



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

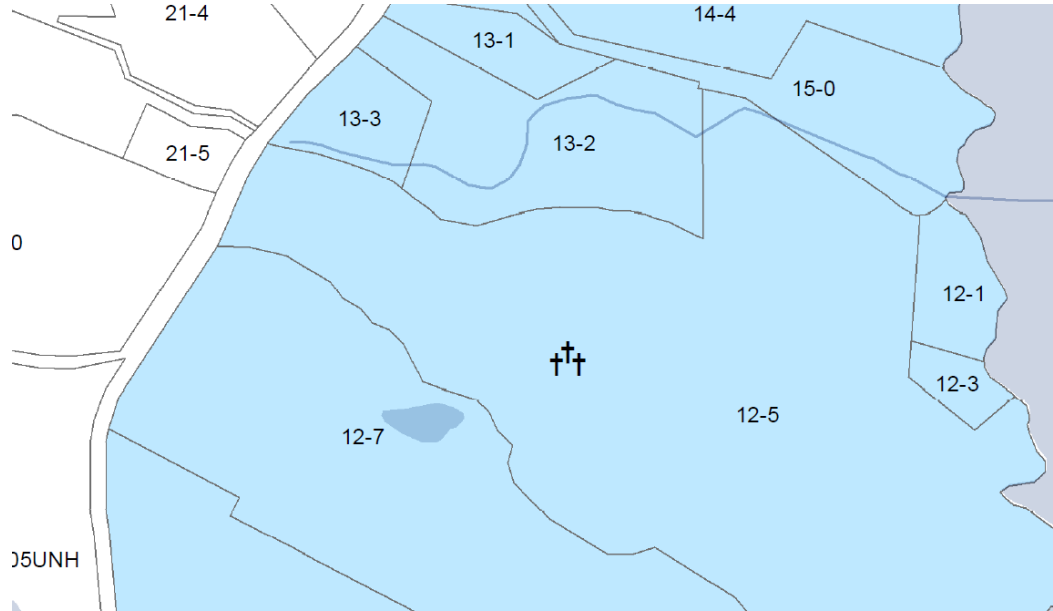
Town Planner's Recommendation
Wednesday, July 22, 2020

VIII. ***Public Hearing – Lot Line Adjustment on Durham Point Road.*** Lot line adjustment conveying .18 acres from Eversource Energy to Miller Family Trust, owners of 295 Durham Point Road, Tax Map 20, Lot 12-1 and 297 Durham Point Road, Tax Map 20, Lot 12-3, respectively. Doucet Survey, surveyor. Residence Coastal District.

➤ I recommend approval as stated below.

Please note the following:

- Eversource Energy is conveying a .18 acre parcel to the Miller Family Trust. The two lots are located off Durham Point Road but have no frontage on the road. They sit on Little Bay. Both are accessed from a gravel road coming off Durham Point Road. See the tax map below. Lot 12-1 is owned by Eversource and Lot 12-3 owned by the Miller Family Trust.
- The Planning Board Rules of Procedure allow the Town Planner to set the public hearing at the first meeting for lot line adjustments if the application appears to be fairly straightforward. That is the case here. Of course, if the board wishes to continue the review or hold a site walk it may do that.
- The board can include a vote to accept the application as complete or not. A determination of completeness is implied in a vote to approve at the first meeting.
- I don't see any issues with this application. The area of Lot 12-1 is being reduced but the remaining lot will still meet the minimum lot size of 150,000 square feet.
- The applicant requested a waiver from surveying wetlands. I recommend approval. The draft notice below incorporates approval of the waiver.
- There is a single family house on the Eversource lot. I believe it is rented to a tenant.



Draft

NOTICE OF DECISION

Project Name: Eversource – Miller Family Lot Line Adjustment
Action Taken: APPROVAL
Address: 295 and 297 Durham Point Road
Property Owner: Eversource Energy and Miller Family Trust, respectively
Surveyor: Doucet Survey – Steven Michaud
Map and Lot: Map 20, Lots 12-1 and 12-3, respectively
Zoning: Residence Coastal
Date of approval: July 22, 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 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 12 calendar months to the day of the board’s approval - by July 22, 2021 (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. No changes to the plans that were reviewed and approved by the Planning Board on July 22, 2020 may be made except for the specific required changes that follow.

Plan Modifications

Plan modifications. Make the following modifications to the plat:

- 1) Approval block. Change the approval block to read: “Final Approval by Durham Planning Board. Certified by Michael Behrendt, Town Planner
_____ Date _____”
- 2) 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

- 3) Signature. Sign this notice at the bottom.
- 4) 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 (see below).
- 5) Monumentation. The surveyor shall provide a certificate of monumentation to the Planning Department for the new rebar.
- 6) Final drawings. The following 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 11"x17" drawing; plus c) one electronic version by pdf. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor responsible for the plan.

CONDITIONS SUBSEQUENT AND GENERAL TERMS

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

- 7) 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.
- 8) Waiver. The Planning Board a waiver from the requirement to survey wetlands upon a finding that the waiver will be consistent with the spirit of the regulations.
- 9) Approval. All of the documentation submitted in the application package by the applicant is part of this approval.
- 10) 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

11) Electric easement. The “proposed electric easement” shown on the plan is merely an acknowledgement of that easement and is not part of this lot line adjustment. It is expected that a separate deed was or will be established for that easement.

Findings of fact. **A)** The applicant submitted an application, supporting *documents*, and plans for the project; **B)** The Planning Board held a *public hearing* on the application on July 22, 2020; **C)** The Planning Board reviewed the application in accordance with state law, the Durham Zoning Ordinance, and the Durham Subdivision Regulations and found that the application *meets all requirements* (including one waiver); and **D)** The Planning Board duly *approved the application* as stated herein.

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 applicant

date

Printed name of applicant

Signature of Planning Board Chair

date

Printed name of Planning Board Chair