



TOWN OF DURHAM
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Town Planner's Review
Wednesday, October 24, 2018

- IX. ***Public Hearing - Emery Farm – New Farmstand.*** 147 Piscataqua Road. Amendment to approved 2007 site plan for new 3,378 square foot farmstand building, new driveway, and other site changes. David Hills, applicant. Steve Haight, Civilworks, engineer. Map 11, Lot 22-3. Residence Coastal District.
- I recommend approval as shown below subject to an okay from the Fire Department (See item 4 below).

Please note the following:

- 1) **Amendment.** This application is an amendment to an approved site plan from 2007. The application is for specific changes from that site plan. The Town may incorporate other requirements as part of this amendment provided they are related to the specific changes proposed by the applicant or reasonable, proportionate, and related to current regulations, such as including a recycling plan. The applicant said his target date to open the new farmstand is May 1, 2019.
- 2) **Changes.** According to David Hills, *“With regard to changes from the 2007 to 2018 plans, the building will be reconfigured (from 3868 ft sq to now 3378 ft sq), the new elevation of the finish floor will be lower (36.5 to now 32.3), the proposed freezer on the back of the building will be removed, and the angle of the delivery driveway will be slightly modified. The porch/patio, will now only be on the front side of the building.”* The changes also involve locations for the sidewalks, locations for accessible parking, and new pavement in a section of the parking lot.
- 3) **Packet.** The packet includes the revised plan dated October 17 (showing a revised building configuration) and three sheets from the approved 2007 plan – two detail sheets and existing conditions. The approved site plan and grading plan were included in the October 10 packet.
- 4) **Fire Review*.** The Fire Department raised concerns about fire department access and provision of water. The department is meeting with the applicant on Monday. There is a question about the purview of the Town to require significant changes from what was approved in 2007 but I am confident that the applicant and the Fire Department will negotiate a mutually acceptable outcome. I will email to the board the results of the meeting.

- 5) Entrance. A board member suggested widening the entrance at the October 10 meeting. At the TRG meeting, the applicant said that this would not be workable now but he would consider it in the future. It was note that the wetlands near the entrance would make the process for expansion more involved.
- 6) Site walk. The Planning Board is holding a site walk this Wednesday, October 24, at 4:00 pm.
- 7) Water Easement. April Talon asked about the 40 foot wide water easement running through the property. David Hills emailed, "...To follow up on your question, I spoke with John Bohenko about this today, and based on where our construction will fall, he said this would not be an issue in any way with Portsmouth and the water main."
- 8) Architectural plans. While this application is an amendment and the architectural regulations do not apply in this zone, the site plan regulations require submission of architectural plans. I have asked the applicant to provide basic plans by this Monday if possible. The building will include a basement encompassing much of the building footprint.
- 9) TRG meeting. The application was presented to the TRG on October 9. I will send notes of the meeting shortly. April Talon okayed the project, "Mike and I looked over the plan for Emery Farm and the drainage/grading looks fine to me. I was actually there on Sunday and this will be a nice improvement for them." Chief Kurz provided a memo about the project.
- 10) Manure. As requested by a board member, the applicant will find out how manure is disposed of.

Draft
NOTICE OF DECISION

Project Name: Emery Farm – amendment to 2007 site plan approval
Action Taken: Approval
Project Description: Amendment to change configuration of farmstand building, sidewalks, paving, and other details
Address: 147 Piscataqua Road
Applicant: David Hills
Engineer: Steve Haight, Civilworks
Map and Lot: Map 11, Lot 22-3
Zoning: Residence Coastal
Date of approval: October 24, 2018

CONDITIONS PRECEDENT

The applicant shall complete the following items prior to issuance of a building permit.

- 1) Approval block. Add an approval block on the plan to read: “Final Approval by Durham Planning Board. Certified by Michael Behrendt, Town Planner _____ Date _____”
- 2) Pavement. Label the upper area of the plan that is shaded as “pavement” or equivalent.
- 3) Drainage plan. Submit a revised grading, drainage, and erosion control plan to the Town Engineer for approval. This is needed because the elevation and location of the building is changing.
- 4) Sidewalks. Provide details for the two sidewalks adjacent to the building including width and cross sections.
- 5) Energy checklist. The applicant shall meet with the Building Official and a representative of the Energy Committee to discuss the energy checklist and determine which items to include in the building plans. Compliance with the checklist is not required but is encouraged to the extent feasible for the applicant.
- 6) Registry. This notice and the final plan shall be recorded at the Strafford Registry of Deeds
- 7) Preconstruction meeting. A preconstruction meeting shall be held with Town staff and the applicant and his contractor.
- 8) Architectural plans. Submit the proposed architectural elevations.
- 9) Signature. Signature by the applicant below acknowledging all terms and conditions of this approval herein.

 Signature of applicant
 David Hills

 date

 Signature of Planning Board Chair

 date

 Printed name of Planning Board Chair

SUBSEQUENT AND GENERAL TERMS AND CONDITIONS

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

- 1) Amendment. This approval is for an amendment to the site plan that was approved by the Planning Board on May 9, 2007. All provisions of that site plan and the notice of decision still apply except for specific changes including in this approval. The entrance has been paved and most of the parking lot shown on the 2007 plan has been installed. This amendment is based upon the Site Layout & Utilities Plan dated October 17, 2018.
- 2) Certificate of occupancy. All pertinent elements of the approved site plan must be completed prior to issuance of a certificate of occupancy for the new building. Items that are not integral to the 2007 site plan nor the current amendments need not be completed. For example, the applicant stated that he may not install all six light poles. This would be acceptable.
- 3) Light poles. New lights shall be in compliance with the Lighting Regulations. The applicant shall submit details for review prior to construction of the poles.
- 4) Electric Services. The existing overhead line serving the building will be relocated underground. All new electric service, including service for new lights will be placed underground.
- 5) Recycling plan. A recycling receptacle will be included next to the dumpster. The applicant will discuss with the Public Works Department (nonbinding) strategies for recycling.
- 6) Leach field. The leach field is in place now and serving the existing building. The applicant provided information about the leach field. As part of the building permit process it will be confirmed that the leach field is adequate for the larger building.
- 7) Building Code. This approval is for the site plan amendments only. Life safety code and building code review will be required as part of the building permit process when the construction plans are submitted. The applicant is encouraged to meet with Building and Fire Officials early to expedite the review process.
- 8) Variances. A number of variances have been issued for this site over the years. One variance allowed the proposed building to encroach into the wetland buffer up to 1,962 square feet, as shown on the plans. Construction in vicinity of the existing pond is permitted as the pond was manmade and is thus exempt from the wetland overlay ordinance.
- 9) Conservation Easement. There is a conservation easement on the property that is marked on the plans. Some development will occur within the easement area. The applicant has stated that this development is allowed under the easement provisions. The easement is a private transaction separate from Town regulations so the Town takes no position relative to compliance with the easement.

- 10) As-built drawings. One 11” x 17”, and one electronic copy of as-built (“record”) drawings of all buildings, structures, infrastructure, utilities, drainage structures, roads, parking areas, and other pertinent elements shall be provided prior to the certificate of occupancy.
- 11) Energy Code. Building construction shall be in compliance with the energy efficient standards of Chapter 38 of the Town of Durham Code of Ordinances.
- 12) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the Town.
- 13) 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, or clarified in some manner.

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 held a site walk and a public hearing on the application on October 24; **C)** The applicant met with the Technical Review Group on October 9; **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; and **E)** 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.