



TOWN OF DURHAM
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Town Planner's Recommendation
Wednesday, October 9, 2013

18 & 22 Colony Cove Road. Formal application for **Boundary Line Adjustment** submitted by **Kathleen Lohnes** to change the boundary between two lots and to clarify the boundaries of an old subdivision. Tax Map 12, Lots 25 & 26. Residential Coastal Zoning District.

➤ I recommend approval as shown below.

At the Planning Board's request I asked the Fire Department for confirmation that access is not an issue. I will have more information prior to the meeting.

****Draft****
NOTICE OF DECISION

Project Description: Boundary Line Adjustment
Address: 18 & 22 Colony Cove Road
Applicant: Kathleen Lohnes
Engineer: Adam Fogg, Atlantic Survey
Map and Lot: Tax Map 12, Lots 25 and 26
Zoning: Residential Coastal
Date of approval: **October 9, 2013**

[Office use only. Date certified: _____ Date recorded at Registry: _____]

This application is approved as stated below. "Applicant", herein, refers to the property owner, submitting this application and to her agents, successors, and assigns.

Precedent Conditions

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 April 9, 2014 - 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) Change approval block on each page of drawings for signature of Planning Department. It should read: "Final Approval by Durham Planning Board. Certified by _____ Date _____"
 - b) Clarify the width of the right of way area and clarify whether this should be referred to as a "right of way" or "driveway easement."
 - c) Show the vacant lot to be numbered as 18 Colony Cove Road.
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
 - a) "For more information about this boundary line adjustment, or to see the complete plan set, contact the Town of Durham Planning Department, 15 Newmarket Road, Durham, NH 03824. (603) 868-8064."
 - b) "An indemnification form per RSA 674:41 (d) (3) must be recorded prior to issuance of any building permit on Lot 26."
- 3) Monumentation. Provide a certificate of monumentation to the Planning Department.
- 4) Signature. Sign this notice at the bottom.
- 5) Easement. Submit a written easement to the Planning Department for the driveway to be approved by the Planning Department. Include language about who will maintain the driveway.
- 6) 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 black line drawings; (b) one large mylar; (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, engineer, or architect responsible for the plans. (The primary set of plans was last received September 5, 2013)

General and Subsequent Terms and Conditions

All of the conditions below are attached to this approval.

- 1) Recording. The plat, this notice of decision (per RSA 676:3 III), and the easement must be recorded together at the Strafford County Registry of Deeds within two calendar months to the date the plat is certified (e.g. if certified September 9th they must be recorded by November 9th). See RSA 478:1-a regarding plat requirements. Failure to comply with this requirement herein shall render the lot line adjustment null and void.
- 2) Execution. The project must be executed exactly as specified in the approved application package unless changes 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. The Planning Board finds the following:
 - a) The applicant submitted an application, supporting documents, and plans for the project;
 - b) The application was accepted as complete on September 11, 2013;
 - c) The Planning Board held a public hearing on the application on October 9, 2013;
 - d) 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 Planning Board duly approved the application as stated herein.
 - f) Parcel A was subdivided from Lot 27 and conveyed to the party who owned Lot 25 prior to Kathleen Lohnes. Though Durham had subdivision regulations in place in 1960 Parcel A was not approved as either a subdivision or a boundary line adjustment. This boundary line adjustment corrects that oversight.
 - g) According to the Town's present records, Parcel A is still shown as part of Lot 27 on the tax maps but has been taxed to Kathleen Lohnes for a number of years.
 - h) This boundary line adjustment will clarify and enshrine at the Registry of Deeds and in the Town's records that: Parcel A is legally subdivided off from Lot 27 and Parcel A is joined with Lot 25. At the same time, this plat will adjust those lines forming a new Lot 25 and a new Lot 26. The proposed lot line establishes those two new lot boundaries.
 - i) Town Council approval is not needed to obtain a building permit on Lot 26 (d) (1) since this is a lot of record and building permits have been issued in the past for adjoining Lots 25 and 2..

Signature of applicant

date

Signature of Planning Board chair

date