

Hello Suzanne (cc to Planning Board and applicant),
Thank you for your email and for pointing out certain items that should be corrected. **Please see my responses below.** Here is a link to the updated plan set for easy reference: https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning_board/page/72119/revised_plans.pdf.

My best regards.

Michael Behrendt

Durham Town Planner
8 Newmarket Road
Durham, NH 03824
(603) 868-8064

From: Suzanne Brunelle <SBrunelle@devinemillimet.com>

Sent: Monday, April 24, 2023 4:43 PM

To: Michael Behrendt <mbehrendt@ci.durham.nh.us>

Subject: FW: RE: Town of Durham - Town & Campus

Michael: We have reviewed the updated plans prepared by the developer on 74 Main Street and have the following comments:

- 1. Most importantly, now that the easement between the two buildings has been “delineated” it clearly shows that the building is in the easement area. Please see attached plan which was prepared at the request of the Gangwers, shows the existing pavement area between the two building with measurements. This plan was provided to the developer’s engineer by the Gangwers. The new easement area, as newly proposed by the developer (which was not provided to the Gangwers by the developer or discussed), shifts the lines of the existing easement area so as to remove the building from the easement area.**

I don’t see this so you would need to explain this. The plan from the applicant on Sheet C102 shows in dashed lines the existing edge of pavement which I understand to be the extend of the easement on the applicant’s lot. The dashed line is about 6 feet from the side lot line which is about the same as the width shown on your attached survey.

- 2. I am unsure as to what is meant by “EASEMENT AREA EXCLUSIVE USE FOR 72 MAIN STREET” – it appears that it is showing a parking spot for**

the benefit of 72 Main Street as evidence by a number 1 in a circle; however, this is an unworkable location for a parking spot given the proposed traffic pattern and is further confusing per item noted below as #5.

This refers to the one parking space reserved for the Gangwers lot.

3. The Map and Lot number for 74 Main Street is incorrect throughout the plan. It should be Map 106-59 and it is formerly known as Map 2 Lot 14-1-1 not 14-1;

We should note on the notice of decision for this to be corrected.

4. The total parcel area is 9440 SF (0.22 acres) not 18879 SF as noted in note 2 on sheet C102;

We should note on the notice of decision for this to be corrected.

5. On sheet C102 Note 4 MIN LOT AREA should be updated to 5,000 SF;

We should note on the notice of decision for this to be corrected.

6. On sheet C102 Note 5 references an outdated zoning ordinance and should be updated;

We should note on the notice of decision for this to be corrected.

7. On sheet C102 Note 12, the agreement should be referenced not the prior subdivision plan (note 12 on plan incorrectly references an easement). The parking space appears to be a spot on the street which is also for loading and deliveries as well. The spot should be on the property by way of a license and should include a sign noting use by 72 Main Street. The referenced plan speaks of easements to be recorded.

We can note on the notice of decision that the applicant address this if the information is not correct. The applicant's attorney would need to clarify this. The parking space is on the subject lot referred to above.

8. Easements: The parcel is subject to, but not limited to, the following easement of record and the same should be noted per town regulations:

- i) A permanent Utility Easement dated October 16, 2018, for the benefit of Map 106 Lot 61 (formerly Map 2 Lot 14-1) recorded at the Strafford County Registry of Deeds at Book 4612 Page 797;
- ii) Easement Deed dated October 16, 2018, for the benefit of Map 106 Lot 61 (formerly Map 2 Lot 14-1) to pass and repass over a certain portion of Map 16 Lot 59 (formerly Map 2 Lot 14-1-1) recorded at the Strafford County Registry of Deeds at Book 4612 Page 793;
- iii) Easement Deed dated October 16, 2018, for the benefit of Map 106 Lot 59 (Map 2 Lot 14-1-1) recorded at the Strafford County Registry of Deeds at Book 4612 Page 795.

Assuming the Planning Board agrees, we should note on the notice of decision to include more information about the easements in the notes on Sheet C102.

We also have the continuing issue with deliveries in the back easement areas. What is the status of the proposed loading zone on Main Street to assist the commercial properties in the area. Thank you.

The applicant will need to create the loading zone on Main Street near the Town's parking lot at 66 Main Street. This is a condition on the Notice of Decision.

As always, thank you for your time and consideration.

Suzanne Brunelle, Chair of the Real Estate Practice Group
Devine, Millimet & Branch, P.A.
111 Amherst Street
Manchester, NH 03101
p. 603-695-8570
f. 603-669-8547