



TOWN OF DURHAM
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Town Planner's Recommendation
Wednesday, February 26, 2014

Public Hearing - 565 and 577 Bay Road. Boundary Line Adjustment for Wooden Nutmeg Farm Condominium and Firoze Katrak Rev. Trust. Bill Doucet, Doucet Survey, surveyor. Residence C Zoning District. Tax Map 20, Lots 3-2 and 7-2

- Everything should be all set. No substantive issues have been raised. I recommend approval as shown below.

Draft
NOTICE OF DECISION

Project Description: **Boundary Line Adjustment**
Address: 565 and 577 Bay Road
Applicant: Wooden Nutmeg Farm Condominium and Firoze Katrak Rev. Trust
Surveyor: Bill Doucet, Doucet Survey
Map and Lot: Tax Map 20, Lots 3-2 and 7-2
Zoning: Residence C
Date of approval: **February 26, 2014**

[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 August 26, 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.

"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.

- 1) Plan modification. The plan drawings are to be modified as follows: 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 _____"
- 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) "There are no utilities, water or sewer facilities, or other property features located in the areas to be transferred that are linked with the sending lots in such a manner as to create any encroachments from the boundary adjustment."
- 3) Notarized deed. The applicant must submit to the Planning Department a copy of the two signed and notarized deeds which will provide for the conveyance of the two affected areas (the land within the lot lines being adjusted). The deeds may refer to the plat and state that the conveyance is not effective until such time as the plat is certified and all documents are recorded. (After the plat is certified by the Planning Department the original deed and the plat will then be recorded simultaneously. See below). This requirement is waived if the same party owns both lots.
- 4) Access Easement. Provide easement for the owners of Lot 7-2 to cross the two strips of land that where the driveway crosses, that are being appended to Lot 3-2. This can be included in the deed, above.
- 5) Monumentation. Provide a certificate of monumentation to the Planning Department.
- 6) Signature. Sign this notice at the bottom.
- 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 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 January 3, 2014).

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), the deeds, and the access easement if separate from the deeds shall 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 bundary 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 Town.
- 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 any other local, state, and federal permits, licenses, and approvals which may be required as part of this project.
- 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 on February 12, 2014 and held a public hearing on the application on February 26, 2014; **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; **D)** The two existing lots are 2.54 acres. The two new lots will remain 2.54 acres. The frontage for each lot is presently and will remain 50 feet. Both dimensions are nonconforming. Since no nonconformity is increasing the application complies with zoning requirements; **E)** Lot 7-2 contains a single family residence and Lot 3-2 contains a 2-unit condominium; **F)** Access to each property is obtained via driveways contained in part on other properties and the access will not change; **G)** No substantive concerns with the application were raised in the course of the review; and **H)** The Planning Board duly approved the application as stated herein.

Signature of applicant

date

Printed name of applicant

Signature of Peter Wolfe, Planning Board Chair

date