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June 11, 2018

Michael Behrendt, Town Planner
Town of Durham
8 Newmarket Road
Durham, NH 03824

Re: Conditional Use Permit for property owned by Rockingham
Properties located at Durham Tax Map 11, Lot 8-16

Dear Michael:

This letter supplements the application form provided to you on June 7, 2018 regarding a conditional use permit on the above referenced property.

The request for a conditional use permit results from an agreement between Rockingham Properties and the general contractor and site contractor for the Riverwoods Durham project, Lecesse Construction and Severino Construction. The agreement allows both contractors to use a portion of the above referenced lot as a temporary laydown area to use as storage for certain construction materials and to allow for job site trailers, all in connection with the construction which will occur on the Riverwoods Durham Site ("Site") for the approved Continuing Care Retirement Community ("CCRC"). The relief from the upland buffer requirement is requested to construct a temporary driveway, laydown area for construction materials and the job site trailer to be located throughout the construction project within the Wetland Conservation Overlay, specifically the Wetland Buffer. The proposed location of these areas is

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shown on a drawing submitted to you on June 7, 2018 which is not a surveyed plan, and which is labeled "Campus Crest Dev, Stone Quarry Drive, Durham, NH, 2012." The approximate wetlands shown on the drawing have now been flagged in the field by GZA GeoEnvironmental, Inc. (GZA).

After some discussion with you and the Zoning Administrator, the Zoning Administrator concluded that the proposed use is considered a temporary accessory use to the approved project and that the proposed activities are suitable topics for a request for relief under the conditional use permit. For further reference, see attached correspondence of Audrey Cline, dated June 7, 2018.

This letter will first set forth how the application meets the specific criteria of concern to the Conservation Commission and Planning Board under Article XIII, Section 175-61 of the Durham Zoning Ordinance. The letter will then indicate how the application meets the more general criteria for a conditional use permit set forth in Article VII, Section 175-23 of the Zoning Ordinance.

CRITERIA UNDER ARTICLE XIII, SECTION 175-61(B)

The following evidence shows that we meet the criteria to qualify for a conditional use permit for the proposed laydown area:

1. There is no alternative location outside of the Wetland Conservation Overlay (WCO) that is feasible: The RiverWoods Durham project located at Tax Map 11, Lots 8-1 through 8-16 requires a laydown area for a temporary construction trailer and material storage that is located in close proximity to the Site. On-site areas and other nearby properties do not provide appropriate or adequate space. The proposed laydown area must accommodate a trailer and the storage of water, sewer, drainage pipe, man holes. In addition, the project team recognizes that laydown areas are most-appropriately sited in non-forested areas, where tree clearing will not be required. The proposed laydown area gains access from Stone Quarry Drive, directly adjacent to the Site, in uplands that are currently mowed.
2. Soil disturbance is minimal: The proposed laydown area is for the temporary storage of construction materials. The

proposed laydown area is currently managed as an old field, and lacks mature trees. As a result, tree clearing is not anticipated as part of the temporary laydown yard. To establish a temporary yard, the laydown area will be graded only to the extent necessary to allow for appropriate drainage. Fabric and Stone/gravel will be temporarily installed to provide an appropriate driving surface. Once construction is complete at the adjacent RiverWoods Durham site, stone and fabric will be removed and temporarily disturbed surfaces associated with the laydown area will restore to pre-existing grades. The soil will be seeded with a native seed mix upon completion of work to re-establish the lot as an open field.

3. The design and construction of the improvements will minimize detrimental impact to the Wetland: The design of the proposed temporary laydown area avoids direct impacts to wetlands, and minimizes impacts to the wetland buffer to the greatest extent feasible. The proposed laydown area will be divided into two main uses (material storage and construction trailer) to maximize the proposed buffer protection. With this approach, the proposed laydown area maintains an approximate 35-foot unaltered buffer to wetlands. In addition, best management practices will be utilized. Perimeter controls (e.g. silt fence, constructing fencing) will be installed at the outer extent of the laydown yard to prevent sedimentation and encroachment into adjacent wetlands. The laydown yard, like the RiverWoods Durham Site, will be subject to a Storm Water Pollution Prevention Plan, which outlines best management practices for erosion/sediment control and pollutant control (e.g. spill prevention measures).
4. Restoration: A formal restoration plan will be developed for the project, to restore temporary impacts to wetland buffers as a result of the placement and use of the temporary laydown area upon completion of construction activities on the Riverwoods Durham site.

**GENERAL CRITERIA FOR CONDITIONAL USE PERMIT PER ARTICLE VII,
SECTION 175-23(C)**

The proposed use is a temporary laydown area which the Town finds to be a temporary accessory use to the approved Riverwoods Durham project.

1. Site suitability for proposed use: The site is suitable for the proposed use. This includes:
 - a. The project as proposed includes adequate vehicular and pedestrian access for its intended use as depicted on the drawing submitted with the application.
 - b. The only public services that might be required are police, fire or ambulance to respond to a medical or public safety emergency.
 - c. There are no environmental constraints except wetland buffers which are addressed above.
 - d. No water or sewer will be provided; however, temporary electricity will be provided. Also, the operations of the lay down area will be reflected in the Construction Management Plan. The applicant will work with the Town to amend the Construction Management Plan so that the requirements include the subject parcel as applicable.
2. External Impacts: There will be few, if any, external impacts due the limited intrusion into the wetland buffer coupled with the temporary nature of the use and the restoration of the property following the completion of laydown activities.
3. Character of the Site Development: A temporary laydown area is being proposed on a lot which is immediately across the street from what will be an active construction site during the construction of Riverwoods Durham. The wetland buffer impacts are necessary to enable the laydown area to be created, and the temporary nature of the proposed activity means that it will not be incompatible with the neighborhood.
4. Character of the Buildings and Structures: n/a
5. Preservation of Natural, Cultural, Historic and Scenic Resources: The proposed use is temporary and has a finite duration; therefore this criteria is not applicable.
6. Impact on Property Values: The proposed temporary wetland buffer impacts will not cause or contribute to a significant decline in property values of adjacent properties, one of which is Riverwoods Durham.

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7. Availability of Public Services and Facilities: (see d above)
8. Fiscal Impacts: The temporary wetland buffer impacts associated with the proposal will not have negative fiscal impacts to the Town.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC



Sharon Cuddy Somers
SCS/sac



TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824-2898

AUDREY CLINE
Zoning Administrator
Code Enforcement Officer
Health Officer

TEL: (603) 868-8064
acline@ci.durham.nh.us

June 7, 2018

RE: Proposal for use of 14 Stone Quarry Drive #11/8-1

Dear Riverwoods Durham:

As Durham's Zoning Administrator, I have determined that the Condition Use Application submitted June 7, 2018 to use a portion of parcel #11/8-1 as a temporary laydown area would be a temporary accessory use to the approved Riverwoods Durham project.

Although the temporary accessory use as a laydown area/jobsite trailer area is not listed specifically as a permitted use in *Article 13: Wetland Conservation Overlay District, 175-61; Conditional Uses in the WCOD, (A)*, the use is similar both in nature and impact to the uses allowed, in particular numbers 1, 4, and 5 below:

- 1. The construction of streets, roads, driveways, access ways (but not including any parking areas other than those serving single-family uses), bridge crossings, and utilities including pipelines, power lines, and transmission lines;*
- 4. Accessory structures and buildings other than those allowed as permitted uses;*
- 5. Outdoor recreational facilities that do not require the construction of buildings or structures.*

Additionally, *Article 13: Wetland Conservation Overlay District, 175-60; Permitted Uses in the WCOD, (B)*, allows for temporary impacts without a Conditional Use Permit :

- 4. Temporary crossings for the maintenance of utility pipes or lines or for other utility structures;*
- 5. Temporary coffer dams associated with the repair or replacement of existing structures;*

Taken together, I have determined that the accessory use as a laydown area/jobsite trailer area is a use consistent with, and equivalent to, the uses allowed by Article 13: Wetland Conservation Overlay District and may be considered by the Planning Board as a use approvable by Conditional Use.

Audrey Cline CBO
Zoning Administrator