



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

Town Planner's Recommendation
Wednesday, April 15, 2020

XI. ***Public Hearing - Dover Road – Lot Line Adjustment***. Lot line adjustment at 88 Dover Road to expand the lot with Yates Electric (behind the Durham Police Station). Map 11, Lot 4-2 owned by Coyote Court, LLC (Nancy Yates). 1+ acre to be conveyed from 92 Dover Road, Map 11, Lot 3-2, owned by John and Katrine MacGregor. Chris Hickey, c/o Eric Mitchell & Associates, surveyor.

➤ I recommend approval as stated below.

Please note the following:

- **Technical Review Group**. The information was sent to the TRG. I have not received any concerns from staff.
- **Waiver Request**. This approval includes approval of the waiver requested by the applicant from having to survey the entire main lot (see below). This is appropriate since the application is only for a lot line adjustment covering a limited area. Per state law, this waiver is granted upon a finding that strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of these regulations
- **Easements**. The access easements across the Police Station and Lot 3-2 are written differently in the deeds than as shown on the plan. This should not be a concern but the applicant should explain the discrepancies.
- **NHDOT**. I asked the surveyor to reach out to NHDOT for comments since Dover Road/Route 108 is a state road. NHDOT required that an application be submitted from the Town because the driveway serving Yates Electric comes through Town property (the police station). The applicant put together the materials including the application, the application was signed by Todd Selig, and we submitted it to NHDOT.

Draft

NOTICE OF DECISION

Project Name: 88 Dover Road Lot Line Adjustment – Yates Electric
Action Taken: APPROVAL
Address: 88 Dover Road and 92 Dover Road
Property Owner: Lot 4-2 owned by Coyote Court (Nancy Yates); lot 3-2 owned by John and Katrine MacGregor
Surveyor: Chris Hickey, c/o Eric Mitchell & Associates

Map and Lot: Map 11, Lot 3-2 and 4-2
Zoning: Office Research
Date of approval: April 15, 2020

LOT LINE ADJUSTMENT

[Office use only. Date certified: _____]

“Applicant,” herein refers to the applicant and his/her/their/its agents, successors and assigns.

PRECEDENT CONDITIONS

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 October 15, 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.

Plan Modifications

- 1) Plan modifications. Make the following modifications to the plan(s):
 - a) Setbacks. Label 75 foot wetland buffer as such. Label regular building setbacks as such. Add note that no construction or other activity may occur within the wetland buffer except as allowed under Town zoning.
 - b) Utilities. Add note, “This lot is served by a private well and septic system/leach field. If the lot is developed further changes to the septic system/leach field might be required. The Town requires a 125 foot setback for septic systems from wetlands which would leave little or no room on the lot though there is some flexibility for a replacement system. Separate requirements from the NH DES apply.”
 - c) Additional information. Add note: “For more information about this lot line adjustment, or to see the complete plan set, contact the Town of Durham Planning Department, 8 Newmarket Road, Durham, NH 03824. (603) 868-8064.”

Other Conditions Precedent

- 2) Signature. Sign this notice at the bottom.
- 3) Notarized deed. The applicant must submit to the Planning Department a draft of the deed which will complete the conveyance of the affected land. (After the plat is

certified by the Planning Department the original deed and the plat will then be recorded simultaneously).

- 4) NHDOT Driveway permit. Obtain a driveway permit from the New Hampshire Department of Transportation. Any significant changes to the plans as approved by the Planning Board shall be submitted to the Planning Board for review. In the event of such review, no notices or public hearing shall be required (unless otherwise stipulated by the Planning Board).
- 5) Monumentation. The surveyor shall provide a certificate of monumentation to the Planning Department.
- 6) Current use. If all or a portion of the subject property is enrolled in Current Use per RSA 79-A, the applicant shall provide the Town of Durham Assessing Department with a revised Current Use map and any other items needed to assure that the requirements of RSA 79-A are satisfied. Please contact the Town Assessor, at 868-8065 with any questions. (Please note that the current use penalty must be paid for property that comes out of current use. The penalty is set at 10% of the market value of the property at the time that it no longer qualifies for current use designation. Consult the Town Assessor regarding the timing for the payment.)
- 7) 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 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.

CONDITIONS SUBSEQUENT AND GENERAL TERMS

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

- 8) Recording. The plat, this notice of decision (per RSA 676:3 III), and the deed must be recorded together at the Strafford County Registry of Deeds within 60 days of when the plat is certified. Failure to comply with this requirement herein shall render the lot line adjustment null and void.
- 9) Waiver Request. The applicant requested a waiver from surveying the entire main lot. The waiver was granted.
- 10) Nonconforming lot. Lot 4-2 is nonconforming in that it has no frontage. 200 feet of frontage is required in the OR zone. This nonconformity would not affect future expansion.
- 11) 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

