



CELEBRATING OVER 30 YEARS OF SERVICE TO OUR CLIENTS

MICHAEL J. DONAHUE  
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

---

RETIRED  
CHARLES F. TUCKER

September 11, 2017

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

Re: Conditional Use Permit for The Riverwoods Group  
Tax Map 11, Lots 8-1 through 8-15

Dear Michael:

The enclosed application for a conditional use permit follows on our formal site plan review application of July 19, 2017 for the proposed Continuing Care Retirement Community. The Applicant requests a Conditional Use Permit to construct driveway access, a retaining wall, subsurface stormwater management, utilities and grading within the wetland buffer.

The proposed use of the parcel is outlined in the "Proposed Facility Improvements" in our site review application materials. The specific structures proposed are depicted on the enclosed Conditional Use Site Plan. It should be noted that the Applicant is not applying for conditional use permits for the footbridges (CUP-E3 and CUP-E4) or the sewer pipe (CUP-W4) at this time because the details of those items are not available.

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 03833-4924  
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)

The following evidence shows that we meet the criteria to qualify for a conditional use permit for these items:

1. There is no alternative location outside of the Wetland Conservation Overlay ("WCO") that is feasible: It is not practically possible to install the driveway, retaining wall, utilities (water and gas service) or stormwater management systems or to grade for landscaping at any location other than where it is currently proposed. The project proposes two buffer encroachments near Stone Quarry Drive to provide for safe egress and ingress to the Site. There are no alternatives that provide for safe access, and result in less impact to wetland and upland areas of the WCO District. The main westerly entrance configuration is necessary to provide for an appropriate right angle, as typically required. In addition, separation of the access roads from the buildings are required for appropriate fire access. The configuration of the easterly entrance is also determined by required sight distance for drivers exiting Wing A, as well as by the configuration of existing utilities. However, proposed parking was reduced in this location to reduce total proposed buffer impacts to the minimal amount necessary to provide safe egress/ingress from the Site.

2. Soil disturbance is minimal: The proposed buffer impacts are required to install driveway entrances to the Site. Total proposed impacts have been reduced through the incorporation of retaining walls in the design, to limit impacts to the WCO District. Further, the stormwater management systems will create better conditions than what exists now in that the stormwater will be treated before reaching the wetland so that the impacts will be minimal. Regraded soil (outside of outfall and wall locations) within the stormwater management areas will be seeded with a native seed mix and native plantings, where appropriate, to re-vegetate buffer areas to the extent feasible.

3. The design and construction of the improvements will minimize detrimental impact to the Wetland: As stated above, treatment of the stormwater from the drive area will be treated by the stormwater management systems before reaching the wetland thereby minimizing any detrimental impact to the wetland. The facility was re-designed to relocate proposed parking outside of the 75-foot upland buffer to Wetland A, a perennial stream located on the eastern portion of the Site. This was

accomplished to maximize natural cover and minimize potential detrimental impacts to the wetland. The project has incorporated underground parking to minimize the overall footprint of the facility. In addition, the project is utilizing porous pavement in portions of the facility to promote infiltration of storm water.

4. Restoration: An extensive planting plan has been developed for the project (see Site Landscape Plan prepared by Woodburn & Company dated July 19, 2017). Native plantings are proposed along both driveway entrances to restore natural cover in the upland buffer and adjacent areas to wetlands. American elm and red maple are proposed along the westerly entrance, in a location that is currently maintained as an old field. As a result, the project will reforest a portion of the buffer to Wetland B.

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

The proposed use is a continuing care retirement community which is permitted in the OR Zone and meets the following criteria:

1. Site Suitability: The site is suitable for the proposed use. This includes:
  - a. The project as proposed includes adequate vehicular and pedestrian access for its intended use as depicted on the site plan.
  - 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 buffers which are addressed above.
  - d. Public water & Sewer will be installed by the Riverwoods Group to support the project. Electric service already exists along Stone Quarry Drive. Stormwater management is sufficient as proposed and depicted on the site plan.

2. External Impacts: The proposal for the wetland buffer impacts are limited to the areas depicted and will have little, if any, external impacts.

3. Character of the Site Development: This large lot is appropriate for this type of development and the wetland buffer impacts are necessary to support the use. Granting this conditional use permit will not be incompatible with the established character of the neighborhood.

4. Character of the Buildings and Structures: The scale, height and massing of the building, the roof line, the architectural treatment (being reviewed by Planning Board and its architectural subcommittee) and the elevations are all compatible with the established character of the neighborhood.

5. Preservation of Natural, Cultural, Historic and Scenic Resources: The proposed use preserves the natural resources and includes public parking and access to walking trails on the property. A well-established buffer will be planted to preserve the scenic resources on site.

6. Impact on Property Values: The proposed wetland buffer impacts will not cause or contribute to a significant decline in property values of adjacent property.

7. Availability of Public Services and Facilities: The Applicant proposes to extend municipal water and sewer to the site. These wetland buffer impacts will not cause excessive demand on municipal services.

8. Fiscal Impacts: The wetland buffer impacts will not have any negative fiscal impact on the Town. The Applicant is in discussions with the Town Council on a PILOT so that the project will have a positive fiscal impact on the Town.

Michael Behrendt, Town Planner  
Town of Durham  
September 11, 2017  
Page 5

Very truly yours,  
DONAHUE, TUCKER & CIANDELLA, PLLC

*Sharon Somers (by STA)*

Sharon Cuddy Somers  
SCS/sac

cc: Robert Sullivan, Chair, Conservation Commission  
Justine Vogel, The Riverwoods Group  
Jeff Clifford, Altus Engineering  
Pat Gleason & Heather George, Greystone  
Alyssa Murphy, Manypenny Murphy Architecture  
Robbi Woodburn, Woodburn & Co.  
Tracy Tarr, GZA GeoEnvironmental

S:\RA-RL\RiverWoods Group\Town of Durham\Conditional Use Permits\2017 09 08 CUP letter.docx



**TOWN OF DURHAM**  
8 NEWMARKET RD  
DURHAM, NH 03824-2898  
PHONE: 603/868-8064  
[www.ci.durham.nh.us](http://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 Stone Quarry Drive  
Tax Map # 11 Lot # 8-0 through 8-15 Zone OR

**Owner(s):**

Name Rockingham Properties 1, LTD (8-1 through 8-15)  
Mailing Address PO Box 423, Belmont, MA 02478  
Name Land Options, LLC (8-0)  
Mailing Address 96 Cliff Road, Portsmouth, NH 03801

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

Name Riverwoods Group  
Mailing Address 7 Riverwoods Drive, Exeter, NH 03833

Daytime Phone \_\_\_\_\_ 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, Jeff Clifford, P.E.  
Land Surveyor Adam Fogg, LLS  
Attorney Sharon Cuddy Somers, Donahue, Tucker & Ciandella  
Soil Scientist Tracy Tarr, GZA Geoenvironmental, Inc.

**Proposed Use:** Continuing Care Retirement Community

**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: Sharon Somers Date 7/10/17

JSR



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

## CONDITIONAL USE PERMIT APPLICATION CHECKLIST

Date: Sept. 8, 2017

Name of Applicant: The Riverwoods Group

Location of Property: 56 Old Dover Rd + Stone Quarry Drive

Tax Map and Lot Number: Map 11, Lots 8-0 and 8-1 through 8-15

Name of Plan: Conditional Use Site Plan

a Conditional Use Permit application

a letter of intent detailing the proposal

a letter of authorization (if applicable)

N/A all applicable fees

N/A 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. - See site plan application

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 at 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.**