



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

NOTICE OF DECISION

Project Name: 72 Piscataqua Road – Lot Line Adjustment/2 Lot Reconfiguration
Action Taken: APPROVAL
Address: 72 Piscataqua Road and 8 Riverview Road
Property Owner: Donna Vittands
Surveyor: Paul Dobberstein, Ambit Engineering
Map and Lot: Map 11, Lots 29 and 31-15
Zoning: Residence Coastal
Date of approval: July 10, 2019

[Office use only. Date certified: _____]

“Applicant,” herein refers to the applicant and her agents, successors and assigns.

PRECEDENT CONDITIONS

All of the conditions precedent below must be met by the applicant prior to the plans being certified by the Town Planner. Certification of the plans is required prior to recording the plans. Once the plans are certified the approval is considered final.

Please note. If all of the conditions precedent are not met within 6 calendar months to the day of the board’s approval - by January 10, 2020 - the Planning Board's approval will be considered to have lapsed. Extension(s) may be granted by the Planning Board for reasonable cause. *It is the sole responsibility of the applicant (or his/her agent) to ensure that the conditions precedent are met by this deadline. No changes to the plans that were reviewed and approved by the Planning Board on July 10, 2019 may be made except for the specific required changes that follow.* The most up to date plans were revised July 10, 2019.

Notes on Plans

- 1) Notes on plans. Add the following notes on the plans/plan set that were reviewed and approved by the Planning Board:
 - a) “Underground utilities. All new electric lines shall be located underground except for waiver granted.”
 - b) “Additional information. For more information about this lot line adjustment, or to see the complete plan set, contact the Town of Durham Planning Department, 8 Newmarket Road, Durham, NH 03824. (603) 868-8064.”

- c) “Notice of decision. “It is the applicant’s responsibility to follow all requirements related to this site plan approval. Please review these plans and the Planning Board Notice of Decision carefully. Contact the Durham Planning Department at (603) 868-8064 with any questions or concerns.”

Other Conditions Precedent

- 2) Signature. Sign this notice at the bottom.
- 3) NHDOT Driveway permit. Obtain a driveway permit from the New Hampshire Department of Transportation to add access for the second lot off the existing driveway on Piscataqua Road. Note that if the driveway must be widened or otherwise altered a conditional use with the Town of Durham may be required as the existing driveway is located in the wetland conservation overlay district. Any significant changes to the plans as approved by the Planning Board shall be submitted to the Planning Board for review. In the event of such review, no notices or public hearing shall be required (unless otherwise stipulated by the Planning Board).
- 4) State approval. The New Hampshire Division of Environmental Services (NHDES) approval of subdivisions is not required for any lots over 5 acres and Lot 29 will be reduced to 5.3 acres. However, given the amount of wetlands, open water on the lot and the Town’s buffers the applicant must obtain approval or an okay (email is acceptable) from NHDES confirming that Lot 29 is acceptable.
- 5) Electric service approval. Obtain written confirmation from Eversource Energy that the plans for electric service to and on the site are acceptable.
- 6) Conditional use for electric service. Obtain a conditional use for placement of a pole and underground electric within the WCOD. (See Electric service below).
- 7) Easements. Submit draft written easements for utilities and the shared driveway to the Town for review and approval, including provisions for access and maintenance of the shared driveway.
- 8) Monumentation. The surveyor shall provide a certificate of monumentation to the Planning Department.
- 9) Current use and Tax Implications. The applicant shall provide the Town of Durham Assessing Department with a revised Current Use map and any other items needed to assure that the requirements of RSA 79-A are satisfied. Please contact the Town Assessor, at 868-8065 with any questions. (Please note that the current use penalty must be paid for property that comes out of current use. The penalty is set at 10% of the market value of the property at the time that it no longer qualifies for current use designation. Consult the Town Assessor regarding the timing for the payment.)

- 10) Final drawings. The following complete sets of final approved drawings shall be submitted for signature (except the electronic version) by the Town Planner: a) two large sets of black line drawings (one for recording); b) one set of 11"x17" drawings; plus c) one electronic version by pdf. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans.

SUBSEQUENT AND GENERAL TERMS AND CONDITIONS

All of the terms below are also attached to this approval.

- 11) Recording. The plat and this notice of decision (per RSA 676:3 III) must be recorded together at the Strafford County Registry of Deeds within 60 days of when the plat is certified. Failure to comply with this requirement herein shall render the lot line adjustment null and void.
- 12) Porkchop Subdivision. This application is approved in accordance with the standards of the Porkchop Subdivision provision of the Durham Zoning Ordinance.
- 13) Electric service. Electric service for the development of a house on Lot 31-15 shall be provided in the following manner, as depicted in the proposed utility sketch emailed to the Town Planner on July 10, 2019. Service will run above ground from PSNH pole 22/31 situated on the opposite site of Route 4 from the existing driveway serving the house on Lot 29. Service will run above ground for around 175 feet to a new pole to be set. It will run underground from the new pole, alongside the driveway, then to a new house to be built on Lot 31-15. The new pole and the section just beyond lie within the Wetland Conservation Overlay District.
- 14) Waivers. The Planning Board granted three waivers: a) from the applicant showing high intensity soils which is not necessary given the size of the lots and fact that no additional lot is being created; and b) for retaining the above ground electric for the existing house; .and c) to run the electric for a new house on Lot 31-15 from the existing pole PSNH 22/31 to a new pole (See Electric service above).
- 15) Execution. The project must be executed exactly as specified in the approved application package unless changes are approved by the Town.
- 16) 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.
- 17) 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 Town of Durham Building Department at 868-8064 regarding building permits.

Findings of fact. **A)** The applicant submitted an application, supporting documents, and plans for the project; **B)** The application was presented to the Technical Review Group on June 4, 2019; **C)** The Planning Board accepted the application as complete on June 12, 2019 and held a public hearing on the application on July 10, 2019; **D)** The Planning Board held a site walk (without a quorum of members) on June 21, 2019; **E)** 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 waivers that were granted); and **F)** The Planning Board duly approved the application as stated herein.

Signature(s). As the applicant(s), I accept and acknowledge all of the terms and conditions of this approval herein.

Signature of applicant

date

Printed name of applicant

Signature of Planning Board Chair

date

Printed name of Planning Board Chair