



TOWN OF DURHAM
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Town Planner's Recommendation
Wednesday, May 9, 2018

X. **Public Hearing - 195 & 207 Packers Falls Road – Lot line Adjustment and Conditional Use.** Lot line adjustment on Map 17 between Lot 14 and Lot 15. Conditional use for proposed driveway and utilities for new house to be located within the 100 feet wetland buffer. Both lots are owned by Daniel Huntoon. Mike Sievert, MJS Engineering, Engineer. Rural District.

➤ I recommend approval as stated below, subject to any issues that might arise during the site walk and public hearing.

Please note the following:

- The Planning Board has a site walk at the property on May 9 at 3:00 pm.
- Approval will include approval of the waiver to retain the existing electric utilities overhead. The new line to the vacant lot will be underground from an existing pole. *Thus, the driveway will need to be trenched or tunneled for the new line.*
- The Conservation Commission recommended approval under the 4 specific wetland conservation overlay district criteria with some allowance to move the driveway provided it is further from the wetland. The applicant addressed the 8 general conditional use criteria and the 4 specific criteria under the overlay district.
- This application was discussed at the TRG meeting on May 1. We received a memo from the Police Chief which was sent to the board. There were no concerns but we have not heard from the Fire Department who could not attend the meeting. I will let the board know if the Fire Department submits any comments. Sight distance for the existing driveway looks fine (noted by Police Chief in the meeting).
- The existing driveway is fairly narrow at 11 feet and in fair condition, but seems workable for one additional single family residence. We discussed at the TRG if an area should be established to allow for vehicles to pass but the Town Engineer did not think this necessary. It is a long driveway and so one landing area might not be useful should vehicles pass elsewhere.

Draft
NOTICE OF DECISION

Project Name: 195 and 207 Packers Falls Road – lot line adjustment and conditional use
Action Taken: APPROVAL
Project Description: Conditional use for driveway within 100 foot wetland buffer
Applicant: Daniel Huntoon
Engineer: Mike Sievert, MJS Engineering
Map and Lot: Map 17, Lots 14 and 15
Zoning: Rural District
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 the 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) Plan modifications. The plan drawings are to be modified as follows:
 - a) Identify new corner pins as to be set, or equivalent.
 - b) Extend the new driveway spur all the way to the buildable area on Lot15.
 - c) Add information about contacting the Town of Durham for more information
- 2) Easements. Submit draft easements for access and maintenance to the Town Planner for review. The easement is to 30 feet in width per the Subdivision Regulations (unless waived by the Planning Board)
- 3) Construction. Present a reasonable strategy for protecting or rebuilding the shared driveway after construction on the new lot (likely for incorporation into the access and maintenance easements)
- 4) NHDES. Obtain approval from NHDES for the new building area.
- 5) Signature. Sign this notice at the bottom.

- 6) Notarized deed. This is not needed provide both 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.
- 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; and (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.

- 1) Recording. The plat, this notice of decision (per RSA 676:3 III), the easements, and the deed (if required) 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) Driveway. The conditional use for the driveway includes the sections on both lots that will be within the wetland buffer. The driveway may be shifted at the applicant's option provide it is located further from the wetland.
- 3) Electric line. The electric lines for Lot 15 shall run underground from an existing pole and shall be placed outside of the wetland buffer.
- 4) Waiver. The Planning Board granted a waiver to retain the existing above ground electric (under Section 9.05B of the Subdivision Regulations). However, the new lines serving the present vacant lot shall be run underground from an existing pole.
- 5) Execution. The project must be executed exactly as specified in the approved application package unless changes are approved by the Town.
- 6) 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.
- 7) 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. Contact the City of Rochester Code Enforcement Department at 332-3508 regarding building permits.

Findings of fact. a) The applicant submitted an application, supporting documents, and plans for the project; b) The Planning Board held a site walk and a public hearing on May 9;

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 (including the waivers and conditional use); d) The Conservation Commission recommended approval per the WCOD criteria; and e) The Planning Board duly approved the application as stated herein.

Signature of applicant

date

Printed name of applicant

Signature of Planning Board Chair

date

Printed name of Planning Board Chair