



**TOWN OF DURHAM**  
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603/868-8064  
[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

***Town Planner's Review***  
**Wednesday, October 25, 2017**

VIII. **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, Lot 8-1. Office Research District

- I recommend that the Planning Board discuss the draft Notice of Decision below, other pertinent issues, and continue the review and public hearing to November 8.

Please note the following:

\*\*\*As we have discussed, I have prepared a draft Notice of Decision. The notice of decision is based upon a prospective approval by the Planning Board. Please note that an approval is assumed only for the sake of preparing this draft. It will be up to the Planning Board to conduct its final review of the site plan, lot line adjustment, and conditional use applications, increase in building height, and other issues and to consider all of the factors involved in the application.

- a) Land swap and timing. The Planning Board determined that it will wait until the land swap with the Town Council is finalized before taking final action on this site plan application. Sharon Somers does not expect this to occur imminently but I think it makes sense to still hold the review on November 8 so that we are on top of all of the issues and the board will be prepared to take final action at the appropriate time.
- b) Signoffs. There are no particular concerns from staff at this point but I will be getting signoffs prior to final action. Staff is reviewing the revised plans.
- c) Signage. The applicant sent a proposed design for the main entrance sign. While the board does not have purview over the design of the sign, I encourage the applicant to

reconsider the design. I do not think that the stone background works well with the sign itself.

- d) Sidewalk. Riverwoods has decided, at least for now, to retain the curbing alongside the sidewalks rather than to seek a change extending the asphalt pavement for a separate walking path. If they wish to change this design in the future they will return to the Planning Board for an amendment.
- e) Crosswalk. The applicant will review whether the crosswalk for the trail should be moved slightly for sight distance.
- f) Parking count. I will coordinate with the applicant to clarify the parking count and the conditional use for additional parking.
- g) Recycling plan. The Integrated Waste Management Advisory Committee met with Riverwoods at their Exeter site. For now, I include a condition below about a recycling plan.
- h) Architecture. The applicant has provided updated information.
- i) Archaeological study. Field work is underway for Phase II of the archaeological study. The applicant expects to have results before the Planning Board meeting.
- j) Truck traffic. Jeff Clifford provided detailed information about truck traffic and removal of material on site. Strafford Regional Planning Commission is reviewing the development of regional impact and holding a committee meeting to discuss this on October 24. They will forward comments to the board afterward.
- k) Route 4 buffer. Regarding this item below, we need to work out appropriate language.
- l) Overhead lines. The TRG discussed with the applicant potentially burying overhead wires along Stone Quarry Drive. Riverwoods noted this would be expensive but said they would look into this.
- m) Culvert. April Talon noted that a culvert may be needed under the easterly (on left side) entrance to the site.
- n) Snow storage. One location on the left side of the site is shown. Are there other possible locations including on the right side?
- o) Segmental block. It would be helpful to see a sample of the proposed block.
- p) Stonewalls. We should clarify whether stone from the stone walls will be reused and if so where it will be used.

- q) Conditions below. Within each section below the terms are not listed in any particular order. I will refine the order for the final notice.

**\*Draft\***

**NOTICE OF DECISION**

**Project Name:** Riverwoods Continuing Care Retirement Community  
**Action Taken:** Approval [*\*subject to full review by the Planning Board and final consideration of all factors\**]  
**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:** ...

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**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 6 calendar months to the day of the board's approval - by \*\*\* (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 (or his/her agent) to ensure that the precedent conditions are met by this deadline. See RSA 674:39 on vesting. No changes to the plan set dated October 16, 2017 that were reviewed and approved by the Planning Board on \*\*\* 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?]
- 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).
- 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 architectural elevations in main plan set (black and white is fine). Submit two separate sets of 11x17 architecturals in color (It is understood that some facades are rendered in color and others are not).
- 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.
- 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 \_\_\_\_\_”
- 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.

- 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.

### **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.”
- 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.”
- 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. to 6:00 p.m. Saturday. Activity outside of these hours for special situations may be approved by the Building Official in consultation with other Town staff.”

### **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:

- 22) A detailed construction and sequencing schedule.
- 23) The lay down and delivery area to be used and signage to be posted.

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

**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.
- 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).

- 38) Light fixtures. All exterior light fixtures must be dark-sky compliant. Provide cut sheets of all fixtures.
- 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).
- 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.
- 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.
- 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.
- 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.
- 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 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.
- 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. A conditional use and dredge and fill will be needed for the sewer located on the adjacent lot.
- 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.
- 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].
- 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. 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.
- 53) Signature. Signature by the applicant at the end acknowledging all terms and conditions of this approval herein.

#### **SUBSEQUENT AND GENERAL TERMS AND CONDITIONS**

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

#### **Conditions to be met prior to commencing site work**

- 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. The site contractor is responsible for development and implementation of a Storm Water Pollution Prevention Plan (SWPPP), submission of a Notice of Intent (NOI) to EPA, inspection and maintenance of sediment control measures, documentation of maintenance activities, and submission a Notice of Termination (NOT) to EPA.
- f) Recording. This notice of decision, the lot line adjustment plans (including the two land swaps), deeds affecting the land swaps, 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. Record all easements. At the Town's discretion the easements may be recorded later, but prior to issuance of a certificate of occupancy.

**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.
- 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 be stamped and signed by the Engineer or Surveyor.
- 62) Fees. All outstanding fees, including the Utility Connection fee, shall be paid.

- 63) Other applicable requirements. All other applicable requirements of this site plan, this Notice of Decision, and other terms and conditions must be satisfied.
- 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 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.
- 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 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-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.

**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.
- 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.

- 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 as specified by the Durham Department of Public Works. The Developer shall reimburse the Town for all associated inspection costs.
- 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.
- 73) Fertilizer. If fertilizer is to be used for landscaping materials, it shall be low phosphorus/slow release nitrogen fertilizers.
- 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.
- 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.
- 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.
- 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, 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. 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 the parking requirements this change could be reviewed as a modification.
- 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 modification, 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.
- 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.
- 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.
- 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.
- 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](mailto:jrice@ci.durham.nh.us)

*[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	