



Peak Campus
DEVELOPMENT, LLC

RECEIVED
Town of Durham

January 16, 2013

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Durham Planning Board
15 Newmarket Road
Durham, NH 03824

Planning, Assessing,
Zoning & Code Enforcement

Re: Application for Conditional Use Permit – Mast Road Apartments Path Extension

Dear Planning Board:

We are pleased to submit our application for conditional use permit for the Mast Road Apartments Path Extension (hereinafter "Path") where we are requesting approval to encroach a small area of wetland and wetland buffer to accommodate the Path's proposed location. The Path will serve the Mast Road Apartments, the Bryant Park West Apartments, and the University of New Hampshire (UNH) West Edge Lot and provide convenient/safe pedestrian and bicycle access to/from the UNH campus. The Path is also a condition of approval for the Mast Road Apartments.

The following criteria for conditional use permit in a WCO District have been met by the proposed Path:

1. There is no alternative location on the parcel that is outside of the WCO District that is feasible for the proposed use.

The Path is located in the most appropriate location to serve the Mast Road Apartments, the Bryant Park West Apartments, and the UNH West Edge parking lot. It will be contained entirely on UNH property and connect to the existing path which currently terminates at the Forestry Service driveway. The proposed location has the least impact on mature trees, stone walls, and wetlands of any alternative location.

2. The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities as determined by the Planning Board.

The Path will only disturb the soils shown on the plans within the minimal limits of construction. Ongoing maintenance of the Path will occur primarily from the Path's surface.

3. The location, design, construction, and maintenance of the facilities will minimize any detrimental impact on the wetland, and mitigation activities will be undertaken to counterbalance any adverse impacts.

The Path will cross the wetland and wetland buffer at its narrowest point to minimize its impact and adequate drainage will be provided.



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4. Restoration activities will leave the site, as nearly as possible, in its existing condition and grade at the time of application for the conditional use permit.

The Path will be built near the existing grades, avoid most of the mature tree canopy, and preserve the stone walls along Mast Road to leave the site as close to its existing condition as possible.

Below is a detailed summary of the Path's conformance with the general conditional use permit criteria:

1. Site suitability

The site is ideally located for the Path's location with gradual grades and proximity to the areas that will be served. All of the property included in the Path extension is owned by UNH – and UNH is in full support of the Path effort.

2. External impacts

The Path will not have any greater external impacts to abutting properties and the neighborhood than those which exist now. The Path is complementary and consistent in use with its abutting neighbors including the UNH, the Bryant Park West Apartments, and the recently approved Mast Road Apartments. The Path's design mitigates impacts to its neighbors and the Mast Road corridor by directing lighting downward and away from surrounding neighbors and provides adequate drainage at the wetland crossing and termination point at the Forestry Service driveway.

3. Character of the site development

The Path helps to create a strong sense of community by linking to the broader pedestrian/bicycle network, the UNH West Edge Lot, and the surrounding apartment communities.

4. Character of the buildings and structures

The Path will be winding with gradual grades in keeping with existing sections.

5. Preservation of natural, cultural, historic, and scenic resources

The Path has taken the following measures to preserve the site's natural, cultural, historic, and scenic resources:

- Stonewalls along Mast Road will be preserved.
- Much of the mature tree canopy along Mast Road will remain.

6. Impact on property values

The Path is not expected to cause or contribute to a significant decline in property



values of adjacent properties.

7. Availability of public services and facilities

The Path is not expected to cause excessive demands on municipal services.

8. Fiscal impacts

Peak Campus Development, LLC commissioned a fiscal impact study which is included with this conditional use permit application. The study concludes that the Project will have a net positive fiscal impact on the Town of Durham.

In summary, the Path fills a void for safe pedestrian/bicycle connectivity on this section of Mast Road. Please feel free to contact me directly at 404-920-5361 should you have any questions or comments. We appreciate your consideration of this application.

Sincerely,
Peak Campus Development, LLC

A handwritten signature in black ink, appearing to be "Jeff Githens".

Jeff Githens
Vice President