



Town of Merrimack, New Hampshire

Community Development Department

603 424-3531

6 Baboosic Lake Road

Fax 603 424-1408

Town Hall - Lower level - East Wing

www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: April 13, 2016

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

From: Robert Price, Assistant Planner

Subject: **Meridian Land Services, Inc. & North View Homes & Development, Inc. (applicants) and Lena Parker, Parker Family Revocable Trust & Lena Parker Revocable Trust (owners)** – Review for acceptance and consideration of Final Approval for a Lot Line Adjustment and minor subdivision of three lots into four lots. The properties are located at 258, 264 & 270 Baboosic Lake Road in the R-3 (Residential) District. Tax Map 6A, Lots 29, 29-2 & 30.

Background

Map 6A, Lots 29, 29-2 & 30 are located at 258, 264 & 270 Baboosic Lake Road, across from the westernmost end of Windsor Drive. The properties are located in the R (Residential) District (R-3 by soils) and are approximately 16.79 acres in size altogether. Lots 29-2 and 30 contain existing homes. The site is abutted entirely by residential uses. The applicant intends to adjust the lot lines of the existing lots and then subdivide off one additional lot resulting in a total of four separate lots, each to be serviced by municipal water (MVD) and private septic.

Completeness

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

Waivers

Although none have been requested, staff recommends a sidewalk waiver be submitted **in writing** per Section 4.06.1(r) of the Subdivision and Site Plan Regulations, or a determination under Section 4.07 that it is not necessary.

Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:36:

- Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; **or**
- Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Recommendation

Based on the information available to date, **staff recommends that the Board grant conditional final approval to the application with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:**

1. Final plans and mylars to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans and mylars;
2. The applicant shall obtain all required State approvals/permits (NHDES Subdivision, NHDES Wetlands, and any others as may be applicable), note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department;
3. The applicant shall note all waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable;
4. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
5. The applicant shall address any forthcoming comments from the Assessing Department, as applicable;
6. The applicant shall address any forthcoming comments from the Building Department, as applicable;
7. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;
8. The applicant shall address the following Planning Staff Technical Comments:
 - a. The address listed under Map 6A, Lot 29-3 should be "256 Baboosic Lake Road" instead of "259 Baboosic Lake Road" on all sheets;
 - b. The address listed under Map 6A, Lot 34-28 should be "29 Parker Drive" instead of "27 Parker Drive" on all sheets;
 - c. Note 11 regarding the filing of a Stormwater Management Plan mentions Map 4B, Lots 153 and 153-2. Please replace these with the appropriate Map & Lot numbers.

Staff also recommends that the following general and subsequent conditions be placed on the approval:

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
2. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
3. The applicant shall obtain right-of-way permits from the Public Works Department for all new driveways.
4. The Fire Department assigns addresses as follows:

- a. Tax Map 6A, Lot 29-1 shall be 258 Baboosic Lake Road;
- b. Tax Map 6A, Lot 29 shall be 260 Baboosic Lake Road.

Cc: Planning Board File
Correspondence

Ec: John Tenhave, North View Homes & Development, Inc. (owner)
Ken Clinton, Meridian Land Services, Inc.
Greg Michael, Esq., Bernstein, Shur, Sawyer & Nelson, P.A.
Assessing Department Staff
Building Department Staff
John Manuele, Merrimack Fire Department
Lori Barrett, Highway Division
Dave Fredrickson, Merrimack Village District
Mark Doyle, Police Department
Kyle Fox, Public Works Department

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