



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

Town Planner's Recommendation
Wednesday, December 2, 2020

IX. ***Public Hearing - 103 and 105 Mill Road Lot Line Adjustment.*** Lot line adjustment between 103 Mill Road, Map 7, Lot 1-11, owned by James and Carol Prescott and 105 Mill Road, Map 7, Lot 1-12, owned by Theresa Gail Lansford. Residence B District. .

➤ I recommend approval as stated below.

Please note the following:

Under the Planning Board's Rules of Procedure when a lot line adjustment application appears to be straightforward we can schedule the public hearing at the first meeting. This application certainly appears to be straightforward.

In the Residence B district the minimum lot size is 40,000 square feet and the minimum frontage is 150 square feet. Both standards will still be met for both lots after the lot line adjustment. The side setback is 20 feet. That standard will still be met.

There is a fence on 103 Mill Road that now encroaches into the side lot line. With the adjustment that fence will be set back from the side lot line about 7 feet. Any fence over 6 feet in height must meet side setbacks. I will clarify the situation with the fence before the meeting.

Draft

NOTICE OF DECISION

Project Name: 103 and 105 Mill Road Lot Line Adjustment
Action Taken: APPROVAL
Property Owner: 103 Mill Road, Map 7, Lot 1-11, owned by James and Carol Prescott
105 Mill Road, Map 7, Lot 1-12, owned by Theresa Gail Landsford
Surveyor: James Lavelle Associates
Zoning: Residence B District
Date of approval: December 2, 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 one year of the board’s approval - by December 2, 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 December 2, 2020 may be made except for the specific required changes that follow.

Plan Modifications

- 1) Approval block. Change the approval block to read: “Final Approval by Durham Planning Board. Certified by Michael Behrendt, Town Planner
_____ Date _____”
- 2) Pins. Clarify discrepancy between the legend and pins to be set.
- 3) 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

- 4) Signature. Sign this notice at the bottom.
- 5) Notarized deed. The applicant must submit to the Planning Department a copy of the signed and notarized deed or a draft of the deed which will complete the conveyance of the affected land (the land within the lot lines being adjusted). (After the plat is certified by the Planning Department the original deed and the plat will then be recorded simultaneously (see below). The deed may refer to the plat and state that the conveyance is not effective until such time as the plat is certified and all documents are recorded.)
- 6) Monumentation. The surveyor shall provide a certificate of monumentation to the Planning Department.
- 7) Final drawings. The following complete 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 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) Execution. The project must be executed exactly as specified in the approved application package unless changes are approved by the Town.
- 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

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 December 2, 2020; **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 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 – 103 Mill Road	date
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Printed name of applicant

Signature of applicant – 103 Mill Road	date
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Printed name of applicant

Signature of applicant – 105 Mill Road

date

Printed name of applicant

Signature of Planning Board Chair

date

Printed name of Planning Board Chair