



TOWN OF DURHAM
8 NEWMARKET RD
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www.ci.durham.nh.us

NOTICE OF DECISION

Project Name: Great Bay Animal Hospital
Action Taken: Approval of site plan and conditional use
Project Description: Parking lot and addition to kennel
Address: 31 Newmarket Road
Applicant: James McKiernan, DVM
Engineer: Mike Sievert, MJS Engineering
Property Owner: Great Bay Animal Hospital, LLC
Map and Lot: Map 6, Lot 11-8
Zoning: Residence Coastal
Date of approval: December 13, 2017

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. 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 June 13, 2018 (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. **No changes to the plans dated December 4, 2017 that were reviewed and approved by the Planning Board on December 13, 2017 may be made except for the specific required changes that follow.**

- 1) Plan modifications. Make the following modifications to the plans:
 - a) Submit landscaping to complete screening of the parking lot from Newmarket Road and the adjacent house on Map 6, Lot 11-2, in accordance with Sections 5.8 and 5.9 of the Site Plan Regulations. Some additional landscaping is needed to close the gaps

where the parking lot would still be open to view. [Please meet on site with the Town Planner to evaluate.]

- b) Change 15 Newmarket Road to 8 Newmarket Road.
 - c) Add a bicycle rack on site (Use of the inverted U type rack is recommended).
 - d) Add construction fencing around existing tree in vicinity of the proposed parking lot.
- 2) Light. Submit a cut sheet for proposed new light to show that it is dark-sky compliant.
- 3) Final drawings. Submit for signature (except the electronic version) by the Town Planner: a) one large set of mylars (key sheets only); 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.
- 4) Signature. Signature by the applicant at the end 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 site work

- 5) Site work. No significant site work may be undertaken until:
- a) all of the precedent conditions are met;
 - b) the preconstruction meeting with Town staff has taken place;
 - c) all appropriate erosion and sedimentation control structures are in place.

Other terms and conditions

- 6) As-built drawings. One 11" x 17" and one electronic copy of as-built ("record") drawings of the site changes shall be submitted prior to issuance of a certificate of occupancy.
- 7) Waiver. This approval includes approval of a waiver from 10.5.6 of the Site Plan Regulations to reduce the width of the driveway leading to the parking lot from 20 to 18 feet. (This waiver was granted upon a finding that specific circumstances relative to the site plan indicate that the waiver will properly carry out the spirit and intent of the regulations.)
- 8) Energy Checklist. When the applicant submits a building application he should discuss the Energy Checklist with the Building Official and, at his sole option, determine if he wishes to meet any provisions of the checklist (other than those that are otherwise required).
- 9) Recording. This notice of decision must be recorded at the Registry of Deeds within 14 days of certification of the plans.
- 10) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the Town.

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 accepted the application as complete; **C)** The Planning Board held one or more continuous public hearing(s) on the application and held one site walk; **D)** The applicant revised and updated the plans and other documentation pursuant to comments from the Planning Board, public, and Technical Review Group; **E)** 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); **F)** the Planning Board found that the eight criteria for conditional uses outlined in the Zoning Ordinance section 175-23 C. are adequately addressed in the applicant’s application for a conditional use; **G)** This project is not considered to be a Development of Regional Impact; **H)** It was determined that the drainage facilities are exempt from HDC review; and **I)** The Planning Board duly approved the application as stated herein, including the conditional use. 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.

James McKiernan, DVM

Date

Paul Rasmussen, Planning Board Chair or designee

Date