



TOWN OF DURHAM
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NOTICE OF DECISION

Project Name: Emery Farm – amendment to 2007 site plan approval
Action Taken: Approval
Project Description: Amendment to change configuration of farmstand building, sidewalks, paving, and other details
Address: 147 Piscataqua Road
Applicant: David Hills
Engineer: Steve Haight, Civilworks
Map and Lot: Map 11, Lot 22-3
Zoning: Residence Coastal
Date of approval: October 24, 2018

CONDITIONS PRECEDENT

The applicant shall complete the following items prior to issuance of a building permit.

- 1) Make the following changes to the plan drawing:
 - a) Approval block. Add an approval block on the plan to read: “Final Approval by Durham Planning Board. Certified by Michael Behrendt, Town Planner
_____ Date _____”
 - b) Remove note 8) regarding underground utilities.
 - c) Under note 13) delete “thereby not increasing non-conformity.”
- 2) Pavement. Label the upper area of the plan that is shaded as “pavement” or equivalent.
- 3) Drainage plan. Submit a revised grading, drainage, and erosion control plan to the Town Engineer for approval. This is needed because the elevation and location of the building is changing.
- 4) Sidewalks. Provide details for the two sidewalks adjacent to the building including width and cross sections.
- 5) Energy checklist. The applicant shall meet with the Building Official and a representative of the Energy Committee to discuss the energy checklist and determine

which items to include in the building plans. Compliance with the checklist is not required but is encouraged to the extent feasible for the applicant.

- 6) Registry. This notice and the final plan shall be recorded at the Strafford Registry of Deeds
- 7) Preconstruction meeting. A preconstruction meeting shall be held with Town staff and the applicant and his contractor.
- 8) Architectural plans. Submit the proposed architectural elevations.
- 9) Water Supply. The applicant must provide evidence to the Fire Department, to be approved by the Fire Department, that sufficient water supply will be available to match the fire flow demand of the building now proposed for the site, as prescribed under NFPA 1 (2009) Chapter 18.
- 10) Signature. Signature by the applicant below acknowledging all terms and conditions of this approval herein.

Signature of applicant
David Hills

date

Signature of Planning Board Chair

date

Printed name of Planning Board Chair

SUBSEQUENT AND GENERAL TERMS AND CONDITIONS

All of the conditions below are also attached to this approval.

- 1) Amendment. This approval is for an amendment to the site plan that was approved by the Planning Board on May 9, 2007. All provisions of that site plan and the notice of decision still apply except for specific changes included in this approval. The entrance has been paved and most of the parking lot shown on the 2007 plan has been installed. This amendment is based upon the Site Layout & Utilities Plan dated October 17, 2018.
- 2) Water Supply. Prior to issuance of a certificate of occupancy, the applicant must install/implement the measure(s) approved by the Fire Department pertinent to 9) Water Supply, under conditions precedent, above.

- 3) Certificate of occupancy. All pertinent elements of the approved site plan must be completed prior to issuance of a certificate of occupancy for the new building. Items that are not integral to the 2007 site plan nor the current amendments need not be completed. For example, the applicant stated that he may not install all six light poles. This would be acceptable.
- 4) Light poles. New lights shall be in compliance with the Lighting Regulations. The applicant shall submit details for review prior to construction of the poles.
- 5) Electric Services. Any or all of the electric line serving the new building may be placed/retained above ground or placed underground at the option of the applicant. If any portion of the line is placed underground it may not encroach into the wetland.
- 6) Recycling plan. A recycling receptacle will be included next to the dumpster. The applicant will discuss with the Public Works Department (nonbinding) strategies for recycling.
- 7) Leach field. The leach field is in place now and serving the existing building. The applicant provided information about the leach field. As part of the building permit process it will be confirmed that the leach field is adequate for the larger building.
- 8) Building Code. This approval is for the site plan amendments only. Life safety code and building code review will be required as part of the building permit process when the construction plans are submitted. The applicant is encouraged to meet with Building and Fire Officials early to expedite the review process.
- 9) Variances. A number of variances have been issued for this site over the years. One variance allowed the proposed building to encroach into the wetland buffer up to 1,962 square feet, as shown on the plans. Construction in vicinity of the existing pond is permitted as the pond was manmade and is thus exempt from the wetland overlay ordinance.
- 10) Conservation Easement. There is a conservation easement on the property that is marked on the plans. Some development will occur within the easement area. The applicant has stated that this development is allowed under the easement provisions. The easement is a private transaction separate from Town regulations so the Town takes no position relative to compliance with the easement.
- 11) As-built drawings. One 11" x 17", and one electronic copy of as-built ("record") drawings of all buildings, structures, infrastructure, utilities, drainage structures, roads, parking areas, and other pertinent elements shall be provided prior to the certificate of occupancy.
- 12) Energy Code. Building construction shall be in compliance with the energy efficient standards of Chapter 38 of the Town of Durham Code of Ordinances.

- 13) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the Town.
- 14) Approval. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, or clarified in some manner.

Findings of fact. As part of this review and approval the Durham Planning Board finds the following: **A)** The applicant submitted an application, supporting documents, and plans for the project; **B)** The Planning Board held a site walk and a public hearing on the application on October 24; **C)** The applicant met with the Technical Review Group on October 9; **D)** The Planning Board reviewed the application in accordance with state law, the Durham Zoning Ordinance, the Durham Site Plan Regulations, and other applicable law and found that the application meets all requirements; and **E)** The Planning Board duly approved the application as stated herein, including the conditional uses. 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.