



TOWN OF DURHAM
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Town Planner's Project Review
Wednesday, March 13, 2019

- X. **149 Mill Road Lot Line Adjustment.** 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 that the board accept the application as complete and schedule a public hearing for March 27.

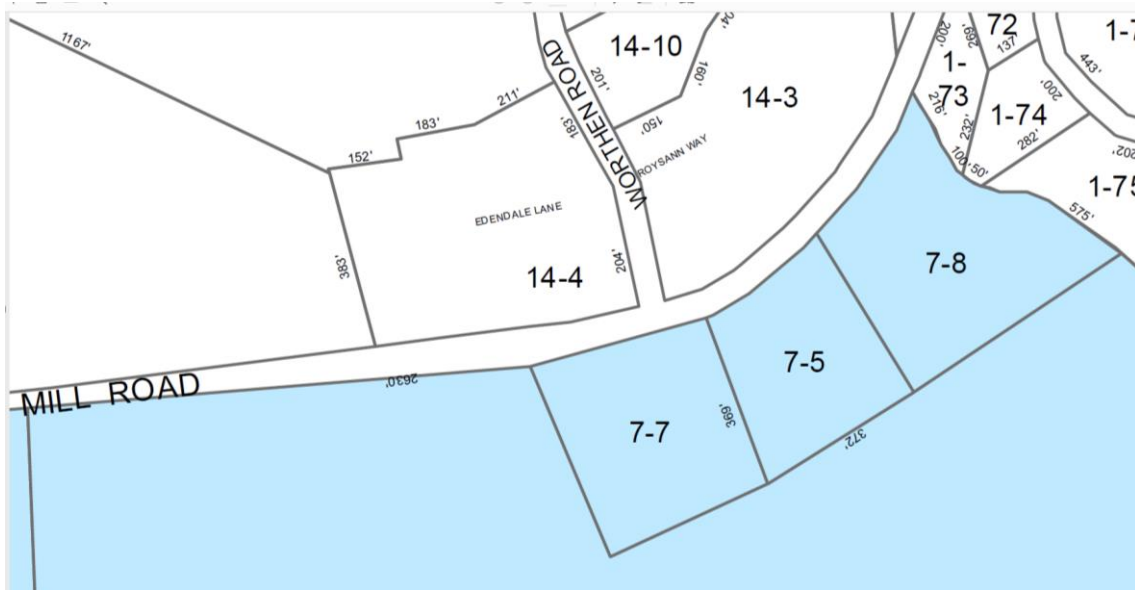
Please note the following:

- 1) **Application.** The application is to adjust the lot line between the two lots. There is a house on lot 7-5 and lot 7-7 is vacant. Lot 7-7 is for sale and currently under agreement.
- 2) **Driveways.** There is a driveway on the easterly side of lot 7-5 serving the lot. There is a circular driveway situated mostly on lot 7-7 that serves lot 7-5. The purpose of the application is to place the circular driveway on lot 7-5. The question arises why there are two driveways serving lot 7-5. Here is some background information on the lot.
- 3) **Lot 7-5.** There is a main dwelling and an accessory apartment on lot 7-5. A variance was granted in 2016 to allow for the apartment to exceed 25% of the total floor space with a condition that one of the units be owned occupied. According to the variance application the accessory apartment is occupied by Scott Righini's parents. The variance allowed for an existing apartment to be enlarged. The accessory apartment and the garage are situated in the easterly portion of the house. In 2014 the Town approved relocating an existing home occupation from the garage to the main house and establishing an accessory apartment in the garage. That home occupation served Atlantic Survey, Adam Fogg's business. I believe the circular driveway was built to serve Atlantic Survey. Mr. Fogg sold the property to Scott Righini in 2014. I do not know if there is still a home occupation in the house.
- 4) **Site walk.** Would it be helpful for the board to hold a site walk?
- 5) **Easement.** A draft easement – for mutual access and maintenance - is included in the packets to allow for access to lot 7-5 across the driveway that remains on lot 7-7. I don't see any concerns from the Town's perspective with the easement. Prospective buyers of lot 7-7 should, of course, have their attorney review the easement.
- 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 7-7 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 (per Section 175-64). As long as the lot remains at its present size this question is moot and the lot is considered a conforming lot. A note should simply be added to the plat to avoid reducing it in the future without performing that calculation. The 100-foot wetland buffer shown on the plan should be labeled as a precedent condition.

- 7) Conservation Land. There is a conservation easement on the rear 84-acre lot – Map 14, Lot 7-2.

Tax map. Here are the existing lots.



Driveway. Here is the circular driveway.

