



TOWN OF DURHAM
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Town Planner's Recommendation
90 Bennett Road – Thompson Inn
Wednesday, July 23, 2014

- I recommend approval if all is in order. The only outstanding item is obtaining approval for the stormwater plan, but all necessary information required under the Stormwater requirements of the Site Plan Regulations have not yet been submitted. I will update the board once I know more.

This draft Notice is the same that I sent to the board on July 9 except that for item 7) Variances, under Subsequent Conditions.

Draft
NOTICE OF DECISION

Project Name: Thompson Inn
Project Description: Amendment to approved site plan for new parking lot and driveway and conversion of barn for function hall for 10-room inn.
Address: 90 Bennett Road
Applicant: Stephen and Lori Lamb
Property Owner: Stephen and Lori Lamb
Engineer: Rokeh Consulting
Map and Lot: Map 14, Lot 34-1
Zoning: Rural
Date of approval: July 23, 2014

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. Note that no precedent conditions involve actual construction (except where otherwise specified). 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 January 23, 2015 (or as extended) - the Planning Board's approval will be considered to have lapsed. 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.

Plan modifications

- 1) Plan modifications. Make the following modifications to the plan drawings (Items do not need to be physically constructed as a precedent condition):
 - a) Erosion plan. Submit an erosion and sedimentation control plan to be approved by the Department of Public Works.
 - b) Lighting. Show all locations for lighting on the plans and provide lighting cut sheets. Any light fixtures must be shielded dark-sky compliant.
 - c) Foundation. Show the two building foundation in the parking area to be removed.
 - d) Walkway. Provide a cross section and grades of the gravel walkway.
 - e) Fencing. Show the exact location for the proposed split-rail fencing.
 - f) Gate. Move the gate location at the bottom of the new driveway to be on the subject lot (The design of the gate, and determination whether to lock it or not, is up to the applicant).
 - g) Curb stops. Clarify whether or not curb stops will be added to the parking areas on the easterly side of the site. It is up to the applicant whether or not to add them there.
 - h) Handicap parking. Add appropriate handicap parking signs at the new handicap parking space.
 - i) Approval block. Change the approval block on each page of drawings to read: "Final Approval by Durham Planning Board. Certified by Michael Behrendt, Town Planner
_____ Date _____"

Notes on plans

- 2) Notes on plans. Add the following notes on the plans:
 - a) "Driveway permit. The driveway permit has been issued. It requires that there be a flagger whenever there are special events. Left hand turns are difficult but can be made when there is a flagger there.
 - i. The driveway is to be used only for special events and only for existing vehicles.
 - ii. A traffic detail (police officer or flagger approved Durham PD) must be posted on Bennett Road when the driveway exit is used.
 - iii. The gate at the end of the driveway must be closed at all times during non-events and when a traffic detail is not present."

- b) “Special events. This site plan amendment includes approval of holding special events at the site. This includes customary outdoor activities and activities in the tent, such as weddings.”
- c) “Limits on special events. Events, music, and any amplification must end by 11:00 p.m. on Friday and Saturday nights and 10:00 p.m. on other nights.”
- d) “Tent events. Per the 2011 approval, there may be no more than 18 events in the tent per year.”
- e) Parking lot. If the barn/function hall is used in the winter, the upper parking area must be plowed/cleared to accommodate it.” (The hammerhead shown will on the plans will not be marked on the ground in any way.)
- f) “Cut trees No cut trees or stumps may be buried on the site.”
- g) “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. The applicant is encouraged to meet with Building and Fire Officials early to expedite the review process.”
- h) “Additional information. “For more information about this site plan, or to see the complete plan set, contact the Town of Durham Planning Department, 15 Newmarket Road, Durham, NH 03824. (603) 868-8064.”
- i) “Earlier approvals. All conditions of earlier approvals for the site apply to this amendment.”

Other precedent conditions

3) Other precedent conditions:

- a) Shoreland Protection. Approval from NHDES will be needed as a condition.
- b) Fire access. Confirm that the culvert under the new driveway, just past the cul de sac is sufficient to support a fire truck, to allow for access to the barn/function hall.
- c) Sprinkling. Determine whether or not the barn/function hall will need to be sprinkled.
- d) 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; b) one large set of black line drawings; 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.
- e) Signature. Signature by the applicant below 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 any site work

- 1) Site work. No significant site work 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 Michael Behrendt, the Town Planner, at (603) 868-8064 to arrange for the preconstruction meeting);
 - c) all appropriate erosion and sedimentation control structures are in place.

Conditions to be met prior to issuance of certificate of occupancy for the function hall

- 2) 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 prior to the certificate of occupancy (unless a surety to cover the cost of the as-built drawings is given). The plans shall be stamped and signed by the Engineer or Surveyor and include the following language or comparable: "This as-built drawing substantially conforms with the final plans approved by the Town of Durham Planning Board and certified by the Planning Department except for the following significant modifications:". If no significant modifications were made simply state "none". Otherwise, itemize the modifications on the as-built or on an accompanying letter.
- 3) Improvements. All improvements included in this approval shall be completed prior to issuance of a certificate of occupancy unless an acceptable surety is posted.

Other terms and conditions

- 4) Recording. This notice of decision must be recorded at the Registry of Deeds within 14 days of certification of the plans.
- 5) Minor changes. Minor changes to the approved plans may be approved by the Code Enforcement Officer, Town Engineer, or Town Planner, as appropriate. Staff shall inform the Planning Board of all such approved changes.
- 6) Waiver. The applicant will bury the electric line from the existing pole on his property. This approval includes a waiver to keep the portion of the line between the two existing poles above ground.
- 7) Variances. Variances were granted on July 8, 2014 to allow that no additional screening need be placed along the parking area adjacent to the abutting property boundary and to allow for the use of off-site parking to supplement the available site parking for the Inn. All requirements stipulated under those variances are part of this approval herein.
- 8) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the Town as provided in this document (See Minor Changes provision herein).

- 9) 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.
- 10) 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 one or more continuous public hearing(s) on the application; **C)** The applicant revised and updated the plans and other documentation several times pursuant to comments from the Planning Board, public, and Technical Review Group; **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 two leach fields shown on the plans are in place now; **F)** The building elevations for the function hall shown in the file were deemed acceptably by the Planning Board for submission purposes. It is understood that the final design may change somewhat from those designs; **G)** This project is not considered to be a Development of Regional Impact; and **H)** The Planning Board duly approved the application as stated herein. **I)** There is an approved site plan from August 27, 2008 to change the use from a single family residence to a 10-room inn; **J)** There is an approved variance from June 12, 2007 to have up to 10 sleeping rooms in the inn. **K)** There is an approved variance from May 12, 2009 to use the existing barn as an accessory function room for the inn for up to 100 people. **L)** There is an approved variance from May 12, 2009 to add a third floor apartment in the inn for the owners. **M)** The applicant submitted an easement for use of the driveway on UNH property; it is in the file. 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.

Stephen Lamb

Date

Lori Lamb

Date

Peter Wolfe, Planning Board Chair or designee

Date