



TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824-2898
603/868-8064
www.ci.durham.nh.us

Town Planner's Recommendation
Wednesday, October 13, 2021

- I recommend the board review the draft notice of decision carefully. I can then revise this as a final notice for the October 27 (or November 10) meeting.

Please note the following:

- The proposed conditions are extensive and some items were submitted on Thursday so the project would not be ready for final action on October 13. I can refine this draft and organize it better for the next meeting. Some items need to be reworded or moved to another section. Many of these items are boilerplate for a subdivision.
- New plans were submitted on Wednesday incorporating comments from Public Works. These are included in the packets. I have not reviewed these plans yet. Mike Sievert can review with the board the changes included in these plans.
- Size of houses. Given the close proximity of the houses should there be a limit in size on the houses?
- Mark Verostick of VHB should review the updated drainage plan. This could be done as a precedent condition.
- Water pressure. We need confirmation from Public Works that there is sufficient water pressure
- Waiver. We will need a waiver request to keep existing electric for house above ground.

Draft

NOTICE OF DECISION

Project Name: Gerrish Drive Subdivision
Action Taken: APPROVAL
Project Description: 18 unit conservation subdivision
Address: Off Gerrish Drive. Property address of 91 Bagdad
Property Owner: Michael and Marti Mulhern
Engineer: Mike Sievert, Horizons Engineering
Map and Lot: Map 10, Lot 8-6

Zoning: Residence B
Date of approval: October - November

[Office use only. Date certified: _____ Register of Deeds received? _____
As built received? _____ Surety returned? _____]

"Applicant", herein, refers to the property owner submitting this application and to their 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 recording of the plans. No dwelling unit or land unit may be conveyed until the plans are recorded. 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 October 27, 2022 (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 their 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 October 27 may be made except for the specific required changes that follow.*

Changes to plans. The following changes shall be made to the plans.

- 1) Provide an acceptable cross section for the paths.
- 2) Show street sign location with marker identifying it as a private road.
- 3) Clarify on the landscaping plan which plant images go with which plant names. The lines connecting the two are faded.
- 4) Show stop signs at the end of the main road where it meets the existing Gerrish Drive and at the juncture of the loop road (near the stormwater detention pond inside the loop road).
- 5) Show the full right of way at the westerly end of the main road where it meets the existing Gerrish Drive.
- 6) Make side lines of land units perpendicular to the loop road and rear lines parallel to the loop road to the extent feasible (This will enhance the efficiency of the layout of each unit).
- 7) Specify that the 125 foot wetland setbacks on drawings are for septic systems (not general setbacks).

- 8) Add note on drawings that the 75 foot and 125 foot wetland setbacks prior to proposed wetland fills are no longer applicable after the wetland fills.
- 9) Clarify the purpose of the smaller dashed line on Sheet C101 immediately adjacent to the road (extent of gravel shoulder?)
- 10) Show the road name on the plans when it is determined. Submit application to the Fire Department for approval by the Town Council. (The Fire Department and Town Administrator recommend it be Gerrish Drive as suggested by E911.)
- 11) Clarify road width for main road: detail on Sheet C101 shows the width as 23 feet but detail on Sheet C503 shows width as 20 feet of pavement plus 6 feet of gravel shoulder.
- 12) Clarify discrepancy for road cross sections: 6" of crushed gravel is shown on Sheet C502 and 4" is shown on Sheet C503 (assume 6" is correct).
- 13) Show the full land unit lines for duplexes on Sheet C104 (shown at the end of the Declaration but not the subdivision drawing).
- 14) On Sheet C102 show the dashed land unit line for Unit 18 being perpendicular to the side lot lines.
- 15) Move the septic tank serving unit 15 so that it is located within the land unit for unit 15.
- 16) Remove dimensional requirements under General Notes since the general zoning requirements do not apply to this subdivision (These standards do not apply to this conservation subdivision).
- 17) Addressing. Develop a numbering system for the buildings to be approved by the Fire and Police Departments and show on the plans.
- 18) Obtain new Assessor's Map and Lot #'s from the Assessing Office and show on each dwelling unit
- 19) Additional drawings. Submit the full plan set together including all appropriate drawings (off site sewer plan, etc.)
- 20) On Sheet C502, change "Driveway Pavement Cross Section" to "Road Cross Section."
- 21) Show height or range of heights of MSE retaining wall on Sheet C503.
- 22) Add/change approval block on each page of drawings for signature of Planning Department. It should read: "Final Approval by Durham Planning Board. Certified

by Michael Behrendt, Town Planner, _____ Date
_____”

- 23) Reduce the widths of the driveways serving the dwelling units (shown as 20 feet wide) to conform with the requirements in Article XXI. Off Street Parking in the zoning ordinance. See section 175-111 C.

Notes on plans. The following notes shall be added to the plans on the appropriate page (generally the overall site plan page)

- 24) **Private road.** The entirety of the road serving this subdivision starting from the juncture of Gerrish Drive and Ambler Way is a private road, to be owned and maintained by the condominium association. The Town of Durham does not maintain this road nor pick up trash or recycling for the residents of the subdivision.”
- 25) **Trash and recycling.** The Town will not pick up trash or recycling on this new road, which is a private road. Residents and/or the Association will need to make their own plans for handling of trash and recycling.”
- 26) **House layouts.** The layouts for houses/dwelling units and utilities serving each house/dwelling unit are conceptual only. They may be modified provided that required setbacks within the land units are met, there is at least 20 feet in between houses, and utilities serving each house/dwelling unit are efficiently laid out as determined by the Building Official as part of the building permit process.
- 27) **Septic systems.** The septic systems shall be located within the land unit serving each dwelling unit unless the Building Official determines that it is not practical for any given unit as part of the building permit process.”
- 28) “For more information about this subdivision, or to see the complete plan set, contact the Town of Durham Planning Department, 8 Newmarket Road, Durham, NH 03868, (603) 868-8064.”
- 29) “Access into the site for fire apparatus must be maintained at all times during the construction process. Please contact the Fire Department at 330-7182 with any questions about access requirements.”

Changes to the Declaration. The following changes shall be made to the condominium declaration. Submit the final revised declaration to the Planning Department.

- 30) **Stormwater plan.** The Stormwater System Inspection and Maintenance Plan shall be made part of the Declaration.
- 31) **Maintenance plan.** Add the open space and road maintenance plan as an appendix.

- 32) Road maintenance. Add note in appropriate location that the use of sodium-chloride-based materials/salt for winter road maintenance shall be the minimum necessary for roadway safety.
- 33) Exhibits. Include all exhibits and appendices (may reference for long documents such as the drainage plan).
- 34) The term “not unreasonably withheld” should be clarified.
- 35) Confirmation of senior occupancy. The applicant or Association once established shall submit a notarized statement annual attesting that the development is in compliance with the occupancy conditions for seniors (specifying that each unit has at least one resident over 55 years of age or as otherwise specified in the declaration).
- 36) Add explanation for how owners of duplex units will manage maintenance of shared building.
- 37) Include explanation for special sewer design and individual septic system and pump designs stated prominently so that unit buyers are advised up front.
- 38) Correct typos referring to open space article as article 11 rather than article 10.
- 39) Under Item 7 in Article 7. Common Areas add a heading at the beginning as follows: **Responsibility for Maintenance**.
- 40) Under Item 8 in Article 8. Does the applicant wish to require Unit 18 to contribute to maintenance of the Crossings Green? The applicant may retain or change this provision as they see fit.
- 41) Article 10. Item D. Clarify whether the open space will be open to the public or not.
- 42) Article 11 item 1. iv. Typo in first sentence “this exception these exceptions”
- 43) Article 13 Section G. In the first sentence this should probably include the Association once the Association assumes control of the project.
- 44) Article 13. Add new section O at the end about setbacks to read as follows: “Section O. Setbacks. These setbacks shall apply to all houses and dwelling units in the subdivision except for Unit 18 which remains subject to setbacks established in the Durham Zoning Ordinance, for the existing side lot lines in the vicinity of the existing house. The houses and dwelling units shall be set back at least 15 feet from the front right of way line, 10 feet from any side line of the land unit and 10 feet from the rear line of any land unit. These setbacks apply to any enclosed or covered portion of the building (not including roof overhangs).
- 45) Since the setbacks are established above in Section O, in Section G eliminate the second sentence or the reference in the second sentence to setbacks.

- 46) Clarify the discrepancy whether the minimum term for leasing a unit is 6 months or 1 year as stated in Article 11 Section A. b. and Article 13 Section J.
- 47) Article 13. Section L. 1. For the water and sewer systems the Declarant shall be responsible for the initial installation of the water and sewer systems, not the Town. A provision should be added that the Association reserves the right to inspect, pump, repair, and maintain any private system if it is deemed necessary by the Association to ensure the proper functioning of the overall system. If such activity is necessary Association may bill the individual unit owner at its option.
- 48) Article 18. Approval from the Planning Board is also required for amendments to Article 4, Article 5, Article 6, Article 7, Article 13 – Section O dealing with setbacks, Article 18, and any provision which would be counter to the terms of the subdivision approval of the project by the Durham Planning Board, or any provision in the approved set of plans for the project. Note that the Association may amend any term subject to review by the Planning Board, without the board's review, where the Durham Town Planner states in writing to the Association that the subject provision is either nonsubstantive, insignificant, or clearly consistent with the intent of the subdivision approval. In such case, the Town Planner shall also convey to the Planning Board the specific change at their earliest convenience.
- 49) Article 13. Section K. Place the first sentence about trash and recycling in bold type.
- 50) Article 7. Add this sentence at the end of the first paragraph: **The roads in this development are privately owned and will be maintained by the Association. The Town of Durham will not maintain the roads nor collect trash and recycling for the development.**
- 51) Add provision that the Declarant and Association shall file a report with the Durham Public Works Department on an annual basis and in perpetuity. The report shall be filed by an outside professional conducting an inspection of the stormwater systems on the property and the maintenance conducted annually and an assessment of how well the systems are performing.

Other precedent conditions.

- 52) **Revised drainage plan.** In regard to the revised subdivision plan and accompanying revised drainage report, and to ensure continuity with the prior 3rd party review as well as consistency with the Town's stormwater regulations, the changes should be reviewed by the previously hired third-party reviewer to determine whether they are substantial enough to require a complete review. These changes shall be subject to the terms and conditions of the third-party reviewer. Any significant concerns shall be presented to the Planning Board for review.

- 53) Construction Surety. The applicant shall post an acceptable surety in an amount to be approved by Durham Public Works and a form to be approved by the Business Manager. The surety shall be in an amount sufficient to ensure the completion of all roads, water service, sewage disposal, drainage, electric lines, erosion control, mail kiosk, and other infrastructure/improvements. The surety shall remain in place until the work is satisfactorily completed. The surety may be released in phases as portions of the secured improvements are finalized.
- 54) Quality Guarantee. The applicant shall post an acceptable surety in an amount to be approved by Durham Public Works and in a form to be approved by the Town Business Manager to guarantee that all site work is installed in a correct and workmanlike manner. The surety shall be in an amount of two percent of the estimated site improvement costs or as determined by Public Works and shall remain in effect for two years after site improvements are completed. If repairs or reclamation are subsequently needed and are not satisfactorily installed by the developer, then the surety may be used to complete/install the improvements. A cash deposit or letter of credit is an acceptable form.
- 55) Construction management plan. The construction management plan shall include a strategy for protecting trees if it is not already included. The applicant shall obtain approval from Public Works for the plan. Significant changes shall require approval from the Planning Board.
- 56) Madbury. The applicant will need to present the project to the Madbury Town board for approval or other appropriate action. The Town of Madbury may need to approve the road name for the subdivision. A portion of the road and the trail will be in Madbury.
- 57) Strategy for road construction. Submit a strategy to be approved by Public Works laying out the process and timing for placing the top course of pavement. At a minimum, no certificate of occupancy will be issued until the base course of pavement and all necessary infrastructure is in place. The top course must be placed prior to issuance of the certificate of occupancy for the last house (or within a short time afterward if approved by Public Works)
- 58) Right of way. Resolve how the right of way adjacent to Gerrish Drive will be handled, whether the land will be conveyed to the applicant/future association or an easement will be established with the Town for use of the right of way for the private road.
- 59) Oversight of infrastructure. The applicant must hire an engineer to oversee construction of the road and infrastructure to ensure that it is built properly (See

pertinent general condition). As a precedent condition, the applicant must submit a program outlining which inspections will occur and information about the engineer who will provide the reports, if available.

- 60) Electric connection. The connection of the new line to an existing service needs to be shown on sheet C104. Will there be a transformer at this location? If so, it must be optimally located and screened.
- 61) Condominiums. Per RSA 356:A a signoff from the New Hampshire Attorney General is required prior to the sale of any condominium units (required for projects which involve 15 or more units)
- 62) Mail kiosk. The location of the mail kiosk is shown on the plans. Obtain approval from the Post Office on final location, design, and operation.
- 63) Land units. Provide appropriate survey or reference showing precisely where the boundaries for the land units are located. (Readily discernible monuments must be placed at all corners of land units after construction of each dwelling unit, or after all units are completed).
- 64) Deeds and private road. Submit a draft deed to the Planning Department for approval of form with this note shown prominently. The note must be included on all deeds. “**Private road**. The entirety of the road serving this subdivision starting from the juncture of Gerrish Drive and Ambler Way is a private road, to be owned and maintained by the condominium association. The Town of Durham does not maintain this road nor pick up trash or recycling for the residents of the subdivision.”
- 65) Kelley property. Finalize with Gail Kelley and Andrew Merton how their driveway will be designed, i.e. whether they approve making changes on their property. If they do not grant approval then show the optimal layout on the plans. Provide an easement for the owner to use the private road and to do so without any contribution toward its maintenance.
- 66) NHDES Alteration of terrain. Obtain approval from New Hampshire Division of Environmental Services for the alteration of terrain. Any significant changes to the plans as approved by the Planning Board shall be submitted to the Planning Board for review. No notices or public hearing shall be required (unless otherwise stipulated by the Planning Board).
- 67) NHDES Sewer Connection Permit. The applicant shall submit a wastewater connection permit application to the New Hampshire Department of Environmental Service Wastewater Engineering Bureau, and submit a copy of the approval to the Planning Department.

- 68) Utility connection. A utility connect permit application with necessary plans and specifications shall be submitted to DPW for review and approval by the Town in accordance with the Durham Water and Wastewater ordinances.
- 69) Electric service approval. Obtain written confirmation from Eversource Energy that the plans for electric service to and on the site are acceptable.
- 70) Deeds and easements. Submit all draft deeds and easements to the Town for review and approval.
- 71) Sewer connections. The applicant will build the new sewer line in Gerrish Drive. Abutters along Gerrish Drive will be able to connect to the sewer line at their own expense now or in the future. The applicant shall coordinate with the abutters now prior to construction of the sewer line. At the option of any abutter, they may pay the cost for installing a stub into the new line to allow for future connection. The applicant will include such stubs in the road where payment has been secured or appropriately guaranteed in order that the applicant be reimbursed for this cost.
- 72) Signatures. The applicants must sign this notice at the bottom acknowledging and accepting all of the terms of this Notice of Decision.
- 73) Final drawings. The following complete sets of final approved drawings shall be submitted for signature (except the electronic version) by the Town: (a) two large sets of black line drawings (one to give back to the applicant when signed); (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 engineer responsible for the plans. *Please note*. ***One full size paper check print must be sent to the Planning Department for review prior to producing these final drawings.**

SUBSEQUENT CONDITIONS AND GENERAL TERMS

These conditions apply after the plan is certified. Other items are general terms.

Conditions to be met prior to commencing site work

- 74) 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.

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 building permits and/or certificates of occupancy

- 75) No certificates of occupancy shall be issued until the base course of pavement and necessary infrastructure is properly installed. With the surety in place the Public Works Department may approve issuance of certificates of occupancy for one or more units provided the department determines that the subdivision may operate property for a temporary period of time without particular components completed.
- 76) Easements. All necessary easements shall be properly recorded at the Registry prior to issuance of the 10th certificate of occupancy.
- 77) The applicant's engineer has provided a retaining wall and footing design details, roadway typical sections for road construction including through the wetland, and culvert details for the wetland/stream crossings. The applicant's engineer shall be required to provide complete designs of these plan elements stamped by a NH Professional Engineer in each appropriate discipline to include geotechnical, structural and civil. These should be requirements by the Planning Board, included in the Conditions of Approval, and required prior to the commencement of construction.
- 78) W/S easement. The applicant shall grant a water and sewer utility easement within the private road portion of the subdivision of adequate width for the purpose of access and maintenance to all underground service connections and water infrastructure (piping, valves, etc.).

General Terms and Conditions

- 79) Recording. The plat and this notice of decision (per RSA 676:3 III), must be recorded at the Strafford County Registry of Deeds within 30 days of when the plat is certified. Failure to comply with this requirement herein shall render the subdivision null and void.
- 80) Oversight of construction. A qualified engineer shall be on site for all other aspects of the site work including stormwater management and roadway related infrastructure construction. The engineer shall verify construction is in accordance with design plans and submit field notes and inspection reports to the Department of Public Works on a schedule as agreed upon by the qualified engineer and Public Works.
- 81) 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 returning the surety for the as built. 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:”.

- 82) Improvements. All infrastructure and other activity and improvements included in this approval shall be completed within 3 months of issuance of the last certificate of occupancy unless other arrangements acceptable to Public Works are made. A surety shall be retained to guarantee completion of the infrastructure.
- 83) Waivers. The Planning Board approved the following waivers from the Road Regulations. The board also approved a waiver to keep the existing above ground electric for the house located off Bagdad Road (Unit 18). These waivers were granted upon a finding that specific circumstances relative to the subdivision plan or the conditions of the land in the plan indicated that the waivers will properly carry out the spirit and intent of the regulations.
- 84) Erosion and sedimentation. All erosion and sedimentation control structures shall remain in place and be maintained until vegetation is established and the ground surface is stabilized. Erosion and sedimentation control measures shall be monitored by the applicant on a periodic basis during construction and any deficiencies shall be corrected as soon as possible.
- 85) Tracking form. Applicant shall complete Land Use Development Tracking Form, most recently revised version, utilizing the online Pollution Tracking and Accounting Pilot Project (PTAPP) portal. <https://www.unh.edu/unhsc/ptapp>. This program allows the Town of Durham to track changes in land use and account for pollutant load reductions achieved through various non-point source control projects.
- 86) Trash and recycling. The applicant shall implement the trash and recycling plan as discussed with the Department of Public Works and shall arrange to pick up the trash and deliver recycled material to the transfer station as often as necessary
- 87) Stormwater infrastructure. All stormwater management infrastructure shall be designed and installed in accordance with Design Standards of the Durham Site Plan Review Regulations. The infrastructure shall be owned by the property owner and it shall be operated and maintained by the property owner to protect the quality of on-site and offsite water resources and wetland habitat. Records of the maintenance of the stormwater system shall be submitted to Durham Public Works by December 15th of each year.

- 88) School impact fee waiver. A waiver was granted from the school impact fees (Ordinance 75-9 B). This waiver was granted upon a finding that specific circumstances relative to the subdivision plan for the exclusive use of households where at least one person is 55 or older indicate that the waiver will properly carry out the spirit and intent of these regulations. However, the appropriate fee(s) shall be paid for any grade school students who live at the project for whom the Town must provide educational services. Impact fee per dwelling unit: Single family detached: \$3,699; Two unit structure: \$2,907
- 89) Kelley/Merton property. The owners of Map 10, Lot 6-10, 11 Gerrish Drive, will be able to use the new private road for access without contributing to its maintenance, they will retain their existing street address, and they will continue to receive Town services as their property is considered to lie on a Town road.
- 90) SWPPP. This project proposes to disturb over one acre of existing ground cover and meets other specific requirements related to permit criteria for EPA NPDES compliance. The Contractor is responsible for development and implementation of a Storm Water Pollution Prevention Plan (SWPPP), submission of a Notice of Intent (NOI) to EPA, inspection and maintenance of sediment control measures, documentation of maintenance activities, and submission a Notice of Termination (NOT) to EPA. The Contractor is also responsible to comply with any or all other aspects of current Federal, State and Local storm water or NPDES regulations or requirements.
- 91) Minor changes. Changes to the approved plans may be approved as described in the Planning Board's Rules of Procedures.
- 92) Logging. RSA Chapter 79 - Forest Conservation and Taxation addresses the removal of timber or wood from a property. It is the applicant's responsibility to comply with these requirements. The applicant shall contact the Town of Durham Assessing Office at 868-8064 if Chapter 79 would apply to any intended cut. RSA 79.1 II. (b) (5) states an intent to cut is not required for the removal of up to 10,000 board feet of logs and 20 cords of wood or the equivalent in whole tree chips within a tax year subject to certain requirements.
- 93) Conservation Subdivision. This development was determined to be in compliance with the requirements for conservation subdivisions in the Durham Zoning Ordinance and Subdivision Regulations, regarding density, layout of units, dimensional requirements (The land is owned by the association but allowance was made for individual ownership and control of small land units surrounding each dwelling unit), amount of open space, treatment of open space and other matters. The Planning Board determined, after consulting with the Conservation Commission and the Town Attorney, to not require payment into a stewardship fund nor creation of an executory interest.

- 94) Materials testing. The owner shall obtain the services of an independent engineering materials testing company to test and certify that the materials used to build the road comply with and were installed according to NHDOT Standard Specifications for Road and Bridge Construction.
- 95) Inspections of water and sewer utilities. All inspections for the installation of water and wastewater shall be performed by authorized independent third-party representatives of the Town of Durham as specified by the Durham Department of Public Works. The Developer shall reimburse the Town for all associated inspection costs.
- 96) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the Town.
- 97) 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 generally be determining.
- 98) Dwelling units. No additional dwelling units may be established on this parcel without specific new approval from the Planning Board. This specification is made pursuant to the Planning Board's detailed review of the project and a determination that the number of units/beds approved is the maximum allowable for the parcel.
- 99) Oversight of infrastructure. The applicant must hire an engineer to oversee construction of the road and infrastructure to ensure that it is built properly (See pertinent precedent condition).
- 100) Conditional uses. The Planning Board approved the required conditional uses for this subdivision which included filling three wetland areas for road crossings and activity within the wetland buffer including construction of the road for the three crossings, related structures, and several drainage structures and basins.
- 101) Water infrastructure. All public water system infrastructure extensions as depicted on the plans shall be designed and installed at the expense of the developer in accordance with Town Water Ordinance Chapter 158, AWWA guidelines and applicable State regulations. Once installed and approved by the Town this infrastructure shall be owned by the Town of Durham (except where otherwise specified) and operated by the UNH/Durham Water System including all water mains, valves, fire hydrants, water meter assemblies and associated appurtenances. Water service lines and plumbing internal to the building shall be owned and maintained by the applicant.

- 102) Sewer infrastructure. All public sewer system infrastructure extensions shall be designed and installed at the expense of the developer in accordance with Town Sewer Ordinance Chapter 106 and applicable State regulations. Once installed and approved by the Town this infrastructure shall be owned and operated by the Town of Durham (except where otherwise specified) including all sewer mains, sewer manholes, and associated appurtenances. Sewer service lines and waste lines internal to the building shall be owned and maintained by the applicant.
- 103) Confirmation of senior occupancy. The applicant or Association once established shall submit a notarized statement annual attesting that the development is in compliance with the occupancy conditions for seniors (specifying that each unit has at least one resident over 55 years of age or as otherwise specified in the declaration).

Findings of fact. a) The Planning Board conducted preliminary review of the application which concluded on June 10, 2020; b) The applicant submitted an application, supporting documents, and plans for the project; c) The Planning Board accepted the application as complete on December 16, 2020; d) The Planning Board held ongoing public hearings on the application; e) The applicant met with the Conservation Commission numerous times to discuss the conditional uses and other aspects of the project related to natural resources; f) The applicant met with the Technical Review Group several times; g) After numerous discussions, the Planning Board voted unanimously May 12, 2021 that the entire road should be a private road; h) The Town hired Mark Verostick of VHB to review the applicant’s drainage plan. He found that the plan met the Town’s requirements with various comments that were incorporated; i) The Planning Board reviewed the application in accordance with state law, the Durham Zoning Ordinance, the Durham Subdivision Regulations, and other applicable law and found that the application meets all requirements (including any waivers, conditional uses, that were have been granted); and j) The Planning Board duly approved the application as stated herein.

Signature. Signature by the applicant below acknowledging and accepting all terms and conditions of this approval herein.

_____	_____
Signature of applicant	date

Printed name of applicant	
_____	_____
Signature of applicant	date

Printed name of applicant	
_____	_____
Signature of Planning Board Chair	date
_____	_____
Signature of Planning Board Chair	date