

### ***Application for modification to previously approved lot-line adjustment – Sullivan Falls Road***

Since the granting of approval on Dec. 11 of a lot-line adjustment plan for my Sullivan Falls property, new information has come to light which requires a different configuration.

My existing lots 53-10 and 53-11 are pork-chop lots in combination with lot 53-3 as part of a 1988 subdivision that included provision for a shared driveway for access to all three lots. Unlike a more typical pork-chop, the frontage for lots 10 and 11 falls on the circumference of the circle at the end of the Sullivan Falls Road cul-de-sac, causing an unusual configuration with regard to lot-3. Over the years, the previous owner of lot-3 built extended his lawn and landscaping across the frontage portions of lots 10 and 11.

The Nature Conservancy owns the abutting property to the east of lot 11, and in 2018 I contacted them to see if they were interested in purchasing both my lots which front on the Lamprey River. We entered a purchase & sales agreement, TNC had the property appraised as two existing house lots, and within a few months was able to secure most of the funding to purchase at the appraised value.

In surveying my property for the sale to TNC, we became aware of the encroachment onto the property by the previous owner of lot 3, which was problematic for TNC ownership and a surprise for the new owner of lot 3 who was unaware of the boundary line. The appraiser indicated that because of its location, the encroachment per-se would not affect the appraised value. At about this time there was a staff change at TNC, and a new Associate Director for Land Conservation assigned to the project. We then started working together to explore ways to resolve the encroachment issue.

Based on the mistaken assumption that the appraised value was based upon the shared driveway access to lots 10 & 11, we proceeded to work together on a plan that would separate off the portion of these lots on which the encroachment occurred, with the intent of conveying these portions to the present owner of lot 3. Since TNC had frontage on Packers Falls Rd. for their abutting property, it also was assumed that the frontage on Sullivan Falls Rd. was no longer needed, and so a variance was sought and the lot-line adjustment applied for last November and approved at the December 11 meeting.

After the Planning Board approval was granted, TNC's appraiser re-entered the picture and explained that by extinguishing the frontage on Sullivan Falls Road, lots 10 & 11 were no longer viable as house lots. He advised us that the appraised value would consequently have to be based on land-locked "back land" at a very small fraction of the value of two house lots, making the sale to TNC unworkable.

With the appraiser now part of the discussion, we came up with a modified lot-line alignment that could convey a significant portion of the encroachment to the owner of lot 3 while preserving the frontage on Sullivan Falls Road and thus preserving the appraised value of lots 10 and 11 as house lots. The remaining encroachment is to be handled by granting a "landscape easement" to the owner of lot 3, allowing him to mow and maintain the smaller remaining portion of the encroachment which impacts lots 10 and 11. Under the new alignment we would *not* be exercising the "right to extinguish frontage" that was granted by the ZBA.

Appended to this narrative, I have included sketches delineating the overall revised plan, and details of the encroached areas and the conveyances affected by this new alignment.

We believe that this new lot-line alignment will provide substantial justice for all parties.

My sincere apologies for failing to fully understand the impact of the previously approved plan. We all have been learning as we work our way through this project.

Because the requested modification would have no further impact on other abutters beyond the previous applicants, we hope that the December 11 public hearing has sufficed, and that the Planning Board can consider this as a modification to the previously accepted lot-line adjustment plan.

Thank you,

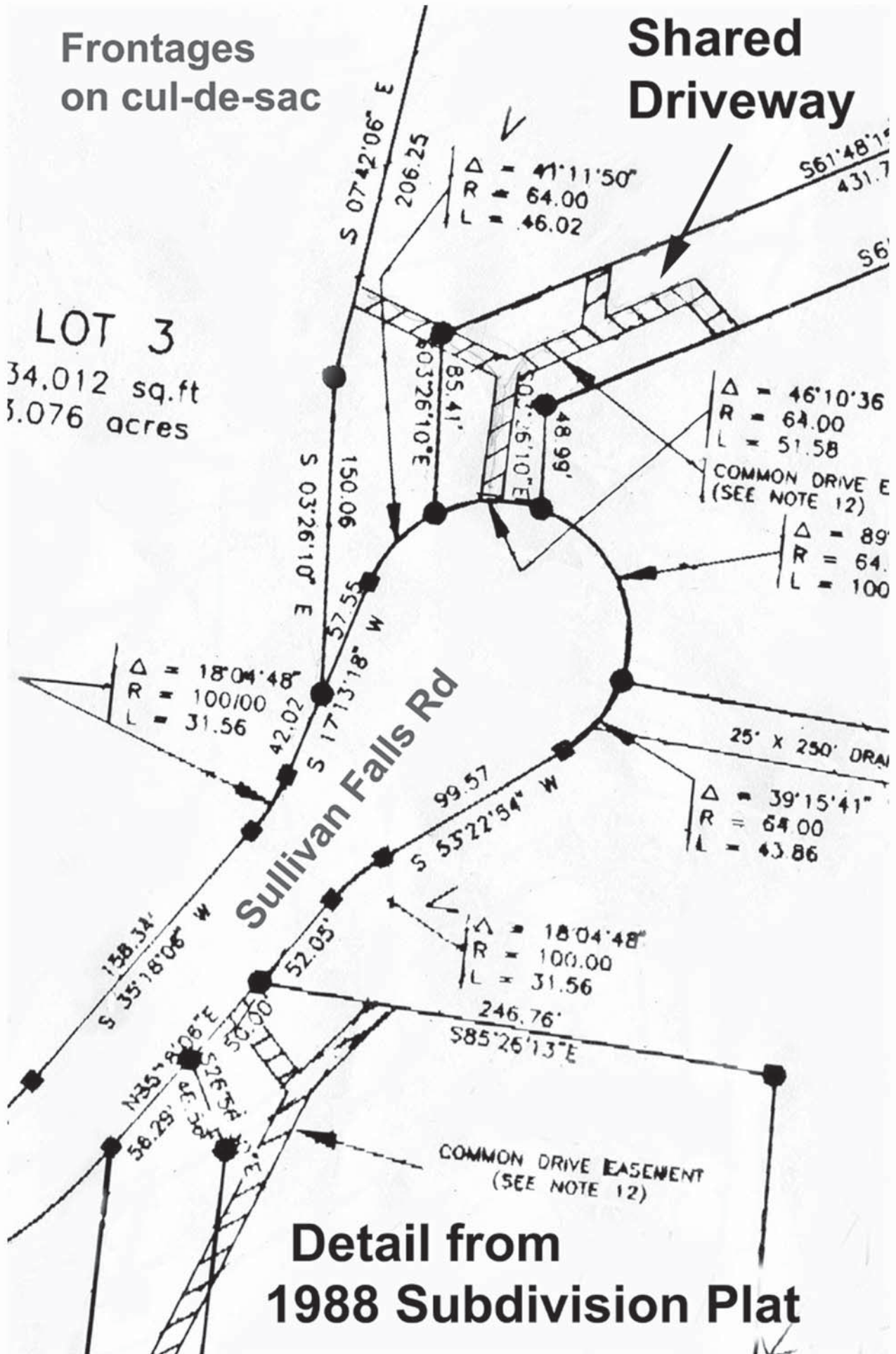
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Frontages  
on cul-de-sac

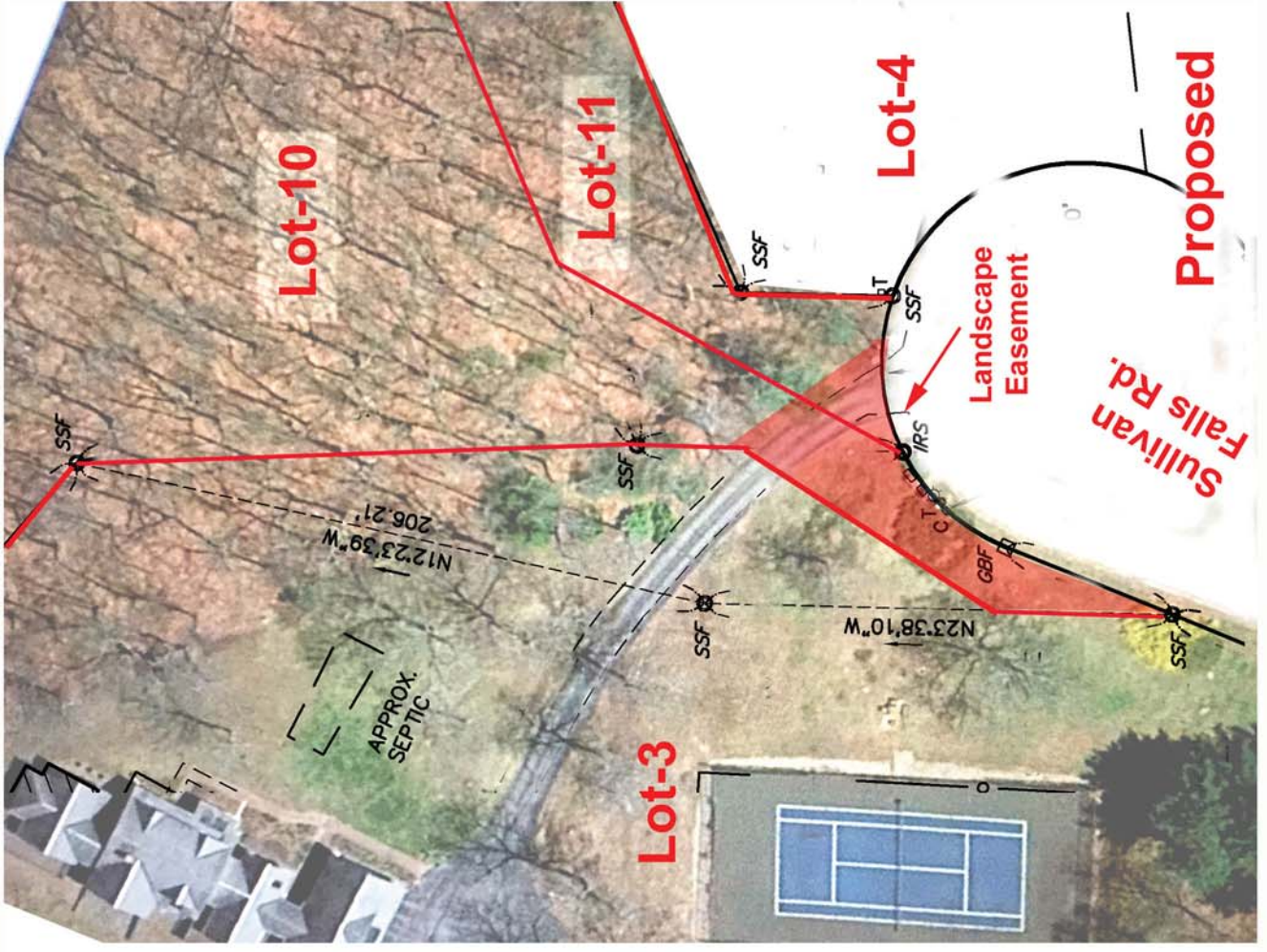
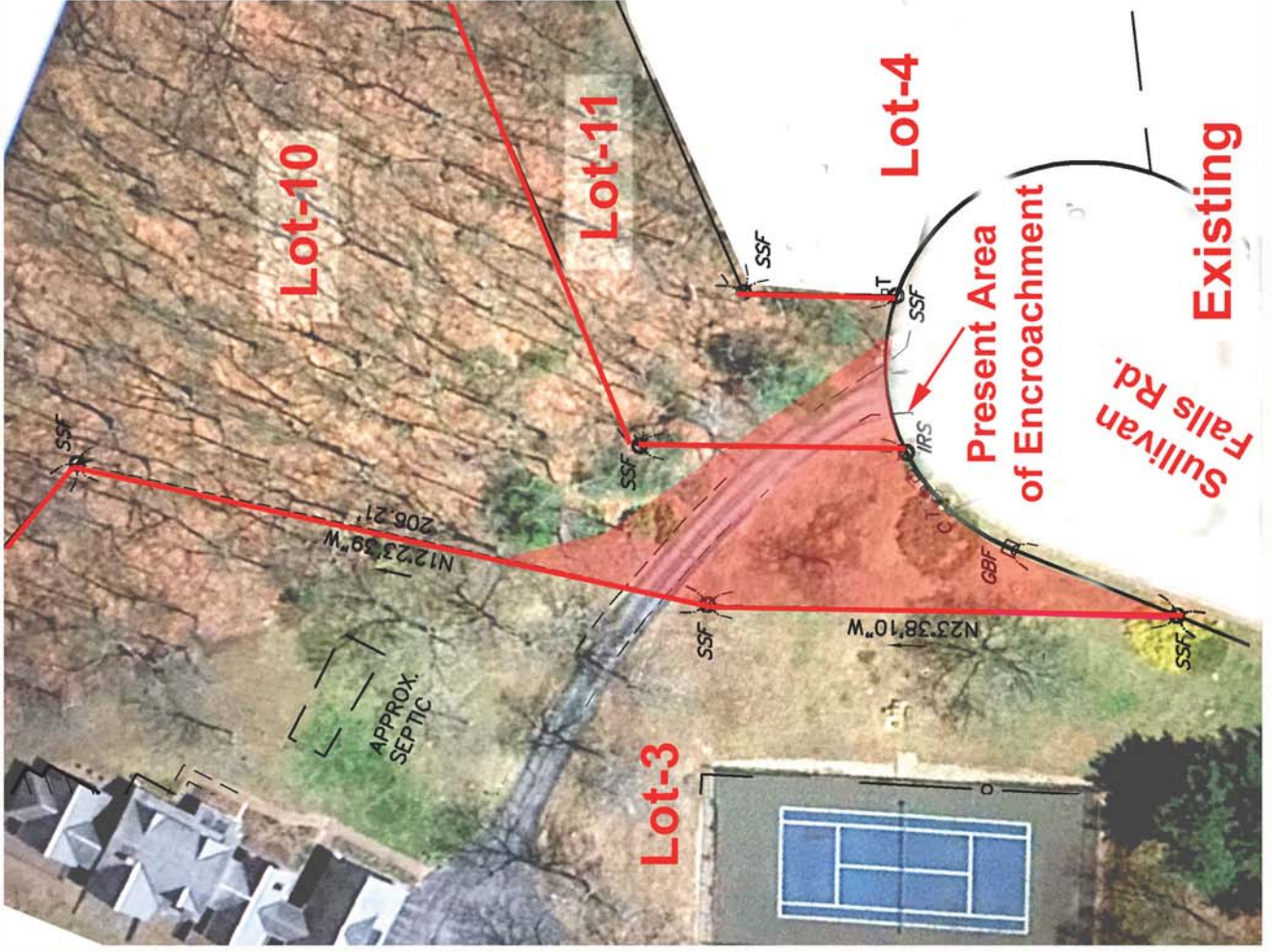
Shared  
Driveway

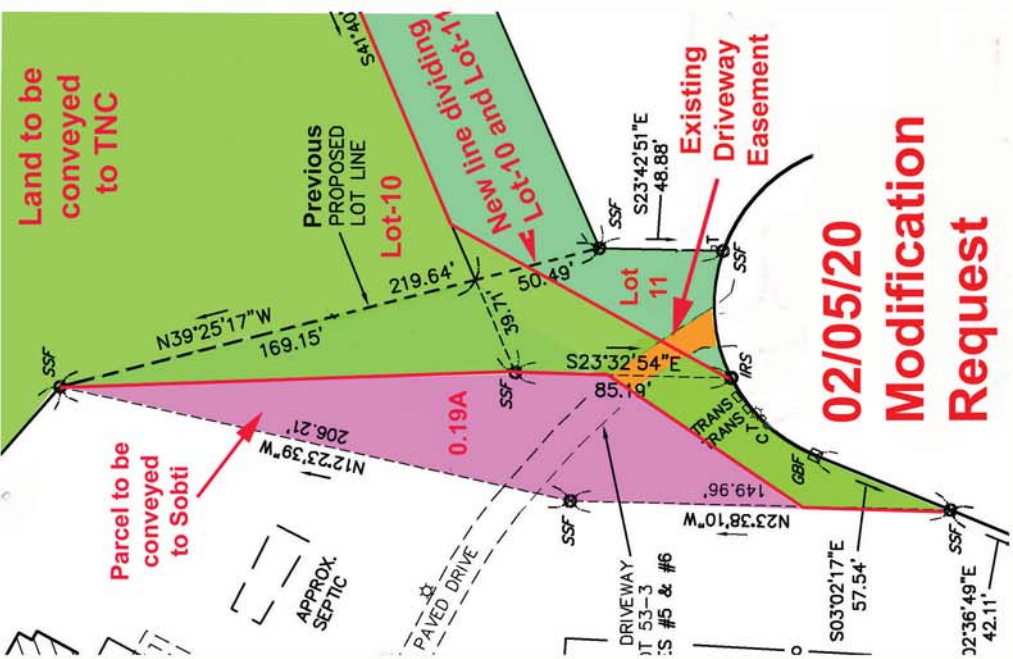
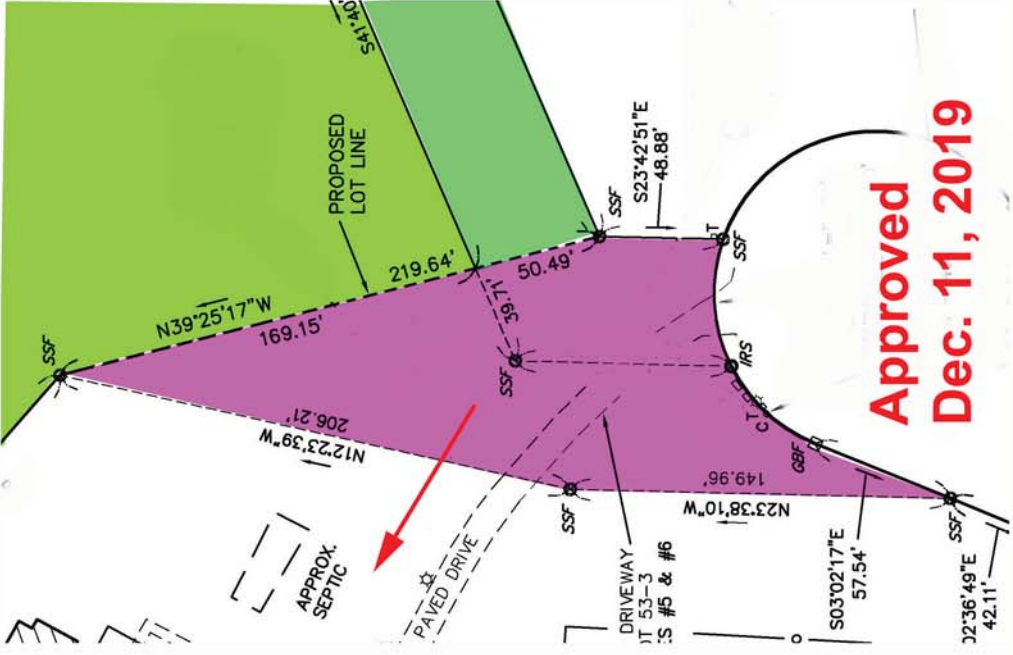
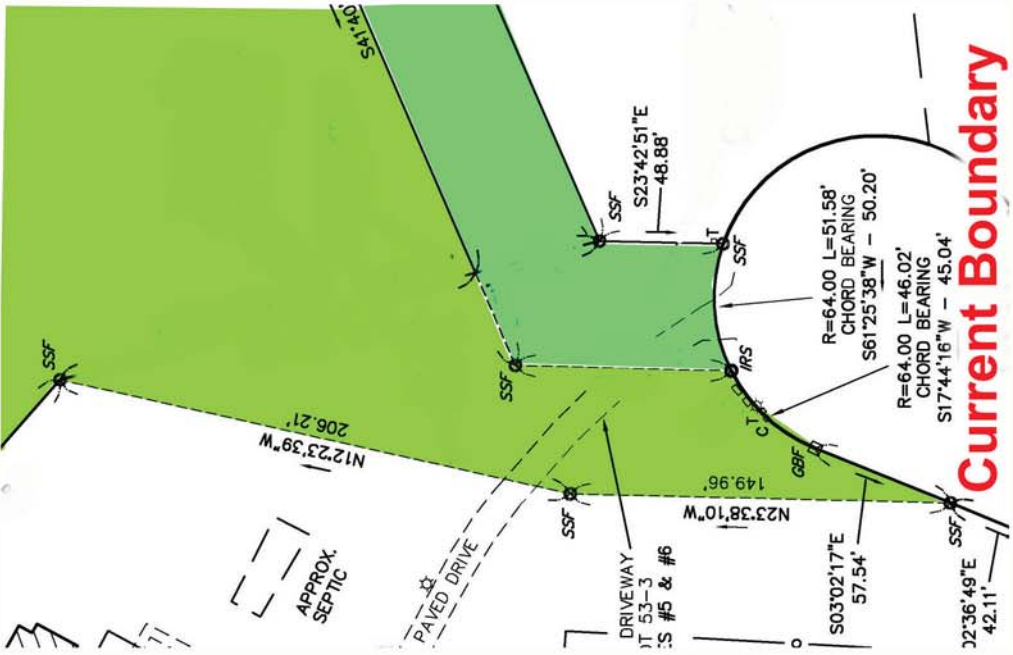
LOT 3  
34,012 sq.ft  
0.776 acres

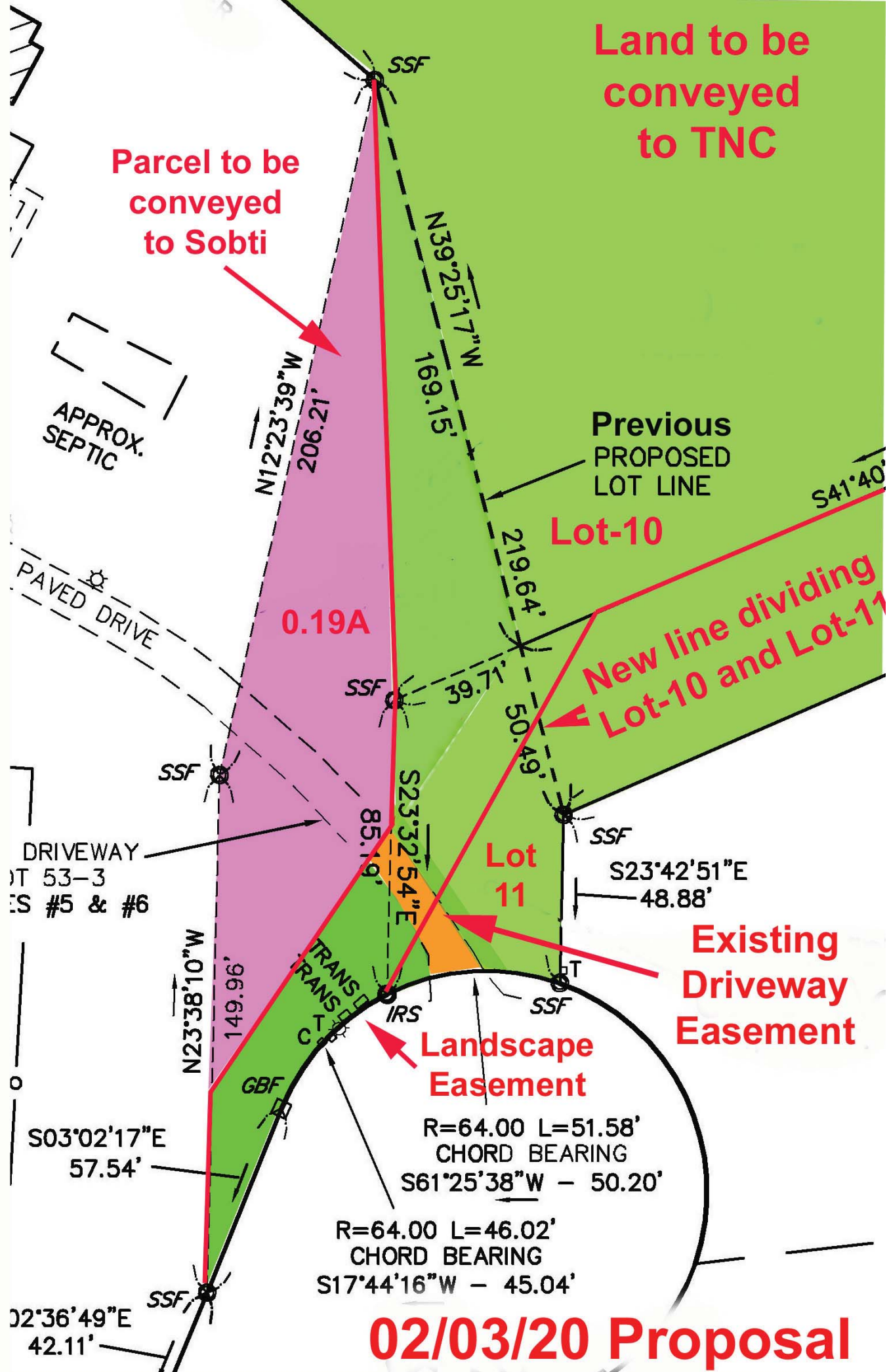


Detail from  
1988 Subdivision Plat

# Encroachment Area - Existing and Proposed







**02/03/20 Proposal**