



TOWN OF DURHAM
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Town Planner's Recommendation
Wednesday, December 11, 2019

- X. ***Public Hearing - Lot Line Adjustment – Sullivan Falls Road.*** 5, 9, and 11 Sullivan Falls Road. In preparation for sale of vacant lots 10 and 11 to the Nature Conservancy, a portion of those lots which has been encroached upon is being conveyed to the owners of Lot 3. Map 17, Lots 53-10 and 53-11 owned by Richard Lord. Map 17, Lot 53-3 owned by Sandeep and Jessica Sobti. Eric Mitchell, surveyor. Rural District.
- I recommend approval as stated below.

Draft
NOTICE OF DECISION

Project Name: Sullivan Falls Road Lot Line Adjustment
Action Taken: APPROVED
Project Description: Lot line adjustment for conveyance of vacant lots to Nature Conservancy
Address: 5, 9, and 11 Sullivan Falls Road
Property Owner: Dick Lord; Sandeep and Jessica Sobti
Applicant: Dick Lord
Surveyor: Eric Mitchell
Map and Lot: Map 17, Lots 53-3, 53-10, and 53-11
Zoning: Rural District
Date of approval: December 11, 2019

LOT LINE ADJUSTMENT

[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 to recording the plans. Once these conditions precedent 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 June 11, 2020 (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.

- 1) Signature. The property owners shall sign this notice at the bottom.
- 2) Access easement. The applicant shall submit to the Planning Department a draft of the access easement for lots 53-10 and 53-11 to cross lot 53-3 for cursory review.
- 3) Monumentation. The surveyor shall provide a certificate of monumentation to the Planning Department.
- 4) Final drawings. Obtain signature from Town Planner on full size paper drawing for recording.

CONDITIONS SUBSEQUENT AND GENERAL TERMS

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

- 5) *****Recording.** The following documents must all be recorded at the registry together:
 - 1) This notice of decision when signed below by all parties;
 - 2) The plat signed by the Town Planner;
 - 3) A deed conveying lots 53-10 and 53-11 to the Nature Conservancy;
 - 4) a deed conveying parcels A and B to the owner of lot 53-3; and
 - 5) an access easement for lots 53-10 and 53-11 across lot 53-3. The Town Planner can approve a different procedure if all safeguards are met.
- 6) Tax Implications. It is recommended that the applicant contact Jim Rice, Durham Tax Assessor, to learn about any tax implications of this project. You can contact Mr. Rice at (603) 868-8064 or jrice@ci.durham.nh.us

Findings of fact. **A)** The applicant submitted an application, supporting *documents*, and plans for the project; **B)** The Planning Board held a *public hearing* on the application on December 11, 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 *meets all requirements*; and **D)** The Planning Board duly *approved the application* as stated herein. **E)** The variance from the frontage requirement was granted subject to conveying lots 53-10 and 53-11 to the Nature Conservancy.

