



**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 Review**  
**Wednesday, May 10, 2017**

VII. **Public Hearing - Bay Road Lot Line Adjustment.** Lot line adjustment between Map 19, Lot 19-6, 564 Bay Road, owned by Steven Nawrocki and Map 19, Lot 19-7, 560 Bay Road, owned by Thomas and Anne Duncan. 6.14 acres would be conveyed from Lot 19-6 to Lot 19-7. Jack Kaiser, surveyor, Doucet Survey. Split zoned lots – Rural and Residence C.

➤ I recommend approval as stated below.

The recommended approval includes accepting the application as complete and granting the requested waiver for delineation of wetlands (not needed due to area involved in the adjustment), as stated under Findings of Fact. Reference to the waiver, as requested by the applicant, should be included in the motion to approve (and should be referenced in the minutes).

**\*Draft\***

**NOTICE OF DECISION**

**Project Name:** Bay Road Lot Line Adjustment  
**Action Taken:** APPROVAL  
**Project Description:** Adjustment between Lots 19-19-7 & 19-19-6  
**Address:** 560 and 564 Bay Road  
**Applicant:** Thomas and Anne Duncan & Steven Nawrocki  
**Surveyor:** Jack Kaiser, Doucet Survey  
**Property Owner:** Thomas and Anne Duncan & Steven Nawrocki  
**Map and Lots:** 19-19-7 & 19-19-6  
**Zoning:** Rural/Residence C split zoned  
**Date of approval:** May 10, 2017

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[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 November 10, 2017 - 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.
  - a) Include inset on recordable sheet showing overall area of both lots with lot line adjustment.
  - b) Side and rear setbacks to 50 feet under Notes.
- 2) Plan note. Add the following note 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) 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) Signature. Sign this notice at the bottom.
- 6) 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.

### **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 deed(s) shall be recorded together at the Strafford County Registry of Deeds within two calendar months to the date the plat is certified (e.g. if certified September 9th they must be recorded by November 9th). 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) Other permits. It is the responsibility of the applicant to obtain any other local, state, and federal permits, licenses, and approvals which may be required as part of this project.
- 5) Land Use Change Tax. Please note that the owners of the 564 Bay Road property will be subject to a Land Use Change Tax. Also, if the owners of 560 Bay Road would like the land being annexed to their property to remain in Current Use, they must submit a new Current Use application to include the land being annexed to their property. If not, then they will also be subject to a land use change tax on the land being merged. Consult the Town Assessor with any questions.
- 6) Findings of fact. **A)** The applicant submitted an application, supporting documents, and plans for the project; **B)** The Planning Board accepted the application as complete and granted the requested waiver and held a public hearing on the application on May 10, 2017; **C)** 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; **D)** No substantive concerns with the application were raised in the course of the review; and **E)** The Planning Board duly approved the application as stated herein.

\_\_\_\_\_  
Steven P. Nawrocki

\_\_\_\_\_  
date

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Thomas W. Duncan Jr.

\_\_\_\_\_  
date

\_\_\_\_\_  
Anne E. Duncan

\_\_\_\_\_  
date

\_\_\_\_\_  
Planning Board Chair

\_\_\_\_\_  
date