



TOWN OF DURHAM
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Town Planner's Project Review
Wednesday, September 12, 2018

VIII. **Colony Cove Road – Lot Reconfigurations.** Lot line adjustment on Map 12 between Lot 25 and Lot 26 (22 and 18 Colony Cove Road, respectively) for the purpose of providing frontage for Lot 26 on Little Bay. Also combining Map 12, Lots 16-23, 16-24 and 26 and Map 12, Lot 25 and .25 acre outparcel. All lots are owned by Mary Ann Lohnes Ehrenworth and Richard Hallett. Adam Fogg, Atlantic Survey, Surveyor. RC District.

- I recommend that the board accept the application as complete and set a public hearing for September 26.

Please note the following:

- 1) **Background.** The property owners submitted the same application earlier. The Planning Board accepted the application as complete on April 25, 2018 and scheduled a public hearing for May 9. The applicant needed several variances and appeared before the ZBA on May 8. The May 9 hearing was subject to obtaining the variances. The variances were denied so the applicant withdrew the application. The variances have since been granted so the application is back before the Planning Board (See below).
- 2) **Application.** The application is for a lot line adjustment between Map 12, Lot 26 (Lot 12-26 on plat or simply Lot 26) and Map 12, Lot 25 (Lot 12-25 on plat or simply Lot 25). The purpose is to provide some frontage for Lot 25 on Little Bay. The owners hope to build a dock there in the future. The applicants live on Lot 26 and intend to sell Lot 25.
- 3) **Lot combinations.** The application also includes two pairs of lot combinations: 1) for Map 12, Lot 16-24 (Lot 12-16-24 on plat or simply Lot 16-24) and Lot 26; and 2) for Lot 25 and a .25 acre parcel directly to the north (See explanation below). Ordinarily, lot combinations are approved and processed administratively but since these are shown on the same plat as the lot line adjustment and related to adjustment, it is simplest to review them all together. I refer to these various changes as lot configurations.
- 4) **Variances.** The applicant needed three variances: 1) The new lot line will be closer to the existing house on Lot 25 than the required 50 foot side/rear setback; 2) The shoreland frontage for Lot 25 will be less than the required 200 feet; it is being reduced from the current 195 feet +/-; and 3) The new shoreline frontage for Lot 26 will be less than the required 200 feet of frontage.
- 5) **Outparcel.** Note that there is a discrepancy between the Town's tax maps and the map prepared by the applicant's surveyor. There is a white triangle of land that is shown as being part of the Town's right of way, situated to the left/east of Lot 24-3. The surveyor determined that this .25 acre triangle is actually part of Lot 16-24 and is owned by the

applicant. Jim Rice, Town Assessor, reviewed this discrepancy and does not have any objection to the determination made by the surveyor. (This finding is beneficial for the town as it would now be clear that the property owner(s), not the Town would need to maintain the gravel driveway there.)

- 6) Lot 16-23. Map 12, Lot 16-23 (Lot 16-23), situated to the west/left of Lot 16-24, will also be combined with Lot 26. This was a condition of the variance. It was not part of the earlier lot line adjustment application. Lot combinations can be processed administratively so, in order to save the applicant the trouble of having to revise the plat, this lot combination should be a precedent condition and will be executed separately. Lot combinations are executed with a form signed by the Planning Department and recorded at the registry (or with a plat as here for the other lots). Alternatively, since they may revise the plat anyway as a precedent condition, they could show this combination on the plat. I will clarify this on the notice of decision.
- 7) Process. The applicant withdrew the lot line application after the variances were denied. They returned to the ZBA later and the variances were approved. The approval is included in the packets. I consider the withdrawal like tabling the application so we did not charge a new application fee. But the applicant did need to pay new notice fees. The plat being presented to the board is the same as the old one, dated March 2018. The board should accept the application as complete once again just to establish the formal application since it was technically withdrawn earlier.
- 8) Site walk. When the application was presented earlier the Planning Board did not think holding a site walk was needed.
- 9) Shed. The shed located near the new lot line will be relocated or removed as it would not meet the setback from the new lot line.
- 10) Variance conditions. The variances were granted subject to: 1) combining Lot 16-23, 16-24, and 26 (This is being done); 2) combining the .25 acre parcel with Lot 25 (This is being done); and 3) removing one of the two existing docks on Lot 25. For the last condition, I would recommend we have the applicant sign a statement that the dock will be removed by a specific date, as a precedent condition. We will then follow up on the removal of the dock.
- 11) Ownership. The applicant owns all five parcels: 25, 26, 16-24, 16-23, and the .25 acre parcel. We will clarify that all are owned under the same title.
- 12) Easements. The applicant is encouraged to address any questions of access across the various lots with neighboring property owners as appropriate. I think this is a private matter separate from the current application.
- 13) Future dock. If a dock and path/driveway is to be built in the new section of Lot 26 in the future, appropriate reviews can be conducted at that time under the Shoreland Protection Overlay District.
- 14) Administrative items. A new monument/market should probably be installed somewhere near the easterly end of the new lot line. The Town's address on note 8 should be corrected.
- 15) Powerpoint. See the PowerPoint prepared by the applicant for the ZBA. It is posted on line and explains the application clearly.