



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

NOTICE OF DECISION

Project Name: 22 Old Piscataqua Road – 2-lot subdivision
Action Taken: APPROVAL
Property Owner: Charles Ward and Pamela Wright
Surveyor: Paul Dobberstein, Ambit Engineering
Map and Lot: Map 11, Lot 9-3
Zoning: Residence A
Date of approval: February 26, 2020

[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 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 August 26, 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. No changes to the plans that were reviewed and approved by the Planning Board on February 26, 2020 may be made except for the specific required changes that follow.

Plan Modifications

- 1) Plan modifications. Make the following modifications to the plans that were reviewed and approved by the Planning Board:
 - a) Lot #. Obtain new Assessor’s Map and Lot # from the Assessing Office and show on each lot.
 - b) Updated utility information. Incorporate updated Sheet C2 dated February 19, 2020 into the plan set (That plan shows the water and sewer lines and construction easement).
 - c) Addressing. Establish addresses for both of the lots to be approved by the Fire and Police Departments. Show the addresses on the plat on each lot.

Notes on Plans

- 2) **Notes on plans.** Add the following notes on the plan sheet that will be recorded:
 - a) **“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.”
 - b) **“School Impact Fee.** The school impact fee is assessed as part of this project for the new lot in the amount of \$3,699. The fee must be paid in full prior to issuance of a certificate of occupancy.”
 - c) **“Site Constraints.** The new lot, Lot 2, is subject to the Town of Durham Wetland, Shoreland, and Flood Overlay Districts. No construction or ground disturbance may occur within the wetland buffer located 75 feet landward from the wetland, except as may be allowed under the Town’s ordinance. The buildable area outside of the setbacks and wetland buffer is 5,433 square feet. The buyer of the lot is encouraged to visit the Town of Durham to review the plans and for an explanation of Town and State site and environmental constraints.”

Other Conditions Precedent

- 3) **Monumentation.** Submit a monumentation certificate to the Planning Department confirming the monuments for the new lot line have been installed.
- 4) **Structures in setbacks.** The applicant shall physically remove structures located in the side setback including the shed, trellis, and fence. The retaining wall crosses the lot line is not considered an encroachment.
- 5) **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 set is 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.
- 6) **Signature.** Signature by the applicant below 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. All work shall be completed and all required conditions shall be met prior to issuance of a certificate of occupancy unless otherwise specified or a surety acceptable to the Town is posted.

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

- 7) **School Impact Fee.** The School Impact Fee must be paid in full for the new lot.
- 8) **Utility Connection.** Utility Connection plans shall be approved by Public Works and fees must be paid.

- 9) Other applicable requirements. All other applicable requirements of this subdivision, this Notice of Decision, and other terms and conditions must be satisfied prior to issuance of a certificate of occupancy.

Other terms and conditions

- 10) Front Setback. The front setback for the new lot is 10 feet in accordance with Section 175-57C of the Zoning Ordinance.
- 11) Waivers. This approval includes a waiver to allow for the electric lines serving the existing house to remain above ground for ground water and perc tests, and for soils information as requested. The request for a waiver for above-ground electric-telecom utilities for the new Lot 2 was not approved so those lines must be placed underground.
- 12) 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.
- 13) Minor changes. Minor changes to the approved plans may be approved by the Town Planner, as appropriate. Any significant changes shall be presented to the Planning Board for consideration.
- 14) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the Town.
- 15) Approval. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are 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 be determining.

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 on January 22, 2020 and held a site walk on January 24, 2020; **C)** The Planning Board held a *public hearing* on the application on February 26, 2020; **D)** The applicant revised and *updated the plans* and other documentation as needed pursuant to comments from the Planning Board and Technical Review Group; **E)** 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* (except where waivers may have been granted); **F)** A *cemetery* is shown on the site on the Town's tax map but the surveyor for the subdivision stated that he is nearly certain the cemetery is not on the subject lot; and **G)** The Planning Board duly *approved the application* as stated herein. 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