

TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824-2898
603/868-8064
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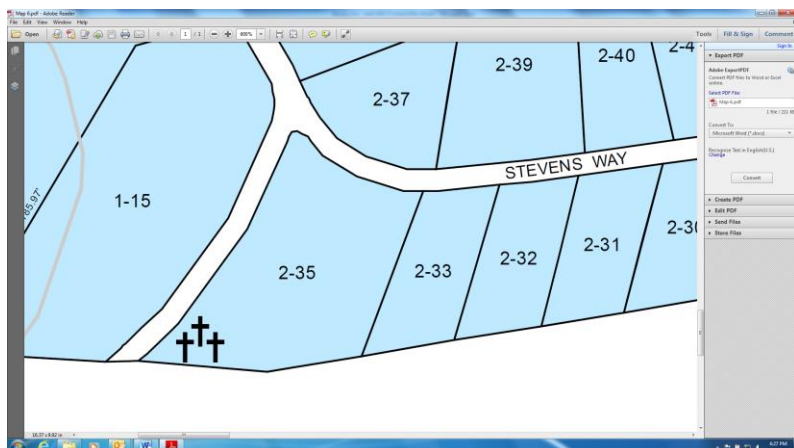
Town Planner's Recommendation
Wednesday, July 22, 2015

IX. ***Public Hearing - 2 and 4 Stevens Way – Boundary Line Adjustment.*** Proposed two-way conveyance of 2,953 square feet of land between Map 6, Lot 2-33, owned by Moore Family Revocable Trust, and Map 6, Lot 2-35, owned by Roy and Margaret Torbert. Chris Berry for Berry Surveying and Engineering, surveyor. Residence B District.

➤ I recommend approval as stated below.

Please note the following:

- I believe the application is ready for final action.
- The applicant has requested a waiver from showing the true north arrow meridian on the waiver form. The plat shows the Magnetic North Rotation. I recommend approval as requested, as stated in the conditions below.
- I recommend the application be accepted as complete. A vote to approve will include an acceptance (as shown in the findings of fact).
- I forwarded this application to the Technical Review Group but there were no comments/concerns from members.
- The Planning Board could hold a site walk and continue to August 12, if desired, but the application looks quite straightforward.
- Here are lots 2-33 and 2-35 as depicted on the tax map:



Draft
NOTICE OF DECISION

Project Name: Stevens Way Boundary Line Adjustment
Address: 2 and 4 Stevens Way
Applicant: Moore Family Revocable Trust & Roy and Margaret Torbert
Surveyor: Chris Berry, Berry Surveying
Map and Lot: 6-2-33 and 6-2-35
Zoning: Residence B
Date of approval: July 22, 2015

[Office use only. Date certified: _____ Date recorded at Registry: _____]

This application is approved as stated below. "Applicant", herein, refers to the property owner, submitting this application and to her agents, successors, and assigns.

Precedent Conditions

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 Planning Department. Certification of the plans is required prior to issuance of a building permit or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

*Please note. If all of the precedent conditions are not met within 6 calendar months to the day of the board's approval - by January 22, 2016 - the board's approval will be considered to have lapsed and resubmission of the application will be required (unless an after-the-fact extension is granted by the Planning Board). **It is the sole responsibility of the applicant (or his/her agent) to ensure that these conditions are met by this deadline.** We urge the applicant to carefully track his/her progress in meeting the individual conditions. See RSA 674:39 on vesting.

"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.

- 1) **Plan modification.** The plan drawings are to be modified as follows:
 - a) Change approval block on each page of drawings for signature of Planning Department. It should read: "Final Approval by Durham Planning Board. Certified by _____ Date _____"
 - b) Add the delta angle to each arc description and show "crow's feet" between measurements along the front lot lines.

[This is to show the locations in between the measurements, but boundaries need not be placed there: > <]

- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
 - a) “For more information about this boundary line adjustment, or to see the complete plan set, contact the Town of Durham Planning Department, 15 Newmarket Road, Durham, NH 03824. (603) 868-8064.”
 - b) Change note 7) to read “No utilities or other property features are located in the areas being transferred which would create any encroachments or substantively affect either lot, and each lot will remain in conformance with the Durham Zoning Ordinance.”
- 3) Notarized deed. The applicant must submit to the Planning Department a copy of the two signed and notarized deeds which will provide for the conveyance of the two affected areas (the land within the lot lines being adjusted). The deeds may refer to the plat and state that the conveyance is not effective until such time as the plat is certified and all documents are recorded. (After the plat is certified by the Planning Department the original deed and the plat will then be recorded simultaneously. See below). This requirement is waived if the same party owns both lots.
- 4) Monumentation. Provide a certificate of monumentation to the Planning Department.
- 5) Application. Obtain outstanding signatures from Zelda Moore and Roy Torbert on the application.
- 6) Signatures. Both property owners must sign this notice at the bottom (One representative for each property is sufficient).
- 7) Final drawings. The following complete sets of final approved drawings shall be submitted for signature (except the electronic version) by the Town: (a) one large set of black line drawings; (b) one large mylar; (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. (The primary set of plans was last received January 3, 2014).

General and Subsequent Terms and Conditions

All of the conditions below are attached to this approval.

- 1) Recording. The plat, this notice of decision (per RSA 676:3 III), and the deeds shall be recorded together at the Strafford County Registry of Deeds within two calendar months to the date the plat is certified. See RSA 478:1-a regarding plat requirements. Failure to comply with this requirement herein shall render the boundary line adjustment null and void.
- 2) Execution. The project must be executed exactly as specified in the approved application package unless changes are approved by the Town.

- 3) 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.

- 4) Waiver. The Planning Board granted a waiver from showing the north arrow true meridian. The magnetic north rotation is shown.

- 5) Findings of fact. **A)** The applicant submitted an application, supporting documents, and plans for the project; **B)** The Planning Board approved the application, which included a finding that the application is complete, on July 22, 2015; **C)** The board held a public hearing on the application on July 22, 2015; **D)** 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; **E)** No substantive concerns with the application were raised in the course of the review; **F)** The Planning Board granted one waiver as described above; **G)** The applicant submitted a checklist and all required items were submitted/shown except for the waiver requested and items deemed not applicable; **H)** All required notices were made; and **I)** The Planning Board duly approved the application as stated herein.

Signature of applicant 1

date

Printed name of applicant

Signature of applicant 2

date

Printed name of applicant

Signature of Andrew Corrow, Planning Board Chair

date