



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

NOTICE OF DECISION

Project Name: Packers Falls Road – Wiswall Road 2-lot pork chop subdivision
Action Taken: Approval
Address: 235 Packers Falls Road – Map 14, Lot 16
Property Owner: Vince Todd
Surveyor: Corey Colwell, TF Moran
Zoning: Rural
Date of approval: October 11, 2017

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

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/change the approval block on all 3 pages 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 them on the plan. Retain "Lot 1" and "Lot 2" also.
 - c) Include the plan reference for the companion boundary line adjustment.
 - d) Under 5. Zoning Requirements, remove dimensions for lot size and frontage and add those for pork chop subdivisions or simply reference pork chop subdivisions in the zoning ordinance.

- e) Access point. Label the entrance to the lots as a “shared access point for both lots”.
- 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) Pork chop subdivision. “The lot is subdivided pursuant to the standards for pork chop subdivisions contained in the Durham Zoning Ordinance.”
- c) Electric utilities. “The electric service shall be accessed from the existing pole on Lot 1 as shown on this plan and placed underground from this pole to Lot 2. Unless other arrangements are made by the subdivider, at his option, the buyer of Lot 2 shall install the transformer and electric lines.
- d) Driveway. “Unless other arrangements are made by the subdivider, at his option, the buyer of Lot 2 shall build the driveway to provide access to Lot 2. The driveway shall be built in the location as shown on the plan but the location may be minimally adjusted as appropriate due to site considerations.”
- e) 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.”
- f) Trash. Add at the end of the note 16 about the access and utility easement: “The owner of Lot 2 has the right to place their trash on/near Packers Falls Road for pick up.”
- g) Street address. “The buyer of Lot 2 shall coordinate with the Durham Fire Department to install appropriate signage for the street address.”
- h) Encroachments. “There is an encroachment of a barbed wire fence as shown on the plan. The Town takes no position regarding this encroachment. The fence encroachments from Lot 18-1 will be removed from the lot prior to recording of the plan.”
- i) Impact fees. “The school impact fee of \$3,699 shall be paid by the buyer of Lot 2 prior to issuance of a certificate of occupancy for a new house.”
- 3) Easements. The applicant shall provide draft written easements for access, utilities, and the well radius for review by the Town Planner. However, the applicant may forego a

written easement at his option [*The plat provides an easement though it is recommended that a written easement also be recorded.*]

- 4) Signature. The property owner shall sign this notice at the bottom.
- 5) Boundary markers. Set boundary markers (actually physically set in place in the field) and note on plans (“marker set” or equivalent)
- 6) NHDES approval. Obtain State approval of the subdivision and submit a copy of the approval to the Planning Department.
- 7) 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.

- 1) Recording. The plat and this notice of decision (per RSA 676:3 III) and the access, utility, and well-radius easements (if they are prepared) 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. ***The plat for the companion boundary line adjustment between the subject lot and Map 14, Lot 18-1 must be recorded prior to or simultaneous with the recording of this plat herein.** Failure to comply with this requirement herein shall render the subdivision null and void.
- 2) Execution. The project must be executed exactly as specified in the approved application package unless modifications are approved by the Town.
- 3) 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.
- 4) 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, held one public hearing on the application; c) Site walk. The Planning Board held a site walk on the project on; 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) Approval. The Planning Board duly approved the application as stated herein.

Signature of property owner

date

Printed name of property owner

Signature of Planning Board Chair

date

Printed name of Planning Board Chair