



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

Town Planner's Review
Wednesday, September 27, 2017

VII. ***Public Hearing - 8 Ryan Way – 2-lot Subdivision.*** Proposed subdivision to re-establish 2 lots that were combined by the owner. Tracey Thompson McGonagle, property owner. Jason Pohopek, surveyor. Map 6, Lot 2-12. Residence B District.

➤ I recommend approval as stated below and waiver of the school impact fee (unless otherwise authorized – see below)

Please note the following:

- **Impact fee.** The Town of Durham has impact fees for schools. I do not believe that the impact fee would be relevant now as I do not think that the school district has pertinent capital improvements planned but I will inquire to the school and expect to have an answer prior to the meeting this Wednesday. If it did apply, the impact fee for a single family house would be \$3,699. It would be payable prior to issuance of a certificate of occupancy for the new lot. If it does not apply then the Planning Board would grant a waiver from the fee.
- **Staff comments.** I have not received any staff comments other than a letter from Police Chief Dave Kurz. Town Engineer April Talon and Deputy Fire Chief Randall Trull attended the site walk.

Draft

NOTICE OF DECISION

Project Name: 8 Ryan Way 2-Lot Subdivision
Action Taken: Approval
Address: 8 Ryan Way
Property Owner: Tracey Thompson McGonagle
Surveyor: Jason Pohopek
Map and Lot: Map 6, Lot 2-12
Zoning: Residence B
Date of approval: September 27, 2017

[Office use only. Date certified: _____ Recorded at Register: _____]

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 March 27, 2018 - 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 or 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) Approval block. Add an approval block to read: "Final Approval by Durham Planning Board. Certified by Michael Behrendt, Town Planner,
_____ Date _____"
 - b) Street address. Obtain a street address from the Durham Fire Department for the new lot and show it on the plan.
 - c) Lot #. Obtain/confirm the lot number for the new lot and show it on the plan.
 - d) Frontage. Clarify the road frontage for Lot 2-12 (150 vs. 149.11 feet).
 - e) Platting. Close the lot lines on Lot 2-13 at the north corner, label angle points for the new lot line with type of monument, state that the new monument is set (See condition below), and show all angle points/corners.
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
 - a) Information. "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 03824. (603) 868-8064."
 - b) Electric lines. "All utilities must be underground, including utilities extended onto the site from existing poles near the site. However, if the only pole nearby is across the street, one additional pole may be placed on/near the property to allow for overhead extension of wires across the street. All utilities extending from any such new pole must be underground. The applicant may work with the Town staff as appropriate to address this requirement."
 - c) Driveway. "The driveway for the new lot shall be reviewed and approved by the Durham Department of Public Works."
 - d) Energy checklist. "For the new lot, the new property owner shall meet with the Town Building Official and a representative of the Energy Committee to review the Energy Considerations Checklist prior to submitting a building application. The new property owner is *encouraged*, but not required, to meet any items on the

checklist that are workable and to incorporate those items into the building application.”

- e) Water connection. “The new lot must be connected to the Town of Durham water system.”
 - f) Leach field. “The existing leach field on the parent lot, Lot 2-12 is located within the front setback area and likely within the Town of Durham’s right of way. At such time as the leach field is replaced, the new leach field must be situated in accordance with the Durham zoning requirements (unless a variance is obtained) and state requirements.”
 - g) Encroachments. “There are several encroachments on the new lot including a shed serving Map 6, Lot 2-14 and a catch basin which appears to serve Map 6, Lot 2-14. The Town of Durham takes no position regarding these encroachments.”
- 3) Signature. The property owner shall sign this notice at the bottom.
 - 4) Boundary markers. Set boundary markers (actually physically set in place in the field) and note on plans (“marker set” or equivalent)
 - 5) NHDES approval. Obtain State approval of the subdivision and submit a copy of the approval to the Planning Department.
 - 6) 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; (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 surveyor.

GENERAL AND SUBSEQUENT TERMS AND CONDITIONS

All of the conditions below are attached to this approval.

- 7) Recording. The plat and this notice of decision (per RSA 676:3 III) must be recorded at the Strafford County Registry of Deeds within two (2) calendar months to the date the plat is certified (e.g. if certified September 9th it must be recorded by November 9th). See RSA 478:1-a regarding plat requirements. Failure to comply with this requirement herein shall render the subdivision null and void.
- 8) Execution. The project must be executed exactly as specified in the approved application package unless modifications are approved by the Town.
- 9) Other permits. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project.
- 10) Findings of fact. a) Documents. The applicant submitted an application, supporting documents, and plans for the project; b) Acceptance and hearing. The Planning Board accepted the application as complete on September 13 and held a one public hearing on

the application on September 27; c) Site walk. The Planning Board held a site walk on the project on September 20; d) Review. 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) Conservation subdivision. The subdivision is exempt from the Conservation Subdivision ordinance; f) Impact fee. The Planning Board waived the school impact fee based upon a finding by the Oyster River School Department that the fee is not relevant now based upon plans for the school district; g) Lot combination. There were 2 lots earlier but the owner combined them into 1 lot years ago and thus a new subdivision approval was required; h) Private well. The existing house is on a private well. The Town does not require connection of the existing house to Town water though it is available; and i) Approval. The Planning Board duly approved the application as stated herein.

(Note: in both sections above, the numbered condition marked with a # and all conditions below the # are standard conditions on all or most applications of this type).

Signature of property owner

date

Printed name of property owner

Signature of Planning Board Chair

date

Printed name of Planning Board Chair