



file

**TOWN OF DURHAM**  
15 NEWMARKET RD  
DURHAM, NH 03824-2898  
603/868-8064 603/868-8065  
FAX 603/868-8033  
www.ci.durham.nh.us

### APPLICATION FOR SITE PLAN REVIEW

Note: This form and all required information must be filed at least 21 days before the date of the meeting at which it is to be submitted to the Board. Filing is to be done at the Planning Office, Durham Town Office Building or by mail to 15 Newmarket Road, Durham NH 03824.

**1. Name and mailing address of applicant**

Golden Goose Capital, LLC  
1 Pleasant Street Unit 1A-21  
Westford, MA 01886  
Phone Number: (603)834-1653  
Email Address: bbilotta@goldengooseproperties.com

**2. Name and mailing address of owner of record if other than applicant**

same for 21 Madbury Road and  
Rose Lawn Properties, LLC (17 Madbury Road)  
Attn: Laura Gangwer 116 King Road, Bedford, NH 03110  
Phone Number:  
Email Address: roselawnproperties@aol.com

**3. Location of Proposed Project** 17 & 21 Madbury Road

Tax Map 2 Lot Number 12-3 (21) Madbury Road  
12-4 (17) Zoning District CB

**4. Name of Proposed Project** Madbury Commons

**5. Number of units for which approval is sought** 126 residential

**6. Name, mailing address and telephone number of surveyor and/or agent**

MJS Engineering, P.C.  
P. O. Box 359 Newmarket, NH 03857  
Phone Number: (603)659-4979  
Email Address: mjs@mjs-engineering.com

**7. Abutters:** Attach a separate sheet listing the Durham Tax Map number, Lot number, name, and mailing address of all abutters, including those across a street, brook or stream. The list of abutters must also include any holders of conservation, preservation, or agricultural preservation restrictions in accordance with RSA 676:4(I)(d). Names should be those of current owners as recorded in the tax records five (5) days prior to the submission of this application. *Note: Names submitted on the Request for Preapplication Review may not be current. No application shall be heard unless all abutters as described herein have been notified.*

8. Items on the attached Site Plan Review Application Submission Checklist

9. Payment of all applicable fees:

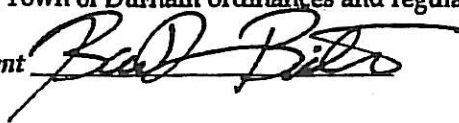
submittal fees	\$ 6,000	(CUP Residential/Commercial
advertising/posting costs	150	over 2,000sf)
abutter notification (each) \$7 x 32	224	
proposed road (per foot)		
administrative and technical review costs	150	
TOTAL	\$ 6,524	

9. The applicant and/or owner or agent\*, certifies that this application is correctly completed with all attachments and requirements, and that any additional costs for engineering or professional services incurred by the Planning Board or the Town of Durham, in the site plan review process of this property, shall be borne by the applicant and/or owner.
10. Within five (5) business days of submitting a formal application, the applicant shall meet with the Director of Planning and Community Development to discuss issues related to completeness and acceptance of the application. If this review discloses that all requirements specified on the Site Plan Application Checklist have not been met, the applicant will be notified in writing what specific items are still needed.
11. Prior to the next regularly scheduled meeting of the Planning Board, the applicant, at the discretion of the Director of Planning and Community Development, shall meet with the appropriate Department Heads of the Town of Durham to discuss the implications the application will have on the various Departments of the town.
12. If this application is determined by the Planning Staff to be complete, it will be placed on the Planning Board agenda on 11/6/13 for acceptance.

"If the applicant is an agent of the owner, a separate signed letter from the owner of record is required which clearly states the authority of the agent or representative for this application. If the agent does not have the power of attorney of the owner, all documents shall be signed by the owner.

"I hereby authorize the Durham Planning Board and its agents to access my land for the purpose of reviewing the proposed site plan, performing road inspections and any other inspections deemed necessary by the Board or its agents, to ensure conformance of the on-site improvements with the approved plan and all Town of Durham ordinances and regulations."

Date 10/16/2013 Applicant, Owner, or Agent





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**APPLICATION FOR CONDITIONAL USE PERMIT**

*This form and all required information per Durham's Zoning Ordinance (Article VII, Section 175-23(C) attached) must be filed at least 20 days before the meeting of the Planning Board with the Planning Staff in person or by mail.*

**Property Location:**

Street Address 17 & 21 Madbury  
Tax Map # 2 Lot # 12-3, 12-4 Zone CBD

Owner(s): (21 Madbury Road) (17 Madbury Road)  
Name Golden Goose Capital, LLC Rose Lawn Properties, LLC  
Mailing Address 1 Pleasant St. Unit 1A-21 Attn: Laura Gangwer  
Westford, MA 01886 116 King Road, Bedford, NH 03110  
Daytime Phone (603)834-1653 Fax (603)520-1100

If another person or firm will represent this application to the Town, please complete the following (letter of authorization should be included):

Name MJS Engineering, P.C. Michael Sievert  
Mailing Address P. O. Box 359  
Newmarket, NH 03857  
Daytime Phone (603)659-4979 Fax (603)659-4627

**Abutters:**

Attach a separate sheet listing by Map & Lot number, each owner's name, and mailing address of all abutters within 300 feet of the property. The list of abutters must include any holders of conservation, preservation, or agricultural preservation restrictions in accordance with RSA 676:4(I)(d).

**Name & Address of Licensed Professionals (as applicable):**

Engineer MJS Engineering, P.C. P. O. Box 359 Newmarket, NH 03857  
Land Surveyor Doucet Survey, Inc. 102 Kent Pl., Newmarket, NH 03857  
Architect TMS Architects, One Cate St., Portsmouth, NH 03801  
Soil Scientist \_\_\_\_\_

Proposed Use: Mixed use residential/commercial

Please prepare and attach a written description of the proposal.  
Length should not exceed three pages.

I certify that all information provided is, to the best of my knowledge true:

Owner's Signature: [Signature] Date 10/16/2013

October 15, 2013

Durham Planning Board  
15 Newmarket Road  
Durham, NH 03824

Dear Chair Wolfe:

I hereby authorize the following professionals to represent Golden Goose Capital, LLC at the Durham Planning Board and other associated town board meetings for a site plan design and conditional use permit:

Michael J. Sievert, P.E. of MJS Engineering, P.C.  
Ari Pollack Gallagher, Callahan & Gartrell, PC  
Scott Hogan of Scott E. Hogan Law Office  
Shannon Alther of TMS Architects  
Robbi Woodburn of Woodburn & Co. Landscape Architects, LLC

The subject parcel is shown on Tax Map 2 as Lot 12-3 and is located at 21 Madbury Road.

Sincerely;

A handwritten signature in black ink, appearing to read "Barrett C. Bilotta". The signature is stylized with a large initial "B" and a long horizontal stroke.

Barrett C. Bilotta  
Managing Partner  
Golden Goose Properties, LLC

# **LIST OF OWNERS OF ABUTTING PROPERTY**

(This includes property directly across the street or streams from the land under consideration. List must also include any and all preparers of plans, studies, etc...)

## **PLEASE PROVIDE NAME & MAILING ADDRESS**

<p><b><u>PROPERTY OWNER:</u></b> 21 Madbury Road MAP 2 LOT 12-3</p> <p>GP MADBURY 17, LLC 1 PLEASANT STREET UNIT A1-21 WESTFORD, MA 01886</p>	<p><b><u>AGENT/APPLICANT:</u></b></p> <p>MJS ENGINEERING, PC P. O. BOX 359 NEWMARKET, NH 03857</p>
<p><b><u>PROPERTY OWNER:</u></b> 17 Madbury Road MAP 2 LOT 12-4</p> <p>ROSE LAWN PROPERTIES, LLC ATTN: LAURA GANGWER 116 KING ROAD BEDFORD, NH 03110</p>	<p><b><u>LANDSCAPE ARCHITECT:</u></b></p> <p>WOODBURN &amp; ASSOCIATES LANDSCAPE ARCHITECTS, LLC 102 KENT PLACE NEWMARKET, NH 03857</p>
<p>MAP 2 LOT 12 29 Madbury Road</p> <p>ALPHA CHI OMEGA NAT'L HOUSING 5939 CASTLE CREEK PARKWAY NORT INDIANAPOLIS, IN 46250-4343</p>	<p><b><u>LAND SURVEYOR:</u></b></p> <p>DOUCET SURVEY, INC. 102 KENT PLACE NEWMARKET, NH 03857</p>
<p>MAP 2 LOT 11-2 28 Madbury Road</p> <p>NEW HAMPSHIRE BETA HOUSING LLC 1856 SHERIDAN ROAD EVANSTON, IL 60201</p>	<p><b><u>ATTORNEY:</u></b></p> <p>SCOTT HOGAN HOGAN LAW OFFICE 27 RIVERSIDE FARM DRIVE LEE, NH 03861</p>
<p>MAP 2 LOT 11-4 26 Madbury Road</p> <p>SIGMA BETA ALUMNI ASSOC INC C/O DOUG CLARK 11 SPRUCE MEADOW DRIVE NO HAMPTON, NH 03862</p>	<p><b><u>ARCHITECT:</u></b></p> <p>TMS ARCHITECTS ONE CATE STREET ELDRIDGE PARK PORTSMOUTH, NH 03801</p>
<p>MAP 2 LOT 12-2 25 Madbury Road</p> <p>ALPHA SIGMA HOUSE CORP OF KAPPA DELTA SORORITY C/O IN DEMAND REALTY P.O. BOX 9 DOVER, NH 03821</p>	<p><b><u>WETLAND SCIENTIST:</u></b></p> <p>GZA GEOENVIRONMENTAL, INC. 380 HARVEY ROAD MANCHESTER, NH 03103</p>
<p>MAP 2 LOT 11-5 5 Dennison Road</p> <p>GP DENNISON, LLC 1 PLEASANT STREET UNIT 1A-21 WESTFORD, MA 01886</p>	<p>MAP 4 LOT 9 12 Jenkins Court</p> <p>SLANIA ENTERPRISES INC C/O THOMAS CHRISTIE 12 JENKINS COURT DURHAM, NH 03824</p>

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## **PLEASE PROVIDE NAME & MAILING ADDRESS**

<p>MAP 4 LOT 11                      13 Madbury Road</p> <p>13 MADBURY LLC 500 MARKET ST, UNIT 1C PORTSMOUTH, NH 03801</p>	<p>MAP 4 LOT 10                      12 Mathes Terrace</p> <p>12 MATHES TERRACE LLC 12 MATHES TERRACE DURHAM, NH 03824</p>
<p>MAP 4 LOT 16                      10 Madbury Road</p> <p>SEJ PROPERTIES LLC 4 ROCKY LANE DURHAM, NH 03824</p>	<p>MAP 2 LOT 12-11                      10 Pettee Brook Lane</p> <p>IONIAN PROPERTIES LLC 263 CENTRAL AVENUE DOVER, NH 03820</p>
<p>MAP 4 LOT 12                      9 Madbury Road</p> <p>9 MADBURY ROAD LLC P.O. BOX 313 DURHAM, NH 03824</p>	<p align="center">Durham Public Parking</p> <p>TOWN OF DURHAM 15 NEWMARKET RD DURHAM, NH 03824</p>
<p>MAP 2 LOT 9-4                      2 Brook Way</p> <p>FALL LINE PROPERTIES INC 32 MADBURY ROAD DURHAM, NH 03824</p>	<p align="center">University of New Hampshire</p> <p>UNIVERSITY OF NEW HAMPSHIRE OFFICE OF THE PRESIDENT THOMPSON HALL DURHAM, NH 03824</p>
<p>MAP 2 LOT 12-6                      8 Mathes Terrace</p> <p>KOSTIS ENTERPRISES LLC 263 CENTRAL AVENUE DOVER, NH 03820</p>	<p>MAP 4 LOT 17                      20 Madbury Road</p> <p>DURHAM UNITARIAN UNIVERSALIST FELLOWSHIP 20 MADBURY ROAD DURHAM, NH 03824</p>
<p>MAP 2 LOT 12-7                      10 Mathes Terrace</p> <p>BRAGDON-DUGAS ASSOCIATES C/O BRAGDON, DUGAS &amp; RUTTER PC 10 MATHES TERRACE DURHAM, NH 03824</p>	<p>MAP 2 LOT 12-5                      15 Madbury Road</p> <p>THEODORE FINNEGAN 25 WORTHEN ROAD APT. 317 DURHAM, NH 03824</p>
<p>MAP 2 LOT 11-6,11-8,12-1,8-14 24 Madbury Road LOT 8-13                      22 Garrison Avenue    33 Madbury Road ORION UNH LLC                      2 Strafford Avenue C/O CONSERVICE                      22 Madbury Road P. O. BOX 4697 LOGAN, UT 84323</p>	<p>MAP 2 LOT 14-1                      72 Main Street</p> <p>TOWN &amp; CAMPUS INC 60 MAIN STREET DURHAM, NH 03824</p>

# **LIST OF OWNERS OF ABUTTING PROPERTY**

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**PLEASE PROVIDE NAME & MAILING ADDRESS**

<p>MAP 2 LOT 9-3                      1 Strafford Avenue</p> <p>ALPHA XI DELTA CORPORATION C/O MICHELLE 25 COLUMBIA STREET PORTSMOUTH, NH 0380</p>	<p>MAP 2 LOT 14-5                      70 Main Street</p> <p>CHITTENDEN CORP ROBIN TORREY, FACILITIES COORD 2 BURLINGTON SQUARE BURLINGTON, VT 05401</p>
<p>MAP 2 LOT 14-3                      13 Jenkins Court</p> <p>GALARO PROPERTIES LLC 263 CENTRAL AVENUE DOVER, NH 03820</p>	<p>MAP 2 LOT 14-2                      66 Main Street</p> <p>GAMMA THETA CORPORATION C/O JOE BERWANGER P.O. BOX 708 DURHAM, NH 03824</p>



# **MJS ENGINEERING, PC**

CIVIL •  
ENVIRONMENTAL •  
CONSULTING ENGINEERING •

5 RAILROAD STREET, P.O. BOX 359, NEWMARKET, NH 03857 PHONE: (603) 659-4979, FAX: 659-4627

E-mail: mjs@mjs-engineering.com

October 15, 2013

Mr. Peter Wolfe, Chair  
Durham Planning Board  
15 Newmarket Road  
Durham, NH 03824

Re: Application for Site Plan and Conditional Use permits for 17 & 21 Madbury Road  
Tax Map 2 Lots 12-4 & 12-3

Dear Chair Wolfe and Planning Board members:

Golden Goose Capital, LLC has filed applications with the Planning Board seeking site plan review approval and conditional use permit approval. Golden Goose Capital, LLC is the applicant and owner of 21 Madbury Road and is filing as applicant on behalf of Rose Lawn Properties, LLC (owners) of 17 Madbury Road. The purpose of this letter is to provide the Planning Board with supporting documentation and background information regarding these applications.

## **The Subject Property**

The subject property consists of two lots located at 17 Madbury Road and 21 Madbury Road. The 17 Madbury Road parcel is approximately 2.4 Acres with 190.5' of frontage on Madbury Road and the 21 Madbury Road parcel is approximately 0.2 acres with 81.4' of frontage on Madbury Road. The parcels are located on the westerly side of Madbury Road in the center of Town (ref. Existing Conditions Plan). The parcels are shown on Durham Tax Map 2 Lots 12-4 and 12-3 respectively and are located in the Central Business District (Exhibit # 1).

Both parcels are currently developed with dilapidated one and two story student housing buildings, paved and unpaved parking lots and municipal utilities including sewer, water, gas, etc. The property has minimal vegetation with the exception of the northerly leg of the parcel and is boarded on the western boundary by Pettee Brook and wetlands associated with the brook. The property slopes downward from north to south along Madbury Road approximately 8' and slopes downward from east to west across the site towards Pettee Brook approximately 12' (ref. Existing Conditions Plan).

## **Golden Goose and the Madbury Commons Proposal**

Golden Goose Capital, LLC currently owns and manages several properties in Durham and continues to invest in others. They are excited about the redevelopment of this property and are planning to make this property a cornerstone of the downtown revitalization. This project will substantially improve the current development at the site and provide approximately 30,000 S.F. of commercial space, 126 residential units with approximately 490 beds and provide an exciting new development connecting the

downtown with Madbury Road. In accordance with the site plan regulations a four page summary of the development has been provided, prepared by Golden Goose Capital (Exhibit # 2).

### **Approvals Being Requested from the Planning Board**

As you know, the project received 5 variances from the Zoning Board of Adjustment. The variances were granted at the August 13, 2013 zoning board meeting and are attached as exhibit # 3.

The Site Plan Review Regulations (S.P.R.R.) will require the following approvals based on the current redevelopment scope of work.

1. Planning Board Approvals:

- a. Site Plan Approval per Site Plan Review Regulations pursuant to Article V, Section 175-16.F and RSA 674:43, with intent of requesting consideration of the following:
  - i. Building Height, Z.O. Table 175-54, Table of Dimensional Requirements: Request approval by the Planning Board under RSA 674:16 for building height greater than 30 feet but not exceeding 50 feet.
  - ii. Parking Requirements, Z.O. Section 175-112.A. relative to parking within the Central Business District: Request specific Planning Board approval to allow a partial exemption of the parking standards for the one-time payment of a parking fee. The redevelopment proposal offers 41 parking spaces where 650+/- spaces are required by ordinance.
  - iii. Full Waiver of Public School Impact Fees for this Development: This is supported by the following:
    1. The redevelopment project is driven due to its location within the UNH Campus and the units will be marketed to the UNH student population.
- b. Conditional Use Permit, pursuant to Article XIII, Section 175-61.A.1 and A.3, of the Wetland Conservation Overlay District for construction of streets, roads access ways, bridge crossings and utilities including pipelines, power lines and transmission lines; and the construction of a non-residential building within the upland buffer strip in a commercial or office-residential zoning district. This permit is needed to allow the redevelopment of the property as proposed.
- c. Conditional Use Permit, pursuant to Article XIV, Section 175-72.A.1, of the Shoreland Protection Overlay District for construction of streets, roads access ways, bridge crossings and utilities including pipelines, power lines and transmission lines

2. Department Approvals

- a. Public Works relative to water and sewer connections, drainage, and other design considerations.
- b. Fire & Police Departments relative to safety, fire protection, and other design considerations.
- c. Building department relative to building codes and ADA requirements.

*A. Request for Site Plan Approval*

In accordance with the site plan review regulations, this submission package includes the Site Plan Review Checklist, Stormwater Management Checklist and the Energy Considerations Checklist. Also, the following plans are included:

1. Existing Conditions Plan
2. Demolition Plan
3. Site Plan
4. Grading, Drainage & Erosion Control Plan
5. Utility Plans
6. Detail Sheets
7. Site Landscape Plan
8. Building Elevations
9. Stormwater Management Plan (report)
10. Operations and Maintenance Plan (report)

*B. Conditional Use Permit for conditional uses in the WCO and SPO Districts*

The following outlines how this project complies with the provisions of the general conditions for a Conditional Use Permit contained within Section 175-23.C and specific conditions for CUP contained within Section 175-61.B for the Wetlands Conservation Overlay (WCO) and Shoreland Protection Overlay (SPO) Districts of the Town of Durham Zoning Ordinance. The numbering below coincides with the applicable sections. We anticipate that this application will be presented to the Conservation Commission on November 14, 2013 meeting in order to obtain their advice for the Planning Board relative to approval of the CUP. It is our intent to suggest a joint site walk with the Conservation Commission at the November 6, 2013 meeting with the planning board.

As previously stated, the project requires a CUP for the utility line construction, access way/parking area, patios and bridges in the WCO and SPO and construction of a non-residential/multi-unit building in the WCO District. Variances were granted for the construction of the building within the WCO District. The statements below demonstrate how this redevelopment project complies with the CUP criterion. The plans incorporate best management practices for the reconstruction and thereby satisfy the CUP criterion.

175-23.C

*1. Site Suitability:*

The property is suitable for the proposed mixed use building because it is an allowed use in this zone. The intended use of the buildings and site includes surface parking, covered parking on the first floor of a portion of the building, 126 residential units and 30,000 square feet of commercial space. The redevelopment will greatly enhance this large parcel in the middle of the downtown and provide a pedestrian connection between the center of town and Madbury Road, including expanding the commercial opportunities to this area of town. The residential units are primarily for student occupancy because it lies close to the UNH campus area and downtown Durham. The property has historically been used for this purpose. The commercial space provides a large expansion of the downtown businesses and tax base.

(a) This site provides adequate vehicle and pedestrian access because of its location in the downtown business district, the road frontage along Madbury Road where two access points are proposed and the existing sidewalks along Madbury Road. The site design also proposes to widen the pedestrian space along the frontage to enhance use and access to the site.

(b) The availability of public services to serve the intended use including emergency services, which will be provided by the police and fire department, in addition to the

developer providing onsite management services to coordinate with the authorities; pedestrian facilities will be enhanced with expanded access both at the frontage and the rear of the parcel to connect and invite the public into the site from the municipal parking lot; other municipal services are adequate as they already exist and are provided to the site with easy access to connect and expand these public services; the schools will not be impacted by this development; Solid waste will be handled onsite with disposal by a private waste company;

(c) The environmental constraints on and adjacent to the property include the presence of Pettee Brook, the floodplain and wetlands. The redevelopment proposal incorporates a balanced environmental design approach by changing the majority of the impervious surface area from pavement to roof area and constructing a stormwater pond, pervious surfaces for most of the parking and patios, and a stormwater collection/treatment system classified by the NHDES as a best management practice incorporating filtration and detention. Unfortunately, due to the clay soils, infiltration will not be feasible at the site. However, this system will greatly improve on the existing stormwater runoff by improving the quality and reducing the peak flow discharged from the site. The landscape plan will also be extensive and enhance the site;

(d) The site is suitable because of the availability of appropriate utilities to serve the intended use including water, sewage disposal, storm water disposal, electricity, and similar utilities. The site is currently serviced by municipal water from Madbury Road with a 12" water main, sewer service is provide to the site currently but will be newly constructed to tie directly into the main 18" collector line within the municipal parking lot; the stormwater system will be a vast improvement from the existing conditions including collection, filtration and detention. The system includes swales, a stormwater pond with sediment forebay and pervious walking and driving surfaces; the site is appropriate for the proposed use even with consideration of the environmental constraints.

## **2. External Impacts:**

The external impacts of the proposed mixed use building on the abutting properties and the neighborhood will be no greater than the impacts of adjacent existing uses or other uses permitted in the zone because:

- o The traffic generated by the uses will not cause a negative impact to the surrounding properties or public ways because there are adequate roads and parking lots adjacent to the parcel. In addition the proposal will be maintaining 41 parking spaces on the site. Loading/unloading will be via the proposed access road into the site which will be properly designed to provide temporary loading for the commercial uses. Trash and recycling will be picked up from within the site via the proposed access road and not on the public way; the sidewalks are being improved with large pedestrian areas on the site adjacent to the public spaces for access to the buildings.
- o The residential and retail/office uses will have no measurable impact on noise, odors, vibrations, dust or fumes. A management office located within the building will encourage responsible use of the buildings and site and security coordination with the local authorities.
- o Exterior lighting will be via wall mounted lights on the buildings and at entry doors, recessed lighting at overhangs typical to those currently found in the neighborhood.

The location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use will have no adverse effect on the surrounding environment and will not discourage the appropriate and orderly development and use of the land and buildings in the neighborhood because:

- o The proposed development complies with or is less than the allowable residential density of the underlying zone.
- o The neighborhood is a mixture of residential and office uses.
- o The building architecture conforms to downtown style buildings and fits into the neighborhood after extensive meetings with the Town and design team.
- o The architectural design of the building incorporates a blend of exterior finishes that establish a typical downtown appearance to the building. Different types of

exterior finishes, windows, overhangs, eaves etc, are still being discussed to complete the building design to meet the architectural regulations.

3. *Character of the site development:*

The proposed layout and design of the site is compatible with the established character and the intended redevelopment of the neighborhood and mitigates any external impacts of the use on the neighborhood because:

- The building orientation on the lot complies with the development standards of the underlying zoning district, the building height steps up further into the site as the grade drops and the layout provides a pedestrian friendly access including ADA compliance from all frontages.
- Adequate vehicular access to and within the property is provided from Madbury Road. Additional parking is available at the Town owned adjacent parking lot. The trash and recycling pick up area is provided on site to eliminate conflict with traffic on the public roadways.
- The redevelopment incorporates a densely treed/vegetated buffer between the building and wetlands/Pettee Brook to the north, including the addition of a stormwater pond. The landscape plan also incorporates a softening of the building with while enhancing the corridor along Pettee Brook and helping to mitigate the invasive species.

4. *Character of the buildings and structures:*

The design of the new buildings is compatible with the established character of the neighborhood because:

- The scale, height, and massing of the building conforms to the development standards of the Central Business District, downtown area and architectural regulations.
- The treatment of the building façade conforms to the established neighborhood and downtown development needs.

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

The proposed use of the site, including all related development activities, preserves identified natural, cultural, historic, and scenic resources on the site and does not degrade such identified resources on abutting properties because:

- The orientation of the building and associated site grading are designed to avoid impacts to the adjacent wetland and, to the extent possible, preserve the existing tree line along Pettee Brook or enhance the vegetation and remove invasive species.
- Site grading and fill activities will be outside of the flood plain associated with Pettee Brook and will conform to the existing conditions as close as possible.
- The existing property affords no significant wildlife habitat, cemeteries, graveyards, designated historic buildings, scenic views and view sheds. It does however, have established pedestrian access from two bridges from the public parking lot to the site, which will be greatly improved with this development to foster better pedestrian access as use of the site.

6. *Impact on property values:*

- The proposed redevelopment will only increase the tax base and adjacent property values stand to only improve with the construction of these new building.

7. *Availability of Public Services and Facilities:*

- The site plan application will incorporate a new water connection service for the proposed buildings. The new service will tie into the water main in Madbury Road. The proposed sewer connection will tie into the main sewer collector running through the municipal parking lot to the west of the parcel. The proposal is to install the new sewer service using directional drilling method of construction to minimize the impact to Pettee Brook. The proposed design will require a permit application submission to be filed directly with the Durham Department of Public Works and NHDES for approval.
- Solid Waste will be stored within the building on the ground floor accessed via the proposed roadway.

- Drainage will be controlled on site and released at a lesser rate than existing as documented in the included Drainage Analysis. The quality of the stormwater leaving the site will be greatly improved by this development.
- Electric, telephone, and data utilities will connect to the existing public lines either from the municipal parking lot adjacent to Pettee Brook or from Madbury Road.
- Police and Fire Department review and comment is conducted as part of the application. They have already been involved in several meetings and have given valuable input that has been incorporated into the design. The overall project will have a positive effect on the single family neighborhoods by providing additional student housing in the downtown area.
- The intended use of these new buildings as student housing will have negligible to no impact on the Durham Public School System.

**8. Fiscal impacts:**

- The residential units will be marketed to the UNH student population and have no impact on the Durham School system.
- Solid Waste/Recycling will be handled by a private contractor and paid for directly by the property owner.
- The proposed mixed use buildings will generate a greater tax base for the community compared to the existing use.
- The provision of an on-site property management office will minimize the emergency calls generated by this property.

**175-61.B**

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

Approximately one quarter of the parcel is encumbered by the wetland conservation district and the majority of this area is currently developed with buildings, parking and walkways. The proposed development will improve the current conditions by incorporating pervious pavement, stormwater collection and treatment systems and removing a gravel parking area and replacing it with a building, whereby the runoff from the roof of the proposed building will be collected and treated. No alternative location on the parcel that is outside the WCO District is available that would allow the proposed use or improve the existing conditions to the extent proposed without a large negative impact to the proposed development.

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 proposed site layout and associated grading and drainage design has been prepared with the primary intent of minimizing soil disturbance by maintaining the existing grades of the property to the extent feasible. In addition, due to the clay soils the fills on the site have been minimized. The largest soil disturbance will be for the building excavation, however, the impact will ultimately be an improvement as it enhances the area directly adjacent to the brook and replaces it with vegetation, lawn, pervious surfaces and stormwater collection and treatment system.

3. *The location, design, construction, and maintenance of the facilities will minimize any detrimental impact on the wetland and on the adjacent shoreland and water body as well as downstream water bodies, and mitigation activities will be undertaken to counterbalance any adverse impacts.*

Every feasible effort has been made in the design of the site layout and grading to minimize any detrimental impacts described above and mitigation activities incorporated as well. These include:

- Use of temporary erosion control measures like silt soxx along the brook; temporary and permanent stormwater control systems; and regular sweeping of public roadway to minimize tracking of dirt onto paved areas. Temporary construction fence is proposed around the site to provide better assurance that construction equipment will not stray into the wetlands.

- Construction of a stormwater collection/treatment/detention system between the buildings brook/wetland will hold runoff from up to the 1" storm event which represents 90% of rain storms.
- Intensive planting plan to enhance wetland/shoreland buffer and provide opportunities for removal of invasive species. The historic pedestrian bridges will be relocated, reconstructed and be incorporated into the landscaping and pedestrian access design to enhance the experience of the area.
- A change in the majority of the impervious area on the site from pavement to building roofs and pervious pavement. This change and the incorporation of the stormwater system will be a vast improvement to the stormwater runoff from the site.
- Temporary disturbances to the shoreland buffer to allow construction of the above will be fully reclaimed with either top soil/seed/mulch/matting or appropriate vegetative buffer plantings as shown on the included Landscape Plan.

4. *Restoration activities will leave the site, as nearly as possible, in its pre-existing condition and grade at the time of application for the Conditional Use Permit.*

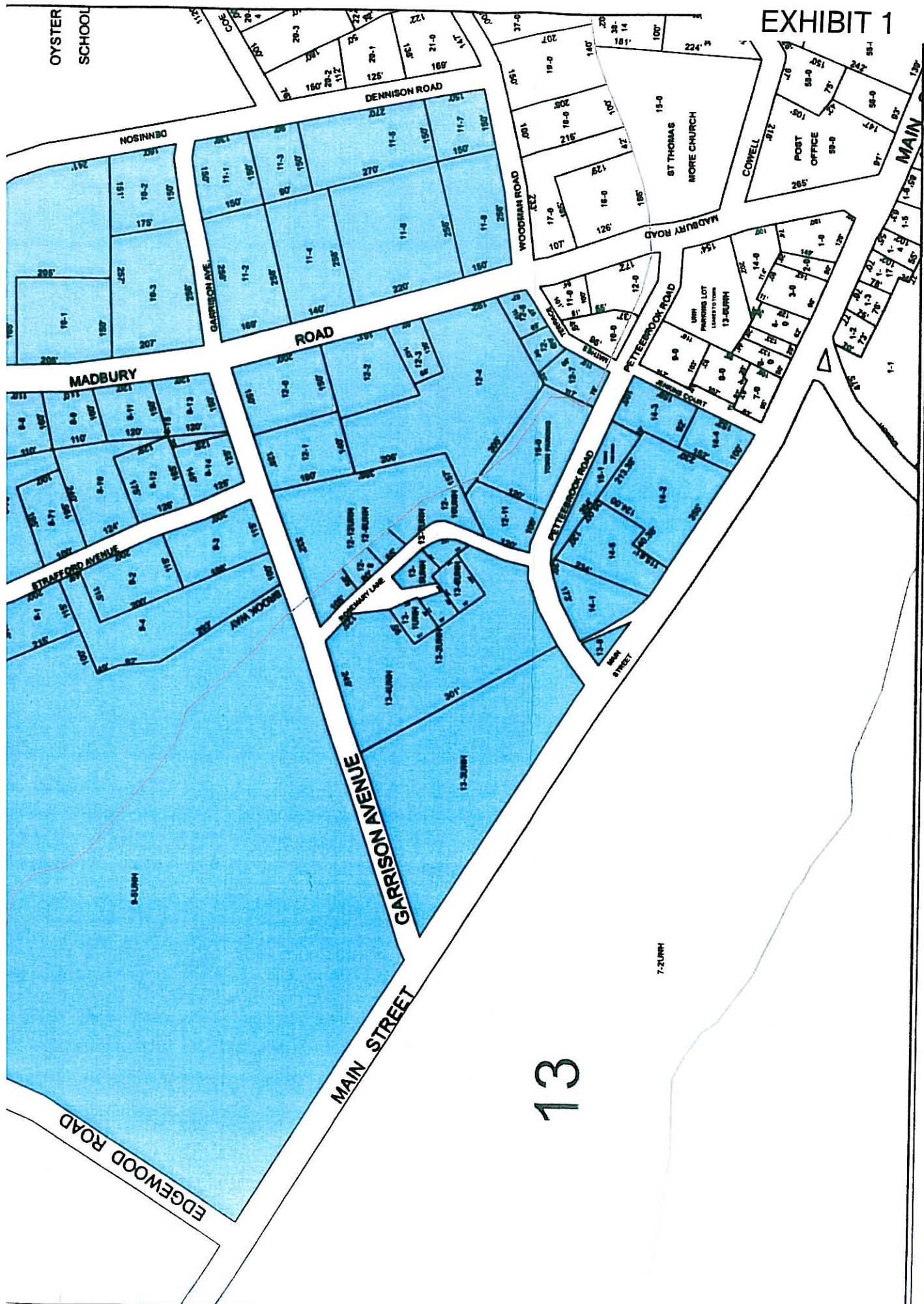
Any disturbances outside of the current limits of disturbance on the property will be fully restored and re-vegetated. Refer to the Landscape Plan for more information.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely;

A handwritten signature in black ink, appearing to read "Michael J. Sievert". The signature is fluid and cursive, with the first name "Michael" and last name "Sievert" being the most prominent parts.

Michael J. Sievert PE  
MJS Engineering



This map was originally produced by Strafford Regional Planning Commission in October 2004, and was updated by the Town of Durham in May 2013.

**THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT INTENDED FOR LEGAL DESCRIPTION OR CONVEYANCE.**

## Introducing Madbury Commons

Integrating Madbury Road and Downtown Durham

### Introducing Madbury Commons

Golden Goose Capital plans to redevelop the large, 2.6 acre property located at 17 and 21 Madbury Road known as the "Greens". The vision is to create a multi-use development consisting of both commercial and undergraduate/graduate student housing. This vision follows months of preparation and direct engagement with the Planning Board and various Town committees and officials. The proposed design is actually the third distinct design concept and has received the enthusiastic support of the Planning Board, Economic Development Committee, Town Manager, Town Planner, Chief of Police and Fire and various other Town officials.

### Responding to Durham's Core Objectives

Significant attention has been paid to understand and incorporate Durham's core objectives. Madbury Commons now addresses each of these criteria.

1. To add to, stimulate, and to diversify the commercial base
2. To upgrade the current property and to beautify and revitalize Downtown Durham with architecture in keeping with the Durham environment
3. To promote a pedestrian friendly and accessible use of the property
4. To reclaim the neighborhoods for families and to encourage the exodus of students out of these residential areas
5. To ensure proper security related to student residents
6. To protect and preserve the environment, particularly Pettee Brook

### Describing Madbury Commons:

#### ***Fresh new commercial space that integrates Madbury Road and Downtown Durham***

The development will add approximately 30,000 s.f. of commercial space to Durham, which is a substantial percentage of the total commercial space in the Commercial District. The development will extend and integrate the property with the traditional Downtown. To maximize the commercial viability we have created three frontages that can attract business.

1. Along Madbury Road we will create a new "streetscape" that will become a sidewalk set far off the street with ample room in front of new retail area.
2. We will create a distinct "brook way" experience by cleaning up Pettee Brook and creating a commercial area along the brook. A public walking and sitting area will be created along the brook. We will connect the "brook way" area with Downtown Durham by constructing a new footbridge. It is important to note that the brook is currently overgrown and unmaintained; the proposed plan

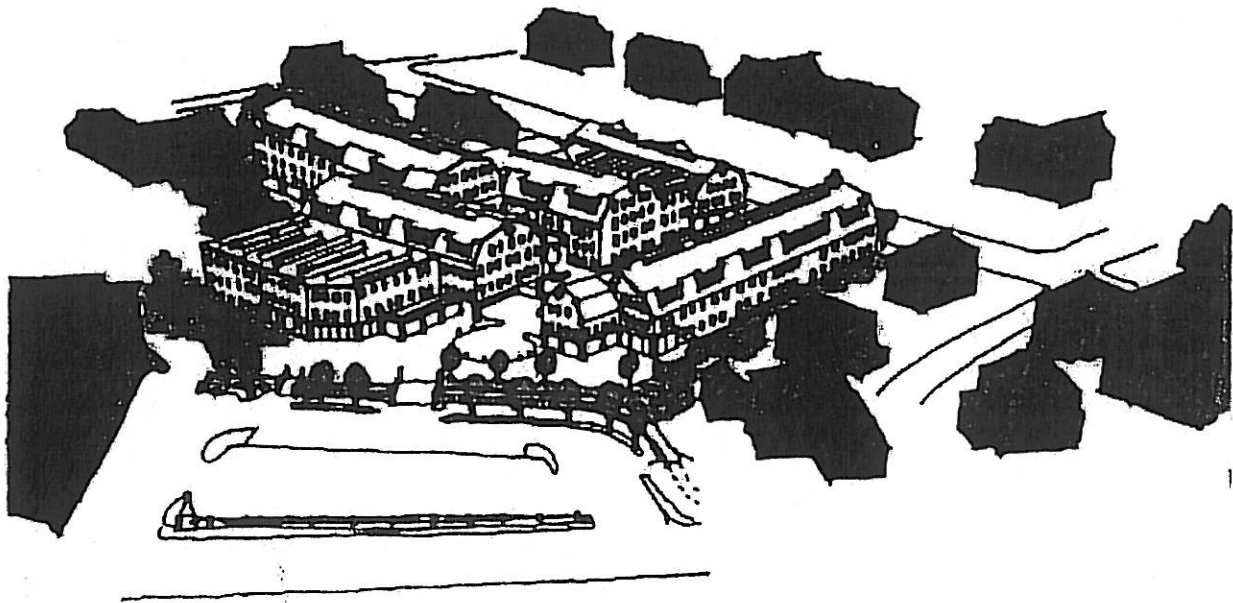
## Introducing Madbury Commons

Integrating Madbury Road and Downtown Durham

will represent a major improvement over the status quo – which is a core objective of the Town.

3. Between the Madbury streetscape and the new brook way experience will be a wide pedestrian mall that will also feature retail/commercial space along the pedestrian way. Please see the enclosed renderings and site plan.

We expect to add approximately fifty parking spaces in addition to leveraging the public lot that borders the brook. The net effect will be an accessible and extended downtown walking area. Golden Goose believes the Plan makes every reasonable accommodation to create economically viable commercial space in the property.



*Proposed Madbury Commons as viewed from Pettee Brook*

### ***Upgrading the current student housing***

Due to the lack of demand for commercial space in Durham, income from student housing will unavoidably be used to subsidize the commercial space. Golden Goose will replace the currently dilapidated housing units with premium student housing apartments in areas on the site less conducive for commercial purposes. The property will target student without cars who desire easy walking access to the University and local businesses. These students will come from Durham neighborhoods as well as neighboring towns. We plan on building 126 apartments consisting of 2-4 single

## Introducing Madbury Commons

### Integrating Madbury Road and Downtown Durham

bedrooms. We will explicitly not be jamming in 6-8 students in single apartments as other developers have done in Durham. We will thus be accommodating only 64% of those students allowed under current zoning. We also will be demolishing the current 150 student housing capacity on the site that includes two unrecognized fraternity houses. Approximately 350 net new students will live in Madbury Commons. With the full support of the Police Department, a full-time security force will be stationed at the facility to prevent and address issues before they become problems.

#### **The project meets Durham's core objectives**

We believe 17 and 21 Madbury is the largest single developable plot in the Commercial Business District. As such, the development will meet the core objectives of the Town.

***Adding, Diversifying the Commercial Base:*** The proposed design optimizes the commercial potential of the site even though out of conformance with the zoning laws. The project will add substantial commercial space along Madbury Road, The Brook and the new Pedestrian Mall. Further, Golden Goose is prepared to subsidize commercial rents to assure occupancy. The current zoning laws never contemplated a property in the Commercial Business District of 2.6 acres with such substantial acreage off the street and not as well located for commercial purposes as typical properties built along a main commercial street.

***Upgrading the property and revitalizing Downtown Durham & Promoting Pedestrian Friendliness:*** The whole project upgrades the current property and will be a cornerstone of the revitalization of Durham. The current property is rundown and urgently needs redevelopment. Public consensus is that the proposed design fits neatly within Durham both in style and scale. Three story structures are planned on the Madbury and the Brook exposures. The declining natural grade of the property is utilized to allow 4 story buildings in the middle of the property; yet the average height of these buildings still are only 46 ft. The scale of the project neatly fits in with neighboring structures, such as the Kostis building (50ft. high) and the Business School (80 ft. high) that are taller structures. The property also creates new walking mall and courtyard that are pedestrian and bike friendly and integrates Madbury Road and the Downtown as a "downtown extension".

***Reclaim Neighborhoods for Families, Managing Student related security:*** The property will draw students from the neighborhoods and bedroom communities because students will be attracted realizing the best value of proximity to UNH/Downtown and premium living conditions - all with an affordable rent. According to Police Chief Kurtz, the commitment to full-time security in combination with consolidating students to a manageable location will improve overall student security.

## Introducing Madbury Commons

Integrating Madbury Road and Downtown Durham

***Protecting the Environment and Pettee Brook:*** Pettee Brook is an unmanaged resource today. Our plan will dramatically improve the brook as we leverage the area as a public location. Golden Goose will explore solar energy and will work with the Town on the other environmental issues such as rainwater management, trash removal, etc. The plan explicitly meets the core objective of preserving the environment.

### **Summary**

Any way you look at, the public welfare is served by Madbury Commons. It will not only revitalize the property but will also extend and integrate with the Downtown. The property will create new tax revenues, new business, and consumers that will all help revitalize the Downtown. An informal task force consisting of a cross section of stakeholders (Town Council, Environment, concerned citizens, Town Manager, Town Planner, and Police) has delved into the nuances of the issues and trade-offs and is enthusiastically supporting Madbury Commons. Furthermore, there is powerful grassroots support for Madbury Commons as evidenced during public hearings. Golden Goose Capital is ready and willing to partner with Durham to execute this project but has a limited window of opportunity to do so.



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www.ci.durham.nh.us  
ZONING BOARD OF ADJUSTMENT

Property Referenced:  
Tax Map 2, Lot 12-3

RE: PUBLIC HEARING on a petition submitted by Golden Goose Capital LLC, Westford, Massachusetts, on behalf of themselves and Rose Lawn Properties, Bedford, New Hampshire for an APPLICATION FOR VARIANCE from Article XIV, Section 175-74(A)(3) of the Zoning Ordinance to permit the redevelopment of two properties into a multi-building, mixed-use development so that the proposed impervious structures (not including buildings) shall be modified within the shoreland setback. The properties involved are shown on Tax Map 2, Lots 12-3 & 12-4, are located at 17 & 21 Madbury Road, and are in the Central Business Zoning District.

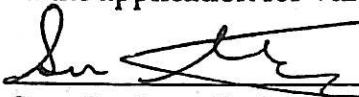
### DECISION OF THE BOARD

After review of the pertinent sections of the Zoning Ordinance of the Town of Durham, and after full consideration of the evidence submitted by Golden Goose Capital LLC and testimony given at a Public Hearing on August 13, 2013 a motion was made and seconded:

*that the Zoning Board of Adjustment approve a petition submitted by Golden Goose Capital LLC, Westford, Massachusetts, on behalf of themselves and Rose Lawn Properties, Bedford, New Hampshire for an APPLICATION FOR VARIANCE from Article XIV, Section 175-74(A)(3) to permit the modification of the existing bridges and pathways to connect within the 25 ft setback.*

The motion PASSED on a vote of 5-0-0 and the application for variance was granted.

8/21/13  
Date

  
Sean Starkey, Chair  
Durham Zoning Board of Adjustment

**NOTE:** Any person affected by this decision has the right to appeal this decision. If you wish to appeal, you must act within thirty (30) calendar days from the date of the hearing. The necessary first step before any appeal may be taken to the courts is to apply to the Zoning Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds upon which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677, for details.

Any questions should be directed to Tom Johnson, Zoning Administrator/Code Enforcement Officer.



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ZONING BOARD OF ADJUSTMENT

Property Referenced:  
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RE: PUBLIC HEARING on a petition submitted by Golden Goose Capital LLC, Westford, Massachusetts, on behalf of themselves and Rose Lawn Properties, Bedford, New Hampshire for an APPLICATION FOR VARIANCE from Article XII, Section 175-41(F)(2) of the Zoning Ordinance to permit the redevelopment of two properties into a multi-building, mixed-use development so that a portion of the front wall of the proposed principal buildings shall be set back up to 24 feet from Madbury Road. The properties involved are shown on Tax Map 2, Lots 12-3 & 12-4, are located at 17 & 21 Madbury Road, and are in the Central Business Zoning District.

### DECISION OF THE BOARD

After review of the pertinent sections of the Zoning Ordinance of the Town of Durham, and after full consideration of the evidence submitted by Golden Goose Capital LLC and testimony given at a Public Hearing on August 13, 2013 a motion was made and seconded:

*that the Zoning Board of Adjustment approve a petition submitted by Golden Goose Capital LLC, Westford, Massachusetts, on behalf of themselves and Rose Lawn Properties, Bedford, New Hampshire for an APPLICATION FOR VARIANCE from Article XII, Section 175-41(F)(2) to permit a portion of the front wall of the principal buildings to be set back up to 24 feet from Madbury Road, as proposed on the MJS Engineering Plan dated 7/29/13, Exhibit 2.*

The motion PASSED on a vote of 5-0-0 and the application for variance was granted.

8/21/13

Date

Sean Starkey, Chair

Durham Zoning Board of Adjustment

**NOTE:** Any person affected by this decision has the right to appeal this decision. If you wish to appeal, you must act within thirty (30) calendar days from the date of the hearing. The necessary first step before any appeal may be taken to the courts is to apply to the Zoning Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds upon which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677, for details.

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ZONING BOARD OF ADJUSTMENT

Property Referenced:  
Tax Map 2, Lot 12-3

RE: PUBLIC HEARING on a petition submitted by Golden Goose Capital LLC, Westford, Massachusetts, on behalf of themselves and Rose Lawn Properties, Bedford, New Hampshire for an APPLICATION FOR VARIANCE from Article XII, Section 175-41(F)(7) of the Zoning Ordinance to permit the redevelopment of two properties into a multi-building, mixed-use development so that some of the five-floor proposed buildings shall contain one floor of non-residential units and the other buildings shall contain all residential floors. The properties involved are shown on Tax Map 2, Lots 12-3 & 12-4, are located at 17 & 21 Madbury Road, and are in the Central Business Zoning District.

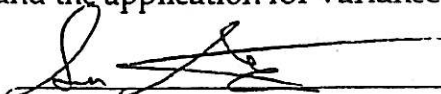
#### DECISION OF THE BOARD

After review of the pertinent sections of the Zoning Ordinance of the Town of Durham, and after full consideration of the evidence submitted by Golden Goose Capital LLC and testimony given at a Public Hearing on August 13, 2013 a motion was made and seconded:

*that the Zoning Board of Adjustment approve a petition submitted by Golden Goose Capital LLC, Westford, Massachusetts, on behalf of themselves and Rose Lawn Properties, Bedford, New Hampshire for an APPLICATION FOR VARIANCE from Article XII, Section 175-41(F)(7) to permit the development of a 5 floor building in the northernmost wing of the development, where only the first floor is a nonresidential use as parking, per the plan submitted by MJS Engineering dated 7/29/13 and as shown in the conceptual designs during the presentation.*

The motion PASSED on a vote of 4-1-0 and the application for variance was granted.

8/21/13  
Date

  
Sean Starkey, Chair  
Durham Zoning Board of Adjustment

**NOTE:** Any person affected by this decision has the right to appeal this decision. If you wish to appeal, you must act within thirty (30) calendar days from the date of the hearing. The necessary first step before any appeal may be taken to the courts is to apply to the Zoning Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds upon which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677, for details.

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ZONING BOARD OF ADJUSTMENT

RE: PUBLIC HEARING on a petition submitted by Golden Goose Capital LLC, Westford, Massachusetts, on behalf of themselves and Rose Lawn Properties, Bedford, New Hampshire for an APPLICATION FOR VARIANCE from Article XII, Section 175-41(F)(7) and Section 175-53 of the Zoning Ordinance to permit the redevelopment of two properties into a multi-building, mixed-use development so that some of the proposed buildings shall contain some residential units on the first floor. The properties involved are shown on Tax Map 2, Lots 12-3 & 12-4, are located at 17 & 21 Madbury Road, and are in the Central Business Zoning District.


DECISION OF THE BOARD

After review of the pertinent sections of the Zoning Ordinance of the Town of Durham, and after full consideration of the evidence submitted by Golden Goose Capital LLC and testimony given at a Public Hearing on August 13, 2013 a motion was made and seconded:

*that the Zoning Board of Adjustment approve a petition submitted by Golden Goose Capital LLC, Westford, Massachusetts, on behalf of themselves and Rose Lawn Properties, Bedford, New Hampshire for an APPLICATION FOR VARIANCE from Article XII, Section 175-53 and 175-41 (F)(7) to permit a mixed use development with residential on the first floor; the proposal offers first floor commercial space in no less than half of the proposed first floor square footage, not to include the northern most wing of the development as shown on the MJS Engineering Plan dated 7/29/13 Exhibit 2.*

The motion PASSED on a vote of 5-0-0 and the application for variance was granted.

8/21/13  
Date

  
Sean Starkey, Chair  
Durham Zoning Board of Adjustment

NOTE: Any person affected by this decision has the right to appeal this decision. If you wish to appeal, you must act within thirty (30) calendar days from the date of the hearing. The necessary first step before any appeal may be taken to the courts is to apply to the Zoning Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds upon which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677, for details.

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ZONING BOARD OF ADJUSTMENT

Property Referenced:  
Tax Map 2, Lot 12-3

RE: PUBLIC HEARING on a petition submitted by Golden Goose Capital LLC, Westford, Massachusetts, on behalf of themselves and Rose Lawn Properties, Bedford, New Hampshire for an APPLICATION FOR VARIANCE from Article XIII, Section 175-59(A)(2)(d) of the Zoning Ordinance to permit the redevelopment of two properties into a multi-building, mixed-use development so that the proposed buildings shall be located within the wetlands setback. The properties involved are shown on Tax Map 2, Lots 12-3 & 12-4, are located at 17 & 21 Madbury Road, and are in the Central Business Zoning District.

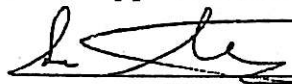
### DECISION OF THE BOARD

After review of the pertinent sections of the Zoning Ordinance of the Town of Durham, and after full consideration of the evidence submitted by Golden Goose Capital LLC and testimony given at a Public Hearing on August 13, 2013 a motion was made and seconded:

*that the Zoning Board of Adjustment approve a petition submitted by Golden Goose Capital LLC, Westford, Massachusetts, on behalf of themselves and Rose Lawn Properties, Bedford, New Hampshire for an APPLICATION FOR VARIANCE from Article XIII, Section 175-59(A)(2)(d) to permit the erection of structures within the 75 ft wetland setback as shown on the MJS Engineering Plan dated 7/29/13, Exhibit 2.*

The motion PASSED on a vote of 4-1-0 and the application for variance was granted.

8/21/13  
Date

  
Sean Starkey, Chair  
Durham Zoning Board of Adjustment

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Any questions should be directed to Tom Johnson, Zoning Administrator/Code Enforcement Officer.



\_\_\_\_\_ of \_\_\_\_\_ documents  
Tax Stamp: \$ 12,000.00  
Recording Fee: \$ 20.45  
L-Chip Surcharge: \$ 25.00  
Return to:



Grantee

### Warranty Deed

**Jesse P. Gangwer, Trustee of The Jesse P. Gangwer Revocable Trust of 2011, a New Hampshire trust created u/d/t dated July 7, 2011, of 105 Perkins Road, Madbury, New Hampshire, holder of an undivided one-half interest in the following described property, and**

**June A. Gangwer, Trustee of The June A. Gangwer Revocable Trust of 2011, a New Hampshire trust created u/d/t dated July 7, 2011, of 105 Perkins Road, Madbury, New Hampshire, holder of an undivided one-half interest in the following described property, for consideration paid, grant to**

**GP Madbury 17, LLC, a New Hampshire limited liability company, with an address of 1 Pleasant Street, Unit 1A-21, Westford, Massachusetts 01886, with Warranty Covenants:**

**[21 Madbury Road, Durham, NH] A certain tract or parcel of land, with the improvements thereon known as 21 Madbury Road, situate in the Town of Durham, Strafford County, New Hampshire, and bounded and described as follows:**

**Beginning at a marker on the westerly side of Madbury Road at the northeasterly corner of land now or formerly of Jesse P. Gangwer; thence**

- 1. North 86°57' West by said land now or formerly of Gangwer a distance of 125.0 feet to a marker; thence**
- 2. North 04°16' West by said land now or formerly of Gangwer a distance of 69.46 feet to a marker at land now or formerly of Sigma Omicron Corp.; thence**
- 3. North 82°32' East by said land now or formerly of Sigma Omicron Corp. a distance of 133.38 feet to a marker on the westerly side of Madbury Road; thence**
- 4. South 01°37' West by said Madbury Road a distance of 80.0 feet to the point of beginning.**

**Together with the same right of way as conveyed in previous deeds for all purposes in a strip of land adjoining the above described premises and extending from said line of said road westerly**

along the southerly side of the above-described premises a distance of 125.00 feet, to the extent the same has not been superseded by an Access and Parking Easement Agreement by and between Rose Lawn Properties, LLC and GP Madbury 17, LLC of even or near even date herewith.

Being the same property conveyed in Tract I in the Quitclaim Deed of Jesse P. Gangwer and June A. Gangwer to Jesse P. Gangwer, Trustee and June A. Gangwer, Trustee, recorded August 11, 2011, at Book 3945, Page 188.

**Trustee Certificate:** The undersigned Jesse P. Gangwer, Trustee as Trustee under The Jesse P. Gangwer Revocable Trust of 2011, created by Jesse P. Gangwer as grantor under trust agreement dated July 7, 2011, has full and absolute power in said trust agreement to convey any interest in real estate and improvements thereon held in said trust and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the Trustee for a conveyance thereof. The trust agreement is a trust as defined by New Hampshire RSA 564-A:1 I. The trust has not been revoked and is still in full force and effect.

**Trustee Certificate:** The undersigned June A. Gangwer, Trustee as Trustee under The June A. Gangwer Revocable Trust of 2011, created by June A. Gangwer as grantor under trust agreement dated July 7, 2011, has full and absolute power in said trust agreement to convey any interest in real estate and improvements thereon held in said trust and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the Trustee for a conveyance thereof. The trust agreement is a trust as defined by New Hampshire RSA 564-A:1 I. The trust has not been revoked and is still in full force and effect.

Dated as of the 28<sup>th</sup> day of December, 2012.

Claudia Pacheco  
Witness

Jesse P. Gangwer, Trustee  
Jesse P. Gangwer, Trustee of The Jesse P. Gangwer  
Revocable Trust of 2011, w/d/t dated July 7, 2011

Claudia Pacheco  
Witness

June A. Gangwer, Trustee  
June A. Gangwer, Trustee of The June A. Gangwer  
Revocable Trust of 2011, w/d/t dated July 7, 2011

State of New Hampshire  
County of Hillsborough

The foregoing instrument was acknowledged before me this 26 day of December, 2012, by  
Jesse P. Gangwer, Trustee of The Jesse P. Gangwer Revocable Trust of 2011 w/d/t dated July 7,  
2011.

Claudia Pacheco  
Justice of the Peace / Notary Public  
My commission expires: 9/17/13  
Seal or Stamp:



State of New Hampshire  
County of Hillsborough

The foregoing instrument was acknowledged before me this 26 day of December, 2012, by  
June A. Gangwer, Trustee of The June A. Gangwer Revocable Trust of 2011 w/d/t dated July 7,  
2011.

Claudia Pacheco  
Justice of the Peace / Notary Public  
My commission expires: 9/17/13  
Seal or Stamp:



009417

2000 JUN 16 AM 11:36

## WARRANTY DEED

REGISTER OF DEEDS  
STRAFFORD COUNTY

KNOW ALL MEN BY THESE PRESENTS: That Jesse P. Gangwer and June A. Gangwer, husband and wife, of 60 Main Street, Durham, NH 03824, for consideration paid grants to Rose Lawn Properties, LLC of PO Box 156, Plymouth, NH 03264, as with WARRANTY COVENANTS:

Three certain tracts or parcels of land situated in Durham, Strafford County, State of New Hampshire, described as follows:

## Tract 1

A certain tract or parcel of land situated Westerly of the Madbury Road in the town of Durham, County of Strafford, State of New Hampshire and bounded and described as follows: Beginning at an iron pipe driven in the ground at a point 133.38 feet, more or less, S82°32'W of the Westerly sideline of said Madbury Road and the Northeasterly corner of other land now or formerly of Katherine B. Richards; thence running S4°16'E a distance of 69.46 feet, more or less, to a steel stake; thence S86°57'W a distance of 269.7 feet, more or less, to an iron pipe; thence N39° 19'W a distance of 50 feet, more or less, to an iron pipe; thence N81°23'E a distance of 299.2 feet, more or less to the point of beginning.

## Tract 2

A certain tract or parcel of land situated in the Town of Durham, County of Strafford, State of New Hampshire and bounded and described as follows: The Jenkins house and lot in Durham, Strafford County, bounded: Northerly by land now or formerly of Ernest R. Groves; Easterly by the Madbury Road, so-called; Southerly by land now or formerly of Valentine Mathas; and Westerly by land now or formerly of Gamma Theta Fraternity.

## Tract 3

A certain parcel of land situate in Durham, Strafford County, State of New Hampshire and being Lot #2 as shown on a plan of land entitled "Re-Subdivision of land in Durham, New Hampshire prepared for Theta Gamma of Delta Zeta House Corp." dated August 4, 1980 and recorded at the Strafford County Registry of Deeds, Plan 23-86 recorded December 12, 1980 and bounded and described as follows: Beginning at a point at the Southwesterly corner of Lot #1 as shown on said plan referred to above and at the Southeasterly corner of Lot #2 being conveyed; thence S81°32'35"W by land now or formerly of Jesse P. Gangwer 134.3 feet to an iron rod; thence N2°9'25"E by and along land now or formerly of the University of New Hampshire 206.67 feet to an iron rod; thence S87°29'40"E by and along land now or formerly of Ernest J. Cutter 132 feet to an iron rod; thence S2°9'40"W by and along Lot #1 as shown on said plan 181.12 feet to the point of beginning.

Subject to the following easements, restrictions, reservations, and all others of record pertaining to this property.

Utility easement to New England Telephone & Telegraph New Hampshire Electric Cooperative dated 2/13/56 and recorded in Volume 658, Page 41 of the said Registry of Deeds.

Restrictions, reservations, easements, sewer rights and conditions as contained in deed dated 10/11/57 and recorded in Volume 681, Page 56 of the said Registry of Deeds.

Right of way/easement to Ernest R. Groves dated 8/4/55 and recorded in Volume 649, Page 299 of the said Registry of Deeds.

STATE OF NEW HAMPSHIRE

Continued on next page

DEPARTMENT  
OF  
REVENUE  
ADMINISTRATIONREAL ESTATE  
TRANSFER TAX

XX12 THOUSAND XXX HUNDRED AND XXX DOLLARS

06-16-00 427372 \$12,000.00

VOID IF ALTERED

BK2205PC0489

PROPERTY DESCRIPTION CONTINUATION:

Right of way/easement and parking easement to Theta Gamma of Delta Zeta House Corporation dated 1/14/81 and recorded in Volume 1060, Page 318 of the said Registry of Deeds.

Restrictions, reservations and conditions as contained in deed of Theta Gamma of Delta Zeta House Corporation formerly known as Sigma Omicron Corporation dated 1/14/81 and recorded in Volume 1060, Page 313 of the said Registry of Deeds.

Drainage easement dated 12/10/10 and recorded in Volume 367 Page 443 of the said Registry of Deeds.

Sewer easement dated 12/10/10 and recorded in Volume 367, Page 443 the said Registry of Deeds.

Sewer easement as shown on Plan #21-86 the said Registry of Deeds.


Subject to all notations, facts, easements and issues as shown on Plan #54-2-16 and #21-86 recorded in the said Registry of Deeds.

Meaning and intending to describe and convey the same premises conveyed to Jesse P. Gangwer, a/k/a Jesse P. Gangwer, by deed of Katherine B. Richards dated October 11, 1957 recorded in Volume 681, Page 56, Strafford County County Registry of Deeds.

Also meaning and intending to describe and convey the same premises conveyed to Jesse P. Gangwer and June A. Gangwer by deed of Jesse P. Gangwer dated December 3, 1992 recorded in Volume 1631, Page 121, and also by deed of Theta Gamma of Delta Zeta House Corporation dated January 14, 1981 recorded in Volume 1060, Page 313, in the Strafford County County Registry of Deeds.

The property is not the residence of the grantor and is not subject to homestead rights.

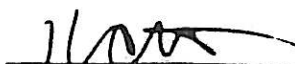
Executed this 14th day of June, 2000.

  
Jesse P. Gangwer

  
June A. Gangwer

State of New Hampshire  
County of Hillsborough

Then personally appeared before me this June 14, 2000, the said Jesse P. Gangwer and June A. Gangwer, and acknowledged the foregoing to be their voluntary act and deed.

  
Notary Public/Justice of the Peace  
Commission expiration:

KATHLEEN A. HOLT, Notary Public  
My Commission Expires October 23, 2001



BK2205PG0490

**ENERGY CONSIDERATIONS CHECKLIST (November 27, 2011)**  
 Planning & Community Development and Code Enforcement Offices  
 Town Hall, 15 Newmarket Road, Durham, NH 03824; 603-868-8064



**- PURPOSE -**

This checklist was developed by the Durham Energy Committee together with the Durham Planning Board. It is intended to encourage developers, applicants for Site Plan Review, applicants for building permits, and members of the Durham Planning Board to consider and discuss optional energy efficiency measures appropriate to a specific application rather than to mandate general requirements. Discussion at early stages may result in opportunities for energy and cost savings.

**Project name** Madbury Commons  
**Date of Submittal** 10/16/13  
**Applicant name** Golden Goose Capital, LLC  
**Engineer name** MJS Engineering, P.C.  
**Architect name** Woodburn & Assoc. Landscape Architects, LLC

☒ **New Construction**      ☐ **Re-Development, Addition or Renovation**

**PART I. BUILDING CONSTRUCTION SYSTEMS AND MATERIALS**

**National Accredited Rating for Building Energy System**

**Check one box:**      **1 Does your building meet standards for:**

☐ • Passive House Institute\* <<http://www.passivehouse.us/passivehouse/PHIUSHome.html>>

☐ • International Living Building Institute/Living Building Challenge\* <<http://living-future.org/lbc>>

☐ • LEED\* (Platinum, Gold, Silver) <<http://www.usgbc.org/>>

☒ min. • Energy Star\* <<http://www.energystar.gov/>>

☐ • Other \_\_\_\_\_  
 [please indicate internet address or other reference]

\* These organizations have established energy-efficiency criteria. Qualifying applicants are encouraged to complete and attach the checklist from that certification (to be used for informational purposes only) and may then skip to Part IV, "Consultation with Director of Zoning, Building Codes & Health."

☐ None of the above

Yes	No	N/A	Energy performance and insulation
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2 Attic or ceiling insulation exceeds Town code (R value proposed = 40+ ) (see Chapter 38)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3 Walls insulation exceeds Town building code (R value proposed = 30+ ) (see Chapter 38)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4 Air sealing: passive air infiltration rate proposed*: .5 ACH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5 Slabs: R value proposed 20+
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6 Basement foundation: R value proposed --
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7 Hot water pipes: R value proposed 5+
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8 Heating ducts: R value proposed 10+
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9 Plans to commission the building to confirm performance

Blower Door Test, HVAC Balancing at a minimum

\* "Tight" envelopes require ventilation, typically with the use of energy or heat recovery ventilation systems.

Yes	No	N/A	Construction methods and materials
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10 Net zero construction, i.e., building(s) uses less than or same amount of energy it generates
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11 Energy efficient doors and windows (including screens)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12 Recycled content materials

Yes	No	N/A	Internal systems
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13 Low-flow plumbing fixtures
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14 Lighting: high efficiency
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	15 Energy usage monitoring system(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16 Energy-efficient appliances (refrigerators, stoves, air conditioners, ceiling fans, etc.)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17 Energy-efficient HVAC system (proposed efficiency level <input type="text" value="91% min."/> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	18 Renewable HVAC system (e.g., biomass boiler or furnace) or geothermal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	19 Renewable hot water system (e.g., solar thermal)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20 Photovoltaic renewable electricity generation system (i.e., solar panels)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	21 Window technology or design that adjusts shading (active or passive, e.g., film, sensors)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	22 Ability to charge electric vehicles
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	23 Grey-water system (e.g., to capture water from sinks or showers to use for toilets or flower gardens)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	24 Mechanical ventilation: Energy Recovery Ventilator efficiency proposed = <input type="text" value="91% min."/> )
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	25 Water usage monitoring system(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	26 Cooling load reduction features, e.g., ceiling fans, solar-ray-blocking blinds

**PART 2. SITE AND SITING CONSIDERATIONS (if not applicable, check here)**

Yes	No	N/A	Solar lighting, heating and cooling (passive and active)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	27 Passive solar lighting design (optimizes natural illumination for interiors)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	28 Solar access: availability of, or access to, unobstructed, direct sunlight, usually south-facing
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	29 Preservation of abutting solar rights, e.g., solar skyspace easements applicable to all plots within a subdivision or to your neighbors
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	30 Orientation of internal streets allows solar access
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	31 Deciduous trees that provide shade in summer and do not block solar gain in winter
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	32 Window placement maximizes winter solar penetration and minimizes solar penetration in summer
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	33 Vegetated rooftop(s), also known as a "green roof"

Yes	No	N/A	Parking
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	34 Incentives for tenants without cars ("no free parking")
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	35 Compact car space designation
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	36 Advanced technology and/or alternative fuel car space designation (e.g., hybrids; "E85")

Yes	No	N/A	Transportation, accessibility, connectivity
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	37 Pedestrian sidewalk network within the project area
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	38 Bicycle lane or path network within project area
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	39 Storage for bicycles outdoors ( <del>Covered</del> /uncovered) (secured/unsecured)<please circle
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	40 Storage for bicycles indoors ( <del>secured</del> /unsecured)<please circle

## PART III. OPERATIONS AND MAINTENANCE (If not applicable, check here)

Yes	No	N/A	Landscaping
			<i>Lower Town water use results in lower electricity demand at water and wastewater treatment plants.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	41 Rainwater storage, e.g., cisterns
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	42 Existing vegetation or native species plantings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	43 Xeriscaping (low-water-demand plants)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	44 Low-nitrogen-demand turf grass
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	45 Rain garden ("bioretention system") to manage stormwater runoff from roofs, driveways, parking areas
			<b>Covenant terms (e.g., for homeowner associations) allow:</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	46 Outdoor clotheslines
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	47 Installation of outdoor energy-efficiency devices, such as solar panels

#### **PART IV. CONSULTATION WITH DIRECTOR OF ZONING, BUILDING CODES & HEALTH**

### Preliminary and follow-up consultations help solve problems and reduce costs

[illegible]



**TOWN OF DURHAM**  
**15 NEWMARKET RD**  
**DURHAM, NH 03824-2898**  
**603/868-8064 603/868-8065**  
**FAX 603/868-8033**  
***www.ci.durham.nh.us***

## **SITE PLAN REVIEW APPLICATION CHECKLIST**

Name of Project: Madbury Commons

Name of Applicant: Golden Goose Capital, LLC & Rose Lawn Properties, LLC

Location of Property: 17 & 21 Madbury Road

Tax Map and Lot Number: 12-3 (21 Madbury Road) & 12-4 (17 Madbury Road)

Date: 10/18/2013

### **Basic documentation:**

- ☒ A letter of intent detailing the proposal
- ☒ A list of the names and addresses of all the abutters, as shown in town records not more than five (5) days before the day of filing; and a listing of all holders of conservation, preservation, or agricultural preservation restrictions on the subject property
- ☒ Copies of the current deed, purchase and sale agreement, and copies of all easements, deed restrictions, rights-of-ways, or other encumbrances currently affecting the property.
- ☒ Five copies, 24" x 36" and ten additional copies at 11" x 17" of the plat.

### **Information on the plan:**

- ☒ Title Block with title, owner's name and address, date, scale and name, address and seal of the preparer of the plan
- ☒ Names of owners of abutting properties
- ☒ North Arrow and bar scale
- ☒ Locus plan at a minimum scale of one (1) inch equals one thousand (1,000) feet showing required information
- ☒ Surveyed property lines of the parcel showing their bearings;

- ☒ Location and layout of existing and proposed structures and buildings;
- ☒ Existing and proposed contours at two (2) foot intervals for the entire site. Where a change in grade is proposed, existing contours shall be dotted lines and finished elevations solid;
- ☒ Area of entire parcel in acres and square feet;
- ☒ Zoning and special district boundaries;
- ☒ Deed reference and tax map number;
- ☒ Location width, curbing and paving of access ways, egress ways and streets within the site;
- ☒ Location and layout of all on-site parking and loading facilities;
- ☒ Location and size of all municipal and non-municipal utilities and appurtenances including: water, sewer, electric, telephone, gas lines and fire alarm connections, indicating whether overhead or underground, and the location of wells and septic systems;
- ☒ Type and location of solid waste disposal facilities;
- ☒ Location, elevation and layout of catch basin and other surface drainage features;
- ☒ Location of all physical/natural features including: water bodies, watercourses, wetlands, vegetation/foilage lines, soil types, railroads, rock outcroppings and stone walls;
- ☐ Dimensions and area of all property to be dedicated for public use of common ownership;
- ☒ Location of 100 year flood hazard boundaries;
- ☐ Date and permit numbers of all required state and federal permits.
- ☐ Location of all buildings, wells and leach fields within one hundred and fifty (150) feet of the parcel;
- ☒ Dimensions, area and minimum setback requirements on all existing and proposed lots;
- ☒ Proposed landscaping plan including size and type of plant material;
- ☒ Pedestrian walks providing circulation through the site;
- ☒ Location and size of proposed and existing signs, walls and fences;
- ☒ Location and type of lighting for outdoor activities; and
- ☒ Location, widths and purposes of any easements or rights-of-way.
- ☒ Total on-site square footage of impervious surfaces.

**Other Requirements:**

- ☒ Streets and Access meet Section 9.02 of the Site Plan Review Regulations for the Town of Durham.
- ☒ Storm Water Drainage meets Section 9.03 of the Site Plan Review Regulations for the Town of Durham.
- ☒ Water Supply meets Section 9.04 of the Site Plan Review Regulations for the Town of Durham.
- ☒ Sewerage meets Section 9.05 of the Site plan Review Regulations for the Town of Durham.
- ☒ Non-Municipal Utilities meets Section 9.06 of the Site Plan Review Regulations for the Town of Durham.
- ☒ Signs meet Section 9.07 of the Site Plan Review Regulations for the Town of Durham.
- ☒ Special Flood Hazard Areas meet Section 9.09 of the Site Plan Review Regulations for the Town of Durham.
- ☐ Independent Studies and Investigations meet Section 10 of the Site Plan Review Regulations for the Town of Durham.
- ☒ Energy Considerations Checklist (required to be filled out; encouraged but not required to comply with items)
- ☒ Architectural design (See subsection 7.02 G.)

**Waivers from these requirements may be requested if justified per the requirements of Section 12.02 of the Site Plan Review Regulations. Please use the Waiver Request form.**



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## **CONDITIONAL USE PERMIT APPLICATION CHECKLIST**

Date: 10/16/13

Name of Applicant: Golden Goose Capital, LLC & Rose Lawn Properties, LLC

Location of Property: 17 & 21 Madbury Road

Tax Map and Lot Number: 2/12-3 & 12-4

Name of Plan: Madbury Commons

- ☒ a Conditional Use Permit application
- ☒ a letter of intent detailing the proposal
- ☒ a letter of authorization (if applicable)
- ☒ all applicable fees
- ☒ a list of the names and addresses of all the abutters within 300' feet of the subject property, as shown in town records not more than five (5) days before the day of filing; and a listing of all holders of conservation, preservation, or agricultural preservation restrictions on the subject property
- ☒ Copies of the current deed, purchase and sale agreement, and copies of all easements, deed restrictions, rights-of-ways, or other encumbrances currently affecting the property.
- ☒ five copies, 24" x 36" and ten additional copies at 11" x 17" of the plat.

The Plan shall show (only if applicant is not submitting a Site Plan Review or Subdivision Application):

- ☒ Title Block with title, owner's name and address, date, scale and name, address and seal of the preparer of the plan
- ☒ names of owners of abutting properties
- ☒ North Arrow and bar scale
- ☒ locus plan sat a minimum scale of one (1) inch equals one thousand (1,000) feet showing required information
- ☒ Surveyed property lines of the parcel showing their bearings;
- ☒ Location and layout of existing and proposed structures and buildings;

- ☒ Existing and proposed contours at two (2) foot intervals for the entire site. Where a change in grade is proposed, existing contours shall be dotted lines and finished elevations solid;
- ☒ Area of entire parcel in acres and square feet;
- ☒ Zoning and special district boundaries;
- ☒ Deed reference and tax map number;
- ☒ Location width, curbing and paving of access ways, egress ways and streets within the site;
- ☒ Location and layout of all on-site parking and loading facilities;
- ☒ Location and size of all municipal and non-municipal utilities and appurtenances including: water, sewer, electric, telephone, gas lines and fire alarm connections, indicating whether overhead or underground, and the location of wells and septic systems;
- ☒ Type and location of solid waste disposal facilities;
- ☒ Location, elevation and layout of catch basin and other surface drainage features;
- ☒ Location of all physical/natural features including: water bodies, watercourses, wetlands, vegetation/foilage lines, soil types, railroads, rock outcroppings and stone walls;
- ☒ Dimensions and area of all property to be dedicated for public use of common ownership;
- ☒ Location of 100 year flood hazard boundaries;
- \_\_\_\_\_ Date and permit numbers of all required state and federal permits.
- \_\_\_\_\_ Location of all buildings, wells and leach fields within one hundred and fifty (150) feet of the parcel;
- ☒ Dimensions, area and minimum setback requirements on all existing and proposed lots;
- ☒ Proposed landscaping plan including size and type of plant material;
- ☒ Pedestrian walks providing circulation through the site;
- ☒ Location and size of proposed and existing signs, walls and fences;
- ☒ Location and type of lighting for outdoor activities; and
- ☒ Location, widths and purposes of any easements or rights-of-way.
- \_\_\_\_\_ Total on-site square footage of impervious surfaces.
- ☒ Letter to Planning Board detailing how application meets the criteria for approval set out in Section 175-23(C)
- ☒ Applicant has met with neighbors to discuss project and concerns.

**Written waivers from these requirements may be requested with specific justification to the requirements of Section 12.02 of the Site Plan Review Regulations for the Town of Durham.**

**The applicant is reminded that they need to place a sign on the property measuring 2'x3' at least ten (10) calendar days prior to the time of the public hearing by the Planning Board. The sign shall remain on the property until the conclusion of the public hearing. The sign shall be visible from the most heavily traveled street right-of-way adjacent to the property. The sign shall state the date of the public hearing, the time, the location and the action to be considered.**

## Stormwater Management Checklist

<input checked="" type="checkbox"/>	<b>SITE PLAN REVIEW APPLICATION</b>		<b>Project Name</b> <u>Madbury Commons</u>	
<input type="checkbox"/>	<b>Date of Submittal</b> <u>10/16/2013</u>		<b>Applicant's Name</b> <u>Golden Goose Capital, LLC</u>	
<input type="checkbox"/>	<b>Engineer</b> <u>MJS ENGINEERING</u>	<b>Architect</b> <u>TMS ARCHITECTS</u>		
<input type="checkbox"/>	<b>New Development</b>		<input checked="" type="checkbox"/>	<b>Re-Development</b>
<input type="checkbox"/>	<b>Total Area of Disturbance</b> <u>102,000</u> <b>Square Feet (SF)</b>			
<input type="checkbox"/>	<input type="checkbox"/> < 10,000 SF and No Water Quality Threat {No Stormwater Management Plan Required}			
<input type="checkbox"/>	<input type="checkbox"/> < 10,000 SF and Possible Water Quality Threat {Stormwater Management Plan Required}			
<input type="checkbox"/>	<input checked="" type="checkbox"/> > 10,000 SF {Stormwater Management Plan Required except as provided for in 9.03 (A) with an approved AOT permit}			
<b>STORMWATER MANAGEMENT PLAN – PART I</b>				
<input checked="" type="checkbox"/>	<b>EXISTING CONDITIONS PLAN</b>			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Title Block, Appropriate Scale, Legend, Datum, Locus Plan, Professional Stamp(s)		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Topographic Contours and benchmarks		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Buildings, Structures, Wells, Septic Systems, Utilities		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Bodies, Wetlands, Hydrologic Features, Soil Codes, Buffer Zone		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Area of Impervious Surface <u>67,810</u> SF		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Total Area of Pavement <u>48,968</u> SF	Area of Pervious Pavement <u>0</u> SF	
<input checked="" type="checkbox"/>	<b>PROPOSED CONDITIONS PLAN</b> (include above existing and below proposed features)			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Title Block, Appropriate Scale, Legend, Datums, Locus Plan, Professional Stamp(s)		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Topographic Contours and benchmarks		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Buildings, Structures, Wells, Septic Systems, Utilities		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Bodies, Wetlands, Hydrologic Features, Soil Codes, Buffer Zone		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Impervious Surface Area <u>85,193</u> SF	Impervious Surface Increase <u>17,382</u> SF	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Total Area of Pavement <u>5,887</u> SF	Area of Pervious Pavement <u>8,498</u> SF	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Effective Impervious Area (EIA) <u>18,702</u> SF		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stormwater Management & Treatment System (Describe System Elements Below)		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Name of Receiving Waterbody <u>PETTUS BROOK</u>		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Closed Drain & Catch Basin Network	<input checked="" type="checkbox"/>	Connected to Town Closed System
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Detention Structure Types <u>MICROPOOL EXTENDED DETENTION POND</u>		

<input checked="" type="checkbox"/>	Structural BMP Types	<u>PONDS, SWALES, RIPRAP ARROWS</u>		
<input checked="" type="checkbox"/>	LID Strategies	<u>PERVIOUS PAVEMENTS, LANDSCAPING</u>		
<input checked="" type="checkbox"/>	Estimated Value of Parts to be Town Owned and/or Maintained	\$ <u>0.00</u>		
<b>STORMWATER MANAGEMENT PLAN – PART II</b>				
<input checked="" type="checkbox"/>	<b>DRAINAGE ANALYSIS</b>			
	24-Hour Storm Event	Runoff	Pre-Development	Post-Development
<input type="checkbox"/>	1-inch	Rate	<u>0.75</u> Feet <sup>3</sup> /Sec (CFS)	<u>0.06</u> CFS
<input type="checkbox"/>	1-inch	Volume	<u>3,093</u> Feet <sup>3</sup> (CF)	<u>5,410</u> CF
<input type="checkbox"/>	2-Year	Rate	<u>6.80</u> CFS	<u>4.56</u> CFS
<input type="checkbox"/>	2-Year	Volume	<u>22,264</u> CF	<u>25,826</u> CF
<input type="checkbox"/>	10-Year	Rate	<u>11.85</u> CFS	<u>9.78</u> CFS
<input type="checkbox"/>	10-Year	Volume	<u>39,027</u> CF	<u>42,802</u> CF
<input type="checkbox"/>	25-Year	Rate	<u>15.84</u> CFS	<u>14.32</u> CFS
<input type="checkbox"/>	25-Year	Volume	<u>52,652</u> CF	<u>56,501</u> CF
<input type="checkbox"/>	100-Year	Rate	<u>23.99</u> CFS	<u>22.4</u> CFS
<input checked="" type="checkbox"/>	<b>EROSION &amp; SEDIMENT CONTROL PLAN</b>			
<input checked="" type="checkbox"/>	<b>OTHER PERMITS OR PLANS REQUIRED BY USEPA or NHDES (Where applicable)</b>			
<input checked="" type="checkbox"/>	USEPA Pre- and Post-Construction Stormwater Pollution Prevention Plan			
<input checked="" type="checkbox"/>	NHDES Alteration of Terrain Permit			
<input checked="" type="checkbox"/>	Other (Please list) <u>WETLANDS PERMIT</u>			
<input checked="" type="checkbox"/>	<b>OPERATION &amp; MAINTENANCE PLAN</b>			
<input type="checkbox"/>	Need for 3 <sup>rd</sup> Party Review? YES _____ NO _____			