



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

Town Planner's Recommendation
Wednesday, January 9, 2019

VIII. ***Public Hearing - 48 Edgewood Road – 2-Lot Subdivision.*** Subdivision of 2.16 acre lot. Geoffrey Lombard and Jane Miller, property owners. Paul Dobberstein, Ambit Engineering, surveyor. Map 1, Lot 16-2. Residence A District.

➤ Based upon the information provided to date, I recommend approval as stated below.

The application was accepted as complete and two waivers were granted on December 12. A site walk was held on December 13, 2018.

Draft

NOTICE OF DECISION

Project Name: 48 Edgewood Road – 2 lot subdivision
Action Taken: APPROVAL
Applicant: Geoffrey Lombard and Jane Miller
Surveyor: Paul Dobberstein, Ambit Engineering
Map and Lot: Map 1, Lot 16-2
Zoning: Residence A
Date of approval: January 9, 2019

[Office use only. Date certified: _____ ;

“Applicant,” herein refers to the applicant and his/her/their/its agents, successors and assigns.

CONDITIONS PRECEDENT

All of the conditions precedent below must be met by the applicant prior to the plans being certified by the Town Planner. Certification of the plans is required prior recording of the plans. Once these conditions precedent 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 July 9, 2019 - the Planning Board's approval will be considered to have lapsed. Extension(s) may be granted by the Planning Board for reasonable cause. *It*

is the sole responsibility of the applicant (or his/her agent) to ensure that the conditions precedent are met by this deadline. See RSA 674:39 on vesting. No changes to the plans that were reviewed and approved by the Planning Board on January 9, 2019 may be made except for the specific required changes that follow.

Plan Modifications

- 1) **Plan modifications.** Make the following modifications to the plans/plan set that were reviewed and approved by the Planning Board:
 - a) **Lot #'s.** obtain new Assessor's Map and Lot #'s from the Assessing Office and show on each lot.
 - b) **Approval block.** Change the approval block on each page of drawings to read: "Final Approval by Durham Planning Board. Certified by Michael Behrendt, Town Planner _____ Date _____"
 - c) **Addressing.** Establish addresses for each of the lots to be approved by the Fire and Police Departments. Show the addresses on the plat on each lot.
 - d) **Driveway.** Add note next to the proposed driveway (or in the notes section) that the driveway must be located there unless another location is approved by the Town Engineer.

Notes on Plans

- 2) **Notes on plans.** Add the following notes on the plans/plan set that were reviewed and approved by the Planning Board:
 - a) **Underground utilities.** "All utility lines for the new lot shall be located underground from the existing pole 16/23."
 - b) **Additional 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."
 - c) **Notice of decision.** "It is the applicant's, homebuyer's, and building contractor's responsibility to follow all requirements related to this site plan approval. Please review these plans and the Planning Board Notice of Decision carefully. Contact the Durham Planning Department at (603) 868-8064 with any questions or concerns."
 - d) **School Impact Fee.** "The school impact fee of \$3,699 for the new lot is assessed as part of this project. The fee must be paid in full prior to issuance of a certificate of occupancy."

- e) Wetland Buffer. “There is a 75-foot wetland buffer requirement from wetlands under the Durham Zoning Ordinance as shown on this plan. There may be no encroachment within this buffer except as permitted under the ordinance.” This notation (or a reference to this notation) must be placed prominently on each affected lot.
- f) Energy Checklist. “It is recommended, but not required, that the purchaser of the new lot meet with a representative of the Energy Committee and the Building Official, prior to submission of building plans to discuss suggested items under the Energy Checklist.”

Other Conditions Precedent

- 3) Driveway Permit. The Town driveway permit must be obtained.
- 4) Utility Connection Permit. A utility connection permit application with necessary plans and specifications shall be submitted to DPW for review and approval by the Town in accordance with the Durham Water and Wastewater ordinances. There is a sewer easement for the new lot on an adjacent parcel but it appears to be easier to connect directly with the sewer line located in Edgewood Road.
- 5) Boundary markers. Set boundary markers (actually physically set in place in the field) and note on plans (“marker set” or equivalent)
- 6) Final drawings. The following complete sets of final approved drawings shall be submitted for signature (except the electronic version) by the Town Planner: a) two large sets of black line drawings (plus a third set if the applicant wants a signed set); 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 responsible for the plans.
- 7) Signature. Signature by the applicant at the bottom acknowledging all terms and conditions of this approval herein.

CONDITIONS SUBSEQUENT AND GENERAL TERMS

All of the conditions below are also attached to this approval.

Conditions to be met prior to issuance of any certificate of occupancy

- 8) School Impact Fee. The School Impact Fee must be paid in full.
- 9) Natural gas. If natural gas will be used, provide a letter of approval from Unitil.
- 10) Other applicable requirements. All applicable requirements of this subdivision must be satisfied prior to issuance of a certificate of occupancy.

Other terms and conditions

- 11) **Recording.** The plat and this notice of decision (per RSA 676:3 III) must be recorded at the Strafford County Registry of Deeds within 14 days of when the plat is certified. See RSA 478:1-a regarding plat requirements. Failure to comply with this requirement herein shall render the subdivision null and void.
- 12) **Energy, Fire, and Building Code.** Building construction shall be in compliance with the energy efficient standards of Chapter 38 of the Town of Durham Code of Ordinances and all applicable building and fire codes. Consult the Building Official or Fire Department with any questions.
- 13) **Changes to Plans.** Changes to the approved plans shall be reviewed in accordance with the Planning Board's Rules of Procedures.
- 14) **Execution.** The project must be executed exactly as specified in the approved application package unless changes are approved by the Town.
- 15) **Waivers.** The Planning Board granted two waivers as part of this approval: 1) for topographic, wetland, and site features for the entire parcel; and 2) for a complete boundary survey. These waivers were granted upon a finding that specific circumstances relative to the subdivision indicate that the waiver will properly carry out the spirit and intent of these regulations.
- 16) **Tax Implications.** It is recommended that the applicant contact Jim Rice, Durham Tax Assessor, to learn about the tax implications of this subdivision. You can contact Mr. Rice at (603) 868-8064 or jrice@ci.durham.nh.us

Findings of fact. As part of this review and approval the Durham Planning Board finds the following: **A)** The applicant submitted an application, supporting *documents*, and plans for the project; **B)** The Planning Board accepted the application as *complete and granted two waivers*; **C)** The Planning Board held a *site walk* on December 13, 2018 and a *public hearing* on the application on January 9, 2019; **D)** The application was reviewed by the *Technical Review Group* on December 4, 2018; **E)** The Planning Board reviewed the application in accordance with state law, the Durham Zoning Ordinance, the Durham Site Plan Regulations, and other applicable law and found that the application *meets all requirements* (except where waivers have been granted); **F)** The Planning Board duly *approved the application* as stated herein; **G)** *NHDES review is not required* since Town sewer is available to the site; **H)** The two lots meet the minimum lot size after consideration of soil types under Section 175-64. There are no *poorly drained soils* situated southwesterly of the somewhat poorly drained soils line shown on Sheet C1. Substantial records are maintained of the process and documentation submitted in the Planning Department. A record of documentation and a timeline of the project will be prepared as needed.

Signature(s). As the applicant(s), I/we accept and acknowledge all of the terms and conditions of this approval herein.

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