



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: February 10, 2016

To: Robert Best, Chairman, & Members, Planning Board

From: Robert Price, Assistant Planner

Subject: **Northview Homes, LLC. (applicant/owner)** – Pre-submission hearing for a conceptual 4-lot minor subdivision. The parcel is located at 190 Baboosic Lake Road in the R (Residential) District. Tax Map 5B, Lot 045.

Background

Map 5B / Lot 45 is located at 190 Baboosic Lake Road, across from Mitchell Street. The property is located in the R (Residential) District (R-3 by soils), is approximately 9 acres in size and contains an existing residence. It is abutted entirely by residential uses. It has frontage on Baboosic Lake Road to the east and Old Blood Road (Class VI) to the west. The applicant intends to subdivide the property into four lots, each to be serviced by municipal water and private septic.

The property does have some historic relevance, although it is important to note that it is not currently listed on either the National or State Register of Historic Places. The existing home, referred to as the Samuel Barron House, was originally constructed in 1771.

- Moses Eaton, one of New England's premier stencil artists, spent a winter in the house sometime between 1800 and 1825. He did stencil work in the home in exchange for room & board.
- Grace Goodhue Coolidge's parents were married in the home. Grace is the wife of President Calvin Coolidge.
- This home served as part of the Underground Railroad during the Civil War. There was evidence of two removable floorboards to the right of the center chimney in the cellar, which offered a place for two people to stand and hide next to the warm chimney.

The applicant has requested a pre-submission hearing with the Planning Board under Section 3.01 of the Subdivision Regulations. Such a hearing serves two main purposes. One is for the applicant to ensure they have a complete understanding of applicable rules and regulations and acquaint the Board with the applicant's intention. The second affords the Board an opportunity to advise the applicant about the concept presented, allowing the applicant the chance to consider additions or alterations to the design before formally submitting for approval.

Although the plan is somewhat limited in its current form, there is enough information present to spark a general discussion about the proposal between the Board and the applicant.

Staff offers the following comments to facilitate the conceptual discussion with the applicant:

1. Lots 45 & 45-1 are proposed to have frontage on Baboosic Lake Road while lots 45-2 & 45-3 will front Old Blood Road. As designed, the proposal requires two variances for the two lots with frontage on Old Blood Road. The Zoning Ordinance defines "Frontage" as:

25. Frontage: *The length of the lot line connecting the side lot lines which borders on a Class V or better highway (excepting the F.E. Everett Turnpike and other Limited Access Highways as defined in RSA 230:44 (as may be amended from time to time)), or a street on a subdivision plat approved by the Planning Board, or land designed to become a Class V or better highway. (Section 1.03 (25))*

2. The Zoning Board of Adjustment would also have to authorize the issuance of building permits on proposed lots 45-2 and 45-3, in accordance with RSA 674:41 (II), which states that the Zoning Board of Adjustment "may make any reasonable exception and shall have the power to authorize or issue a permit, subject to such conditions as it may impose, if:
 - a. The issuance of the permit or erection of the building would not tend to distort the official map or increase the difficulty of carrying out the master plan upon which it is based; and
 - b. Erection of the building or issuance of the permit will not cause hardship to future purchasers or undue financial impact on the municipality."

This would be done before the ZBA as an Appeal of Administrative Decision. In cases such as this (where an applicant will be seeking building permits on lots with frontage on a Class VI road), the appeal process is controlled by Statute. When the appeal process is not controlled by Statute, the granting of an Appeal of Administrative Decision changes how the Zoning Ordinance language is enforced. In situations like this, future requests for building permits on lots with frontage on a Class VI road would still require ZBA authorization first, regardless of how they act in this case.

3. The applicant should be asked to discuss any potential waiver requests or other zoning relief they may be considering.
4. There are two existing wells on the property (one on proposed lot 45, the other on proposed lot 45-1). The applicant should be asked if they will be retained as irrigation wells or properly decommissioned.
5. The formal submission should include contiguous upland area calculations for each lot.
6. The applicant should begin discussions with the Merrimack Heritage Commission to determine if they would like the opportunity to document existing conditions, depending on the applicant's intentions for the existing home.

Cc: Planning Board File
Correspondence

Ec: John Tenhave, North View Homes & Development
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Carol Miner, Building Department Secretary
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