



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

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

[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 [Not needed since second sheet included.]
 - b) Side and rear setbacks to 50 feet under Notes. [Corrected on updated plans]

- 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.” *[Included on updated plans]*
- 3) Notarized deed. The applicant must submit to the Planning Department a copy of the signed and notarized deed which will provide for the conveyance of the affected area (the land within the lot lines being adjusted). The deed 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 set of 11"x17" drawings; and (c) 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

Thomas W. Duncan Jr.

date

Anne E. Duncan

date

Paul Rasmussen
Planning Board Chair

date