



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

NOTICE OF DECISION

Project Name: Schoolhouse Lane – 2-lot Subdivision
Action Taken: APPROVAL
Address: 14 Schoolhouse Lane
Property Owner: Bill Matson
Engineer: Bruce Scamman
Surveyor: John Salter, of James Verra Associates
Attorney: Kevin Baum
Map and Lot: Map 108, Lot 73
Zoning: Residence A
Date of approval: September 14, 2022

[Office use only. Date certified: _____ ;

“Applicant,” herein refers to the applicant and his/her/their/its agents, successors and assigns.

PRECEDENT CONDITIONS

All of the precedent conditions 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 precedent conditions 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 September 14, 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. No changes to the plans that were reviewed and approved by the Planning Board on August 24, 2022 may be made except for the specific required modifications that follow.

Plan Modifications. Make the following modifications to the plans that were approved by the Planning Board. The most recent plans were the Subdivision Plan received August 17, 2022 and the Topographic Plan dated June 27, 2022.

- 1) Lot #. Obtain new Assessor’s Map and Lot #'s from the Assessing Office and show on each lot.

- 2) Lot 57. Correct the numbering for Map 108, Lot 57.
- 3) Addressing. Show the street address for the new lot as established by the Fire Department.
- 4) Electric line. Show how electric will serve the new lot. One new pole may be placed on the lot if needed. Add note that the electric lines shall run underground on the lot.
- 5) Water. Clarify with Public Works how Town water will be accessed for the new lot. Explain under Notes on either sheet. Show prospective connection to the lot and mark as such.
- 6) Cemetery buffer. Mark the 25 foot buffer as “Cemetery buffer in accordance with RSA 289:3”

Notes on Plans. Add the following notes on the plans:

- 7) “Additional information. For more information about this subdivision, and to see the complete plan set, contact the Town of Durham Planning Department, 8 Newmarket Road, Durham, NH 03824. (603) 868-8064.”
- 8) “Notice of decision. It is the applicant’s and building contractor’s responsibility to follow all requirements related to this approval. Please review the plans and the Planning Board Notice of Decision carefully. Contact the Durham Planning Department at (603) 868-8064 with any questions or concerns.”
- 9) “School Impact Fee. The school impact fee is assessed as part of this subdivision in the amount of \$3,699. The fee must be paid in full prior to issuance of a certificate of occupancy.”
- 10) “Utility Connection Fees. Water and sewer connections fees shall be paid prior to issuance of a certificate of occupancy.”
- 11) “Sewer Service. The new lot does not have direct frontage on the existing sewer in Schoolhouse Lane but there is a manhole close to the westerly corner. The buyer of the new lot will be required to extend the sewer line as specified by the Department of Public Works. Contact the Department of Public Works. There is also a private sewer easement running across the adjacent lot to the southeast (Map 108, Lot 57). The Town of Durham takes no position whether or not the owner of the new lot on Schoolhouse Lane is able to use that sewer line. If there is interest in using it, it is suggested that the owner of the new lot review the deed for the easement and analyze the condition of the sewer line. It is suggested also (but not required) that the new owner speak with the owner of Map 108, Lot 57, through which the lower portion of the easement passes. Contact the Town Planning Department for more information.”

- 12) “Stormwater management. The provisions in Chapter 158 of the Durham Town Code regarding stormwater management and erosion control may apply to the new lot. Contact the Public Works Department for more information.”

Other Precedent conditions

- 13) Sewer easement. Provide a draft sewer easement for the new lot to the Planning Department.
- 14) Boundary markers. Set boundary markers (actually physically set in place in the field) and note on plans (“marker set” or equivalent)
- 15) Monumentation. The surveyor shall provide a certificate of monumentation to the Planning Department.
- 16) 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.
- 17) 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.

Conditions to be met prior to issuance of any certificate of occupancy

- 18) School Impact Fee. The School Impact Fee must be paid in full.
- 19) Easement. The sewer easement must be recorded at the Strafford County Registry of Deeds.
- 20) Utility Connection. The utility connection permits must be issued.

Other terms and conditions

- 21) Recording. The plat and this notice of decision (per RSA 676:3 III) 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.
- 22) Changes from approved plans. Any proposed changes to the approved plans shall be approved by the Town. Minor changes may be approved by Town Planner in accordance with the Planning Board Rules of Procedures.

- 23) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the Town as provided in this document (See Minor Changes provision herein).
- 24) Existing house. There are some nonconformities with setbacks for the existing house but they are grandfathered. There are two accessory apartments connected with the existing house which are grandfathered. In accordance with a letter from former Building Official Tom Johnson dated July 25, 2003, the house is considered a single-family house rather than a two-family or three-family house.

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 *site walk* and a *public hearing* on the application; **D)** The Planning Board reviewed the application in accordance with the Durham Zoning Ordinance and the Durham Subdivision Regulations, and found that the application *meets all requirements*; **E)** The Oyster River *Local Advisory Committee* was notified about the proposed subdivision but did not submit any comments; **F)** According to wetland scientist Michael Cuomo, there are no *wetlands* on the parcel; 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.

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

Signature of applicant

date

Printed name of applicant

Signature of Planning Board Chair

date

Printed name of Planning Board Chair