



**TOWN OF DURHAM**  
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603/868-8064  
[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

***Town Planner's Recommendation***  
**Wednesday, June 24, 2020**

VIII. ***Public Hearing - Harmony Homes – Mixed-Use Building***. 40 Briggs Way (off Route 4). Site plan application for new building with 7 one-bedroom residential units, office space, and child care on site with existing eldercare building. John Randolph, Harmony Homes, applicant. Maggie Randolph, architect. Mike Sievert, MJS Engineering, Engineer. Tax Map 11, Lot 27. Durham Business Park Zone.

➤ I recommend approval as stated below.

Please note the following:

- Site walk. The Planning Board is holding a site walk on June 24 at 3:00 pm.
- Snow storage. This is one area that may merit further discussion. We could look at this issue during the site walk.
- Design Committee. The design committee endorsed the project on June 11 with the condition that the Town Planner informs the committee of any changes from this point and individual committee members can provide nonbinding comments.
- Waivers. The application includes requests for two waivers: to reduce the required number of parking spaces and to not include landscaping in the foundation buffer. I recommend approval of both as stated in the applicant's waiver request. An approval of this draft notice will automatically include approval of the two waivers.
- Development of Regional Impact. I believe this project is not a DRI. Approval of this draft notice will automatically include a finding that it is not a DRI (as stated in the Findings of Fact).
- Energy Checklist. Maggie Randolph met with Nat Balch, a mechanical engineer and member of the Energy Committee; Audrey Cline, and me on June 17. Nat provided many excellent suggestions for the building which Harmony Homes will incorporate at their option.
- Staff signoffs. I received signoffs and okays from the Police, Building, Fire, and Economic Development Departments. I am waiting for a signoff only from the Public Works Department.

**\*Draft\***  
**NOTICE OF DECISION**

**Project Name:** Harmony Homes – apartments with offices and child care  
**Action Taken:** APPROVAL  
**Address:** 40 Briggs Way  
**Property Owner:** John Randolph  
**Architect:** Margaret Randolph  
**Engineer:** Mike Sievert, MJS Engineering  
**Map and Lot:** Map 11, Lot 27  
**Zoning:** Durham Business Park  
**Date of approval:** June 24, 2020

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[Office use only. Date certified: \_\_\_\_\_; CO signed off \_\_\_\_\_;  
As-built's received? \_\_\_\_\_; All surety returned: \_\_\_\_\_]

“Applicant,” herein refers to the applicant and his/her/their/its agents, successors and assigns.

**PRECEDENT CONDITIONS**

All of the conditions below must be met by 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 conditions precedent are met and the plans are certified the approval is considered final.

Please note. If all of the precedent conditions are not met within one year to the day of the board's approval - by June 24, 2021 (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 that were reviewed and approved by the Planning Board on June 15, 2020 may be made except for the specific required changes that follow.

**Plan Modifications**

Make the following modifications to the plans/plan set that were reviewed and approved by the Planning Board (Items do not need to be physically constructed as a precedent condition):

- 1) Erosion control. Show locations for installation of silt soxx.
- 2) Approval block. Add the approval block to Sheet C101A.
- 3) Bike racks. Include a detail for the bike racks to be an inverted U or comparable.

**Other Conditions Precedent**

- 4) Public Works. Obtain okay on the project from the Town Engineer.

- 5) Recycling. Review the recycling plan with the Public Works Department and incorporate any requested changes.
- 6) Water/sewer application. Submit the water/sewer application to Public Works.
- 7) Addressing. Develop a numbering system for the building to be approved by the Fire Department.
- 8) Day care facility. Provide approval from NH Health and Human Services for the day care facility.
- 9) Reclamation Surety. Post surety in an amount sufficient to ensure that the site will be stabilized/reclaimed in the unlikely event that the site work and construction begin but the project is not properly completed.
- 10) Architectural plans. Submit two final sets of 11x17 paper copies in color of the approved architectural elevations in color [one for the Building Official].
- 11) Final drawings. The following complete sets of final approved drawings shall be submitted for signature (except the electronic version) by the Town Planner: a) one large set of black line drawings (plus a second set if the applicant wants a signed set); b) one set of 11"x17" drawings; plus c) one electronic version by pdf. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans.
- 12) Signature. Signature(s) by the applicant(s) at the bottom acknowledging all terms and conditions of this approval herein.

#### **SUBSEQUENT CONDITIONS AND GENERAL TERMS**

All of the conditions below are also attached to this approval. All work shall be completed and all required conditions shall be met prior to issuance of a certificate of occupancy unless otherwise specified or a surety acceptable to the Town is posted.

#### **Conditions to be met prior to commencing site work**

- 13) Site work. No significant site work (including any significant clearing of the site) or ground disturbance may be undertaken until:
  - a) all of the conditions precedent are met;
  - b) the preconstruction meeting with Town staff has taken place (Contact Michael Behrendt, Town Planner, to arrange for the meeting);
  - c) limits of clearing have been established in the field and approved by the Public Works Department; and

- d) all appropriate erosion and sedimentation control structures are in place.
- e) These erosion and sedimentation control measures and designation of the limits of clearing must be in place prior to the pre-construction meeting in order that they may be inspected at the meeting.

**Conditions to be met prior to issuance of any certificate of occupancy**

- 14) As-built drawings. One set of full size, one set of 11" x 17", and one electronic copy of as-built ("record") drawings of all buildings, structures, infrastructure, utilities, drainage structures, roads, parking areas, and other pertinent elements shall be provided prior to the certificate of occupancy (unless a surety to cover the cost of the as-built drawings is given). The plans shall be stamped and signed by the Engineer or Surveyor and include the following language or comparable: "This as-built drawing substantially conforms with the final plans approved by the Town of Durham Planning Board and certified by the Planning Department except for the following significant modifications: ....". If no significant modifications were made simply state "none". Otherwise, itemize the modifications on the as-built or on an accompanying letter.
- 15) Improvements. All on-site and off-site improvements included in this approval shall be completed prior to issuance of a certificate of occupancy unless an acceptable surety is posted.
- 16) Utility Connection Fees. All Utility Connection fees must be paid.
- 17) Other applicable requirements. All other applicable requirements of this site plan, this Notice of Decision, and other terms and conditions must be satisfied prior to issuance of a certificate of occupancy.

**Other terms and conditions**

- 18) Recording. This notice of decision must be recorded at the Registry of Deeds within 14 days of certification of the plans.
- 19) Residential use. This approval includes six apartment units. A *variance* was granted to allow for any party to reside here since the zone allows multiresidential only for seniors.
- 20) Lighting. The plans do not include any lighting. Any future request for lighting may be approved administratively provided the request meets the requirements of the Lighting Regulations.
- 21) Inspections. All inspection/observation services for the installation of water, wastewater, stormwater management, porous pavement, and other infrastructure shall be performed by authorized representatives of the Town of Durham as stipulated by the Durham Department of Public Works. The Developer shall reimburse the Town for all associated inspection/observation costs.

- 22) Building Code. This approval is for the site plan only. Life safety code and building code review will be required as part of the building permit process when the construction plans are submitted. Various requirements regarding the building design may be specified at that time. The applicant is strongly encouraged to meet with Building and Fire Officials early to expedite the review process.
- 23) Minor changes. Changes to the approved plans may be approved as described in the Planning Board's Rules of Procedures.
- 24) Day care. The day care facility included in the plans is allowed as an accessory use for the main eldercare facility(ies) on site. Day care for parties outside of that facility(ies) may not be provided unless the applicant obtains that approval (allowed by conditional use).
- 25) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the Town.
- 26) Approval. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall be determining.
- 27) Waivers. The following waivers were applied for and granted: A waiver from Section 10.1 for the number of parking space and a waiver from Sections 5.8.2 and 5.8.9 for screening of the parking area and planting in a foundation buffer. These waivers were approved upon a finding that the specific circumstances relative to the site plan or the conditions of the land in the site plan indicate that the waiver will properly carry out the spirit and intent of these regulations.
- 28) Conditional use. The original site plan for the main facility and a single family/duplex at the subject location included a broad approval of several conditional uses. The Planning Board determined that the grading for the building (contained within original designated area of ground disturbance) and minor adjustments in the driveway were consistent with the original conditional use approval.
- 29) Tax Implications. It is recommended that the applicant contact Jim Rice, Durham Tax Assessor, to learn about any tax implications of this project. You can contact Mr. Rice at (603) 868-8064 or [jrice@ci.durham.nh.us](mailto:jrice@ci.durham.nh.us)

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 on June 10; **C)** The Planning Board held a site walk and a public hearing on June 24; **D)** The applicant revised and updated the plans and other documentation several times pursuant to comments from the Planning Board and Technical Review Group (meeting on June 2); **E)** The

Durham Business Park Design Committee met twice to review the project and endorsed the plans at its meeting on June 11; **F)** 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 were granted); **G)** The zoning for the Durham Business Park was changed on June 1 to increase the allowed density from 35,000 square feet dwelling to 20,000 square feet per dwelling; **H)** A committee met on June 18 to review the Energy Checklist and provide nonbinding suggestions; and **I)** This project is not considered to be a Development of Regional Impact; **J)** The design engineer provided a template to show that a fire truck can turn around adequately in front of the building; and **K)** The Planning Board duly approved the application as stated herein, including the waivers. 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.

Signature(s). As the applicant(s), I/we accept and acknowledge all of the terms and conditions of this approval herein.

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Signature of applicant

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date

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Printed name of applicant

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Signature of applicant

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date

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Printed name of applicant

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Signature of Planning Board Chair

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date

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Printed name of Planning Board Chair