



TOWN OF DURHAM
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Town Planner's Review
Wednesday, October 11, 2023

IX. **Piscataqua Bridge Road – Lot Line Adjustment.** Lot line adjustment between two lots located at the Durham – Madbury town line:

- a) 33 Back River Road, Durham/117 Piscataqua Bridge Road, Madbury | Map 207, Lot 5, Durham/Map 11, Lot 9, Madbury – owned by Lisa Beaudoin Trust
- b) 115 Piscataqua Bridge Road, Map 11, Lot 9B, Madbury – owned by Jay and Susan Trahan.

Scott Boudreau, Surveyor. Approval is required from both Durham and Madbury Planning Boards. Residence Coastal zone in Durham.

- I recommend that the board accept the application as complete and schedule a public hearing for October 25.

Please note the following:

- 1) Lot a) above (Call it **Map 11, Lot 9**), straddles the Durham-Madbury lot line. The portion of the lot in Durham has a Durham address and a Durham Map and Lot number. The portion of the lot in Madbury has a Madbury address and a Madbury Map and Lot number. The address for the house is the Madbury address – 117 Piscataqua Bridge Road. The house straddles the town line almost equally, but it probably has a Madbury address because the front of the house is in Madbury and the driveway enters from Madbury. *The Durham Assessor's card shows the lot in Durham being vacant but half the house is located in Durham so the assessment will need to be updated.*
- 2) Lot b) above (Call it **Map 11, Lot 9B**) is located entirely in Madbury, except for a tiny corner located in Durham. (There is no Durham address or lot # for this tiny corner).
- 3) Part of Map 11, Lot 9 is being conveyed so this lot will be reduced in size, including the section located in Durham. The remaining portion of the lot located in Durham will be 169,568 square feet.

- 4) Map 11, Lot 9B is being expanded, including a small triangular portion of land in Durham, so a new Map and Lot number (and address?) will be assigned to this triangle.
- 5) Some changes should be made to the drawing (later, as precedent conditions after approval): move the notation about Tax Map 11, Lot 9 near the town boundary so that the side setback in Durham can be discerned; move the notation about Parcel A near the town boundary so that the side setback in Madbury can be discerned; add the Town's phone number in note 12.
- 6) Approval from both towns is required. Scott Boudreau said that the Madbury Planning Board has already approved the lot line adjustment.
- 7) We may need clarification about NHDES standards regarding relocating the lot line within 40 feet or so of the leach field on Map 11, Lot 9.
- 8) This statute deals with land crossing a town boundary but I don't see any particular application to this situation. Provided just for your interest.

674:53 Land Affected by Municipal Boundaries. –

I. An owner of contiguous land which is located in more than one municipality may treat a municipal boundary line as an existing boundary between lots, tracts, sites or other divisions of land for purposes of this title unless the existing or proposed use of land or arrangement of structures in one of the municipalities requires and is dependent upon land or improvements located in the other municipality or municipalities in order to fulfill the land use ordinances or regulations of the first municipality with respect to such matters as lot size, density, frontage, uses or accessory uses, set-backs or access, or in order to comply with applicable state or federal regulations.

II. Upon receipt of an application for a permit or approval under this title for the subdivision, development, change of use of, or erection or alteration of any structure upon any lot, tract, site or other division of land whose boundary or portion thereof is a municipal boundary line, or whose sole street access or sole maintained street access is via a private road or class IV, V, or VI highway located in an adjoining municipality, the municipality receiving the application shall inquire in writing to the appropriate administrative officials in the adjoining municipality or municipalities as to the existence of facts or regulations which, under paragraphs I, III, or IV of this section or otherwise, would preclude or affect such subdivision, development, construction, or change of use. Response shall be made to such inquiries within the period provided by this title for approval or disapproval of the underlying application. A response which invokes an ordinance or regulation of such adjoining municipality may be appealed in that adjoining municipality in the same manner as any other administrative decision. An adjoining municipality in which is located an existing private road or class VI highway that serves as an applicant's sole means of fulfilling the street access requirements under RSA 674:41 shall have the same regulatory powers under that statute with respect to that road or highway as if the proposed building or development were located within that same municipality.

III. An owner of contiguous land in more than one municipality may treat such contiguous land as a single lot, tract, site, or other division of land for purposes of this title, notwithstanding the

municipal boundary line, provided that:

(a) All uses of land, buildings, or structures shall comply with the regulations or ordinances of the municipality in which they are located.

(b) When an owner has fulfilled or proposes to fulfill the requirements of one municipality, through the inclusion of land or improvements located in an adjoining municipality, such owner or the owner's successors shall not thereafter use that land or those improvements in a manner such that those requirements of the first municipality are no longer fulfilled. This paragraph may be enforced by the municipality whose requirements are to be fulfilled.

IV. No plat or plan showing land or streets in more than one municipality in the state shall be deemed approved for purposes of this title unless it has been approved by the planning boards of all included municipalities in which the planning board has been granted authority over approval of that type of plat or plan. In addition, no plat or plan showing land whose sole street access or sole maintained street access is or is planned to be via a private road or class IV, V, or VI highway located in an adjoining municipality shall be deemed approved for purposes of this title unless it has been approved by the planning board, if any, of that adjoining municipality, provided however that the sole issue which may be addressed or regulated by the adjoining municipality shall be the adequacy of such street access, and the impact of the proposal upon it.

V. With respect to a proposal for the use of contiguous land in more than one municipality:

(a) The fact that a lot, tract, or site straddles a municipal boundary, or that the requirements of one municipality are proposed to be fulfilled by the use of land or improvements in an adjoining municipality, shall not be the sole grounds for disapproval of any application.

(b) A planning board may waive or vary its regulations with respect to access or interior roads in order to provide better harmony with the regulations of an adjoining municipality, whenever strict compliance would be unreasonable in light of the overall design of a proposal.

...VII. Whenever a subdivision plat or site plan submitted to a planning board includes land whose only maintained public highway access to the Class I and II highway system is via a Class IV or V highway maintained by another municipality in the state, the local governing body and planning board, if any, of that other municipality shall be deemed "abutters" for purposes of notice under RSA 676:4. A planning board may, by regulation, set forth additional circumstances in which notice to adjoining municipalities is required. A planning board, in determining whether an application satisfies its regulations, may consider the effect of the proposal on adjoining municipalities.