



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

MEMORANDUM

TO: Chairman Sterndale, Durham ZBA

FROM: Audrey Cline, Code Administrator

DATE: August 9, 2019

RE: Great Bay Animal Hospital LLC Variance Application

I offer this document to bring forth some of the historic file information, as well as to offer information to the ZBA as to present use of this property.

On December 13, 2017, the Planning approved a 17-space surface parking to serve the needs of staff and customers of Great Bay Kennel.

Vegetative screening was discussed in the minutes of the Planning Board meeting. Please see pages E1, E2, E3, E5 and E6. The signposts were not approved.

Lighting was to be provided during business hours only. Please see E4 and E8.

On 10/5/2018, a Notice of Violation was served on Great Bay Kennel based on evidence that the parking lot was being used as a commercial primary use parking lot. Please see pages E7 and E8.

Please refer to Page E9. Photos were taken at random times over the last several weeks to demonstrate the level of activity in the parking lot during the summer months, which the application suggests is the busy time of year.

Respectfully Submitted,

Audrey Cline CEO

the idea of having glass material that would provide protection but let light come through, so it would keep the Main Street feeling.

She said the greenhouse effect could work well and said she liked the idea of an upper floor set back from the front and sides, but she said she wasn't excited about a 4th floor downtown, and provided details on this. She said she realized the building wasn't in the Historic District, but said there was a history downtown, and said there could be a building that was handsome and that had many of its features intact, as was done with the Grange property.

There was discussion about getting the old photos of the building. Councilor Lawson said he'd scan them and get them back to Ms. Sandberg.

Beth Olshansky, Packers Falls Road said she respected Ms. Sandberg's comments, and also said she appreciated the overall concept of the project. She asked if keeping the third floor with brick facing, window design, etc. would make it tie in better with the rest of the building and connect with the UNH buildings across the street. She said she didn't like 4th floors but liked the greenhouse idea and was fine with it being on the 4th floor because she didn't think it would be visible from Jenkins Court because the road was so narrow. There was discussion that one would have to be across Main St. to be able to see the 4th floor, with the design that was proposed. Ms. Olshansky asked about the colors for the **first** floor, noting that this would be very visible.

Mr. Murphy said the current design showed it as black, but said he didn't think it would stay that way. He said he agreed with all of the design points she and Ms. Sandberg had made.

Ms. Olshansky said there would be a lot of support from the community for this, noting that people were already enthusiastic about the greenhouse concept. She said she'd be interested to see the evolving design. She noted that the description of this agenda item should include the proposed 4th floor.

Mr. Sievert said he and Mr. Murphy would like to close the design review process. He said they were amenable to almost everything that had been said. He said they liked the more modern look for the back but were open to changes to the design for the front of the building.

Councilor Lawson MOVED to close the Design Review public hearing. Bob Brown SECONDED the motion and it PASSED unanimously 6-0.

- XI. Public Hearing - Great Bay Animal Hospital. 31 Newmarket Road. Conditional use and site plan** for 555 square foot addition to the kennel, new parking lot, and relocation of shed. Great Bay Animal Hospital, LLC, c/o Dr. James McKiernan, property owner.

E1

Mike Sievert, MJS Engineering, design engineer. Bill Schoonmaker, architect. Map 6, Lot 11-8. Residence Coastal District.

Mr. Sievert noted that there had been a site walk, and said no changes had been made to the plans. He said the small orange portion of the building on the kennel was the office addition, and noted the proposed parking lot for about 14 cars so there would be enough parking overall on the site for patrons and employees. He said on the lower portion of the parking lot there would be a rain garden to treat runoff, and said it would discharge into a lawn area. He said there was about 100 ft between this area and Newmarket Road.

Chair Rasmussen asked Mr. Sievert if he'd reviewed the conditions in the Notice of Decision. Mr. Sievert said yes and said the applicant had no issues with any of them.

Mr. Parnell noted a comment on submitting landscaping plans for screening, but said it wasn't submitted. Mr. Sievert said this issue was discussed at the site walk. He said the area in question would be shielded in the summer but not in the winter. He explained the screening that was proposed on the site, and said some could be added to the area in question. He said the applicant might like to put trees along the property line instead of by the parking lot, and spoke further on this.

Mr. Behrendt said whatever was reasonable would be good, and said a handful of small trees or shrubs could be put in. Mr. Sievert said the landscape architect could propose something that could be looked at.

Mr. Parnell asked if adding a bike rack was required, and Dr. McKiernan said he planned on doing this. Mr. Sievert said one was added at the corner of the parking lot on the right-hand side, for a few bikes. He said he didn't think it would be in the way of snow removal, and provided details on this.

Mr. Parnell said at the site walk there was discussion about putting in some temporary fencing to protect a tree during construction. Mr. Behrendt said that could be added under Plan Modifications as l.d. Mr. Sievert said it could be added to the construction sequence detail on a plan sheet.

Chair Rasmussen went through the Conditional Use application checklist, and Planning Board members had no issues with any of them.

Lorne Parnell MOVED to approve a Conditional Use Application and Site Plan Application submitted by Great Bay Animal Hospital, LLC for a 555 square foot addition to the kennel, new parking lot, and relocation of shed, with the conditions included in the Notice of Decision dated December 13, 2017. The property is located at 31 Newmarket Road, Map 6, Lot 11-8 in the Residence Coastal District. Nate Morneau SECONDED the motion and it PASSED unanimously 6-0.

E2

It was realized the Public hearing hadn't been opened.

Bob Brown MOVED to open the Public Hearing. Nate Morneault SECONDED The motion and it PASSED unanimously 6-0.

Nancy Sandberg, Langley Road said the kennel parking lot was in a residential zone and abutted the Historic District, and said in the landscape plan, trees and shrubs should be placed so that one couldn't look up the drive at the cars in the parking lot. She said trees were probably needed on both sides of the driveway to cover that. She said this was a commercial venture but said it was important that it worked in this residential zone, which was also the gateway to Durham. She said she'd like to see a better landscape plan for the project and be reassured that it wouldn't be a problem in the future.

Mr. Behrendt said 11 cedars would shield things, and then there was a gap by the retention basin. He asked if a few more cedars would be put around the bottom of the basin or closer to the road. Mr. Sievert said the 11 cedars were adequate to shield the lot from Route 108. He also said there was a pretty dense mix of trees that would remain, and said everything would be more than adequate to shield the lot. He recommended putting trees in to screen the parking lot from the residential lot.

There was further discussion, with Mr. Behrendt suggesting that they could meet on the site to discuss this. Chair Rasmussen said right now, the only visibility from Route 108 to the proposed parking area was when one was actually going past the driveway. He said the cedars would screen that quite well, and said it might be good to shift a few of them down a bit.

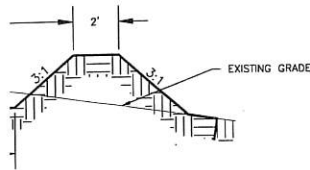
Mr. Behrendt confirmed that the existing language in the Notice of Decision was ok, and said he could meet with Mr. Sievert on site to look at what was proposed. Mr. Sievert said he'd have the landscape architect be there as well.

Councilor Lawson MOVED to close the Public Hearing. Bob Brown SECONDED the motion and it PASSED unanimously 6-0.

It was agreed that the motion to approve the applications should be approved again.

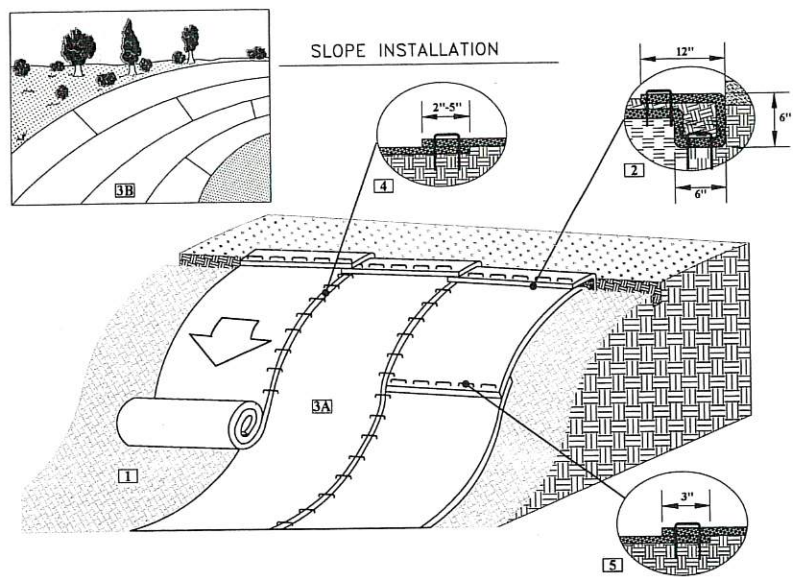
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E3



IN AN AS
HEALTHY.
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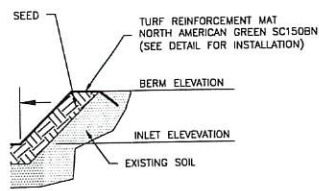
DETAIL



1. PREPARE SOIL BEFORE INSTALLING ROLLED EROSION CONTROL PRODUCTS (RECPs), INCLUDING ANY NECESSARY APPLICATION OF LIME, FERTILIZER, AND SEED.
2. BEGIN AT THE TOP OF THE SLOPE BY ANCHORING THE RECPs IN A 6"(15CM) DEEP X 6"(15CM) WIDE TRENCH WITH APPROXIMATELY 12" (30CM) OF RECPs EXTENDED BEYOND THE UP-SLOPE PORTION OF THE TRENCH. ANCHOR THE RECPs WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" (30CM) APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO THE COMPACTED SOIL AND FOLD THE REMAINING 12"(30CM) PORTION OF RECPs BACK OVER THE SEED AND COMPACTED SOIL. SECURE RECPs OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12"(30CM) APART ACROSS THE WIDTH OF THE RECPs.
3. ROLL THE RECPs (A) DOWN OR (B) HORIZONTALLY ACROSS THE SLOPE. RECPs WILL UNROLL WITH APPROPRIATE SIDE AGAINST THE SOIL SURFACE. ALL RECPs MUST BE SECURELY FASTENED TO SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE.
4. THE EDGES OF PARALLEL RECPs MUST BE STAPLED WITH APPROXIMATELY 2" - 5" (5-12.5CM) OVERLAP DEPENDING ON THE RECPs TYPE.
5. CONSECUTIVE RECPs SPLICED DOWN THE SLOPE MUST BE END OVER END (SHINGLE STYLE) WITH AN APPROXIMATE 3"(7.5CM) OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY 12"(30CM) APART ACROSS ENTIRE RECPs WIDTH.

TYPICAL TURF REINFORCEMENT MATTING DETAIL

N.T.S.



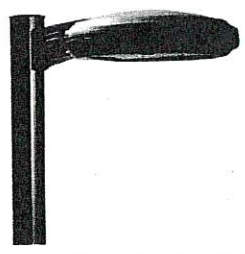
SPILLWAY CROSS SECTION

SIGNATIONS AND SPECIFICATIONS SHOWN.

1ST ELEV.	BERM ELEV.	LENGTH*	WIDTH*
114.50	115.50	3'	9'
114.60	115.50	15'	8.4'

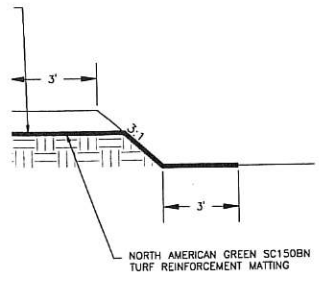
LENGTH

- NOTES:
1. BIORETENTION SYSTEM SPILLWAYS TO BE LINED WITH NORTH AMERICAN GREEN SC150BN EROSION CONTROL BLANKET OR APPROVED EQUAL.
 2. FOR SALES CONTACT:
EJ PRESCOTT, INC.
210 SHEEP DAWES RD.
CONCORD, NH
603-224-9545



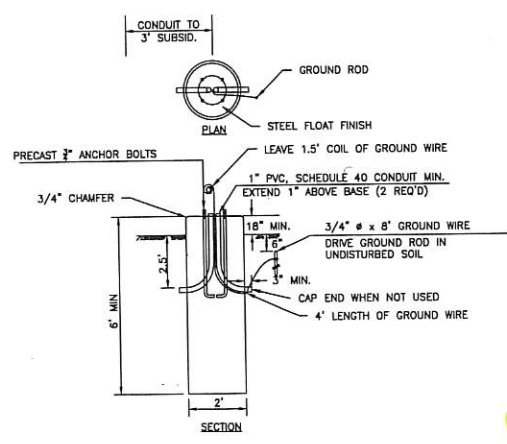
LITHONIA MR2-LED POLE MOUNTED LIGHT FIXTURE

N.T.S.



SECTION DETAIL

BIORETENTION SYSTEM DETAIL FOR
OR SPILLWAY CONSTRUCTION
IN THE REST OF THE SITES LAWN
REVENTMENT THE ENCROACHMENT OF
ACCUMULATION. SEDIMENT SHALL
TO A DEPTH OF 1 FOOT.



CONCRETE LIGHT POLE BASE

N.T.S.

POLE MOUNTED LIGHTING SPECIFICATIONS:

1. ALL SITE WORK SHALL CONFORM TO TOWN OF DURHAM STANDARDS AND LOCAL AUTHORITIES HAVING JURISDICTION.
2. ALL MATERIAL WORKMANSHIP SHALL CONFORM TO THE LATEST EDITIONS OF THE FOLLOWING STANDARDS, NEW HAMPSHIRE ELECTRIC CODE, FIRE PROTECTION ASSOCIATION, NATIONAL ELECTRICAL MANUFACTURER'S ASSOCIATION.
3. ALL EXTERIOR CONDUITS FOR LIGHTING SHALL BE 1" MIN. DIAMETER PVC SCHEDULE 40. ALL ELBOWS SHALL BE SCHEDULE 40. ALL CONDUITS UNDER ROADWAYS AND PARKING AREAS SHALL HAVE MINIMUM COVER OF THREE (3) FEET.
4. ALL UNDERGROUND CONDUITS WILL HAVE NYLON PULL ROPE TO FACILITATE PULLING IN CABLES.
5. ALL EQUIPMENT TO BE LITHONIA LIGHTING - MR2-LED SERIES.
6. LUMINARIES SHALL BE LITHONIA LIGHTING - MR2-LED SERIES.
7. ALL EXTERIOR CONDUITS SHALL BE PROVIDED WITH 6" WIDE, METALIZED CONTINUOUS WARNING TAPE.
8. POLES SHALL BE LITHONIA LIGHTING.
9. PROVIDE FUSING ON ALL LUMINARIES. FUSES TO BE LOCATED AT POLE HANDHOLE. ALL LUMINARIES 277 VOLT.
10. GROUND ALL POLES. PROVIDE 3/4" X 8"-0" GROUND ROD AT EACH POLE WITH #6 AWG COPPER GROUND CONNECTION.
11. PROVIDE SHIMS AS REQUIRED AND SET ALL POLES PLUMB. PROVIDE FULL ANCHOR BOLT COVERS.
12. ALL NO. 6 WIRE AND LARGER SHALL BE TYPE THHN COPPER. NO. 8 WIRE AND SMALLER SHALL BE THIN COPPER.
13. MOUNTING HEIGHT SHALL BE 17'-2".
14. USE MR2 LED 60C LEDS, WITH DRIVE CURRENT OF 700 mA DISTANCE TYPE T3M.

GENERAL LIGHTING NOTES:

1. LIGHTING SUPPLIER: VISIBLE LIGHT, INC. (603) 926-6049
2. OWNER MAY ELECT TO USE ALTERNATIVE LIGHT FIXTURES IF FIRST APPROVED BY DESIGNER AND TOWN.
3. SITE LIGHTING WILL BE LOCATED AS SHOWN ON THE SITE PLAN.
4. ALL NON-ESSENTIAL LIGHTING WILL BE REQUIRED TO BE TURNED OFF AFTER BUSINESS HOURS, LEAVING ONLY THE NECESSARY LIGHTING FOR SECURITY.
5. ALL LIGHTING FOR SECURITY OR AESTHETICS WILL BE FULL CUT-OFF OR A SHIELDED TYPE, NOT ALLOWING ANY UPWARD DISTRIBUTION OF LIGHT.
6. PRECAST CONCRETE POLE BASE SHEA CONCRETE OR EQUAL.

NO.	REVISIONS	DATE	INT.
1.	COA	11/7/17	MS
2.	COMPLETION OF COA & FINAL PLANS FOR SIGNATURE	1/23/18	MS
3.	COA	1/8/18	EJK
4.	INITIAL SUBMISSION TO LEE PLANNING BOARD	11/7/17	MS

SEAL
DATE: 11/7/17
SCALE: AS SHOWN
DESIGNED BY: MS
DRAWN BY: MS
APPROVED BY: MJS
DWG FILE: 17-043 C16.dwg

CONSTRUCTION DETAILS
prepared for
GREAT BAY ANIMAL HOSPITAL, LLC
TAX MAP 6, LOT 11-8
31 NEWMARKET ROAD DURHAM, NH

MJS ENGINEERING P.C.
CIVIL & STRUCTURAL & ENVIRONMENTAL
5 FRANKLIN ST., P.O. BOX 357
CONCORD, NH 03301
Phone: (603) 251-4070, Fax: (603) 659-4427
E-MAIL: MJS@MJS-ENGINEERING.COM



JOB: 17-043

D2

EA



E5



EG



TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824-2898
TEL: (603) 868-8064

10/5/2018
CERTIFIED MAIL

GREAT BAY ANIMAL HOSPITAL LLC
31 Newmarket Road
Durham, NH 03824

Re: Tax Map & Lot 6/11/8

NOTICE OF VIOLATION

Dear Great Bay Animal Hospital

This **NOTICE** is to inform you that 27 & 31 Newmarket Road property referenced above is in violation of the Site Plan Approval granted December 13, 2017 for a Parking Lot and addition to kennel, depicted on plans dated December 4, 2017. The additional parking lot was approved for use by the business functions on-site. It appears that the spaces are now labeled for renters. Additionally there is signage installed for the parking spaces that was not approved.

In order to comply you must:

- 1.) Cease and Desist from renting or leasing parking spots.
- 2.) Remove signs that label the parking spots.

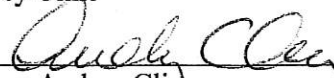
If you fail to comply with this notice, the Town will take all appropriate legal actions under **RSA 676:17** and other provisions of New Hampshire law to enforce Durham's Zoning Ordinance, including district or superior court action.

Failure to comply with this Notice of Violation could result in the imposition of civil fines and penalties, including attorney's fees and costs, pursuant to RSA 676:17. This statute provides, in part, that a violation is punishable by a civil penalty of \$275 for the first offense and \$550 for subsequent offenses for each day that such violation is found to continue after the date on which you receive this written **Notice of Violation**. In addition, **RSA 676:17 provides that the Town shall be entitled to recovery of its costs** and reasonable attorney's fees actually expended if the Town is found to be the prevailing party in this action.

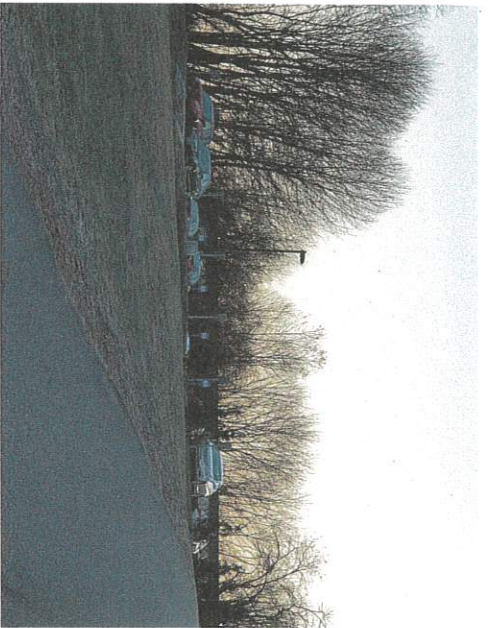
You have **ten (10) days** in which to correct the violation or in which to come to an agreement on a time frame in which the violation will be abated, or to file for an appeal under Durham Zoning Article IV Section 175-12 (see enclosure)

The Town's goal in this matter has always been and remains your compliance with Durham's Ordinance. If you have questions about how best to comply with these requirements, or question about approval processes that may ameliorate the parcel's parking issues, please don't hesitate to contact me.

The Town of Durham
By Its Code Enforcement Officer
Audrey Cline

By: 
Audrey Cline

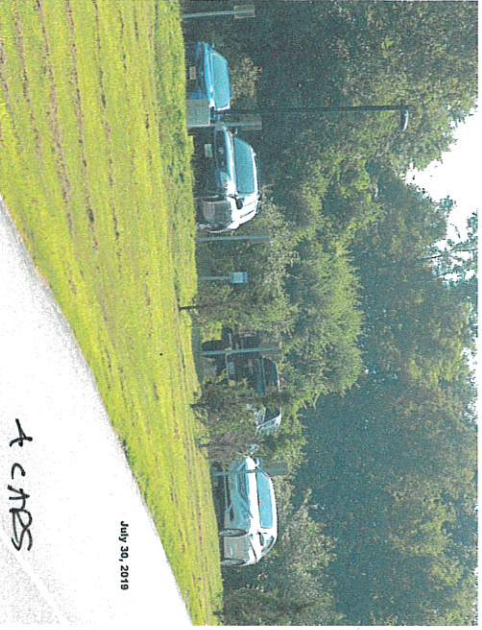
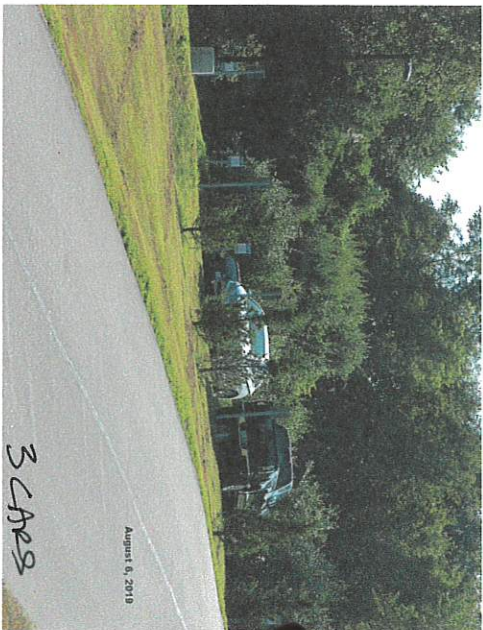
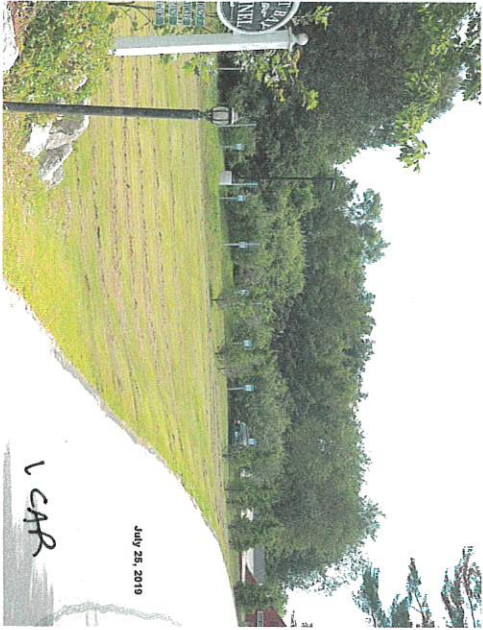
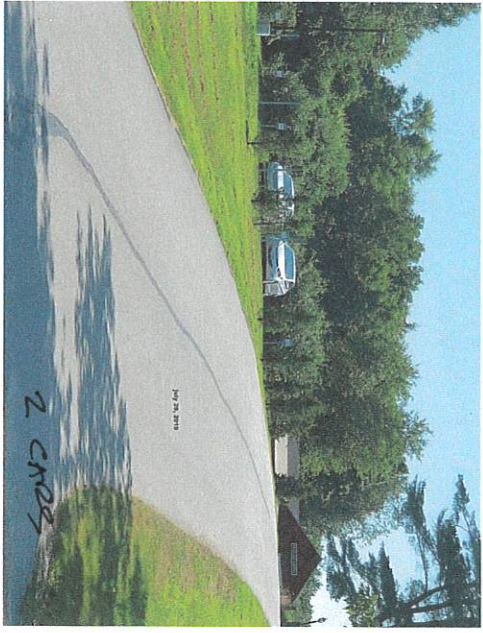
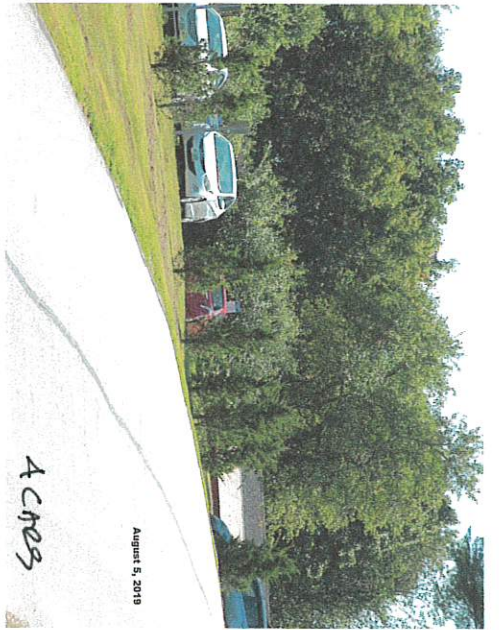
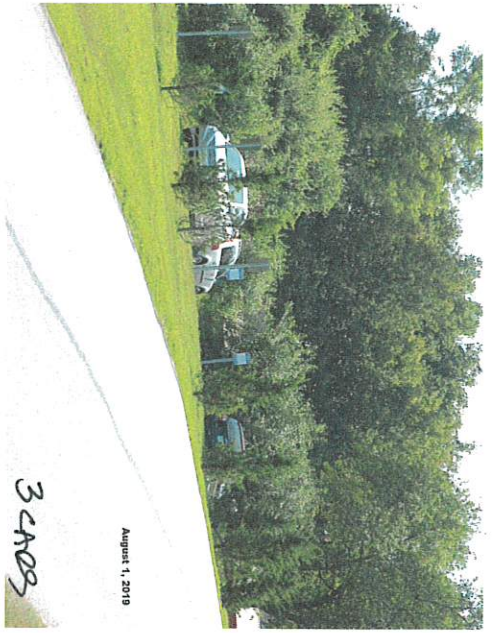
E7



83

OVERBRIGHT PARKING SIGN

Bright light shining on
forward R-108 on
all night.



6A