



TOWN OF DURHAM
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DURHAM, NH 03824-2898
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www.ci.durham.nh.us

NOTICE OF DECISION

Project Name: Riverwoods Continuing Care Retirement Community
Action Taken: Approval
Project Description: Site Plan, Lot Line Adjustment, and Conditional Uses
Address: Stone Quarry Drive
Applicant: The RiverWoods Group, c/o Justine Vogel, CEO
Engineer: Jeff Clifford, Altus Engineering
Attorney: Sharon Somers, Donahue, Tucker, and Ciandella
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

The Durham Planning Board approved the project at its meeting on January 10, 2018 as submitted subject to the terms and conditions stated below.

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 their 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. This approval is based on the plan set dated

December 5, 2017 (received December 7, 2017) and updated December 22, 2017 and January 3, 2018 along with all accompanying materials that were reviewed and approved by the Planning Board on January 10, 2018. No changes to these plans and documents 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) **Bicycle storage.** Include design details for the two bicycle storage racks outside (for a total of 12 spaces) and for the garage storage inside (for 28 spaces). Use of an inverted U type design for outdoor use is recommended.
- 2) **Revisions.** Include changes (that were approved) from the main plan set in revisions from December 22 and January 3.
- 3) **Segmented block wall.** Correct page reference for segmented block wall from L-4 to L-7.
- 4) **State approvals.** 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.

Notes on Plans

Add the following notes on the plans:

- 5) **Construction hours.** Add the following to note 19 on G-1.1 “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.”
- 6) **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.”

- 7) “Snow removal. All excess snow that cannot be properly stored on site shall be removed from the site.”

Other Precedent Conditions

- 8) Addressing. Develop a numbering system for the buildings to be approved by the Fire Department.
- 9) 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 they submit proposed changes and provide the Town an opportunity to provide nonbinding comments prior to finalizing the plans.)
- 10) Construction and drainage. The applicant shall address all substantive construction plan and drainage design comments to the satisfaction of the Department of Public Works. All subsequent plan revisions shall be incorporated into the project Construction Plans and Specifications and provided for review and approval by the Department of Public Works prior to issuance of any permits including Utility Connection Permits, Driveway Permits, and Building Permits. Any outstanding details that cannot practically be addressed at this stage may be addressed later, prior to issuance of a certificate of occupancy, if postponing submission of these details is acceptable to the Department of Public Works.
- 11) Construction Guarantee. Post an acceptable surety to be approved by the Town Engineer (and the Town Business Manager for form and type). The assurance shall be in an amount sufficient to ensure the completion of all driveways, water service , sewage disposal, drainage, erosion control and other infrastructure improvements, and for any reclamation of the site should that be necessary. 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. The guarantee may be provided by the contractor or the lender.
- 12) 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 and revised January 3, 2018. 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) A detailed construction and sequencing schedule
 - b) The lay down and delivery area

- c) Plans for blasting consistent with the Site Plan Regulations
 - d) Plans for crushing of rock
 - e) Plans for recycling of materials
 - f) That Durham Public Works and/or Police Departments may approve minor departures from the final plan.
 - g) Crushing of rock is permitted on site in accordance with a waiver granted by the Planning Board. Provisions to mitigate impacts from the crushing of rock shall be included.
- 13) Driveway Permit. Obtain a driveway permit from the Durham Department of Public Works.
- 14) Easements and deeds. Submit draft easements and deeds that involve the Town as a party for review by the Town Attorney. Easements include but are not limited to water and sewer, drainage, trail, landscaping and grading. 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 the issuance of a building permit or a certificate of occupancy as determined by the Town Planner in consultation with the applicant. Notwithstanding the requirement for execution of documents as described above, the applicant is not required to execute water and sewer easements prior to the issuance of a building permit, however if the applicant is unable to submit the water and sewer easements prior to the issuance of the building permit, then the applicant shall proceed at their own risk, consistent with the language contained in the condition titled "Water and Sewer Extensions" and the applicant must finalize and execute water and sewer easements prior to the issuance of a certificate of occupancy.
- 15) Electric service approval. Obtain written confirmation from Eversource Energy that the plans for electric service to and on the site are acceptable.
- 16) Final drawings. The following complete sets of final approved drawings – including all updated sheets and the lighting plan - 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. 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.
- 17) 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 agreement above will no longer apply once the firing range is relocated under the terms of the separate PILOT agreement.

- 18) Land swaps. Provide documentation confirming that the proposed land swaps with the Town of Durham and Land Options, LLC are approved/executable, as appropriate.
- 19) Lot combination. Complete necessary documents to combine Lot 8-1 through 8-15.
- 20) Natural gas. Provide a letter of approval from Unitil for the proposed gas connections.
- 21) 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).
- 22) NHDOT Permit. Obtain an amended permit for the project 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.
- 23) PILOT. The payment in lieu of taxes must be executed.
- 24) 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.
- 25) Signature. Signature by the applicant at the end confirming that all terms and conditions of this notice of decision are acceptable.
- 26) Utility connection. The applicant shall submit a complete Utility Connection Permit Application for connection to the Town's water, stormwater, and wastewater systems to the Department of Public Works and a wastewater connection permit application to the New Hampshire Department of Environmental Service Wastewater Engineering Bureau.
- 27) 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.)

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

- 28) 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.
 - 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.
 - g. Applicable permits for connections to utilities shall be obtained unless additional time is approved by the Department of Public Works.

Conditions to be met prior to issuance of a building permit

- 29) 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.
- 30) Easements and deeds. Record all easements and deeds. (See precedent condition regarding easements and deeds.)
- 31) 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.

- 32) 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.

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

- 33) 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.
- 34) 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.
- 35) 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 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 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. Use of a reserve fund from operating cash flow is acceptable if approved by the Business Manager.
- 36) 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. Use of a reserve fund from operating cash flow is acceptable if approved by the Business Manager.

- 37) 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).
- 38) 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.
- 39) 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.
- 40) 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.
- 41) State approvals. All final approvals from the State of New Hampshire shall be in place, specifically including any approvals where the Town allowed for the approval to be submitted prior to the certificate of occupancy rather than as a precedent condition, as specified above.
- 42) Utility connections. All Utility Connection fees shall be paid to the Durham Department of Public Works and the department shall approve of the utility connections prior to connection of the utilities.

Other Terms and Conditions

- 43) 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.
- 44) Ambulances. The project will accommodate a Type III ambulance and the elevators will accommodate an ambulance stretcher.
- 45) 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.
- 46) 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.

- 47) 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. (The applicant also provided updated information on January 10 showing that the calculation of average height as defined by the Zoning Ordinance is actually less than 50 feet and that therefore Planning Board approval on this issue is not needed. However, in order to avoid the need for further review by the Town Planner and Zoning Officer and/or the need for further action by the Planning Board, this Notice of Decision includes approval of the project as presented earlier based on an average height of 53'.)
- 48) 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.
- 49) 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.
- 50) Conditional uses. This approval includes Planning Board approvals for these conditional uses in accordance with Article VII of the Zoning Ordinance: a) for activity within the wetland buffer; and b) for the amount of parking to exceed the minimum requirement by more than 10%. A total of 289 parking spaces is proposed. The conditional use 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).
- 51) 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.
- 52) 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.

- 53) 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.
- 54) 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.
- 55) Execution. The project must be built and executed as specified in the approved application package unless changes are approved by the Town.
- 56) 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.
- 57) Independent units. The independent living units will all be 1 and 2-bedroom.
- 58) 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.
- 59) 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.
- 60) 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, 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.

- 61) 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.).
- 62) Phasing. The applicant does not propose to develop the site in phases. In the event that a phases approach is contemplated, then a phasing plan shall be approved by the Planning Board. The applicant will be allowed to occupy and use different sections of the building prior to 100% completion provided that a Certificate of Occupancy for the appropriate section has been issued.
- 63) 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.
- 64) 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.
- 65) 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. The Town will offset a portion of the developer's cost to finance the installation of the public sewer infrastructure extension, and this offset will be applied to the money that would otherwise be payable to the Town for real property taxes. The details of the offset are set forth in the PILOT agreement to be executed prior to or on the date of execution of the conditions of approval. 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.
- 66) 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.
- 67) 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.
- 68) Trails. The trails were approved as part of this site plan in accordance with Section 175-60 B.11. 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.

- 69) 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.
- 70) 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.
- 71) Variance. A variance was granted to allow for the two entry points into the property to exceed 22 feet in width.
- 72) Violations. In the event of any violations of these conditions of approval the Town reserves the right to take any appropriate permissible action.
- 73) Waivers. The following waivers were granted as part of this approval pursuant to Article 5 in the Site Plan Regulations. Bicycles – to provide 40 spaces where 56 would be required (criterion b). Crushing of rock – to allow for crushing of rock on site (criterion a). Lighting – for three light poles along Stone Quarry Drive to exceed one footcandle at the property line (criterion b). Impact fees – a waiver was granted pursuant to the impact fee ordinance.
- 74) 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. The Town will offset a portion of the developer's cost to finance the installation of the public water infrastructure extension, and this offset will be applied to the money that would otherwise be payable to the Town for real property taxes. The details of the offset are set forth in the PILOT agreement to be executed prior to or on the date of execution of the conditions of approval. 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 associated appurtenances. Water service lines and plumbing internal to the building shall be owned and maintained by the applicant.

Findings of fact. As part of this review and approval the Durham Planning Board finds the following: **A)** The Planning Board conducted a design review of the project. **B)** The applicant submitted an application, supporting documents, and plans for the project; **C)** The Planning Board accepted the application as complete; **D)** The Planning Board held numerous continuous public hearing(s) on the application; **E)** 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; **F)** 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); **G)** 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 the conditional uses; **H)** The Conservation Commission recommended approval of the conditional uses for activity within the wetland buffer; **I)** The Zoning Ordinance was amended so that there is no longer a limitation on providing parking exceeded the minimum by more than 10%. This provision is now in the Site Plan Regulations. The Planning Board approved the excess parking under the old provision by conditional use. and **J)** This project is considered to be a Development of Regional Impact by virtue of construction truck traffic; **K)** The NH Division of Historic Resources determined that no historic properties are impacted by this project; and **L)** 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.

By the applicant's signature below, she or he attests that the conditions contained in this notice of decision are acceptable.

Signature of applicant _____ date _____

Printed name of applicant _____

Signature of Planning Board Chair _____ date _____
