

TOWN OF DURHAM 8 NEWMARKET RD DURHAM, NH 03824-2898 603/868-8064

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Town Planner's Recommendation Wednesday, February 26, 2020

- VIII. <u>Lot Line Adjustment Sullivan Falls Road</u>. Modification to approved lot line adjustment. 5, 9, and 11 Sullivan Falls Road. Map 17, Lots 53-<u>10</u> and 53-<u>11</u>owned by Richard Lord. They will be conveyed to The Nature Conservancy. Map 17, Lot 53-<u>3</u> 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 – <u>revised from earlier approval</u> *

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

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*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.

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.

<u>Please note.</u> 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. <u>It is the sole responsibility of the applicant (or his/her agent) to ensure that the conditions precedent are met by this deadline.</u> See RSA 674:39 on vesting.

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

[&]quot;Applicant," herein refers to the applicant and his/her/their/its agents, successors and assigns.

3) <u>Final drawings</u>. Obtain signature from Town Planner on full size paper drawing for recording.

CONDITIONS SUBSEQUENT AND GENERAL TERMS

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

- *Recording. The following documents must all be recorded at the registry together: 1) This notice of decision when signed below by all parties; 2) The plat signed by the Town Planner; 3) A deed conveying lots 53-10 and 53-11 to the Nature Conservancy; 4) a deed conveying parcel A to the owner of lot 53-3; and 5) a landscaping easement across lot 53-10 benefitting lot 3-3 (recommended to be recorded together). The Town Planner can approve a different procedure if all safeguards are met.
- 5) <u>Tax Implications</u>. It is recommended that the applicant contact Jim Rice, Durham Tax Assessor, to learn about any tax implications of this project. You can contact Mr. Rice at (603) 868-8064 or <u>irice@ci.durham.nh.us</u>

Findings of fact. **A)** The applicant submitted an original application, supporting <u>documents</u>, and plans for the project; **B)** The Planning Board held a <u>public hearing</u> on the original application on December 11, 2019; **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 <u>meets all requirements</u>; and **D)** The Planning Board duly <u>approved the original plication</u> as stated herein. **E)** The variance from the frontage requirement was granted subject to conveying lots 53-10 and 53-11 to the Nature Conservancy. **F)** Subsequent to the original approval, the lot configuration was changed due to issues surrounding value of the two lots to be conveyed to The Nature Conservancy since they would no longer have frontage. **G)** A revised configuration was agreed to by the applicant, Sobti who is acquiring parcel B, and The Nature Conservancy. **H)** The revised plan was approved by the Planning Board as a modification on February 26, 2020.

Signature(s). As the applicant(s), I/we accept and acknowledge all of the terms and

Signature of applicant – Lots 53-10 and 53-11	date
Printed name of applicant	
Signature of applicant – Lot 53-3	date

conditions of this approval herein.

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	-