



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

NOTICE OF DECISION

Project Name: 149 Mill Road Lot Line Adjustment
Action Taken: APPROVAL
Property Owners: Map 14, Lot 7-5: Scott and Claire Righini; Map 14, 7-7: Adam, Jade, and Troy Fogg
Surveyor: Adam Fogg, Atlantic Survey
Zoning: Rural
Date of approval: March 27, 2019

[Office use only. Date certified: _____]

“Applicants,” herein refers to the applicants and their agents, successors and assigns.

PRECEDENT CONDITIONS

All of the precedent conditions below must be met by the applicants prior to the plans being certified by the Town Planner. 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.

Please note. If all of the conditions precedent are not met within 6 calendar months to the day of the board’s approval - by September 27, 2019 (or as extended) - 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 March 27, 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) **Wetland buffer.** Show 100 foot wetland buffer on both lots (only 50 feet is shown on Lot 7-5) and label as “100 foot wetland buffer”. Make clear that the buffer line is different from the building setback line in appropriate manner. The buffer does not apply to wetlands that are under 3,000 square feet.

- b) Easement. Add note that there is a Shared Driveway Easement Agreement recorded at the registry.
- c) Additional information. Change note 7. to read: "For more information about this lot line adjustment, or to see the complete plan set, contact the Town of Durham Planning Department, 8 Newmarket Road, Durham, NH 03824. (603) 868-8064."

Other Precedent Conditions

- 2) Signature. Sign this notice at the bottom.
- 3) Deeds. The applicant must submit to the Planning Department a copy of the draft deeds which will complete the conveyance of the affected lands.
- 4) 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 (one for recording); 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.

SUBSEQUENT CONDITIONS AND GENERAL TERMS

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

- 5) Recording. The plat, this notice of decision (per RSA 676:3 III), the deeds conveying the parcels, and the shared driveway easement agreement must be recorded together at the Strafford County Registry of Deeds within 60 days of when the plat is certified. Failure to comply with this requirement herein shall render the lot line adjustment null and void.
- 6) Lot size. The minimum lot size in the Rural zone is 150,000 square feet. The existing and proposed lot sizes for lot 7-5 and lot 7-7 are not changing since land is being swapped. Lot 7-5 is less than 150,000 square feet. While lot 7-7 exceeds 150,000 square feet the area for that lot could not be reduced without a calculation of conformance under the wetland overlay district for minimal lot size (calculating for poorly drained soils per Section 175-64).
- 7) Execution. The project must be executed exactly as specified in the approved application package unless changes are approved by the Town.
- 8) Approval. All of the documentation submitted in the application package by the applicant is 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.

Printed name of applicant

Signature of applicant

date

Printed name of applicant

Signature of Planning Board Chair

date

Printed name of Planning Board Chair