



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

### **NOTICE OF DECISION**

**Address:** 25 Emerson Road  
**Project Name:** Lot line adjustment and conditional use for locating the driveway and utilities in the wetland buffer  
**Action Taken:** **APPROVAL**  
**Property Owner:** Christensen Rev. Trust c/o Ann Christensen, trustee  
**Surveyor:** Patrick Sharkey, Doucet Survey  
**Wetland Scientist:** Brendan Walden, Gove Environmental  
**Map and Lot:** Map 103, Lots 10 and 11  
**Zoning:** Residence A  
**Date of approval:** **October 8, 2025**

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

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

### **PRECEDENT CONDITIONS**

All of the precedent conditions 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 precedent conditions are met and the plans are certified the approval is considered final.

Please note. If all of the precedent conditions are not met within one year of the board’s approval - by October 8, 2026 (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 precedent conditions are met by this deadline. See RSA 674:39 on vesting. No changes to the plans that were reviewed and approved by the Planning Board on October 8, 2025 may be made except for the specific required modifications that follow.

### **Plan Modifications**

Add the following notes/clarifications on the plans/plan set that were reviewed and approved by the Planning Board:

- 1) Underground utilities. All utility piping and wiring to be installed to serve the rear lot shall be located underground except for any provisions required by Eversource.

- 2) 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.
- 3) Impact fee. The rear vacant lot will be subject to the School Impact Fee. It will be levied at the time that the owner applies for a building permit and payable prior to the certificate of occupancy.
- 4) Regarding Note 15 and 15.1 on the plat, please have the surveyor speak with the Town Planner to clarify the note about the temporary easement regarding the term and purpose. [Note: the easement no longer applies and has been removed.]
- 5) Driveway and Utilities. The Planning Board approved a conditional use for placement of the driveway and utilities within the strip of land fronting on Emerson Road that serves the rear lot, Map 103, Lot 10. The applicant has met with the Town Engineer and the Fire Marshal who have reviewed the proposal and okayed the general approach. Public Works approval will be needed at such time that the driveway is to be installed. The driveway and utilities may be placed anywhere within the strip of land (subject to DPW approval), including within the 75-foot wetland buffer and within the wetland buffer in the rear portion of the lot provided:
  - a) The driveway must be situated in the middle of the 30-foot wide strip of land, situated on the westerly side of Lot 11, leading to the rear lot;
  - b) Just beyond/north of the 30-foot wide strip of land, where the driveway and utilities enter the temporary easement, the driveway and utilities must veer toward the right within the temporary easement in order to avoid the wetland buffer; and
  - c) any work done for the installation of the driveway and utilities must follow best management practices regarding erosion and sedimentation control and control of runoff. The applicant for a new house shall submit a plan to be approved by Town staff.

**Other Precedent conditions**

- 6) Signature. Sign this notice at the bottom.
- 7) Public Works Driveway permit. Public Works must confirm that it will be acceptable to place a driveway within the new strip of land connecting with Emerson Road to serve the rear lot. The exact location and design need not be approved at this time. [Note: April Talon, Durham Town Engineer has approved placement of a driveway in the flagpole connecting the rear lot to Emerson Road. She also stated that the Town of Durham will waive the road moratorium excavation fee for the water and sewer tie ins on Emerson Road. The standard procedure for making the driveway and utility

connections will still be followed when the property owner is ready to install these items. A copy of the comments by the Town Engineer is included in the Planning folder.]

- 8) Monumentation. The surveyor shall provide a certificate of monumentation to the Planning Department.
- 9) 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, engineer, or architect responsible for the plans. *Please note*. If there are significant changes to be made to the plans, as specified above, one full size paper check print must be sent to the Planning Department for review prior to producing these final drawings.

### **CONDITIONS SUBSEQUENT AND GENERAL TERMS**

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

- 10) Recording. The plat and this notice of decision (per RSA 676:3 III 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.
- 11) Approval. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
- 12) Conditional use. The conditional use is active for five years to October 8, 2030. Construction of the driveway and utilities within the wetland buffer must substantially commence by that date or the conditional use approval becomes null and void.
- 13) Tax Implications. There will likely be tax implications of this lot line adjustment. The applicant may contact Darcy Freer, Durham Tax Assessor at (603) 868-8064 for more information.

Findings of fact. **A)** The applicant submitted a lot line adjust and a conditional use application, supporting *documents*, and plans for the project; **B)** The applicant presented the application to the Conservation Commission on September 29, 2025 and the commission voted 5-2 to recommend approval of the 4 WCOD criteria; **C)** The Planning Board held a *public hearing* on the application on October 8, 2025; **D)** 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 E) 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.

Ann N. Christensen  
Trustee for Margaret S. Christensen Rev. Trust

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

Ann N. Christensen  
Signature of applicant

March 18, 2026

\_\_\_\_\_  
date

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

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

\_\_\_\_\_  
date

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

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

\_\_\_\_\_  
date

*Paul N Rasmusen*  
\_\_\_\_\_  
Signature of Planning Board Chair

*10/22/25*  
\_\_\_\_\_  
date

*PAUL N RASMUSSEN*  
\_\_\_\_\_  
Printed name of Planning Board Chair