



TOWN OF DURHAM
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NOTICE OF DECISION

Project Name: Pike Property 2-Lot Subdivision and Lot Line Adjustment
Action Taken: APPROVAL
Project Description: 2-Lot Subdivision of Map 14, Lot 10-2 and Lot Line Adjustment of Map 14, Lots 10-2 and 10-3.
Address: 275 and 279 Packers Falls Road
Property Owner: Pike Family Trust, c/o Bonnie Pike
Applicant: Southeast Land Trust (SELT) c/o Duane Hyde
Surveyor: Berry Surveying
Zoning: Rural
Date of approval: February 23, 2022

[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 of the plans. Once these conditions precedent are met and the plans are certified, the approval is considered final.

Please note. If all of the precedent conditions are not met within one year of the board’s approval - by February 23, 2023 (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.

Plan Modifications

Make the following modifications to the plans that were reviewed and approved by the Planning Board:

- 1) Consolidate the lot line adjustment and the 2-lot subdivision into one plat. Alternatively, at the applicant’s option, the two plats and applications may be treated separately, in coordination with the Durham Town Planner.

- 2) Obtain new Assessor's Map and Lot #'s from the Assessing Office and show on each lot.
- 3) Approval block. Change the approval block on each page of drawings to read: "Final Approval by Durham Planning Board. Certified by Michael Behrendt, Town Planner _____ Date _____"
- 4) Addressing. Establish addresses for each of the lots to be approved by the Fire and Police Departments. Show the addresses on the plat on each lot.
- 5) Note. Add the following notes on the plans: "If the owner of Map 14, Lot 10-2A as shown on the subdivision plat, seeks to build a driveway or structure on the lot, a conditional use from the Town of Durham will be needed to cross the wetland and the 100 foot wetland buffer."
- 6) Porkchop Subdivision. Add this note on the plan: "This subdivision is approved as a porkchop subdivision. If the owner of the new lot, Map 14, Lot 10-2A as shown on the subdivision plat, seeks to create a new driveway with direct access from Packers Falls Road onto the lot, the owner of that lot shall build a new driveway within the strip of land at the northerly end of the lot. The existing driveway connection to Packers Falls Road for Map 14, Lot 10-2, as shown on the subdivision plat, shall be removed, the land adjacent to Packers Falls Road shall be reclaimed to grass or comparable, and a new driveway connection/stub leading from the main driveway on Lot 10-2A to Lot 10-2 shall be created. These changes shall be made by the owner of Lot 10-2A at the owner's expense. Prior to issuance of a driveway permit or building permit for Lot 10-2A the owner of Lot 10-2A shall record an easement providing access to Lot 10-2 and addressing maintenance of the portions of the driveway on Lot 10-2A to be used by the owner of Lot 10-2."

Other Conditions Precedent

- 7) Easements. Prepare easements in accordance with the note, above, regarding the porkchop subdivision. Submit draft easements to the Town Planner for cursory review.
- 8) Other permits. All required state and federal permits, including state subdivision approval, shall be obtained with copies of permits delivered to the Planning Department.
- 9) Shed. Physically remove the shed on Lot 10-2 marked to be removed (TBR).
- 10) Boundary markers. Set boundary markers in the field and note on plans ("marker set" or equivalent)
- 11) Monumentation. The surveyor shall provide a certificate of monumentation to the Planning Department.

- 12) 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 if so requested by the Town Assessor.
- 13) 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 set is 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.
- 14) Signature. Signature by the applicant below acknowledging all terms and conditions of this approval herein.

CONDITIONS SUBSEQUENT AND GENERAL TERMS

All of the conditions below are also attached to this approval. All work shall be completed and all required conditions shall be met prior to issuance of a certificate of occupancy unless otherwise specified or a surety acceptable to the Town is posted.

- 15) Applications. The 2-Lot Subdivision and Lot Line Adjustment applications are combined in this approval. The applicant may treat the two applications separately if desired in coordination with the Durham Town Planner.
- 16) Recording. The plat, this notice of decision (per RSA 676:3 III), and the required 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.
- 17) Underground utilities. Any new utilities serving Lot 10-2A shall be located underground.
- 18) School Impact Fee. The school impact fee of \$3,699 is assessed as part of this subdivision for the new lot, Map 14, Lot 10-2A if a house is built on the lot. The fee must be paid in full prior to issuance of a certificate of occupancy.
- 19) Minor changes. Minor changes to the approved plans may be approved by Town Planner in accordance with the Planning Board Rules of Procedure.
- 20) Variance. A variance was granted on February 8, 2022 to allow for a reduced side setback for the existing house on the residual parent lot, Map 14, Lot10-2, from the new side lot line.
- 21) Waivers. The Planning Board approved waivers for both the lot line adjustment and the subdivision from showing all wetlands and water features on the parcel.

22) 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. As part of this review and approval the Durham Planning Board finds the following: **A)** The applicant submitted an application, supporting *documents*, and plans for the project; **B)** The Planning Board accepted the application as *complete*; **C)** The Planning Board held a *public hearing* on the application; **D)** The applicant met with the *Technical Review Group*; **E)** The Planning Board reviewed the application in accordance with the Durham Zoning Ordinance and the Durham Subdivisions Regulations and found that the application *meets all requirements* **F)** The Planning Board held a *site walk* at the property on February 19, 2022; and **G)** The Planning Board duly *approved the application* as stated herein. Substantial records are maintained of the process and documentation submitted in the Planning Department. A record of documentation and a timeline of the project will be prepared as needed.

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

Signature of property owner

date

Printed name of property owner

Signature of applicant

date

Printed name of applicant

Signature of Planning Board Chair

date

Printed name of Planning Board Chair