

# **TOWN OF DURHAM**

8 NEWMARKET RD DURHAM, NH 03824-2898 603/868-8064

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# Town Planner's Recommendation Wednesday, March 27, 2019

- VIII. *Public Hearing* <u>149 Mill Road Lot Line Adjustment</u>. Lot line adjustment between 149 Mill Road, Map 14, Lot 7-5 owned by Scott (and Claire) Righini and vacant lot on Map 14, Lot 7-7 owned by Adam, Jade, and Troy Fogg. Adam Fogg, Atlantic Survey, surveyor.
- I recommend approval as stated below, subject to any issues that might arise at the site walk, public hearing, and Planning Board review.

## \*Draft\*

# **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 Survye

**Zoning:** Rural

Date of approval: March 27, 2019

[Office use only. Date certified: \_\_\_\_\_]

#### 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.

<u>Please note.</u> 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* 

<sup>&</sup>quot;Applicants," herein refers to the applicants and their agents, successors and assigns.

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) <u>Plan modifications</u>. 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) <u>Easement</u>. Add note that there is a Shared Driveway Easement Agreement recorded at the registry.
  - c) <u>Additional information</u>. 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) <u>Signature.</u> Sign this notice at the bottom.
- 3) <u>Deeds</u>. The applicant must submit to the Planning Department a copy of the draft deeds which will complete the conveyance of the affected lands.
- 4) <u>Final drawings</u>. 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.

- Solution 1. 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) <u>Lot size</u>. 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) <u>Execution</u>. The project must be executed exactly as specified in the approved application package unless changes are approved by the Town.
- 8) <u>Approval</u>. 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.
- 9) 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 Town of Durham Building Department at 868-8064 regarding building permits.

<u>Findings of fact</u>. **A)** The applicant submitted an application, supporting <u>documents</u>, and plans for the project; **B)** The Planning Board held a site walk and a <u>public hearing</u> on the application on March 27, 2019; **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 <u>meets all requirements</u>; and D) The Planning Board duly <u>approved the application</u> as stated herein.

<u>Signature(s).</u> As the applicants, we accept and acknowledge all of the terms and conditions of this approval herein.

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