



TOWN OF DURHAM
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603/868-8064
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NOTICE OF DECISION

Project Name: Sullivan Falls Road Lot Line Adjustment
Action Taken: **APPROVED – revised from earlier approval ***
Project Description: Lot line adjustment for conveyance of vacant lots to The Nature Conservancy and parcel to Sobti
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: February 26, 2020

LOT LINE ADJUSTMENT

[Office use only. Date certified: _____]

***Please note. The earlier lot line adjustment including the same three lots that was approved by the Planning Board on December 11, 2019 is null and void. That plat was never recorded. The revised plat dated February 12, 2020 (“amended lot line adjustment plan”) is herein approved.**

“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 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.

- 1) Signature. The property owners shall sign this notice at the bottom.
- 2) Monumentation. The surveyor shall provide a certificate of monumentation for the three new pins to the Planning Department.
- 3) 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.

- 4) *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 parcel A to the owner of lot 53-3; and 5) a landscaping easement across lots 53-10 and 53-11 benefitting lot 3-3 (recommended to be recorded together). The Town Planner can approve a different procedure if all safeguards are met.
- 5) 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 original application, supporting documents, and plans for the project; **B)** The Planning Board held a public hearing on the original 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 original plication 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. **F)** Subsequent to the original approval, the lot configuration was changed due to issues surrounding value of the two lots to be conveyed to The Nature Conservancy since they would no longer have frontage. **G)** A revised configuration was agreed to by the applicant, Solti who is acquiring parcel A, and The Nature Conservancy. **H)** The revised plan was approved by the Planning Board as a modification on February 26, 2020.

Signature(s). As the applicant(s), I/we accept and acknowledge all of the terms and conditions of this approval herein.

(over)

Signature of applicant – Lots 53-10 and 53-11

date

Printed name of applicant

Signature of applicant – Lot 53-3

date

Printed name of applicant

Signature of applicant – Lot 53-3

date

Printed name of applicant

Signature of Planning Board Chair

date

Printed name of Planning Board Chair