



TOWN OF DURHAM
15 NEWMARKET RD
DURHAM, NH 03824-2898
603/868-8064 603/868-8065
FAX 603/868-8033
www.ci.durham.nh.us

Town Planner's Recommendation
13 Longmarsh Road 2-lot Subdivision
Wednesday, March 27, 2013

➤ I recommend approval with the Notice of Decision to read as follows.

Address: **13 Longmarsh Road**
Project: **2-lot subdivision and conditional use**
Applicant: **Kelly Cullen**
Surveyor: Adam Fogg, Atlantic Survey
Map and Lot: 15, 23-0
Zoning: Residence B
Date of approval: **March 27, 2013**

The Durham Planning Board approved the project described above on March 27, 2013 with the terms and conditions that follow. This approval applies to the applicant and property owner and to her agents, successors, and assigns.

Precedent Conditions [Office use only. Date certified: _____ ROD received? _____]

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Department. Certification of the plans is required prior to issuance of a building permit or recording of any 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 6 calendar months to the day of the board's approval - by September 27, 2013 - the board's approval will be considered to have lapsed and resubmission of the application will be required (unless an after-the-fact extension is granted by the Planning Board). It is the sole responsibility of the applicant (or his/her agent) to ensure that these conditions are met by this deadline. We urge the applicant to carefully track his/her progress in meeting the individual conditions. See RSA 674:39 on vesting.

- 1) **Plan modifications.** The plan drawings are to be modified as follows:
 - a) Add approval block of drawing for signature of Planning Department. It should read: "Final Approval by Durham Planning Board. Certified by _____ Date _____"
 - b) Show details, including plan profile, and section, as appropriate, of wetland crossing for the driveway once approved by NHDES

- c) On wetland crossing details, add straw bales in front of the proposed silt fence to better control sediment runoff from the construction area during the construction phase of the driveway
 - d) Change wetland buffer/setback for building to 75 feet (from 100 feet)
 - e) Clarify the wetland boundary (Presently only poorly and very poorly drained soils are shown).
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
- a) "For more information about this subdivision, or to see the complete plan set, contact the Town of Durham Planning Department, 15 Newmarket Road, Durham, NH 03824. (603) 868-8064."
 - b) "All utilities must be underground, including utilities extended onto the site from existing poles near the site."
 - c) "Please minimize salt de-icer use on the driveway serving new lot 15-23-1 in order to minimize negative impacts on the adjacent wetlands."
- 3)# Driveway. Obtain driveway access permit from the Durham Department of Public Works.
- 4) Signature. Sign this notice at the bottom.
- 5) Boundary markers. Set boundary markers (actually physically set in place in the field) and note on plans ("marker set" or equivalent) and submit a monumentation certificate.
- 6) Other permits. All required state and federal permits - including State approval of the subdivision and the wetland crossing - must be obtained with copies of permits or confirmation of approvals delivered to the Planning Department.
- 7) Final drawings. The following complete sets of final approved drawings shall be submitted for signature (except the electronic version) by the Town: (a) one large set of mylars; (b) two large sets of black line drawings; (c) one set of 11"x17" drawings; plus (d) one electronic version by pdf or CD. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor responsible for the plans.

General and Subsequent Terms and Conditions

All of the conditions below are attached to this approval.

- 1)# Recording. The plat and this notice of decision (per RSA 676:3 III) must be recorded at the Strafford County Registry of Deeds within two (2) calendar months to the date the plat is certified (e.g. if certified September 9th it must be recorded by November 9th). See RSA 478:1-a regarding plat requirements. Failure to comply with this requirement herein shall render the subdivision null and void.

- 2) Execution. The project must be executed exactly as specified in the approved application package unless modifications are approved by the City.
- 3) Approval. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
- 4) Other permits. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project. Contact the City of Rochester Code Enforcement Department at 332-3508 regarding building permits.
- 5) Findings of fact. a) The applicant submitted an application, supporting documents, and plans for the project; b) The Planning Board accepted the application as complete, held a site walk, and held one public hearing on the application; c) The Planning Board reviewed the application in accordance with state law, the Durham Zoning Ordinance, the Durham Subdivision Regulations, and other applicable law and found that the application meets all requirements (including any waivers, conditional uses, special exceptions, and/or variances that might have been granted); e) The Zoning Board of Adjustment granted a special exception for the location of the septic area; f) The Conservation Commission provided recommendations on the conditional use for crossing the wetland, which have been incorporated into this approval; g) At the Planning Board site walk the sight distance for the new driveway was found to be acceptable (subject to DPW approval); h) The applicant attended a meeting of the Technical Review Group and any concerns were addressed or duly incorporated herein; and i) The Planning Board duly approved the application as stated herein.

(Note: in both sections above, the numbered condition marked with a # and all conditions below the # are standard conditions on all or most applications of this type).

Signature of applicant

date

Signature of Planning Board chair

date