



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

NOTICE OF DECISION

Project Name: Riverwoods Marketing Center
Action Taken: APPROVAL
Project Description: Site plan and conditional use related to the Riverwoods CCRC to convert the former barn and a portion of the existing house to a marketing center, reconfigure parking, and make other minor site changes.
Address: 56 Dover Road
Applicant: The RiverWoods Group, c/o Justine Vogel, CEO
Engineer: Jeff Clifford, Altus Engineering
Architect: Alyssa Murphy, Manypenny Murphy Architecture
Property Owner: Land Options LLC.
Attorney: Sharon Cuddy Somers, Donahue Tucker
Map and Lot: Map 11, Lot 8-0
Zoning: Office Research
Date of approval: July 26, 2017

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.

Please note. If all of the precedent conditions are not met within 6 calendar months to the day of the board's approval - by January 26, 2018 (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. **No changes to the plans that**

were reviewed and approved by the Planning Board on July 26, 2017 may be made except for the specific required changes that follow.

Plan modifications

- 1) Plan modifications. Make the following modifications to the plans/plan set that were reviewed and approved by the Planning Board (Items do not need to be physically constructed as a precedent condition):
 - a) Snow storage. Remove “snow storage” note on the southeasterly side of the parking lot and add note under Key Notes that snow is to be pushed to the northeasterly side of the site (toward Stone Quarry Drive) to the extend practical. The purpose is to minimize snow storage within the wetland buffer.
 - b) Approval block. Change the approval block on each page of drawings to read: “Final Approval by Durham Planning Board. Certified by Michael Behrendt, Town Planner _____ Date _____”
 - c) Bicycle rack. Change note 14 to clarify that the bicycle racks shall be the inverted U-style and include a detail on the detail sheet.

Notes on plans

- 2) Notes on plans. Add the following notes on the plans:
 - a) Additional information. “For more information about this site plan contact the Town of Durham Planning Department, 8 Newmarket Road, Durham, NH 03824. (603) 868-8064.”
 - b) 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.”
 - c) 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.”

Other precedent conditions

- 3) Lighting. Provide cut sheets on all proposed lights. It must be confirmed that all fixtures are shielded and dark sky compliant.
- 4) Addressing. Develop a numbering system for the former barn to be approved by the Fire Department.
- 5) NHDOT Driveway permit. Obtain an approval/okay from the New Hampshire Department of Transportation for the proposed expansion of use.
- 6) Architectural plans. Submit two sets of 11x17 paper copies in color and one electronic copy of the four final architectural elevations.

- 7) Waste management. The waste management plan shall include single-stream recycling. The applicant shall provide to the Durham Public Works Director a recycling plan for approval. The Public Works Director may submit the plan to the Integrated Waste Management Advisory Committee for guidance at his discretion.
- 8) 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 (key sheets only); b) two large set of black line drawings – one to be returned to the applicant after being signed by the Town; 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 responsible for the plans.
- 9) Signature. The applicant shall sign this notice at the bottom, acknowledging all terms and conditions of this approval herein.

SUBSEQUENT AND GENERAL TERMS AND CONDITIONS

All of the conditions below are also attached to this approval.

Conditions to be met prior to commencing site work

- 1) Site work. No significant site work or ground disturbance may be undertaken until:
 - a) all of the precedent conditions are met;
 - b) the preconstruction meeting with Town staff has taken place (Contact the Town Planner to arrange for the preconstruction meeting);
 - c) all appropriate erosion and sedimentation control structures are in place.

Conditions to be met prior to issuance of a building permit

- 2) Energy checklist. The applicant and architect shall meet with the building official when the building plans are being prepared to review the energy checklist to determine which specific items will be included in the building plans.
- 3) Recording. This notice of decision must be recorded at the Registry of Deeds within 14 days of certification of the plans or prior to issuance of a building permit, whichever occurs first.
- 4) Fire and Building Code. Plans for former barn shall be in compliance with all applicable Building and Fire Codes.

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

- 5) Improvements. All pertinent improvements included in this approval shall be completed prior to issuance of a certificate of occupancy unless an acceptable surety is posted.
- 6) 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 as determined by the Durham Fire Department.
- 7) 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). 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.

- 8) Fees. Any outstanding fees shall be paid.
- 9) 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.

Other terms and conditions

- 10) Conditional use. This approval includes approval of the conditional use for placement of accessory structures within the Wetland Conservation Overlay District as proposed in the applicant’s submittal and as recommended by the Conservation Commission. See section 175-22 E. regarding the timeframe for the conditional use.
- 11) Variances. A variance was granted for construction within the 100 foot front setback from Route 108.
- 12) Waivers. This approval includes a waiver from the aisle width in the parking lot as requested by the applicant. The 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.
- 13) Electric lines. This site plan approval includes approval to retain the existing above ground electric lines on site leading to both buildings pursuant to subsection 17.4.3 of the Site Plan Regulations.
- 14) Signage. No sign for the site shall be installed until the applicant has either submitted a sign master plan (as applicable) for approval or a proposed sign to the Planning Board for (nonbinding) comments.
- 15) Reuse of site. This site plan approval includes the allowed use of the site, both the former barn and the main house, for any office use or use comparable to office use in terms of its impact, as reasonably determined by the Durham Town Planner and Zoning Administrator, provided that site plan review shall be conducted for any proposed site changes which would ordinarily trigger site plan review.
- 16) Energy Code. Building construction shall be in compliance with the energy efficient standards of Chapter 38 of the Town of Durham Code of Ordinances.
- 17) Future water and sewer connections. Should the applicant seek to connect the property with Town water and sewer, the applicant shall coordinate with the Durham Department of Public

Works and the Planning Department to ensure that all appropriate reviews are conducted and all requirements are met.

- 18) Barn design. It is understood that the design of the former barn building (four proposed elevations) will be as depicted on the renderings submitted to the Heritage Commission and dated July 6, 2017 with these clarifications: a) the top of the main window on the south elevation will be reduced the equivalent of around 10 clapboards; and b) the siding material will be wood clapboard matching or very close to matching the existing clapboards in width and profile (using either existing clapboards or replacement clapboards). The color of the barn will be Pantone 5477. The Town does not have architectural review authority so the applicant may change the design at their option. However, if the applicant seeks to change the design of any of the four elevations, they shall submit any proposed changes to the Town Planner to provide the Town an opportunity to offer nonbinding suggestions to the applicant. Any proposed changes shall be submitted with reasonably sufficient notice to allow for the Town to offer suggestions.
- 19) Color of the house. It is recommended (not required) that the property owner/applicant repaint the main house (located to the south of the barn) to a color that is compatible with the proposed color of the barn. It is requested (not required) that the property owner/applicant provide a sample of any proposed new color to the Town Planner in order that the Town have an opportunity to offer nonbinding suggestions about the proposed color.
- 20) Minor changes. Changes to the approved plans may be approved in accordance with the Planning Board's Rules of Procedures.
- 21) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the Town .
- 22) 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.
- 23) Other permits. It is the applicant's responsibility to obtain any other state or federal permits that might be required for this project. The applicant shall submit copies of any state or federal approvals to the Town Planner.
- 24) 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.

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 June 14, 2017; **C)** The Planning Board held a site walk on June 14, 2017; **D)** The Technical Review Group reviewed the application on June 20, 2017; **E)** The Planning Board held one or more continuous public hearing(s) on the application; **F)** The applicant revised and updated the plans and other

documentation numerous times pursuant to comments from the Planning Board, public, and Technical Review Group, and other Town boards and committees; **G)** 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; **H)** the Planning Board found that the eight general criteria and 4 specific criteria for the conditional use are adequately addressed in the applicant’s application for a conditional use; **I)** This project is not considered to be a Development of Regional Impact; and **J)** The Planning Board duly approved the application as stated herein, including the conditional uses. Substantial records are maintained of the process and documentation submitted in the Planning Department. A record of documentation and a timeline of the project will be prepared as needed.

Signature. The applicant acknowledges all terms and conditions of this approval herein.

Duly authorized applicant – print name

Duly authorized applicant – signature

Date

Paul Rasmussen, Planning Board Chair

Date