



TOWN OF DURHAM
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Town Planner's Recommendation
Wednesday, February 26, 2020

VIII. **Lot Line Adjustment – Sullivan Falls Road.** Modification to approved lot line adjustment. 5, 9, and 11 Sullivan Falls Road. Map 17, Lots 53-10 and 53-11 owned by Richard Lord. They will be conveyed to The Nature Conservancy. Map 17, Lot 53-3 owned by Sandeep and Jessica Sobti. Eric Mitchell, surveyor. Rural District.

➤ I recommend approval as stated below.

Please note the following:

- This lot line adjustment, involving 3 lots, was approved by the Planning Board on December 11, 2019. Unanticipated concerns by The Nature Conservancy regarding removal of frontage for two lots necessitated a redesign. See the information submitted by Dick Lord, the applicant, which explains the complicated situation clearly.
- I think it appropriate to treat this change as a modification (with no notices nor hearing) as it should have no effect on neighbors nor the general public. The Planning Board can approve the modification if it sees fit at this meeting. On the other hand, if the board thinks it useful to inform the public we could send notifications and hold a public hearing on March 11.
- Dick Lord obtained a variance to allow for removal of frontage on both lots since they are being conveyed to The Nature Conservancy. The organization actually needs to retain the frontage so that *theoretically* they could be developed for single family houses. The value they determine is based on the configuration of lots at the time they are conveyed to organization even though the chances of them ever being developed is extremely remote. The variance for the frontage is no longer needed since the frontages are not changing. The lots now will be oddly configured in order to retain the frontage and convey out a parcel to the Sobtis, the abutter. The Planning Board would likely not approve this arrangement if these were new lots created for development but since this is a configuration needed to meet the particular requirements of The Nature Conservancy I see no problem with the configuration.
- The new configuration has been approved by Dick Lord, the Sobtis, and The Nature Conservancy (emails expressing approval will be sent and posted on the website).

Draft
NOTICE OF DECISION

Project Name: Sullivan Falls Road Lot Line Adjustment
Action Taken: **APPROVED – revised from earlier approval ***
Project Description: Lot line adjustment for conveyance of vacant lots to The Nature Conservancy and parcel to Sobti
Address: 5, 9, and 11 Sullivan Falls Road
Property Owner: Dick Lord; Sandeep and Jessica Sobti
Applicant: Dick Lord
Surveyor: Eric Mitchell
Map and Lot: Map 17, Lots 53-3, 53-10, and 53-11
Zoning: Rural District
Date of approval: **February 26, 2020**

LOT LINE ADJUSTMENT

[Office use only. Date certified: _____]

***Please note. The earlier lot line adjustment including the same three lots that was approved by the Planning Board on December 11, 2019 is null and void. That plat was never recorded. The revised plat dated February 12, 2020 (“amended lot line adjustment plan”) is herein approved.**

“Applicant,” herein refers to the applicant and his/her/their/its agents, successors and assigns.

CONDITIONS PRECEDENT

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 these conditions precedent are met and 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 August 26, 2020 (or as extended) - 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. See RSA 674:39 on vesting.

- 1) Signature. The property owners shall sign this notice at the bottom.
- 2) Monumentation. The surveyor shall provide a certificate of monumentation for the three new pins to the Planning Department.

Printed name of applicant

Signature of applicant – Lot 53-3

date

Printed name of applicant

Signature of Planning Board Chair

date

Printed name of Planning Board Chair