

TOWN OF DURHAM
Planning Department
8 Newmarket Road
Durham, NH 03824-2898
Phone (603) 868-8064
www.ci.durham.nh.us

Subdivision Application

Property Information

Property address/location: 22 Old Piscataqua Road

Tax map #: 11; Lot #'(s): 9-3; Zoning district: Residence A (RA)

Size of site: 1.65 acres;

Overlay zoning districts

Wetland Overlay? Yes: X; No: ; Shoreland Overlay? Yes: X; No:

Flood Overlay? Yes: X; No: ; Aquifer Overlay? Yes: ; No: X

Proposed Project

Name of project (if applicable): 22 Old Piscataqua Road Subdivision

Which kind of subdivision is proposed? Conservation: ; Conventional: X

Total number of proposed lots: 2; Will there be a new street? Yes: ; No: X

If there will be a new street, what kind is proposed? Town road ; private road

Wetlands: Is fill proposed? N; area to be filled: ; buffer impacts? N

Utilities

Town water? yes X no ; How far is Town water from the site? On site

Town sewer? yes X no ; How far is Town sewer from the site? On site/extension imminent

Distance from nearest fire hydrant: 20'

Property Owner

Name (include name of individual): Pamela Wright & Charles Ward

Mailing address: 22 Old Piscataqua Road

Telephone #: 603-498-6738 Email: cf.ward@comcast.net

(over)

Applicant/developer (if different from property owner)

Name (include name of individual): n/a

Mailing address: _____

Telephone #: _____ Email: _____

Engineer

Name (include name of individual): Ambit Engineering, Inc., John Chagnon, PE

Telephone #: 603-430-9282 Email: jrc@ambitengineering.com

Surveyor

Name (include name of individual): Ambit Engineering, Inc., Paul Dobberstein, LLS

Telephone #: 603-430-8282 Email: pad@ambitengineering.com

Other professional/designer/agent

Provide name(s) and contact information: _____

Steve Riker, CWS, Ambit Engineering, Inc., 603-430-9282, sdr@ambitengineering.com

Submission of application

This application must be signed by the property owner, applicant/developer (if different from property owner), and/or the agent. If not by the property owner, then a separate statement from the owner authorizing submission of the application with the authorization to enter the property (next page) is required.

I(we) hereby submit this Subdivision application to the Town of Durham Planning Board and attest to the best of my(our) knowledge that all of the information on this application form and in the accompanying application materials and documentation is true and accurate. I(we) understand that any additional costs for review of this application will be borne by the owner/applicant.

Signature of property owner: 

Date: 12/17/19

Signature of applicant/developer: 

Date: 12/17/19

Signature of agent: 

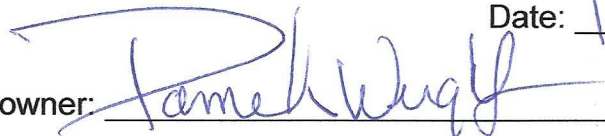
Date: 12/18/2019

Authorization to enter property

I(we) hereby authorize members of the Durham Planning Board, Planning Department, and other pertinent Town departments, boards and agencies to enter my/our property for the purpose of evaluating this application including performing any appropriate inspections during the application phase, review phase, post-approval phase, construction phase, and occupancy phase. This authorization applies specifically to those people legitimately involved in evaluating, reviewing, or inspecting this specific application/project. It is understood that these people must use all reasonable care, courtesy, and diligence when entering the property.

Signature of property owner: _____

Date: 12/17/19

Signature of property owner: 

Date: 12/17/19

AUTHORIZATION
22 Old Piscataqua Road, Durham, New Hampshire


We, Charles F. Ward, Jr. & Pamela Wright, owners of Tax Map 11 Lot 9-3 in the Town of Durham, hereby authorize representatives of Ambit Engineering, Inc. to represent our interests before land use boards of the Town of Durham and any other State and/or federal agency necessary to obtain permits from for the above referenced property, and to submit any and all applications and materials related thereto on our behalf.

Date:

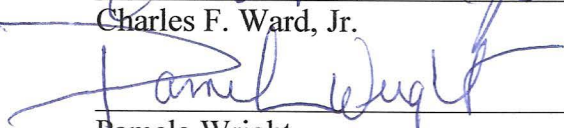
12/17/19

Date:

12/17/19



Charles F. Ward, Jr.



Pamela Wright



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

18 December, 2019

Paul Rasmussen, Chair
Town of Durham Planning Board
8 Newmarket Road
Durham, NH 03824

RE: Minor Subdivision Application, 22 Old Piscataqua Road, Tax Map 11 Lot 9-3

Dear Mr. Rasmussen:

We hereby submit, on behalf of Pamela Wright and Charles Ward, the attached package to the Planning Board for Subdivision Approval. Included herewith is the Subdivision Application, Fee check, abutter notification check, Subdivision Plan Set, Waiver Requests, and other pertinent information.

The proposed subdivision consists of dividing the existing 1.65-acre property into two lots, Lot 1 containing 0.75 acres, and Lot 2 containing 0.90 acres. Lot 1 has an existing residence and garage, along with appurtenant improvements. Lot 2 has an existing shed and greenhouse, with appurtenant features. The shed on Lot 2 will need to be removed to conform with the proposed setback, no building will violate the required setbacks, except for the existing residence, which encroaches on the front setback. Both lots will be conforming to the dimensional standards (except the existing residence as outlined above). Lot 1, subtracting areas not permitted to be used to conform to the minimum lot size requirement, will have an area of 28,718 s.f., with 257.01 feet of frontage. Lot 2, again subtracting the requisite areas, will have an area of 22,479 s.f., with 168.95 feet of frontage (253.95 feet along Town/State right-of-way). The underlying zone requires 20,000 s.f. per lot and 100 feet of frontage.

The existing condition of the property will not be altered significantly with the proposed subdivision. The existing house and garage will remain. The buildable area (outside the WCOD) on Lot 2 consists of land that is already maintained lawn, existing buildings, retaining wall, etc. We have included in the plan set a conceptual site plan for Lot 2. This is not intended to be a final layout or design, as the final design of the proposed house is not yet complete and construction on the parcel is not anticipated for 2 plus years. The intent of the conceptual site plan is to show that the proposed lot can be developed without impact to the WCOD, though it will require a Conditional Use Permit since the entire parcel is within the SPOD.


Proposed utilities for proposed Lot 2 are not shown on the plan submitted with this application. Coordination with DPW regarding the location of existing utilities, as well as the location of a sewer main that is scheduled to be installed on Old Piscataqua Road in the near future. We look forward to discussing these matters, as well as any other concerns with the Technical Review Group

There are three easements or rights-of-way listed in the current deed, which is part of the application package. We have determined that none of the listed easements or rights-of-way do not impact the property, but to the much larger original farm of Cicero F. Jackson, which was north and south of Old Piscataqua Road and north of the current location of Route 4. Also included in the application package is the original subdivision plan for the property, SCRD Plan #45, Pocket #1, Folder #4.

We have requested four waivers. Three pertain to soils information, as the lots are/will be served by municipal water and sewer, we believe these items to be unnecessary. The fourth is for the requirement to have underground utilities, which the existing conditions make conforming to the requirement overly burdensome, with little benefit to the public or subsequent owners of the lots, in our opinion. We hope that you will review and agree with our waiver requests.

We look forward to the Board's review and approval of the proposed subdivision.

Sincerely,



Paul Dobberstein, LLS
Ambit Engineering, Inc.

J:\JOBS2\JN2900's\JN 2930's\JN 2939\2018 Subdivision\Applications\Durham Subdivision\01 Submission 121819\Planning Board Plan Submission 121819.docx

Subdivision (Minor) Checklist

For subdivisions where there is no new street involved
 Town of Durham Planning Department
****To be filled out by the applicant/agent***

Project Name: 22 Old Piscataqua Road Map: 11 Lot: 9-3 Date: 12/18/2019

Applicant/agent: Paul Dobberstein Signature: _____

Please see the Durham Subdivision Regulations for more information. Note that various items may be submitted later.

<u>General Items</u>	Yes	No	N/A	Waiver Requested	Comments
15 sets completed application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
3 sets of full-size plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
15 sets of 11 X 17 reductions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Electronic copy of plans and application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
15 sets letter of intent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Fee for application and notices	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Completed abutters list (See Karen)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Copy of existing covenants, easements, and deed restrictions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
 <u>Plan Information</u>					
Basic information including:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Tax map and lot #	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Name of project	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• North arrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Scale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Legend	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Revision block	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• Vicinity sketch - no less than 1" = 1,000'	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Name and address of applicant	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Approval block (for signature by staff)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Name, stamp, and NH license # of land surveyor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
References to neighboring plans and subdivisions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

(over)

	Yes	No	N/A	Waiver Requested	Comments
Information on abutting properties:					
• owner name	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• owner address	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• tax map and lot #	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
<u>Zoning</u>					
Zoning designations of subject parcel and in vicinity of parcel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Zoning requirements for district:					
• frontage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• lot dimensions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• setbacks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Zoning overlay districts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
<u>Platting</u>					
Surveyed property lines including:					
• existing and proposed bearings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• existing and proposed distances	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• existing and proposed pins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Existing and proposed locations of:					
• monuments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
• benchmarks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Proposed square footage for each lot	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Subdivision # on each lot (1, 2, 3, etc.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
<u>Topographic and Site Features</u>					
Existing buildings and structures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Existing driveways and access points	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Contour lines and spot elevations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Soil types and boundaries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Soil test pit locations, profiles, and depth to water table and ledge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Percolation test locations and results	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Water features (ponds, streams)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Wetlands, including name of certified wetlands scientist & license #	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Statement whether located in flood area, and if so, 100 year flood elevation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Delineation of treed and open areas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

	Yes	No	N/A	Waiver Requested	Comments
Overview of types of trees and vegetation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Location of rock outcroppings	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Stone walls and archaeological features	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Locations of trails and paths	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Other natural/cultural resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

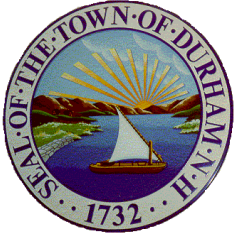
Utilities

Show existing and proposed for all subject lots and within right of way. Include plans, profiles, sizes, materials, and all details, as appropriate.

Water lines/well (with appropriate radius)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Need to coordinate with DPW on line location</u>
Sewer lines/septic and leaching areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Need to coordinate with DPW on line location</u>
Fire hydrant locations and details	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Electric, telephone, cable TV (underground)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Gas lines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Need to verify location at proposed residence location for design</u>
Any proposed drainage or grading plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

Additional Comments:

Proposed utilities are not shown on the Subdivision Site Plan. It is anticipated that coordination and discussion with DPW after the Technical Review Group weighs in will take place and a subsequent designs submitted prior to approval.



PLANNING DEPARTMENT

Town of Durham

8 Newmarket Road

Durham, NH 03824-2898

Phone (603) 868-8064

www.ci.durham.nh.us

Application for Waiver from Regulation

Town of Durham, New Hampshire

Project name 22 Old Piscataqua Road Subdivision

Property Address 22 Old Piscataqua Road Map and Lot # 11/9-3

Site Plan: _____ Subdivision: Boundary line adjustment : _____

Section and subsection of the Site Plan Regulations or Subdivision Regulations from which the waiver is requested:

Subdivision Regulations Section 7.05.E-location of ground water, and percolation tests and test results

Reason/justification(s) for the waiver request: As the proposed lots will both be served by municipal sewer

and water, conducting percolation tests is unnecessary. No onsite septic system is proposed or necessary, no increase in stormwater runoff that would require mitigation through infiltration is anticipated.

Check which provision this would comply with (RSA 674:44 III. (e) and 676:36 II.(n)):

(1) _____ Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or

(2) Specific circumstances relative to the site plan or subdivision, or conditions of the land in such site plan or subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Name of applicant or agent filling out this form: Paul Dobberstein

Applicant? _____ Agent? Today's date 12/18/2019

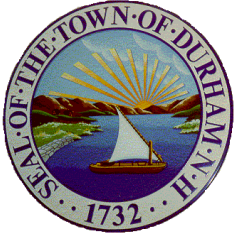
E-mail Address: pad@ambitengineering.com Phone # 603-430-9282

----- Office use below -----

Waiver approved: _____ Waiver denied: _____

Comments: _____

Signature: _____ Date: _____



PLANNING DEPARTMENT

Town of Durham

8 Newmarket Road

Durham, NH 03824-2898

Phone (603) 868-8064

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Application for Waiver from Regulation

Town of Durham, New Hampshire

Project name 22 Old Piscataqua Road Subdivision

Property Address 22 Old Piscataqua Road Map and Lot # 11/9-3

Site Plan: _____ Subdivision: X Boundary line adjustment : _____

Section and subsection of the Site Plan Regulations or Subdivision Regulations from which the waiver is requested:

Subdivision Regulations Section 7.05.F-soil mapping types/slopes and boundaries including location of soil tests and test results

Reason/justification(s) for the waiver request: As the proposed lots will both be served by municipal sewer and water, conducting test pits is unnecessary. No onsite septic system is proposed a waiver from the HISS has been requested.

Check which provision this would comply with (RSA 674:44 III. (e) and 676:36 II.(n)):

(1) _____ Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or

(2) X Specific circumstances relative to the site plan or subdivision, or conditions of the land in such site plan or subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Name of applicant or agent filling out this form: Paul Dobberstein

Applicant? _____ Agent? X Today's date 12/18/2019

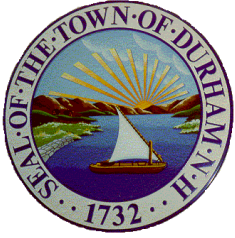
E-mail Address: pad@ambitengineering.com Phone # 603-430-9282

----- Office use below -----

Waiver approved: _____ Waiver denied: _____

Comments: _____

Signature: _____ Date: _____



PLANNING DEPARTMENT

Town of Durham

8 Newmarket Road

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Application for Waiver from Regulation

Town of Durham, New Hampshire

Project name 22 Old Piscataqua Road Subdivision

Property Address 22 Old Piscataqua Road Map and Lot # 11/9-3

Site Plan: _____ Subdivision: X Boundary line adjustment : _____

Section and subsection of the Site Plan Regulations or Subdivision Regulations from which the waiver is requested:

Subdivision Regulations Section 7.06-High Intensity Soil Survey

Reason/justification(s) for the waiver request: As the proposed lots will both be served by municipal sewer and water, the preparation of a High Intensity Soil Survey is unnecessary. The wetlands have been delineated and classified, the somewhat poorly drained soils within the WCOD have been delineated and are shown on the plan.

Check which provision this would comply with (RSA 674:44 III. (e) and 676:36 II.(n)):

(1) _____ Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or

(2) X Specific circumstances relative to the site plan or subdivision, or conditions of the land in such site plan or subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Name of applicant or agent filling out this form: Paul Dobberstein

Applicant? _____ Agent? X Today's date 12/18/2019

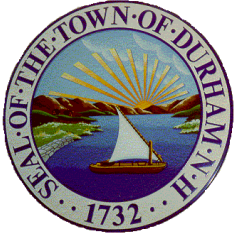
E-mail Address: pad@ambitengineering.com Phone # 603-430-9282

----- Office use below -----

Waiver approved: _____ Waiver denied: _____

Comments: _____

Signature: _____ Date: _____



PLANNING DEPARTMENT

Town of Durham

8 Newmarket Road

Durham, NH 03824-2898

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Application for Waiver from Regulation

Town of Durham, New Hampshire

Project name 22 Old Piscataqua Road Subdivision

Property Address 22 Old Piscataqua Road Map and Lot # 11/9-3

Site Plan: _____ Subdivision: Boundary line adjustment : _____

Section and subsection of the Site Plan Regulations or Subdivision Regulations from which the waiver is requested:

Site Plan Regulations Section 9.06.B-requiring non-municipal utilities to be located underground for both the existing and proposed residences

Reason/justification(s) for the waiver request: The utility poles that serves the existing residence, as well as the proposed residence are located northerly of Old Piscataqua Road. Burying the lines would require either a new utility pole on the southerly side of the road from which conduit would be run (still resulting in overhead wires above the road) or the road would need to be trenched and repaired, which would be costly and provide no benefit relative to the existing condition.

Check which provision this would comply with (RSA 674:44 III. (e) and 676:36 II.(n)):

(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or

(2) _____ Specific circumstances relative to the site plan or subdivision, or conditions of the land in such site plan or subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Name of applicant or agent filling out this form: Paul Dobberstein

Applicant? _____ Agent? Today's date 12/18/2019

E-mail Address: pad@ambitengineering.com Phone # 603-430-9282

----- Office use below -----

Waiver approved: _____ Waiver denied: _____

Comments: _____

Signature: _____ Date: _____

ABUTTER'S LIST

JN 2939

Pamela Wright & Charles Ward

22 Old Piscataqua Road

Durham, NH 03824

MAP	LOT	NAME(S)	PO BOX	STREET ADDRESS	CITY/STATE/ZIP
11	9-2	Town of Durham		8 Newmarket Road	Durham, NH 03824
11	9-4	John E. Churchill & Judith M. Churchill		30 Old Piscataqua Road	Durham, NH 03824
11	11-3	Town of Durham		8 Newmarket Road	Durham, NH 03824
11	12-0	Town of Durham		8 Newmarket Road	Durham, NH 03824
Engineer/Land Surveyor/ Wetland Scientist		Ambit Engineering, Inc. Civil Engineers & Land Surveyors		200 Griffin Road, Unit 3	Portsmouth, NH 03801
Applicant/Owner					
11	9-3	Pamela Wright & Charles Ward		22 Old Piscataqua Road	Durham, NH 03824

WARRANTY DEED
(Statutory Form, N. H. RSA 477:27)

FOR CONSIDERATION PAID, I/We

0333219989

Michael Szekely and Denise Szekely, Husband

and Wife

22 Old Piscataqua Road, Durham, NH 03824

grant(s) to

Charles F. Ward, Jr. and Pamela Wright, Husband and Wife

17 Farmer's Lane, Billerica, MA 01821

with WARRANTY COVENANTS, as joint tenants with rights of survivorship.

A certain tract or parcel of land with the buildings thereon situate on the southerly side of Piscataqua Road in Durham, County of Strafford and State of New Hampshire, being Lot B1 as shown on plan entitled, "Plan of Lot B1 and B2 for Town of Durham (Erma Jackson), Durham, N.H., dated September 1973, by G. L. Davis & Associates" a copy of which is recorded in the Strafford County Registry of Deeds, Pocket #1, Folder #4, as Plan #45, bounded and described as follows:

Beginning at a point at the northeasterly corner of other land of the grantor and at the northwesterly corner of the premises herein conveyed and running N 84° 00' E a distance of one hundred ninety (190.0) feet along Piscataqua Road to a point; thence turning and running N 88° 02' E a distance of two hundred thirty-five and three-tenths (235.3) feet along said Piscataqua Road to a point; thence turning and running in a general southeasterly direction to a distance of eighty-five (85.0) feet to a point; thence turning and running S 25° 00' W a distance of one hundred eighty (180.0) feet to a point; thence turning and running N 80° 00' W a distance of one hundred (100.0) feet to a point; thence turning and running S 63° 00' W a distance of one hundred ten (110.0) feet to a point; thence turning and running N 49° 00' W three hundred twenty (320.0) feet to the point of beginning. (The last distance is amended from the previous deed to reflect the distance as shown on said plan.)

Containing approximately 1.625 acres.

Excepting and reserving to the Rockingham Light and Power Company, their successors and assigns forever, a right-of-way to their poles and all rights and privileges set forth in deed of Arthur C. Hayes et als to Cicero F. Jackson dated November 1, 1911 and recorded in Strafford County Records, Book 363, Page 141, a right of access to the State of New Hampshire set forth in deed of Cicero F. Jackson to the State of New Hampshire dated May 25, 1962 and recorded in Strafford County Records, Book 747, Page 280, and easement of Cicero F. Jackson et als to Town of Durham, dated September 15, 1965 and recorded in Strafford County Registry of Deeds in Book 809, Page 315.

Subject, however, to the following Conditions and Restrictions which shall not be considered to be personal in nature but shall apply to and run with the herein-described premises:

1. No structure shall be constructed upon the above-described tract within fifty (50) feet of the shorefront boundary line.
2. No structure shall be constructed upon the above-described tract other than a single family dwelling and garage, and acceptable accessory buildings as permitted by the Zoning Ordinance.
3. Use of the above-described tract and any structures thereon shall be limited to a single family residential use.
4. No more than a single accessory apartment (as defined in the Town of Durham Zoning Ordinance) shall be permitted in said single family dwelling which shall be occupied by no more than two boarders or two tenants.
5. No filling, dumping, dredging or excavation shall be permitted along the shoreline of the above-described tract in order to preserve the marsh character of the shorefront. Nothing herein shall limit the right of the owner to plant vegetation compatible with the marsh character of the shorefront and the placement of paths for the enjoyment of said property.
6. In the event of the destruction of or damage to the present dwelling located upon the above-described tract resulting in the owner's decision to sell said property rather than rebuilding said house, the Town of Durham shall have the option to repurchase the above-described tract of land at either the same price offered by a bona fide purchaser or at a price established by a panel composed of three certified real estate appraisers:

(See Attached)

89 NOV -1 PM 3:22
REGISTER OF DEEDS
STRAFFORD COUNTY

- 017137

STATE OF NEW HAMPSHIRE
TAX ON TRANSFER
OF REAL PROPERTY
STATE TAX
COMMISSION
805.00
R.S.A. 78:8
NOV --89
P.D.
10666

BK 1478 PG 0661

075916
STATE OF NEW HAMPSHIRE
TAX ON TRANSFER
OF REAL PROPERTY
STATE TAX
COMMISSION
NOV --89
P.D.
10666
999.00

075917
STATE OF NEW HAMPSHIRE
TAX ON TRANSFER
OF REAL PROPERTY
STATE TAX
COMMISSION
NOV --89
P.D.
10666
999.00

ATTACHMENT TO WARRANTY DEED

CASE: 0333219989

one appointed by the Town of Durham, the second appointed by the owner, and the third selected by the other two.

Refer to records of Clerk of Town of Durham for "Town of Durham, New Hampshire: Warrant for Special Meeting to be Held August 16, 1973". Article and minutes of special meeting authorizing the Selectmen of the Town of Durham "...to subdivide and sell the buildings and any necessary land, not exceeding two acres, with appropriate protective easements to the River front".

Meaning and intending to describe and convey the same premises conveyed to Michael Szekely and Denise Szekely, by Warranty deed of Guy M. Esposito and Mary Ann Esposito, dated October 26, 1988, and recorded at Book 1418, Page(s) 308, Strafford County Registry of Deeds.

I, Michael Szekely and Denise Szekely release to said grantees(s) all rights of homestead and other interests therein.

Signed by the grantor(s) this

1st day of November, 1989

[Signature of Michael Szekely]
Michael Szekely

[Signature of Denise Szekely]
Denise Szekely

State of New Hampshire
County of Strafford

The foregoing warranty deed was acknowledged before me this 1st day of November, 1989 by Michael Szekely and Denise Szekely

[Signature of Lucille J. Merrill]
Justice of the Peace/Notary Public

REGISTER OF DEEDS
STRAFFORD COUNTY

BK 1478 PG 0662

WARRANTY DEED

Grantor:
Grantee:
Premises:

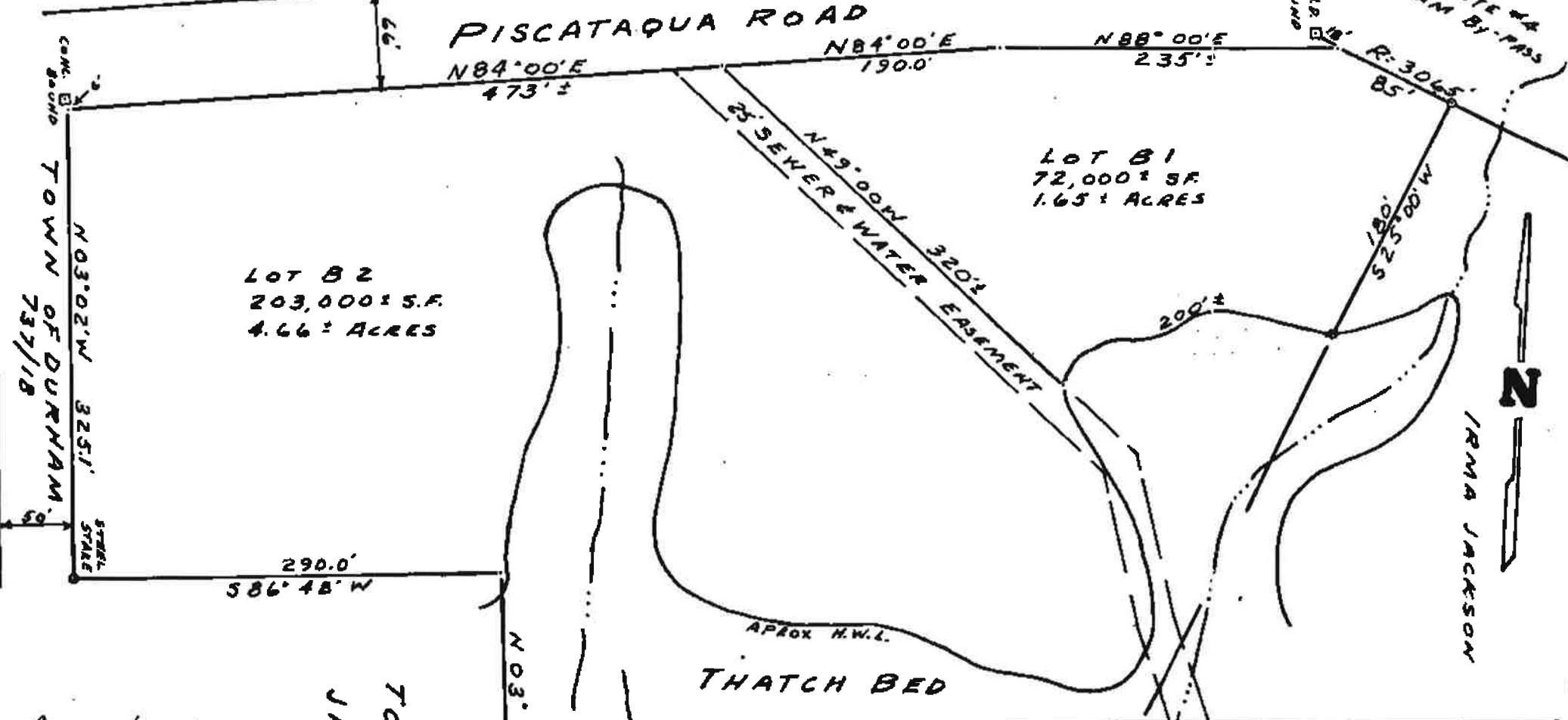
*Pallo -
Collect with
document*

Granite State Title Services, Inc.
60 Farmington Road
Rochester, NH 03867

DURHAM Plan #45 REFER BOOK 933
 Pocket #1 Folder #4 1748 125

1973 SEP 21 AM 11.53

Col. Durham Planning Board
 U.S. ROUTE #4
 DURHAM BY-PASS



Approved Sept. 19, 1973
 Durham Planning Board
 Glen C. Hubbard
 Jae Barros
 Rebecca Bluffrost
 O. Blugm
 William G. Gault
 John B. Gorman

THIS FOR RECORDING

PLAN OF LOTS B1 & B2 FOR TOWN OF DURHAM (IRMA JACKSON) DURHAM NEW HAMPSHIRE	
	G. L. DAVIS & ASSOCIATES CIVIL ENGINEERS 15 FISHER STREET DOVER, NEW HAMPSHIRE
	SCALE IN. = 100 FT.
	DR. BY RWM DATE SEPT. 1973 CK. BY [Signature] FILE No. 138-39A