



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

Town Planner's Review
Wednesday, November 8, 2023

X. **Public Hearing – Proposed amendments for deadlines.** Proposed amendments to the Site Plan and Subdivision Regulations to provide that when a Planning Board approval is appealed to court, the timeframe to meet precedent conditions automatically extends to one year after final court disposition.

➤ I recommend adoption of the two amendments shown below.

The impetus for this amendment was the request for an extension for the Gerrish Drive Subdivision to meet precedent conditions. Additional time was needed because the Planning Board approval was appealed and the time before the court may continue. The applicant naturally did not want to spend significant funds addressing precedent conditions until the final court disposition of the appeals.

The proposed language should be self-explanatory. All that is needed to adopt an amendment to the Site Plan Regulations and Subdivision Regulations is notice for a public hearing and then a simple majority vote at one meeting.

❖ Following the public hearing an affirmative vote of the Planning Board will incorporate these two amendments.

- 1) **Site Plan Regulations** – Part II. Section 1.5 Conditional Approval. Change existing paragraph to Subsection 1.5.1. Add new paragraph 1.5.2. stating: “In the event that an approved site plan is appealed to court the deadline to meet precedent conditions is automatically extended to one year after final disposition by the court(s).”
- 2) **Subdivision Regulations** – **Section 12: Administration and Enforcement.** Add new subsection as follows: “**12.04 Precedent Conditions.** As part of any approved subdivision the Planning Board may set a deadline by which precedent conditions must be met. The deadline may be extended by the board for good cause. In the event that an approved subdivision is appealed to court the deadline to meet precedent conditions is automatically extended to one year after final disposition by the court(s).”