
NARRATIVE

Adjust lot line between 12 Tahanto and 11 Summit, moving line from approximately 6 feet away from rear of 12 Tahanto house to 6 feet away from rear of 11 Summit house, pursuant to variances granted by ZBA on July 10,2024.

Bass, Alec

From: Michael Gfroerer [REDACTED]
Sent: Friday, January 3, 2025 11:39 AM
To: Bass, Alec
Cc: Henry Amsden
Subject: Re: RE: 12 Tahanto/11 Summit lot line adjustment (2024-085)

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This email supplements my 12/31/2024 email to you and responds to your 1/2/2025 email concerning this matter.

2.9 Temporarily waiving the requirement of a deed to memorialize the previously approved subdivision of the subject premises until the anticipated conveyance of the 11 Summit parcel serves the purposes of the Subdivision Regulations; is not detrimental to public safety, health or welfare or injurious to other property; is unique to the situation of the subject property in that this is a further adjustment to a previously granted lot line adjustment; is not relevant to physical surroundings, shape or topographical conditions of the property; and is not contrary to the spirit or intent of the

Regulations.

2.16. Granting the same four waivers previously granted by the Planning Board on 10/28/23 in Case 2023-136 serves the purposes of the Subdivision Regulations in that the present application is identical in all respects to Case 2023-136 except that the location of the lot line adjustment is modified, affecting only the two subject parcels and having no effect whatsoever on any abutting or adjacent parcels; and for all of the reasons stated in 2.9 above.

2.28, 2.30, 2.36, 2.38, 2.47, 2.52-2.54. Waiving these requirements serves the purposes of the Subdivision Regulations in that they were not required on the plan approved in Case 2023-136, which proceeding was identical in every respect to the present application except for a modification of the proposed lot line itself, said requirements having no bearing whatsoever on the present application which does not change any use of the property or affect any abutting or adjacent parcels; and for all of the reasons stated in 2.9 above.

Michael Gfroerer

----- Original Message -----

Received: 11:13 AM EST, 01/02/2025
From: "Bass, Alec" <ABass@ConcordNH.gov>
To: Michael Gfroerer [REDACTED] Cc:
"Henry Amsden" [REDACTED]
Subject: RE: 12 Tahanto/11 Summit lot line adjustment (2024-085)

Michael,

I will take the this email into consideration once we receive the corresponding plan revision as well. Requests for waivers are required to meet a certain criteria per Section 35.08 Waivers of the Subdivision Regulations.

Could you please provide an itemized response stating how your waiver requests comply with 35.08(1) through 35.08(5)? Each waiver may require a unique response, or if the reasoning is the same for all, you can answer the criteria once for all waivers applicable and state as much.

You can follow this link to view our Subdivision Regulations, or I have also copied it into the text below.

35.08 Waivers: Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such waiver shall not have the effect of nullifying the intent and purpose of these regulations and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
- (2) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;
- (3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
- (4) Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will properly carry out, or not be contrary to, the spirit and intent of the regulations; and
- (5) The waivers will not in any manner vary the provisions of the Zoning Ordinance, Master Plan, or Official Map.

Lastly, we have yet to receive the revised plan to accompany your response below. We typically require revisions to be submitted the month before they go to the Planning Board to allow staff the ability to review and revise reports. I am concerned that this may not be achievable due to how close we are to the upcoming Planning Board meeting.

Thanks and I'll look forward to receiving the waiver criteria response,

Alec Bass

-----Original Message-----

From: Michael Gfroerer

Sent: Tuesday, December 31, 2024 12:55 PM

To: Bass, Alec
Cc: Henry Amsden
Subject: 12 Tahanto/11 Summit lot line adjustment (2024-085)

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]

I am responding to some of the points raised in Staff Report for Planning Board Meeting on December 18, 2024. References in this email are to paragraph numbers in the Report.

1.2. Conformity to Zoning Ordinance is being addressed in a new variance request being considered by ZBA on January 8, 2025.

2.4. Same as 1.2 response.

2.9. Temporary waiver or extension is requested concerning recording of deed to memorialize prior approved subdivision of subject premises. Upon approval of current subdivision request, Owners expect to sell and convey out the Summit parcel in its entirety, as subdivided in the two proceedings.

Requiring a deed now only to conform to the prior approved subdivision creates an unnecessary burden on Owners, who would be both buyer and seller and incur costs of deed prep, recording fee and both transfer tax obligations. There is no harm in waiting for sale and conveyance of Summit parcel, which is expected to occur in the next six months.

2.16. Waivers are requested consistent with the four waivers granted by the Planning Board on October 18, 2023, in Case 2023-136.

2.19. Same as 2.9 response.

2.28. Waiver requested - not required on plan approved in Case 2023-136.

Information has no bearing whatsoever on current submission.

2.30. Waiver requested. Same as 2.28 response.

2.36. Waiver requested. Same as 2.28 response.

2.38. Waiver requested. Same as 2.28 response.

2.47. Waiver requested. Same as 2.28 response.

2.52. Waiver requested. Same as 2.28 response.

2.53. Waiver requested. Same as 2.28 response.

2.54. Waiver requested. Same as 2.28 response.

My surveyor, Henry Amsden, will be contacting your office to address the other issues raised in the subject Staff Report. A copy of this email has been sent to Mr Amsden.

Michael Gfroerer