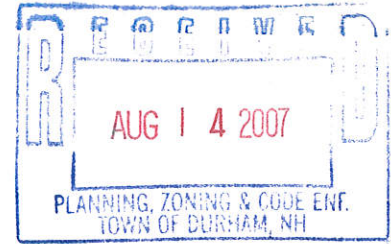




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FINDINGS OF FACT AND CONDITIONS OF APPROVAL

Approval of an Application for Site Plan Application submitted by David E. Hills, Hills Family Trust, Durham, New Hampshire to rebuild and enlarge a farm stand building. The property involved is shown on Tax Map 11, Lot 22-3, is located at 35 Piscataqua Road and is in the Residential C Zoning District.

FINDINGS OF FACT

1. The applicant submitted a Drainage Report on December 19, 2006.
2. The applicant submitted a Site Plan entitled "Site Plan for Emery Farms, Piscataqua Road, Durham, New Hampshire, Tax Map 11, Lot 22-3" prepared by Civilworks Inc., Dover, New Hampshire, dated December 5, 2006.
3. The applicant submitted an Application for Site Plan with supporting documents on December 20, 2006.
4. The applicant submitted a letter of intent on December 20, 2006.
5. The applicant submitted a copy of the Deed for the property on December 20, 2006.
6. The applicant submitted a revised Site Layout & Utilities Plan on December 27, 2006.
7. The Zoning Board of Adjustment granted four variances for the property on January 9, 2007.
8. Architectural plans were submitted by Walter Rous on January 10, 2007.
9. The State of New Hampshire DOT submitted a copy of the driveway application for review on January 12, 2007.
10. A Site Walk of the property was held on January 13, 2007.
11. The applicant submitted a request for continuance on January 19, 2007.
12. The applicant submitted a request for continuance on March 9, 2007.
13. The applicant submitted a letter of permission on March 16, 2007, allowing the Planning Board another 60 days to review the application.
14. The applicant submitted a letter of permission on April 19, 2007, allowing the Planning Board an extension to make their decision until May 9, 2007.
15. A revised architectural plan was submitted on April 19, 2007.
16. Civilworks Inc. submitted a letter and a revised site plan on April 20, 2007.



17. The Planning Board held a Public Hearing on April 25, 2007 and heard from the public in favor of the application.

WAIVERS

The applicant has requested waivers from Section 7.02(D)(4)(h), location width, curbing, and paving of access ways, egress ways and streets within the site; Section 7.02(D)(4)(i), location and layout of all on-site parking and loading facilities; Section 7.02(D)(4)(s), proposed landscaping plan including size and type of plant material; and Section 9.07(B), required improvements for off-street parking from the Durham Site Plan Regulations. The Planning Board has reviewed the waiver request and hereby approves the waivers.

CONDITIONS OF APPROVAL

The following conditions shall be met prior to the Signature of Approval on the Site Plan. These conditions shall be met within six months of the signing of these Findings of Fact and Conditions of Approval by the Chair of the Planning Board. If these conditions are not met within six months, the applicant must come before the Planning Board for review of the conditions:

1. The applicant shall supply one mylar plat and one paper copy for signature by the Planning Board Chair.
2. All final plans must be stamped by appropriate professionals.

Conditions to be Met Subsequent to the Signature of Approval on the Site Plan:

1. These Findings of Fact and Conditions of Approval shall be recorded with the Strafford County Registry of Deeds, at the applicant's expense, within seven (7) days of the Chair's signature on the Plan.

**CONDITIONALLY APPROVED AT THE PLANNING BOARD MEETING OF
MAY 9, 2007.**

David E. Hills
Hills Family Trust

Date

5/29/07

William McGowan, Chair
Durham Planning Board

Date

5/15/2007