

From: Suzanne Brunelle <SBrunelle@devinemillimet.com>
Sent: Monday, April 3, 2023 2:37 PM
To: Michael Behrendt <mbehrendt@ci.durham.nh.us>
Subject: RE: Planning Board Recap and Preliminary Agenda *

Michael: We have reviewed the new site plan and have the following comments and concerns, which we would greatly appreciate that the same are raised at the technical review:

1. Unsure why the plans are still dated 1-21-2022 and list current owner of Clark Properties LLC;
2. Site plan (with colors) fails to indicate the distance of the developers buildings to their lot line. As such, we cannot tell if they are encroaching into the easement area;
3. Same plan shows door swinging out. Need to confirm the open door is flush with the building and not swinging into the easement area;
4. Demolition Plan has some odd lines on it. We need an explanation as to what the bold black lines denote at the Gangwer side of the property;
5. We need to know the impact, if any, to the Gangwer lot with regard to the storm water impact plan;
6. Site plan C102- need to confirm that square in the easement area in a ground grate or something else; and
7. As plan has several distances but unsure what they represents and still unclear if the building encroaches in the easement area.

(i) **676:4 Board's Procedures on Plats.**

I. The procedures to be followed by the planning board when considering or acting upon a plat or application submitted to it for approval under this title shall be as set forth in the board's subdivision regulations, subject to the following requirements:

(a) An application for approval filed with the planning board under this title, other than an application for subdivision approval, shall be subject to the minimum requirements set forth in this section and shall be governed by the procedures set forth in the subdivision regulations, unless the planning board by regulation specifies other procedures for that type of application.

(b) *The planning board shall specify by regulation what constitutes a completed application sufficient to invoke jurisdiction to obtain approval. A completed application means that sufficient information is included or submitted to allow the board to proceed with consideration and to make an informed decision. A completed application sufficient to invoke jurisdiction of the board shall be submitted to and accepted by the board only at a public meeting of the board,* with notice as provided in subparagraph (d).

The failure of the Applicant to delineate and address the easement on the plan constitutes an incomplete application per the Town of Durham's site plan regulations as follows:

Section 2.2 of the Durham Planning Board's site plan regulations requires:

(i). 4. The plan of the site itself shall show:

a) Surveyed property lines of the parcel showing their bearings;

b) Names of all abutting property owners;

c) Location and layout of existing and proposed structures and buildings; and

z) Location, widths and purposes of any easements or rights-of-way. There are 3 easements on this property. They are not shown nor noted on the site plan.

(ii). 5. The following features required on the plan itself, as above, shall be delineated in color on one digital copy and fifteen (15) 11x17 printed copies:

a) Surveyed property lines of the parcel showing their bearings;

b) Zoning and special district boundaries;

c) Access ways, egress ways parking lots and streets within the site;

d) Waterbodies, watercourses, wetlands, railroads, rock outcroppings and stone walls;

e) Property to be dedicated for public use of common ownership;

f) Pedestrian walks providing circulation through the site;

g) Location and widths of any easements or rights-of-way;

h) Features unique to the site that should be brought to the attention of the Board; and

i) Proposed buildings

(iii). Per the zoning section 175-576. Special Situations Affecting Dimensions:

(a) Looking to be sure compliance with:

(b) **D. Side and rear yards.**

2. Within business districts. Side and rear yards in the CB District may be omitted where buildings are separated by fire partitions meeting the requirements of the Durham Building Code and/or where the remainder of the yard is occupied by publicly maintained parking, circulation or landscaping.

We repeatedly asked and were assured by the Planning Board that the layout of the building and the dimensions of the building would be provided on the site plan. The new site plan fails to provide this information. It is not possible for us to determine if the building is located in the easement area without the dimensions, distances and easements being shown on the plan.

Thank you for your time and attention to this matter.

Suzanne Brunelle, Chair of the Real Estate Practice Group

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