



**TOWN OF DURHAM**  
8 NEWMARKET RD  
DURHAM, NH 03824-2898  
603/868-8064  
[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

***Town Planner's Recommendation***  
**Wednesday, November 9, 2016 – \*REVISED CONDITIONS BELOW\***

X. ***Public Hearing - Boundary Line Adjustment - Bennett Road***. Boundary line adjustment conveying two small parcels of land from Tax Map 14, Lot 34-0, 86 Bennett Road, owned by UNH, to Tax Map 14, Lot 34-1, 90 Bennett Road, owned by Stephen and Lori Lamb. Rural Zoning District.

- I recommend discussion and continuation to December 14 (unless the encroachment can be addressed by November 9 in some manner). Several buildings encroach into side setbacks and this must be addressed.

I present a draft approval below. Depending on how several encroachments are addressed the application could be approved on November 9 or December 14. The side setback in the Rural District is 50 feet. Several structures which are situated closer to the existing side lot line are grandfathered. However, the nonconforming side setback cannot be reduced. On the easterly side of the site one structure would straddle the new lot line and another would be located closer to the new lot line. There is a concrete block shed along the northerly section of the plan that would be situated closer to the side lot line. While the proposed lot line adjustment mitigates some existing encroachments, it cannot create or increase other nonconformities without a variance. Thus, the applicant has four options:

- 1) Obtain variances for the reduced setbacks
- 2) Remove the structures
- 3) Relocate the structures
- 4) Relocate the new lot lines so that there is not any increase in or expansion of the encroachments.

The next ZBA meeting is December 13 (one day before the next Planning Board meeting) and the deadline for submission is November 23. If the applicant pursues options 2, 3, or 4 the application could be approved on November 9 incorporating the appropriate condition.

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

**Project Name:** Bennett Road Lot Line Adjustment  
**Action Taken:** APPROVAL  
**Address:** 86 and 90 Bennett Road  
**Applicant:** Steve and Lori Lamb  
**Surveyor:** Joseph M. Wichert  
**Property Owner:** Steve and Lori Lamb & UNH

**Map and Lot:** 14-34-1 and 14-34  
**Zoning:** Rural  
**Date of approval:** **November 9, 2016**

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"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.

**Precedent Conditions**

[Office use only. Date certified: \_\_\_\_\_ ROD received? \_\_\_\_\_ ]

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 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 May 9, 2017 - the board's approval will be considered to have lapsed and resubmission of the application will be required (unless an 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.

- 1) Plan modifications. The plan drawings are to be modified as follows:
  - a) Change approval block to be certified by Michael Behrendt, Durham Town Planner.
  - b) Use different symbols for corner markers to be set and other items pointed to, rather than a • for both.
  - c) Clarify what the "107.34" refers to or eliminate it. Move the arrow to point to "15" more precisely.
  - d) On the easterly side of the site two rectangular footprints are shown straddling/encroaching into the side setback. Label the plans showing these not as buildings but as easements outlined with granite block and covered with crushed stone.

[However, it must be clarified that no building would be erected in these easement areas unless a variance were granted.]

- 2) Add the following notes (or equivalent) to the plan drawings: "For more information about this lot line adjustment, or to see the complete plan set, contact the Town of Durham Planning Department, 8 Newmarket Road, Durham, NH 03824. (603) 868-8064."
- 3) Structure. Physically remove the concrete block shed along the northerly lot line that encroaches into the side setback.
- 4) Sign this notice at the bottom.

- 5) 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 black line drawing; (b) one 11"x17" drawing; plus (c) one electronic version by pdf.

**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), the deed, and the restriction release agreement with UNH must be recorded together at the Strafford County Registry of Deeds within two calendar months to the date the plat is certified. Failure to comply with this requirement herein shall render the lot 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.
- 5) Findings of fact. a) The applicant submitted an application, supporting documents, and plans for the project; b) The Planning Board held a public hearing on the application on November 9, 2016; c) The Planning Board/Town Planner reviewed the application in accordance with the Durham Zoning Ordinance, the Durham Subdivision Regulations, and other applicable law and found that the application meets all requirements; and d) The Planning Board duly approved the application as stated herein. #addressing encroachments.

\_\_\_\_\_  
Signature of Steve Lamb

\_\_\_\_\_  
date

\_\_\_\_\_  
Signature of Lori Lamb

\_\_\_\_\_  
date

\_\_\_\_\_  
Signature of Planning Board Chair

\_\_\_\_\_  
date