. Behrendt,

A Site Plan Review application was submitted for the subject project on May 24, 2017. The Planning Department has been determined that a Conditional Use Permit Application (CUP) is also required. We are pleased to submit the following supplemental application materials for a Conditional Use Permit:

- Application fee check in amount of \$200.00
- Application for Condition Use Permit and associated checklist
- Letter of Intent, revised 6/9/2017
- Letter prepared by Sharon Somers, Esquire, dated 6/9/2017, addressing the CUP criteria
- Deed
- Plans (five full size sets and ten 11"x17" sets)

Please refer to the original application for additional information. We understand that the Public Hearing notice to abutters for the CUP and Site Plan Review applications will be concurrent.

If you have any questions or need any additional information, please call.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey K. Clifford".

Jeffrey K. Clifford, PE
Vice President

JKC/jkc/4836.003.lot 8 appl.ltr.doc
Enclosures

e-copies w/ enclosures:

Justine Vogel, The RiverWoods Group
Sharon Cutter Somers, Esquire, DTC
Pat Gleason and Heather George, Greystone
Alyssa Murphy, Manypenny Murphy Architecture
Robbi Woodburn, Woodburn and Associates

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Altus Engineering, Inc.
133 Court Street
Portsmouth, NH 03801
(603) 433-2335

GRANITE BANK
54-131/117

8041

6/9/17

PAY TO THE
ORDER OF

TOWN OF DURHAM

\$ 200.00

two hundred and 00/100

DOLLARS

PROTECTED AGAINST FRAUD

Two Signatures Required Over \$2,500

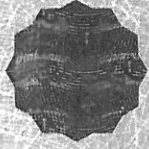
[Signature]

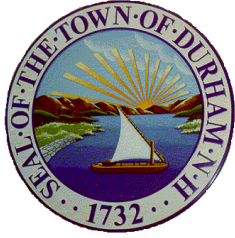
MEMO

4836.71 RIVERWOODS - MARKETING
CENTRAL - CUP

⑈00804⑈ ⑆011701314⑆ 017 563 3⑈

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

APPLICATION FOR CONDITIONAL USE PERMIT

This form and all required information per Durham's Zoning Ordinance (Article VII, Section 175-23(C) attached) must be filed at least 20 days before the meeting of the Planning Board with the Planning Staff in person or by mail.

Property Location:

Street Address 56 Dover Road
Tax Map # 11 Lot # 8-0 Zone OR / WCO

Owner(s):

Name Rockingham Properties 1, LTD
Mailing Address PO Box 423
Belmont, MA 02478
Daytime Phone 617-489-7392 Fax _____

If another person or firm will represent this application to the Town, please complete the following (letter of authorization should be included):

Name Altus Engineering, Inc., Jeffrey K. Clifford, PE
Mailing Address 133 Court Street
Portsmouth, NH 03801
Daytime Phone 603-433-2335 Fax _____

Abutters:

Attach a separate sheet listing by Map & Lot number, each owner's name, and mailing address of all abutters within **300 feet** of the property. The list of abutters must include any holders of conservation, preservation, or agricultural preservation restrictions in accordance with RSA 676:4(I)(d).

Name & Address of Licensed Professionals (as applicable):

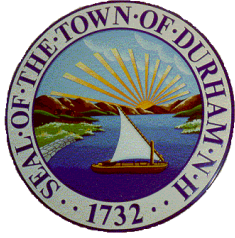
Engineer Altus Engineering, Inc., Jeffrey K. Clifford, PE
Land Surveyor Atlantic Survey Company
Architect Manypenny - Murphy Architecture
Soil Scientist GZA Environmental, James Long

Proposed Use: Marketing Center for RiverWoods Durham

**Please prepare and attach a written description of the proposal.
Length should not exceed three pages.**

I certify that all information provided is, to the best of my knowledge true:

Owner's Signature: see Letter of Authorization **Date** _____
in Site Plan Application



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

CONDITIONAL USE PERMIT APPLICATION CHECKLIST

Date: June 9, 2017

Name of Applicant: The RiverWoods Group, c/o Justine Vogel, CEO

Location of Property: 56 Dover Road

Tax Map and Lot Number: 11 / 8-0

Name of Plan: Marketing Center for RiverWoods Durham

- a Conditional Use Permit application
- a letter of intent detailing the proposal
- a letter of authorization (if applicable)
- all applicable fees
- a list of the names and addresses of all the abutters within 300' feet of the subject property, as shown in town records not more than five (5) days before the day of filing; and a listing of all holders of conservation, preservation, or agricultural preservation restrictions on the subject property
- Copies of the current deed, purchase and sale agreement, and copies of all easements, deed restrictions, rights-of-ways, or other encumbrances currently affecting the property.
- five copies, 24" x 36" and ten additional copies at 11" x 17" of the plat.

The Plan shall show (only if applicant is not submitting a Site Plan Review or Subdivision Application):

- Title Block with title, owner's name and address, date, scale and name, address and seal of the preparer of the plan
- names of owners of abutting properties
- North Arrow and bar scale
- locus plan sat a minimum scale of one (1) inch equals one thousand (1,000) feet showing required information
- Surveyed property lines of the parcel showing their bearings;
- Location and layout of existing and proposed structures and buildings;

- Existing and proposed contours at two (2) foot intervals for the entire site. Where a change in grade is proposed, existing contours shall be dotted lines and finished elevations solid;
 - Area of entire parcel in acres and square feet;
 - Zoning and special district boundaries;
 - Deed reference and tax map number;
 - Location width, curbing and paving of access ways, egress ways and streets within the site;
 - Location and layout of all on-site parking and loading facilities;
 - Location and size of all municipal and non-municipal utilities and appurtenances including: water, sewer, electric, telephone, gas lines and fire alarm connections, indicating whether overhead or underground, and the location of wells and septic systems;
 - Type and location of solid waste disposal facilities;
 - Location, elevation and layout of catch basin and other surface drainage features;
 - Location of all physical/natural features including: water bodies, watercourses, wetlands, vegetation/foilage lines, soil types, railroads, rock outcroppings and stone walls;
 - Dimensions and area of all property to be dedicated for public use of common ownership;
 - Location of 100 year flood hazard boundaries;
 - Date and permit numbers of all required state and federal permits.
 - Location of all buildings, wells and leach fields within one hundred and fifty (150) feet of the parcel;
 - Dimensions, area and minimum setback requirements on all existing and proposed lots;
 - Proposed landscaping plan including size and type of plant material;
 - Pedestrian walks providing circulation through the site;
 - Location and size of proposed and existing signs, walls and fences;
 - Location and type of lighting for outdoor activities; and
 - Location, widths and purposes of any easements or rights-of-way.
 - Total on-site square footage of impervious surfaces.
- Letter to Planning Board detailing how application meets the criteria for approval set out in Section 175-23(C)
- Applicant has met with neighbors to discuss project and concerns.

Written waivers from these requirements may be requested with specific justification to the requirements of Section 12.02 of the Site Plan Review Regulations for the Town of Durham.

The applicant is reminded that they need to place a sign on the property measuring 2'x3' at least ten (10) calendar days prior to the time of the public hearing by the Planning Board. The sign shall remain on the property until the conclusion of the public hearing. The sign shall be visible from the most heavily traveled street right-of-way adjacent to the property. The sign shall state the date of the public hearing, the time, the location and the action to be considered.

Design Review Application - Letter of Intent
for
Marketing Center for RiverWoods Durham

56 Dover Road
Durham, New Hampshire

Rev. 1 – June 9, 2017

Introduction

The Site Plan Review application presents site plans for the *Marketing Center for RiverWoods Durham* proposed at 56 Dover Road (Rt 108) by The RiverWoods Group (TRWG). TRWG is a 501(c)(3) not-for-profit corporation that owns and operates three vibrant, self-contained, not-for-profit continuing care retirement communities (CCRCs) in the Town of Exeter.

Professional Office (which includes realty services) is an allowed use in the underlying Office and Research District-Route 108 (OC) zone. A portion of the parcel is within the Wetlands Conservation Overlay District (WCO). This application addresses the change of use at the barn (currently used for storage) to professional office / realty service. TRWG will lease the existing barn as well as 1,200 sf in the existing office building (house) to accommodate up to four (4) employees providing marketing services for elderly housing units at the proposed *RiverWoods Durham* CCRC planned for the 11.30 acre parcel abutting to the east.

Existing Conditions

The 2.25 acre project site is identified on Durham Tax Map 11 as lot 8-0. The current lot configuration is documented on the subdivision plat recorded at the S.C.R.D. (Plan No. 53-49). The land abuts Route 4 to the south, Route 108 to the west, Stone Quarry Road to the north, and the above mentioned 11.30 acre to the east. The land cover is a mix of mature meadow, emerging woodland, and lawn. A narrow wetland drains north to south through the center of the property. A law office currently leases office space at the house. The existing parking area has 19 striped spaces with curb cuts at Rt. 108 and Stone Quarry Drive. A row of trees west of the parking area provides an attractive buffer along the frontage of Route 108. The house's plumbing is served by a subsurface disposal system and a private well. NHDES approved the subsurface system in 1997 for 24 employees (the system is actually sized and constructed for up to 35 employees), Electrical and communication utilities extend to the site from poles in the Route 108 right-of-way.

Proposed Facility Improvements

TRWG will renovate the barn to provide office space and bathroom facilities on the first floor. A new water line will connect plumbing in the house to the barn. If the existing well is found to be non-compliant, a new well will be drilled to service the property. A sewer pipe will be constructed from the barn to plumbing in the basement of the house. An elevated walkway with stairs and an ADA ramp is being constructed to connect the barn to an existing porch and door on the north side of the house. Pavement under the walkway will be replaced with crushed stone. Adjacent pavement being removed will be replaced with turf. A non-functioning culvert at the driveway connecting to Stone Quarry Drive will be replaced with a drip inlet structure and culvert.

Site impervious coverage is being reduced by the removal of a portion of the pavement between the barn and house. Silt barriers will provide temporary erosion and sediment control downgradient of any disturbance.

While not part of this application, within approximately two (2) years the applicant will be extending municipal sewer and water lines north along the Rt 108 right-of-way to the intersection of Stone Quarry Drive to serve the proposed *RiverWoods Durham CCRC*. When the pipes are constructed, the house and barn at 56 Dover Road will be connected to the municipal services allowing the existing well and subsurface system to be discontinued.



CELEBRATING OVER 30 YEARS OF SERVICE TO OUR CLIENTS

MICHAEL J. DONAHUE
CHARLES F. TUCKER
ROBERT D. CIANDELLA
LIZABETH M. MACDONALD
JOHN J. RATIGAN
DENISE A. POULOS
ROBERT M. DEROSIER
CHRISTOPHER L. BOLDT
SHARON CUDDY SOMERS
DOUGLAS M. MANSFIELD
KATHERINE B. MILLER
CHRISTOPHER T. HILSON
JUSTIN L. PASAY
HEIDI J. BARRETT-KITCHEN
NICOLE L. TIBBETTS
ERIC A. MAHER
DANIELLE E. FLORY

OF COUNSEL
NICHOLAS R. AESCHLIMAN

VIA E-MAIL

June 9, 2017

Michael Behrendt, Town Planner
Town of Durham
8 Newmarket Road
Durham, NH 03824

Re: Conditional Use Permit for The Riverwoods Group
Marketing Center, Tax Map 11, Lot 8-0

Dear Michael:

The enclosed application for a conditional use permit is submitted following on your zoning review of our site review application of May 24, 2017. The zoning review notes that structures including utilities, walkways and ramps require a conditional use permit.

This application is submitted on this date to the Planning Board. It is also contemporaneously submitted to the Conservation Commission, which has agreed to review it on June 12, 2017 and provide comments in anticipation of the Planning Board meeting of June 14, 2017.

The proposed use of the marketing center is outlined in the "Proposed Facility Improvements" in our site review application materials of May 24, 2017 a copy of which is enclosed. The specific additional structures proposed are depicted on Sheet C-2 and C-3 of the application materials.

This correspondence will set forth first, how the application meets the specific criteria of concern to the Conservation Commission and Planning Board under Article XIII, Section 175-61 of the Durham Zoning Ordinance. Second, the correspondence will indicate how the application meets the more general criteria for a conditional use permit set forth in Article VII, Section 175-23 of the Zoning Ordinance.

DONAHUE, TUCKER & CIANDELLA, PLLC
16 Windsor Lane, P.O. Box 630, Exeter, NH 03833
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253
83 Clinton Street, Concord, NH 03301

CRITERIA UNDER ARTICLE XIII, SECTION 175-61(B)

As a threshold matter, we contend that the proposed culvert which is being installed for use in conjunction with the existing driveway is permitted under Section 175-60(B)(3) and does not need a conditional use permit provided that the determinations set forth in that section are made. Further, under that same section, the installation of a private water supply well¹ is a permitted use under Section 175-60(B)(1) provided that determinations set forth in that section are made. The plans contain information which demonstrate that the required determinations can be made and our presentation to the Conservation Commission and the Planning Board will provide further information.

That said, if for whatever reason the culvert and well do not qualify as a permitted use under Section 175-60 (B)(1) and (3), then the following evidence shows that we meet the criteria to qualify for a conditional use permit for these tasks as well as the utilities and ADA ramp/walkway identified by your zoning review.

1. There is no alternative location outside of the Wetland Conservation Overlay ("WCO") that is feasible: The proposed use of the site focuses on the existing barn and the main building both which lie within the 100' front yard setback. It is not practically possible to install utilities, walkways and ADA ramps at any location other than the existing barn and house. No additional paving is proposed.

2. Soil disturbance is minimal: The installation of utilities and walkways will create soil disturbance of less than 5,000 sq. ft. per Section 15.2.2 of the site review regulations and is therefore minimal. Further, in the case of the walkway, the pavement will be replaced with permeable materials.

3. The design and construction of the facility walkway will minimize detrimental impact to the Wetland: The walkway actually improves on the environmental impacts to the wetland in that it removes existing pavement and replaces same with

¹ We are currently conducting water testing to verify water quality. If the results of these tests prove unsatisfactory, then we will install a well at the location identified on the plan.

permeable material. Further, the utilities will be located in the area where pavement is removed.

4. Restoration: Following installation of the culvert, utilities and walkway, the site will be restored to a state as close as possible to its existing condition and grade.

**GENERAL CRITERIA FOR CONDITIONAL USE PERMIT PER
ARTICLE VII, SECTION 175-23(C)**

The proposed use is a marketing center to facilitate sales for the adjacent The Riverwoods Group ("TRWG") Durham proposal. TRWG anticipates usage will be for no more than 10 people at any one time and the operation will be limited to daytime business hours, therefore:

- 1.a The parking lot and driveway are adequate for the proposed amount and type of use;
- b. The only public services that might be required are police, fire or ambulance to respond to a medical or public safety emergency.
- c. There are no environmental constraints except wetland buffer which is addressed above.
- d. Water & Sewer will be provided initially by a private well and septic, and later by public systems when TRWG installs the water and sewer system which will serve the main parcel. Electric service already exists on site and will be connected to the barn. Stormwater management is not an issue of concern since we are merely replacing a culvert and we are reducing the amount of pavement.

2-8: The proposal for physical changes to the property is limited to installing a replacement culvert, utilities and ADA ramp/walkway. None of these activities trigger the concerns raised in paragraphs two through eight of the general criteria and therefore they are not applicable.

Michael Behrendt, Town Planner
Town of Durham
June 9, 2017
Page 4

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC

A handwritten signature in black ink that reads "Sharon Cuddy Somers". The signature is written in a cursive, slightly slanted style.

Sharon Cuddy Somers
SCS/sac

cc: Robert Sullivan, Chair, Conservation Commission
Justine Vogel, TRWG
Jeff Clifford, PE
Pat Gleason & Heather George, Greystone
Alyssa Murphy, Manypenny Murphy Architecture
Robbi Woodburn, Woodburn & Co.

S:\RA-RL\RiverWoods Group\Town of Durham\Marketing Center\ConCom\2017 06 08 CUP letter.docx

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That DENNIS W. CHALMERS and ELINOR J. MURPHY, married, of 16 Birchwood Place, Dover, County of Strafford and State of New Hampshire, for consideration paid, grants to ROCKINGHAM PROPERTIES, I LIMITED PARTNERSHIP, of 70 Court Street, Portsmouth, County of Rockingham, State of New Hampshire, with WARRANTY COVENANTS the following described property:

A certain tract or parcel of land with the buildings thereon, situate in said Durham, County of Strafford and State of New Hampshire, on the southerly side of the road leading from Dover to Durham, containing about 9 acres, more or less, and bounded and described as follows:

Beginning at the Northerly corner of the land now or formerly of John Emerson; thence running South 74° East on the wall as it stands 34 rods; thence North 87° East on said wall 14 rods and 15 links to an old wall; thence North 2° East on said old wall 35 rods to an elm tree; thence North 6° West 28 rods and 14 links to the road leading from Dover to Durham; thence South 40° West by said road to the first mentioned bound.

Subject to all rights, reservations, restrictions, covenants and easements of record.

Being the same premises conveyed to Dennis W. Chalmers and Elinor J. Murphy by Quitclaim Deed of the Federal Deposit Insurance Corporation as Receiver for Seacoast Savings Bank, c/o Banc One New Hampshire Asset Management Corporation recorded in the Strafford County Registry of Deeds on October 22, 1993 at Book 1705, Page 646.

WITNESS, our hands this 12 day of November, 1993.

T. J. [Signature]
Witness
to both
Witness

Dennis W. Chalmers
Dennis W. Chalmers
Elinor J. Murphy
Elinor J. Murphy

STATE OF NEW HAMPSHIRE

DEPARTMENT OF REVENUE ADMINISTRATION
DEAL ESTATE TRANSFER TAX
\$2950.00
11-12-93 116515

PREY, TUCKER & CIANELLA - ATTORNEYS AT LAW
FREE - P.O. BOX 630 - BETHEN, NH 03232-603-776-2757

VOID IF ALTERED

1993 NOV 12 PM 2:59

REGISTER OF DEEDS
STRAFFORD COUNTY

016037

EX 1709 PG 0791

STATE OF NEW HAMPSHIRE

COUNTY OF ROCKINGHAM, ss.

On this 17th day of November, 1993, before me personally appeared DENNIS W. CHALMERS and ELINOR J. MURPHY, known to me, or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument, and acknowledged that they executed the same as their free act and deed for the purposes therein contained.


Notary Public/Justice of the Peace

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EK 1709 PG 0792