



TOWN OF DURHAM
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Town Planner's Recommendation
Wednesday, January 27, 2021

VIII. **30 Old Piscataqua Road – 3 Lot Subdivision.** Request for extensions to meet conditions and record plans for approved 3-lot subdivision. John and Judith Churchill, property owners. Tobin Farwell, Farwell Engineering Services. Map 11, Lot 9-4. Residence A District.

Please note the following:

- Extension to meet precedent conditions to August 26, 2021. This 3-lot subdivision was approved on February 26, 2020. The deadline to meet precedent conditions was August 26, 2020. On August 12, 2020 the board approved an extension to meet precedent conditions to February 26, 2021. The applicant has requested another extension to August 26, 2021 due to the need for work per the shoreland permit and covid issues of coordination. The applicant has been diligent in working on the project so I recommend approval.
- Extension to record documents. This request regarding the condition below is contained on the modification form. The standard timeframe to record the documents after certifying the plat is 14 days but there is no magic in that number. The reason we have a short timeframe is to ensure the applicant records the documents. It has happened rarely that a plat is approved and then the applicant never records it. It leaves the subdivision in some limbo and keeps it on hold and can raise questions about vesting of approvals. In one case I dealt with years ago the plat was approved but not recorded and the owner sold the approved subdivision to another person who then improperly conveyed a lot that had not been recorded and thus was not a legal lot to a third party.

The applicant has requested five years which seems excessive. The board could set a different timeframe, such as one year or more, or a deadline, such as September 5, 2021. The applicant could always come back if he needs another extension.

From the approval:

17) Recording. The plat, this notice of decision (per RSA 676:3 III), and the easements must be recorded at the Strafford County Registry of Deeds within 14 days of when the plat is certified. See RSA 478:1-a regarding plat requirements. Failure to comply with this requirement herein shall render the subdivision null and void. If the easements are included in separate deeds they may be recorded later but they must be included in the deeds.