



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

Town Planner's Project Review
Wednesday, December 13, 2017

XII. **Public Hearing - Riverwoods Continuing Care Retirement Community (CCRC) – Stone Quarry Drive.** Site plan, lot line adjustment, and conditional use application for CCRC to be located on a vacant 11.3-acre site in the northeast quadrant of the junction of Route 108 and Route 4 (one lot in from Route 108). The project will contain 150 independent-living apartments, 24 assisted-living apartments, 24 memory-care units, and 24 skilled-nursing units. Applicant - The RiverWoods Group, c/o Justine Vogel, CEO. Property owner - Rockingham Properties, c/o Dave Garvey, partner. Engineer – Jeff Clifford, Altus Engineering. Landscape architect – Robbi Woodburn. Architect – AG Architecture (Milwaukee). Attorney – Sharon Cuddy Somers, DT&C. Map 11, Lots 8-1 through 8-15. Office Research District.

➤ I recommend that the Planning Board take whatever time is needed to go through the prospective draft Notice of Decision below and make appropriate changes, and then continue the review and public hearing to January 10.

Please note the following:

- **Earlier reviews.** The Planning Board reviewed a first draft Notice of Decision on October 25 and a number of comments were made. The project was continued to November 8 but the applicant postponed that review. Then on November 29 we focused discussion on the construction management plan.
- **Revised NOD.** The document below is the same that was sent to the Planning Board on November 8 (except for a few changes). After the October 25 meeting, I revised the draft NOD based on that meeting and a discussion with the applicant shortly afterwards. In the November 8 document I kept all of the numbers as they were for October 25 for simplicity but made a number of changes. *Proposed additions including proposed new conditions, are shown like this.* ~~Proposed deletions are shown like this.~~ [Comments are shown like this.] I will clean up and finalize the document for the January 10 meeting. **The document below is the same as that sent to the board for the November 8 meeting except for a few substantive additional changes that I marked with an ***.**
- **Revised plans.** The applicant has submitted revised plans. Jeff Clifford submitted one new site plan sheet C-2 for the November 29 meeting and a memo dated November 20

explaining the changes. Jeff Clifford submitted a complete plan set on December 7 which includes a number of updates. See his accompanying letter dated December 7. I have reviewed the changes and they look fine. April is reviewing the changes about utilities and stormwater. The new plan set is included in the packets, was uploaded to the website and was sent to the TRG.

- Signoffs. We have signoffs from the Police and Economic Development Departments. April Talon, Town Engineer, said she does not see any significant concerns and will send her signoff soon.
- Trails. See condition 67). The applicant is meeting with the Conservation Commission on December 14 seeking a recommendation under Section 175-60B. 11.
- Waivers. The applicant will submit waiver requests to reduce the number of required bike spaces and for the impact fees.
- Conditions. The applicant addressed some of the conditions that I include below but I have not had a chance to make all of these changes as we received the plans today. I will update them for the next NOD.

Draft – Revised for December 13, 2017 meeting
NOTICE OF DECISION

Project Name: Riverwoods Continuing Care Retirement Community
Action Taken: Approval
Project Description: Site Plan, Lot Line Adjustment, and Conditional Use
Address: Stone Quarry Drive
Applicant: The RiverWoods Group, c/o Justine Vogel, CEO
Engineer: Jeff Clifford, Altus Engineering
Property Owner: Rockingham Properties, c/o Dave Garvey, partner
Map and Lot: Map 11, Lots 8-1 through 8-15
Zoning: Office Research
Date of approval: January 10, 2018 (prospective)

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. 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 12 calendar months to the day of the board's approval - by January 10, 2019 (or as extended) - the Planning Board's approval will be considered to have lapsed and the approval will be null and void.

Extension(s) may be granted by the Planning Board for reasonable cause. *It is the sole responsibility of the applicant to ensure that the precedent conditions are met by this deadline.* See RSA 674:39 on vesting. *No changes to the plan set dated December 5, 2017 (received December 7, 2017) and accompanying materials that were reviewed and approved by the Planning Board on January 10, 2018 may be made except for the specific required changes that follow and any changes approved by the Town.*

Plan Modifications

Make the following modifications to the plans:

1) ~~Guard rail. Add guard rails along retaining wall where needed (along southeasterly wall). [still needed even with vertical curbing?]~~

[The design engineer has reviewed this and stands by the design.]

2) ~~Rail fence. Finalize material and color of the rail fence along Stone Quarry Drive. The rails should be made of wood or a substantial material that visually mimics wood (not vinyl). The posts should be made of wood or granite or a substantial material that visually mimics wood or granite (not vinyl).~~

[Submitted. It is stained wood.]

3) Curbing. Clarify key for curbing on sheets 2.1 and 2.2 as it is not clear in some places.

4) Van accessible. Clarify which parking spaces are van accessible (to include at least 2 spaces).

5) Legend. Explain SMG, CPE, CO, BW and TW (page C-3.3), DI page C-4.0) in the legend.

6) Porous pavement. Show locations for porous pavement signs.

7) Architecturals. Include one set of full size final architectural elevations preferably in color, but black and white is fine. Submit two separate sets of 11x17 elevations in color (It is understood that some facades are rendered in color and others are not). (Note. The final submitted plans are part of this approval. The applicant may modify the elevations at their option provided that the building height is not increased and that they

submit proposed changes and provide the Town an opportunity to provide nonbinding comments prior to finalizing the plans.)

***I modified this condition above.

- 8) Bollards. Show locations for bollards if any (detail Sheet C-6.3).
- 9) Retaining wall details. Clarify where the details for segmented block wall (Sheet L-7) and large block (Sheet C-6.6) apply.
- 10) Sidewalks. Clarify on site plan or detail that all sidewalks on site are to be at least 5 feet wide.
- 11) Accessible parking space. Clarify where the third accessible space is in the garage.
- ~~12) Overhead electric — Stone Quarry. The applicant is encouraged, but not required, to place the electric lines in front of the site along Stone Quarry Drive underground. [The applicant does not plan to bury these lines.]~~
- ~~13) Approval block. Add the approval block on each page of drawings to read: “Final Approval by Durham Planning Board. Certified by Michael Behrendt, Town Planner _____ Date _____”~~

***Added

- 14) Bicycle storage. Include information for the number of bicycles that will be stored inside at the two locations shown on the plan submitted on October 17 and a detail for the storage structure. [A waiver is also needed for the number of spaces. The applicant will submit this.]
- 15) Dumpster. Add detail showing concrete pad and fence enclosure for the dumpster. Use of a stockade fence is recommended.
- ~~16) Irrigation. Show on the plans where the well will be dug and where the basic irrigation systems will be located. [Added below as a subsequent condition to be shown on as-built drawings.]~~

Show final locations where existing stonewalls will be reused on site.

Revise the plans as necessary in accordance with any specifications of state agencies and call out the changes clearly on the plans and in communication to the Town Planner.

Crosswalk. Relocate crosswalk for the trail if desired to improve sight distance around the curve.

***Delete. The crosswalk has been relocated.

Notes on Plans

Add the following notes on the plans:

~~17) Additional information. Add to Site Plan Sheet C-2.0. “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.”~~

***Added to plans

18) 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.”

19) Protection of trees and vegetation. “Best management practices shall be followed for the protection of existing trees and vegetation that to be preserved. See Appendix A – Recommended Landscaping Measures in Article 5 in the Site Plan Regulations.”

~~20) Route 4 buffer. “In the event that NHDOT removes a significant portion of the tree buffer on the southerly side of the site, adjacent to the northbound exit ramp of Route 4, then the applicant shall provide additional evergreen planting to buffer the site and the retaining wall. The Planning Board shall determine if a significant portion of the tree buffer has been removed such that the site is significantly more visible. If the board makes this determination the applicant shall submit a planting plan to be reviewed and approved by the Planning Board.”~~

Route 4 buffer. “In the event that NHDOT removes a significant portion of the tree buffer on the southerly side of the site, adjacent to the westbound exit ramp of Route 4, then the Planning Board shall make a determination as to whether the project building and/or retaining wall is significantly more visible. If the Planning Board makes such a determination, then the applicant will submit an evergreen planting plan for the area between the face of the retaining wall and the NHDOT boundary for the purpose of creating a tree buffer which will be similar, but not necessarily identical, to that which existing prior to when NHDOT removed the trees. Baseline photos, showing the tree buffer, once construction is complete, will be attached to these conditions of approval as part of the as-built package. Additional photos may be provided by the applicant to show the tree buffer immediately prior to the NHDOT cut. The Planning Board shall then review the planting plan and may accept comments from the tree warden and the public although no public hearing will be required. The applicant shall be required to install, at its own expense, the evergreen planting plan approved by the Planning Board. Planning Board approval of the plan shall not be unreasonably withheld.”

[Attorney Somers prepared this language. I think that it meets the objective.]

- 21) Construction hours. Revise note 19 on G-1.1 to read: “All outside construction activity is restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and ~~9:00 a.m.~~ 8:00 a. m. to 6:00 p.m. Saturday. For blasting, crushing of stone, and use of hoe or rock hammers, hours are restricted to 9:00 a.m. to 4:00 p.m., Monday through Friday. Activity outside of these hours for special situations may be approved by the Building Official in consultation with other Town staff.

[Change and addition per hours shown in Site Plan Regulations]

Snow removal. *All excess snow that cannot be properly stored on site shall be removed from the site.*

Fertilizer. *If fertilizer is to be used for landscaping materials, it shall be low phosphorus/slow release nitrogen fertilizers.*

[Moved from condition 73]

Construction Management

~~The applicant shall provide a detailed construction management plan to the Planning Board for review and approval. See email from Jeff Clifford of October 17. The plan shall include, but is not limited to:~~

~~***See reference to construction management plan below. The preliminary plan was presented to the board on November 29.~~

- ~~22) A detailed construction and sequencing schedule.~~

~~[The applicant noted that they cannot provide this information now as it will need to wait until they hire their site contractor. It is appropriate that this kind of information be coordinated later administratively with the Public Works and other departments.]~~

- ~~23) The lay down and delivery area to be used and signage to be posted.~~

~~[The applicant noted that they cannot provide this information now as it will need to wait until they hire their site contractor. It is appropriate that this kind of information be coordinated later administratively with the Public Works and other departments.]~~

- ~~24) Impact upon Stone Quarry Drive from truck traffic.~~

~~[The intent of this condition was to ensure that Stone Quarry Drive can handle the truck traffic structurally. This is probably the case but I will confirm with Mike Lynch.]~~

- ~~25) Plans for meeting with the appropriate Town staff, including meetings to be held at least once each week or as specified by the Town Engineer/Building Official.~~

[It was noted that Town staff do not necessarily attend the construction meetings regularly. They attend as needed. The Town does not need to specify when the applicant will hold their own construction meetings as they will do that as needed, which is likely weekly. The construction management plan should probably state: "The applicant and their construction team will meet with the Town staff as needed and as specified by the town Engineer, Building Official, and other staff."]

~~26) Plans for coordinating truck traffic and use of public roads with the Police Department. The Police Department shall determine when a police detail is needed. Police details shall be billed for a minimum of 4 hours at the prevailing billing rate used by the Police Department.~~

~~27) Plans for blasting. The applicant shall follow the protocol for blasting contained in the Site Plan Regulations. The Planning Board may adjust the requirements as appropriate for this site.~~

[The applicant pointed out that there are other state requirements about blasting when there will be more than 5,000 cubic yards of material and when the blasting will occur within 2,000 feet of a public well (the well at Public Works)]

~~28) Plans for crushing of rock (Basic information was provided in October 18 memo from Riverwoods).~~

~~29) Recycling of materials as appropriate.~~

~~30) Plans for coordinating truck traffic and impact on Route 108 with NHDOT, the Town of Madbury, and the Town of Dover.~~

[The plans should probably state that all truck traffic within Durham will be restricted to Route 108 and Route 4. The plans should also call for coordinating with The Department of Public Works.]

***Added below

[Per the Planning Board's request the applicant will submit a plan now for the board to review and approve, so this condition can be removed.]

Other Precedent Conditions

31) Natural gas. Provide a letter of approval from Unitil for the proposed gas connections.

32) Land swaps. Provide documentation confirming that the proposed land swaps with the Town of Durham and Land Options, LLC are approved/executable, as appropriate.

- 33) ~~Waste management. Submit a detailed written plan for single stream recycling providing for a goal of 25% (by volume or weight, as appropriate) recycling of all waste materials. The applicant is encouraged to meet or exceed 25% but is not required to do so, provided the plan provides a reasonable program to work toward that goal. The plan is to be approved by the Integrated Waste Management Advisory Committee or the chair of the committee, as appropriate.~~

[The applicant submitted plans to the IWMAC with a copy to the Planning Board. We are awaiting comments from the IWMAC. We should have final approved plans at this stage rather than as a precedent condition.]

***I have not received any comments from the IWMAC but incorporated a note about the recycling plan below.

- 34) Electric service approval. Obtain written confirmation from Eversource Energy that the plans for electric service to and on the site are acceptable.
- 35) Addressing. Develop a numbering system for the buildings to be approved by the Fire and Police Departments.
- 36) Lot combination. Complete necessary documents to combine Lot 8-1 through 8-15.
- 37) Easements and deeds. ~~Submit draft easements and deeds to the Town Planner for review (for compliance with the site plan only).~~ Submit draft easements and deeds that involve the Town as a party for review by the Town Attorney. Submit draft easements and deeds that do not involve the Town as a party to the Town Planner for review for compliance with the site plan only. These documents shall be finalized and executed prior to issuance of a building permit or a certificate of occupancy as determined by the Town Planner in consultation with the applicant. (Easements include but are not limited to water and sewer, drainage, trail, landscaping, and grading.)
- 38) Light fixtures. All exterior light fixtures must be dark-sky friendly compliant. Provide cut sheets of all additional fixtures, including building-mounted lights. Cut sheets have been provided for freestanding lights and meet the requirements.
- 39) NHDOT Driveway permit. Obtain a driveway permit from the New Hampshire Department of Transportation. Any *significant changes* to the plans as approved by the Planning Board shall be submitted to the Planning Board for review. In the event of such review, no notices or public hearing shall be required (unless otherwise specified by the Planning Board). The Planning Board may not require any changes counter to requirements imposed by NHDOT.

***Added last sentence above.

40) NHDES Alteration of terrain. Obtain approval from New Hampshire Division of Environmental Services. Any significant changes to the plans as approved by the Planning Board shall be submitted to the Planning Board for review. No notices or public hearing shall be required (unless otherwise stipulated by the Planning Board).

~~41) NHDES Sewer Connection Permit. Obtain a wastewater connection permit application to the New Hampshire Department of Environmental Service Wastewater Engineering Bureau, and submit a copy of the approval to the Planning Department.~~

~~***Deleted. One combined condition about water and sewer added below.~~

42) Other permits. Obtain all other required state and federal permits ~~including the dredge and fill (for the sewer line)~~ and submit copies of permits to the Planning Department.

~~***Deleted. One combined condition about water and sewer added below.~~

43) Driveway Permit. Obtain a driveway permit from the Durham Department of Public Works.

~~44) Outstanding fees. The applicant shall pay any fees that are due.~~

~~*** Deleted. There are no outstanding fees at this point~~

~~45) Transit. The applicant is encouraged (but not required) to create a transit stop on site or close to the project, in consultation with UNH and any other appropriate parties. If one is to be created it may be approved by modification or amendment to the site plan.~~

~~[Relocated to subsequent conditions]~~

46) Firing Range and DPW facility. The applicant shall execute an appropriate agreement with the Town of Durham acknowledging the presence of the Police Firing Range and the Durham Public Works Facility close to the site. *The Police Department will notify Riverwoods when the firing range will be used so that Riverwoods can alert residents about the noise.* ~~The applicant is encouraged to coordinate with the Police Department when the firing range will be used and to inform residents as appropriate. Use of the trails is strongly discouraged when the firing range is in use.~~

~~[More discussion is needed with the applicant and the Police Department. Attorney Somers said there may be reference to the DPW facility in the land swap documents.]~~

47) Construction Guarantee. Post an acceptable surety to be approved by the Town Engineer (and the Town Business Manager for form and type) for the completion of infrastructure on and off site and/or for reclamation of the site, as appropriate. The guarantee 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.

48) Utility connection. A utility connect permit application with necessary plans and specifications shall be submitted to DPW for review and approval by the Town in accordance with the Durham Water and Wastewater ordinances.

~~49) Off site water and sewer. Final approved plans for the locations and design of the water and sewer extensions shall be submitted to the Planning Board for approval. The water and sewer extension is approved by the Town Council. A conditional use and dredge and fill will be needed for the sewer located on the adjacent lot.~~

***Added below in condition about water and sewer

~~50) Deeds and easements. Submit all draft deeds and easements (including but not limited to water and sewer, drainage, trail, landscaping and grading) to the Town for review. They are to be recorded prior to issuance of a building permit.~~

[Already addressed in 37)]

~~51) Architectural plans. Submit two final sets of 11x17 paper copies in color of the approved architectural elevations in color [one for the Building Official].~~

[Addressed in 7), above]

52) 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 will be returned to the applicant); c) one set of 11"x17" drawings; plus d) one electronic version by pdf or CD. The Town Planner will clarify with the applicant which specific sheets are needed for supplementary documentation beyond the plan set submitted October 16, 2017. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans. Please note. Prior to printing off the final sets, one full size paper check print must be sent to the Planning Department for review.

[Additional items that were submitted separately, such as lighting cut sheets, should be included in the final plan set.]

53) Signature. Signature by the applicant at the end acknowledging all terms and conditions of this approval herein.

***I added these two provisions below

Water and sewer extensions. *The applicant shall obtain approvals for off-site water and sewer extensions, including: a) a wastewater connection permit from NHDES; b) approval from NHDOT for construction within the Route 108 right of way; c) approval from Durham Public Works Department; and d) Town Council approval for the extension. Copies of approvals shall be submitted to the Planning Department. In the event that the applicant is*

*not able to obtain a), b), or d) then the applicant may proceed with off-site construction of the water and sewer lines provided that other pertinent conditions in this notice are met, the Public Works Department approves the designs, the applicant has submitted the required applications to NHDES and NHDOT, and the applicant signs a document approved by the Town, acknowledging that the applicant proceeds at their own risk. (*Note. The Planning Board does not review and approve the designs for the off-site water and sewer extensions. The drawings are included in the site plan set but are not subject to site plan approval.)*

Sewer on Adjacent Lot. A conditional use under the WCOD and a wetlands permit is needed for the placement of the sewer on the adjacent Map 11, Lot 8. These approvals may be delayed in accordance with the allowance in the condition above for water and sewer extensions.

***I revised this paragraph below and added items a-h.

Construction management plan. Submit the final detailed construction management plan (after the contractor has been hired). There shall be no formal review by the Town provided the plan is consistent with the general construction management plan reviewed by the Planning Board during the site plan review on November 29, 2017. The updated plan will be distributed to Town staff who may specify appropriate changes if necessary based on established law or policy. The revised plan shall specify:

- a. That the applicant and their construction team shall meet with the Town staff as needed and as specified by the Town Engineer, Building Official, and other staff.*
- b. That The applicant, their contractors, their suppliers, and other parties related to the construction may not park on Stone Quarry Drive.*
- c. That the applicant shall coordinate with the Police Department should any off-site parking and shuttling be proposed.*
- d. A detailed construction and sequencing schedule*
- e. The lay down and delivery area*
- f. Plans for blasting consistent with the Site Plan Regulations*
- g. Plans for crushing of rock*
- h. Plans for recycling of materials*
- i. That all truck traffic in Durham is restricted to Route 108 and Route 4*
- j. That Durham Public Works and/or Police Departments may approve minor departures from the final plan.*

[I added this based on the note from Sharon Somers, adding the parts about the review.]

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

- 54) No significant site work (including any significant clearing of the site) 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 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) SWPPP. Preparation of the Storm Water Pollution Prevention Plan (SWPPP) and submission of a Notice of Intent (NOI) to EPA. The site contractor is responsible for development and implementation of the SWPPP.
[***Reworded]
 - f) Recording. This notice of decision, the lot line adjustment plans (including the two land swaps), deeds affecting the land swaps, and the site plan (if accepted at the registry) must be recorded at the Strafford County Registry of Deeds within one month of certification of the plans.

Conditions to be met prior to issuance of a building permit

- 55) Energy checklist. The applicant shall meet again with the Building Official when the building plans are being prepared to review the energy checklist to see which specific items can be included in the building plans.
- 56) Construction process. The applicant/contractor shall meet with the Building Official as early as possible to discuss the building process and to plan for the proper submittal of all structural, mechanical, electrical, plumbing and other plans.
- 57) Easements and deeds. Record all easements *and deeds*. (*See precedent condition regarding easements and deeds.*) ~~At the Town's discretion the easements may be recorded later, but prior to issuance of a certificate of occupancy.~~

Organizational meeting. An organizational meeting shall be held with the Building Official, the Fire Department and relevant state agencies such as the licensing division of NHHS and the Fire Marshall's Office to determine the scope of what reviews are required, and to identify the agent for conducting such reviews. The purpose of the

organizational meeting is to maximize efficiency of the review process to ensure that all necessary items are studied, but studied as promptly as possible and without duplication.

***This is added

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

58) Improvements. All on-site and off-site improvements shown on the approved site plans shall be properly completed prior to issuance of a certificate of occupancy, unless appropriate surety is placed with the Planning Department.

59) ~~School impact fee. In accordance with Town Ordinance 75-9. A. the applicant shall provide evidence that the property will be bound by lawful deeded restrictions on occupancy by senior citizens age 55 or over for a period of at least 20 years.~~

School impact fee. The Planning Board waived the school impact fee pursuant to Town Ordinance 75-9.A. In accordance with the ordinance, the applicant shall provide evidence that the property will be bound by lawful deeded restrictions on occupancy by senior citizens age 62 or over for a period of at least 20 years. The school impact fee shall be paid for any Oyster River school students who live at the project for whom the Town must provide educational services.

[References to school impact fees below combined here. The applicant will submit a waiver request the waiver shortly.]

60) 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.

61) 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. The plans shall show where the irrigation well was dug and where the basic irrigation systems are located. The plans shall be stamped and signed by the Engineer or Surveyor.

62) Utility Connection Fee. The Utility Connection fee shall be paid.

***Revised to state only this fee rather than “all outstanding fees” for clarity.

63) Other applicable requirements. All other applicable requirements of this site plan, this Notice of Decision, and other terms and conditions must be satisfied (at the appropriate time).

64) Maintenance Guarantee. The applicant shall post a surety to be approved by the Town Engineer (and the Town Business Manager for form) to guarantee that all site work (*not*

including building construction), including off site water and sewer extensions, is installed in a correct and workmanlike manner. The surety shall be in an amount of two percent of the estimated site improvement costs, or as determined by the Town Engineer, and shall remain in effect for two years after site improvements are completed. A cash deposit or letter of credit is an acceptable form.

*** part in italics added

- 65) Landscaping Guarantee. The applicant shall post an acceptable surety to be approved by the Tree Warden/Director of Public Works (and the Town Business Manager for form) to guarantee the success of the landscaping materials. The guarantee shall be for a period of ~~two~~ *three* years commencing from the time the certificate of occupancy is issued or installation of the landscaping materials, whichever occurs later. If replacements of any materials are subsequently needed, as reasonably determined by the Tree Warden/Director of Public Works, within this ~~two~~ *three*-year period then the applicant shall promptly replace those materials (subject to weather constraints). This guarantee and/or the other guarantees specified above may be combined at the discretion of the Business Manager. A cash deposit or letter of credit is an acceptable form.

[The length of time in the Site Plan Regulations is actually three years.]

Photos. Submit baseline photos, showing the tree buffer, once construction is complete along the Route 4 exit ramp related to note on plans about Route 4 buffer, above.

Other Terms and Conditions

- 66) Building height. The applicant submitted a key plan and general building elevations showing the proposed height at various locations. The average height as defined under the Zoning Ordinance is 53 feet, though the actual building height is variously more and less than that around the site. The Planning Board approved increasing the height above the 50 foot standard in the Table of Uses after a review of the overall project and the detailed elevations.
- ~~67) Trails. The applicant is required to build the trails (including the bridges and parking area on Stone Quarry Drive) as shown on the approved plans. The applicant is encouraged to incorporate steps and railings in steep areas, as appropriate. The trails, bridges, and parking area, must be completed within one year (to the calendar day) of the date that any certificate of occupancy is issued though the Planning Board may grant an extension of the deadline at its reasonable discretion. The applicant shall submit necessary application materials and coordinate with NHDES, the Conservation Commission, and the Planning Board for all required approvals.~~

The trails and bridge were approved as part of this site plan in accordance with Section 175-60 B. of the Wetland Conservation Overlay District. The applicant is required to build the trails (including the bridge and parking area on Stone Quarry Drive) as

shown on the approved plans. The trails, bridge, and parking area, must be completed within one year (to the calendar day) of the date that any certificate of occupancy is issued though the Planning Board may grant an extension of the deadline at its reasonable discretion. The applicant intends to place the bridge outside of the wetland so that a dredge and fill permit would not be needed. The applicant may, in the future, propose a second bridge as noted on the plan. If proposed, the second bridge would require an amendment to the site plan. The applicant is required to maintain the trails, bridge, and parking area.

[Trails are allowed in the wetland overlay district if approved by the Planning Board with a recommendation from the Conservation Commission subject to three criteria regarding erosion control, restoration of the disturbed area, and minimizing any impact upon the wetland. The applicant will meet with the Conservation Commission shortly which will review the trails and the criteria. I will forward their comments when I receive them. I incorporated language here assuming approval. Of course, this remains to be seen.]

- 68) Building plans review. The applicant's building permit fees cover the plans review conducted by the Durham Building Official at the building permit stage. Should the applicant seek a quicker turnaround than what is available with an in-house review, the applicant has the option of paying additional fees to enable the Building Official to hire an outside reviewer. The applicant will meet with the Building Official and other appropriate Town and staff officials to determine the scope of building plans review and inspections.

[Added per discussion with Audrey Cline and applicant.]

- 69) Stonewalls. The applicant is encouraged to reuse stones from the existing stone walls on site and may submit a modification/amendment at any time should they wish to install new walls anywhere on site.
- 70) Inspections. All inspections for the installation of water, wastewater, stormwater management, porous pavement, and other infrastructure shall be performed by authorized representatives of the Town of Durham *or the applicant's agents* as specified by the Durham Department of Public Works. The Developer shall reimburse the Town for all associated inspection costs.

***Part in italics added.

- 71) Road maintenance. The use of salt/sodium-chloride-based materials for winter road maintenance shall be the minimum necessary for roadway safety. Sand may be used in areas not using porous asphalt to reduce the amount of salt/sodium-chloride-based materials used.
- 72) Underground utilities. All utility piping and wiring located on site shall be located underground, unless otherwise required by the utility company. If any utilities are

required to be above ground these shall be reflected on the plans, called out on the plans, and pointed out to the Town Planner.

[Discussed with applicant.]

~~73) Fertilizer. If fertilizer is to be used for landscaping materials, it shall be low phosphorus/slow release nitrogen fertilizers.~~

[Moved to notes on the plan, above]

74) 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.

75) 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.

76) 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, operated, and maintained by the applicant.

77) Dwelling units/beds. This site plan was approved for 150 independent dwelling units, 24 assisted living units, 24 memory care units, and 24 skilled nursing units. This number of units complies with the permitted density in the zoning ordinance. If there is a proposed increase in any of these numbers, a modification/amendment to this site plan will be required.

78) 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.

~~79) School impact fee waiver. The Planning Board waived the school impact fee in accordance with Town Ordinance 75-9. A.~~

[Combined with reference to school impact fee above]

80) Development of Regional Impact. This project was determined by the Planning Board to be a development of regional impact due to the amount of truck traffic to be generated during the construction. Neighboring communities and Strafford Regional Planning Commission were notified of this finding. Strafford Regional Planning Commission reviewed the construction plans and provided nonbinding comments to the Planning Board.

- 81) Waiver - Bicycle racks. A waiver would be needed for the number of spaces provided. Section 11.3.3 (g) of the Site Plan Regulations specifies that bike storage spaces should equal 1/5 the number of parking spaces or residents. This would be 56 spaces based on parking spaces. Two U-racks are shown at the main entrance and four at the health care entrance. Two locations in the garage are shown for bike storage.
[The applicant will submit a waiver]
- 82) Maintenance of project components. All elements of this approved site plan that are pertinent to ensuring the quality and effectiveness of this project, such as the landscaping, shall be maintained ~~in perpetuity~~, for the life of the project, except where a modification/amendment is approved, or the subject element is considered by the Town to not be integral to the project.
- 83) Conditional use. The Planning Board approved conditional uses for activity within the wetland buffer and for the amount of parking to exceed the minimum requirement by more than 10%. These approvals shall remain in effect as long as the project itself remains valid (in accordance with 175-22 E. 2. a. of the zoning ordinance).
- 84) Water infrastructure. All public water system infrastructure extensions as depicted on the plans shall be designed and installed at the expense of the developer in accordance with Town Water Ordinance Chapter 158, AWWA guidelines and applicable State regulations. Once installed and approved by the Town this infrastructure shall be owned by the Town of Durham (except where otherwise specified) and operated by the UNH/Durham Water System including all water mains, valves, fire hydrants, water meter assemblies and master meter (prior to water main branch at entrance), and associated appurtenances. Water service lines and plumbing internal to the building shall be owned and maintained by the applicant.
- 85) Sewer infrastructure. All public sewer system infrastructure extensions shall be designed and installed at the expense of the developer in accordance with Town Sewer Ordinance Chapter 106 and applicable State regulations. Once installed and approved by the Town this infrastructure shall be owned and operated by the Town of Durham (except where otherwise specified) including all sewer mains, sewer manholes, and associated appurtenances. Sewer service lines and waste lines internal to the building shall be owned and maintained by the applicant.
- 86) Phasing. The applicant does not propose to develop the site in phases. In the event that a phases approach is contemplated, a phasing plan shall be approved by the Planning Board.
- 87) Electric charging stations and Zipcar. The Town encourages (but does not require) the applicant to incorporate one or more charging stations for electric vehicles. If the applicant chooses to convert one or more parking spaces for charging stations or Zipcar the parking requirements would still be met. This change could be reviewed as a modification.

***I added reference to Zipcar (The applicant is looking into this).

- 88) Parking permits. The applicant shall not sell or otherwise provide parking permits to any parties not connected to the project (those who are not residents, visitors, employees, suppliers, etc.).
- 89) Changes to plans. Changes to the approved plans may be approved in accordance with the Planning Board's Rules of Procedures, as administrative modifications, modifications, or amendments, as appropriate.
- 90) Logging. RSA Chapter 79 - Forest Conservation and Taxation addresses the removal of timber or wood from a property. It is the applicant's responsibility to comply with these requirements. The applicant shall contact the Town of Durham Assessing Office at 868-8064 if Chapter 79 would apply to any intended cut. RSA 79.1 II. (b) (5) states an intent to cut is not required for the removal of up to 10,000 board feet of logs and 20 cords of wood or the equivalent in whole tree chips within a tax year subject to certain requirements.
- 91) Execution. The project must be built and executed ~~exactly~~ as specified in the approved application package unless changes are approved by the Town.

*** "exactly" deleted, as very minor technical adjustments may be made in the field by the contractor.

- 92) 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. The approved application package includes, but is not limited to, the plan set, preliminary construction management plan (to be updated per condition above), lighting plans, recycling plan,
- 93) Independent units. The independent living units will all be 1 and 2-bedroom.
- 94) Age of residents. All residents will be aged 62 or older. The applicant may seek to change this threshold consistent with state and federal law by amendment of this site plan. Upon the request of the Building Official the applicant shall submit a notarized statement that they are in compliance with this age restriction.
- 95) Violations. In the event of any violations of these conditions of approval the Town reserves the right to take any appropriate permissible action.
- 96) Variance. A variance was granted to allow for the two entry points into the property to exceed 22 feet in width.

~~97) Maintenance. The applicant shall be responsible for maintaining all components of the project located on site plus the landscaping within the planting and grading easement and the trails, bridges, and parking for the trails.~~

[Redundant with 82]

~~98) School impact fee. The school impact fee shall be paid for any Oyster River school students who live at the project for whom the Town must provide educational services.~~

[Combined with other item related to the impact fee.]

99) Ambulances. As discussed with McGregor Memorial EMS, the entrances to the building will accommodate a Type III ambulance and elevators will accommodate an ambulance stretcher.

100) Tax Implications. It is recommended that the applicant contact Jim Rice, Durham Tax Assessor, to learn about any tax implications of this project. You can contact him at (603) 868-8064 or jrice@ci.durham.nh.us

Transit. The applicant is encouraged to explore creation of a transit stop on site or close to the project, but would install one only at their sole option. If one is to be created it may be approved by modification or amendment to the site plan, as appropriate.

[Relocated from precedent condition and reworded.]

SWPPP. Under the SWPPP (See condition above), the site contractor is responsible for, inspection and maintenance of sediment control measures, documentation of maintenance activities, and submission a Notice of Termination (NOT) to EPA.

[*** This part of the SWPPP was relocated from above.]

Recycling plan. The applicant shall implement the recycling plan submitted by Riverwoods and dated October 2017. The Director of Public Works may approve any proposed changes to the plan.

***added

[I will embellish this section below]

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; **B)** The Planning Board held one or more continuous public hearing(s) on the application; **C)** 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; **D)** 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); **E)** 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 a conditional use; and **G)** This project is considered to be a Development of Regional Impact by virtue of construction truck traffic; and **H)** 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 of applicant

date

Printed name of applicant

Signature of Planning Board Chair

date

Printed name of Planning Board Chair or designee