

TOWN OF DURHAM

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Town Planner's Recommendation Wednesday, May 9, 2018

VIII. *Public Hearing* - Colony Cove Road – Lot Line Adjustment and Lot Combinations. Lot line adjustment on Map 12 between Lot 25 and Lot 26 (22 and 18 Colony Cove Road, respectively) for the purpose of providing frontage for Lot 26 on Little Bay. Also combining Map 12, Lots 16-24 and 26 and Map 12, Lot 25 and .25 acre outparcel. All lots are owned by Mary Ann Lohnes Ehrenworth and Richard Hallett. Adam Fogg, Atlantic Survey, Surveyor. RC District.

I recommend approval as stated below, subject to the applicant receiving the necessary variances and any issues that might arise at the public hearing.

See the color renderings in the packet, prepared by the applicant, which explain the project.

Draft NOTICE OF DECISION

Project Name: Colony Cove Lot Line Adjustment and Lot Merger

Action Taken: APPROVAL

Address: 16, 20 and 22 Colony Cove Road

Applicant: Mary Lohnes Ehrenworth and Richard Hallett

Surveyor: Adam Fogg, Atlantic Survey

Map and Lots: Map 12 – Lot 25 and 26; Combining Map 12, Lots 16-24 and 26;

Combining Map 12, Lot 25 and .25 acre outparcel

Zoning: Residence C **Date of approval:** May 9, 2018

Precedent Conditions

All of the precedent conditions below must be met by 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.

If all of the precedent conditions are not met within 6 calendar months to the day of the board's approval - by November 9, 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).

- 1) <u>Plan modifications</u>. The plan drawings are to be modified as follows:
 - a) Change approval for signature of Planning Department. It should read: "Final Approval by Rochester Planning Board. Certified by Michael Behrendt, Town Planner, ______ Date _____"
 - b) A new monument/marker will be needed at the easterly end of the new lot line.
 - c) Note 5 will need to be clarified.
 - d) The Town's address on note 8 should be corrected.
 - e) The wall around the garage on Lot 25 should be clarified.
 - f) The lot lines around the .25 acre parcel should be clarified. What is the purpose of the 141.25 line? The 19.53 line should be marked with dashed lines.
- 2) <u>Lot combinations</u>. Submit administrative paperwork to complete the two lot combinations.
- 3) <u>Signature</u>. Sign this notice at the bottom.
- 4) <u>Shed</u>. The shed must be physically removed or relocated in conformance with lot setbacks.
- Notarized deed. This condition does not apply if the two lots are owned under the same name. If not, the applicant must submit to the Planning Department a copy of the signed and notarized deed which will affect the conveyance of the affected land (the land within the lot lines being adjusted).
- 6) <u>Final drawings</u>. 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 electronic version by pdf. 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.

Recording. The plat, this notice of decision (per RSA 676:3 III), the lot combination forms, and the deed (if needed) must 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 lot line adjustment null and void.

- 2) <u>Variances</u>. This approval is subject to issuance of variances by the Zoning Board of Adjustment, as presented to the ZBA on May 8, 2018. Variances were granted for a reduced setback for the house on Lot 25 and for reduced shoreland frontage for Lot 25 and Lot 26.
- 3) <u>Lot combinations</u>. This approval includes the lot line adjustment and the two lot combinations.
- 4) <u>Execution</u>. The project must be executed exactly as specified in the approved application package unless changes are approved by the Town.
- 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.

<u>Findings of fact</u>. a) The applicant submitted an application, supporting documents, and plans for the project; b) The Planning Board held at least one public hearing on the application; 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; and e) The Planning Board duly approved the application.

Signature of applicant	date	
Printed name of applicant		
Signature of applicant	date	
Printed name of applicant		
Signature of Planning Board Chair	date	
Printed name of Planning Board Chair		

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