



**TOWN OF DURHAM**  
8 NEWMARKET RD  
DURHAM, NH 03824-2898  
603/868-8064  
[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

***Town Planner's Recommendation***  
**Wednesday, January 13, 2021**

- X. ***Public Hearing - 190 Piscataqua Road Lot Line Adjustment.*** Lot line adjustment between 190 Piscataqua Road, Map 12, Lot 7, owned by Thomas Daly c/o Daly Rev. Trust and 194 Piscataqua Road, Map 12, Lot 6-2, owned by John Leland. Eric Buck, Terrain Planning and Design, agent. The purpose is to provide 190 Piscataqua Road with frontage on Route 4 to allow for direct access in place of an existing easement across other lots. Residence Coastal District.
- I recommend approval as stated below.

The application was accepted as complete on December 16.

**\*Draft\***

**NOTICE OF DECISION**

**Project Name:** 190 Piscataqua Road – Lot Line Adjustment  
**Action Taken:** APPROVAL  
**Project Description:** 190 Piscataqua Road (Lot 7) and 194 Piscataqua Road (Lot 5-2)  
**Property Owners:** Thomas Daly c/o Daly Rev. Trust – Lot 7  
John Leland – Lot 6-2  
**Agent:** Erik Buck, Terrain Planning and Design  
**Map and Lot:** Map 12, Lots 6-2 and 7  
**Zoning:** Residence Coastal  
**Date of approval:** January 13, 2021

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*[Office use only. Date certified: \_\_\_\_\_ ]*

“Applicant,” herein refers to the applicants their 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 one year of the board's approval – by January 13, 2022 (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.

**Plan Modifications**

Make the following modifications to the plan:

- 1) Identify what kind of monument will be installed at each new location.
- 2) Approval block. Add an approval block to read: “Final Approval by Durham Planning Board. Certified by Michael Behrendt, Town Planner \_\_\_\_\_  
Date \_\_\_\_\_”

**Notes on Plans**

Add the following notes on the plan:

- 3) Underground utilities. “If new utilities are installed for Lot 7 they must be installed underground.”
- 4) WCOD and SPOD. “Portions of Lot 7 and Lot 6-2 lie in the Durham Wetland Conservation Overlay District (extending to 100 feet from the wetland edge) and Shoreland Protection Overlay District (extending 250 feet from the high tide line). The property owners should contact the Town of Durham Planning Department if any construction is proposed in proximity to these overlay districts to determine what kind of review, if any, is required.”
- 5) 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.”

**Other Conditions Precedent**

- 6) Signature. Each owner must sign this notice at the bottom.
- 7) Draft deed. The applicant must submit to the Planning Department a copy of draft deed which will complete the conveyance of the affected land (the land within the lot lines being adjusted). (After the plat is certified by the Planning Department the original deed and the plat will then be recorded simultaneously (see below).
- 8) NHDOT Driveway permit. Obtain a driveway permit from the New Hampshire Department of Transportation. The applicant may make any changes to the driveway and Piscataqua Road as may be required by NHDOT.
- 9) Monumentation. The surveyor shall provide a certificate of monumentation to the Planning Department.

- 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 responsible for the plans.

**CONDITIONS SUBSEQUENT AND GENERAL TERMS**

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

- 11) Recording. The plat, this notice of decision (per RSA 676:3 III), and the deed 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) Shared driveway. If a new driveway is installed on Lot 7, then the portion of the shared driveway beyond the individual driveway serving Lot 6-2 will no longer be needed. The applicants may retain that portion of the driveway on their own lots or remove it as they see fit.
- 13) Variance. A variance was granted on November 10, 2020 to allow for reduced frontage for Lot 6-2.
- 14) Tax Implications. 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 [jrice@ci.durham.nh.us](mailto:jrice@ci.durham.nh.us)

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 December 16, 2020 and held a *public hearing* on the application on January 13, 2021; **C)** The Planning Board reviewed the application in accordance with the Durham Zoning Ordinance and the Durham Subdivision Regulations and found that the application *meets all requirements*; and **D)** The Planning Board duly *approved the application* as stated herein.

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

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
date

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Printed name of applicant

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Signature of applicant

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date

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Printed name of applicant

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Signature of applicant

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date

\_\_\_\_\_  
Printed name of applicant

\_\_\_\_\_  
Signature of Planning Board Chair

\_\_\_\_\_  
date

\_\_\_\_\_  
Printed name of Planning Board Chair