



TOWN OF DURHAM
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Town Planner's Review
Wednesday, February 9, 2022

- IX. **Pike Property – 2-Lot Subdivision.** 275 and 279 Packers Falls Road. Lot line adjustment between two existing lots and 2-lot subdivision of larger existing lot. It is proposed that the resultant 36-acre lot would be conveyed to the Town of Durham and a conservation easement would be held by the Southeast Land Trust (SELT). The site is located just east of Thompson Forest. Duane Hyde c/o SELT, applicant. Pike Family Trust, property owner. Map 14, Lots 10-2 and 10-3. Rural District.
- I recommend that the board accept the two applications – subdivision and lot line adjustment - as complete and schedule a site walk and a public hearing

Please note the following:

Application. The application is for a lot line adjustment and a 2-lot subdivision. They are submitted as separate applications but can be reviewed separately or together. If the project is approved, likewise, one integrated or two separate final plats can be prepared.

Conservation Land. The application is part of a proposal to convey the Pike Property to the Town of Durham as conservation land. The 36-acre parcel will be subdivided from a slightly larger parcel (Map 14, Lot 10-2). There will be a conservation easement on the land given to the Southeast Land Trust (SELT) so that the land remains as open space in perpetuity. The smaller parcel contains a house and a barn and is now vacant. It will be sold on the open market.

Porkchop Subdivision. The subdivision is being reviewed as a porkchop subdivision. I included the provision from the zoning ordinance at the end. We will need to include language in an approval about the shared driveway. The Town will probably never build a driveway but rather will take access from a driveway on the adjacent Thompson Forest land. But if the Town (or some other party?) sought to build a driveway in the flagpole the approval should specify that that party must close off the existing driveway access onto Packers Falls Road for the adjacent house at that party's expense. An easement should be placed on the adjacent lot allowing for this possibility. We can probably include some language specifying that the subdivision is only for the conservation purposes being spoken about if the various parts of the transaction can be coordinated.

Lot line adjustment. There is also a lot line adjustment between the main parcel (Map 14, Lot 10-2) and an adjacent parcel (Map 14, Lot 10-3). Both lots are owned by the Pike Family Revocable Trust, c/o Bonnie Pike. Ms. Pike lives on lot 10-3.

Location. The property, situated near the juncture of Packers Falls Road and Wednesday Hill Road, lies to the east of Thompson Forest, another conservation land owned by the Town.

SELT project. Duane Hyde, Land Conservation Director of SELT has been working with the property owner, several funders, and the Town of Durham on this project for a number of months. The Conservation Commission has committed to contribute \$35,000 from the Town’s Conservation Fund toward the acquisition. Mr. Hyde is securing the bulk of the funding from various other sources. The proposal is being brought to the Town Council on February 7 for consideration of acquiring the land. The Town Council will need to schedule a public hearing before deciding.

Variance. A variance is also needed because with the new conservation lot, extending a strip of land for frontage to Packers Falls Road (also called a *flagpole* for a flag lot), the existing house on the residual lot would not meet the required side setback of 50 feet. The variance application is being presented to the Zoning Board of Adjustment on February 8, the night before the Planning Board’s review.

More information. More detailed drawings, extensive background information, and the proposed budget are included in the attached information provided by Duane Hyde.

This map shows the subject property. Lot 10-2 will be subdivided into two lots. The lot line adjustment includes Lot 10-2 and Lot 10-3. Thompson Forest is Lot 8-3.



Zoning Excerpt. Article XX. J. Porkchop Subdivision. A porkchop subdivision is allowed in the RC and R Districts. The purpose of a porkchop subdivision is to allow limited subdivision of relatively large lots where there is significant back land but not sufficient street frontage to provide the minimum required frontage for each new lot. Developers of residential subdivisions of two (2) or three (3) lots in the RC and R Districts on existing town roads as of the date this chapter is enacted that are not conservation subdivisions, may elect to follow the requirements for porkchop subdivisions in Table 4-1, provided that at least two of the lots are entered from a common driveway whose maintenance is guaranteed in the deeds to the lots concerned. A common driveway to a porkchop subdivision will only serve a maximum of three (3) lots. Adjacent porkchop subdivisions will not share a common driveway. Each porkchop subdivision will have a common driveway independent from any other subdivision. Other than the possibility that the rear lot (or lots) may take on somewhat of a porkchop shape, the lots shall not be unduly gerrymandered to take advantage of this section.

Table 4-1. Requirements for Optional Porkchop Subdivisions

Porkchop subdivision lots	Minimum area (square feet)	Minimum frontage area (feet)
Each lot	80,000	50
Average, all lots	120,000	125*

*NOTE: The Planning Board is empowered to reduce the average frontage to not less than one hundred (100) feet in the case of a porkchop subdivision of a nonconforming lot into not more than three (3) lots, provided that the requirement for minimum area is met.