



TOWN OF DURHAM
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Town Planner's Project Review
Wednesday, December 12, 2018

- IX. ***Public Hearing – 215 and 221 Packers Falls Road – Lot Line Adjustment.*** Lot line adjustment between 215 Packers Falls Road, Map 17, Lot 13-2 and 221 Packers Falls Road, Map 17, Lot 13-1. Arne, LLC, c/o Ray Donahue, owner of both lots. Scott Boudreau, surveyor. Rural District.
- I recommend acceptance as complete, holding the public hearing, and approval as stated below.

Please note the following:

- a) On lot line adjustments, Planning Board policy allows for final action in one meeting. Accordingly, we have already notified the public about the public hearing. The board can take action in one meeting unless there are particular concerns. On lot line adjustments that are not straightforward, I hold off on scheduling the public hearing until after the board has a first look at the project but this application looks to be ready to go.
- b) There are two existing lots. The lot line is being adjusted to allow for more regular and usable lots and to relocate the existing lot line that actually runs through the house on the northerly lot, lot 13-1 (actually identified as 13-2 on tax card; I will clarify with Jim Rice). A new house is being constructed now on the southerly lot, lot 13-2. The house on lot 13-1 was built in 1910 and I don't know how a lot line ended up in the middle of it. Perhaps both lots were owned by the same person in 1910 and they didn't think it a problem to place the house there.
- c) The applicant received special exceptions (October and November 2018) to allow for the new house and driveway to be located within the Wetland Conservation Overlay District and the septic system as shown on the southerly lot. It looks like the new well will be within the 100 foot wetland buffer so the applicant will need a review by the Conservation Commission and Planning Board for the well. This can be done later, separately from the lot line adjustment. A well is allowed within the buffer as a permitted (rather than a conditional) use.
- d) A variance was granted by the ZBA on November 13, 2018 to reduce the size of Lot 13-2. The lot is presently undersized and the lot line adjustment will reduce the size further. Thus, a variance was needed to increase the nonconformity (even though the companion nonconforming lot was increased the same amount).

- e) There is a deed line shown on the plan. There were 3 lots at one point but 2 lots were combined yielding the 2 existing lots as shown.
- f) The new line will not be set back from the old house the 50 foot side setback but the nonconformity is being reduced so it is not required to fully comply with the 50 foot setback.
- g) The shed straddling the new lot line will be removed.
- h) The well house will be closer to the new lot line but accessory buildings for single family houses need be setback only 10 feet and this location would meet that. The applicant does not know what the well shown on the plan at the upper right corner of Lot 13-2 is for.
- i) The house on Lot 13-1 is under contract. The applicant is currently building the new house on Lot 13-2. He said that it will be for sale but he does not have a buyer at this point.
- j) The electric for the house on Lot 13-1 is above ground. The applicant proposes that the electric for the new house be above ground. That is acceptable as the lot was created many years ago, prior to the subdivision requirement for underground electric.

Draft

NOTICE OF DECISION

Project Name: 215 and 221 Packers Falls Road – Lot Line Adjustment
Action Taken: APPROVAL
Applicant: Arne LLC, c/o Ray Donahue
Surveyor: Scott Boudreau
Map and Lot: 215 Packers Falls Road – Map 17, Lot 13-2
 221 Packers Falls Road – Map 17, Lot 13-1
Zoning: Rural District
Date of approval: December 12, 2018

Conditions Precedent

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.

Please note. If all of the precedent conditions are not met within 6 calendar months to the day of the board’s approval - by June 6, 2019 - the board's approval will be considered to have lapsed and resubmission of the application will be required. See RSA 674:39 on vesting.

- 1) Plan modifications. The plan drawings are to be modified as follows:
 - a) Correct lot numbers and street addresses in coordination with the Town Assessor and Fire Department and show corrected information on the plan.
 - b) Delete “See Note 9” next to the shed.
 - c) Add note: “For more information about this lot line adjustment, or to see the complete plan set, contact the City of Durham Planning Department, 8 Newmarket Road, Durham, NH (603) 868-8064.”
- 2) Physically remove the shed that is straddling the new lot line.
- 3) NHDES. Obtain okay (email is acceptable) from NHDES for reduction in size of Lot 13-2.
- 4) Sign this notice at the bottom.
- 5) 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 land surveyor, engineer, or architect responsible for the plans. *Please note*. If there are significant changes to be made to the plans, as specified above, one full size paper check print must be sent to the Planning Department for review prior to producing these final drawings.

General and Subsequent Terms and Conditions

All of the conditions below are attached to this approval.

- 1) Proposed well. A separate review will be needed to place the well proposed for Lot 13-2 within the 100 foot wetland buffer. The review is conducted for a permitted use in accordance with Section 175-60 B. 1. of the Zoning Ordinance.
- 2) Recording. The plat and this notice of decision must be recorded together at the Strafford County Registry of Deeds within two calendar months to the date the plat is certified.
- 3) Execution. The project must be executed exactly as specified in the approved application package unless changes are approved by the Town.
- 4) 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.

- 5) Findings of fact. a) The applicant submitted an application, supporting documents, and plans for the project; b) The Planning Board held one public hearing on the application; c) The Town staff and Planning Board reviewed the application in accordance with the Durham Zoning Ordinance, the Durham Subdivision Regulations, and other applicable law and found that the application meets all requirements; d) The application was presented to the Technical Review Group on December 4, 2018 and no concerns were expressed; e) There were three lots of record on the deed but two were combined in the past so there are two lots presently; f) Two special exceptions and one variance were granted related to the lot line adjustment; and g) The Planning Board duly approved the application as stated herein.

By his signature below the applicant accepts all of the conditions of this approval.

Signature of applicant

date

Printed name of applicant

Signature of Planning Board Chair

date

Printed name of Planning Board Chair