

**RICHARD D. BARTLETT & ASSOCIATES, LLC**

**LICENSED LAND SURVEYORS**

EST. 1973

Tel: (603)225-6770

**214 NORTH STATE STREET**  
CONCORD, NH 03301

[info@richarddbartlett.com](mailto:info@richarddbartlett.com)  
[www.richarddbartlett.com](http://www.richarddbartlett.com)

**Mark C. Sargent, LLS - Manager**  
**Daniel J. Mullen, LLS**

November 15, 2024  
City of Concord  
41 Green Street  
Concord, NH 03301  
Attn: AnneMarie Skinner, Planner

Project: Lot line adjustment 115 & 119 River Road, Map 32Z, Lots 56 & 58- Estates of Helen & Jesse Murray

Dear Ms. Skinner and members of the Planning Board,

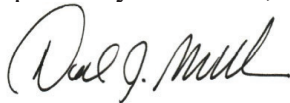
The application being presented to the board is for a Lot Line Adjustment between 115 & 119 River Road, Lot 56 and Lot 58, respectively. Both lots are owned by the Murray family by separate trusts in the name of each Estate listed above. Lot 56 is a 76+ acre parcel that is the location of Murray Farms Greenhouses. Lot 58 is an existing non-conforming lot of just over 1 acre and contains a single-family dwelling and small sliver of land between River Road and the Contoocook River.

The current lot configuration poses a hardship whereas the property line surrounding the dwelling runs directly through portions of the greenhouse used by the family business and the main access to the farm operation runs directly across the south side of the residential lot. The applicant wishes to separate the business and the residence by adjusting the lot lines between the existing residential dwelling (Lot 58) and the commercial greenhouses (Lot 56) associated with Murray Farms.

The proposed configuration revises the lot lines to run between the greenhouse and the dwelling and moves the current southerly line of Lot 58 to a point northerly of the farm access drive so it be included as a part of Lot 56, and not require an access easement.

To achieve this configuration, the applicant applied for, and received several variances on June 5, 2024 to allow for reduced setbacks between the buildings and to allow for a smaller lot size than required by the zoning ordinance, which are noted on the included plan. The land abutting the Contoocook River on the west side of River Road will remain a part of Lot 58. The plan, as submitted, is based upon those variances and allows the entities to be separated for insurance and estate planning purposes. (ZBA cases 0173-2024 & 0188-2024)

Respectively submitted,



Daniel J. Mullen, LLS

Site Pictures



119 River Road West Face (Lot 58)



119 River Road East Face (Lot 58)



115 River Road South Face (Lot 56)



View west to Contoocok River (Lot 58)





115 River Road West face of Greenhouses



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**Mark C. Sargent, LLS - Manager**  
**Daniel J. Mullen, LLS**

February 19, 2025  
City of Concord  
41 Green Street  
Concord, NH 03301  
Attn: AnneMarie Skinner, Planner

Re: Waiver requests

Project: Lot line adjustment 115 & 119 River Road, Map 32Z, Lots 56 & 58- Estates of Helen & Jesse Murray

Dear Ms. Skinner and members of the Planning Board,

Our firm prepared the Lot Line Adjustment plan for the above noted project.

Whereas, given the nature of the circumstances which prompted the reasons for said plan, and since no improvements are anticipated, we are hereby requesting waivers to several Subdivision Regulations which we believe would be irrelevant, and/or provide little or no informational benefit to the Planning Board and the general public. Granting the waivers would not change the character of the neighborhood, nor diminish surrounding property values and would not be contrary to the spirit of the ordinances.

Specifically, we hereby request waivers of the following Subdivision requirements:

- Section 12.07 Wetland Delineations
- Section 12.08(3) & Section 15.03 (4) Topography
- Section 12.08(8) Parking, Loading and Access
- Section 12.08(10) Municipal Utilities
- 12.08(18) Lighting
- 12.08(23)(c)(d) & portion of Appendix B-Partial request, for coverage calculations on Lot 56-not surveyed, Lot 58-Useable land cannot be shown due to smaller lot size allowed by variance
- 15.01(3) Wetlands
- 15.03(11) Municipal Sewer (Not available at site)
- 15.03(13) Municipal Water Supply (Not Available at site)
- 15.03(15) Other utilities

## Justifications

*1. The granting of the waivers will not be detrimental to the public safety, health, welfare or injurious to other property.*

Omitting the above listed items will have no impact to surrounding properties, whereas, there will be no material site changes.

*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.*

The current lot configuration is such that the property line for the residential lot runs through a commercial greenhouse. This condition does not appear on surrounding properties and the intent of the application is to remedy the situation without causing undue burden on the applicants.

*3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, an unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.*

Due to the current residential lot line bisecting a commercial building it presents a hardship to both properties for marketability, estate planning, and insurance purposes. To include all items being requested would not provide any relevant information to achieve the end result and would be an unnecessary burden to the applicants.

*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 these regulations.*


For the waivers being requested, the information required would not provide any relevant or useful information in order to allow the applicants to enjoy reasonable use of the properties and would not be contrary to the intent and spirit of the ordinance.

*5. The waivers will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports or Official Map.*

The proposed waivers will not in any manner vary the provisions of the Zoning Ordinance, Master Plan or Official Map.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel J. Mullen".

Daniel J. Mullen, LLS



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**Mark C. Sargent, LLS - Manager**  
**Daniel J. Mullen, LLS**

February 19, 2025  
City of Concord  
41 Green Street  
Concord, NH 03301  
Attn: Planning Board

Project: Conditional Use Permit- 115 & 119 River Road, Map 32Z, Lots 56 & 58- Estates of Helen & Jesse Murray

Dear Chairman Woodfin and members of the Planning Board,

This narrative is in support of request for a Conditional Use Permit at the above referenced sites and is intended to be included as a part of an existing Lot Line Adjustment application currently pending. (2024-084).

The intent of the request is to allow the pre-existing paved aprons to remain in place after a proposed lot line adjustment under the provisions of Section 28-7-11 *Alternative Parking Arrangements*.

The sites noted above are at the location of Murray Farms Greenhouse on River Road in Penacook. Both lots are owned in separate Trusts by the same family and have been for many years. Site conditions have also been in place "as-is" for many years and the lot configuration of the residential dwelling (119 River Rd.) runs directly through the commercial greenhouses (115 River Rd.). To rectify the situation a lot line adjustment is being requested and is currently pending. The issue being addressed by this request pertains to the driveways, and in particular, a paved sections which will now be bisected by the adjusted lot line which is currently wholly on the residential lot.

Prior to the request for the lot line adjustment the residential lot utilized a portion of the paved area as a semicircular driveway for the residence and the commercial lot utilized a portion in conjunction with the greenhouse business. The commercial building that it once served is no longer in existence due to a fire several years ago and the area now provides a safe spot for occasional supply trucks/vehicles to pull off of River Road since it is very narrow and still serves as a safe access to the residential lot. This section of pavement has been in place since at least 1955 and it is the desire of the applicant for it to remain for the same purposes as it is currently used. The commercial property has two driveways. The northerly driveway is solely on 115 River Road and is a short driveway that once serviced the now destroyed building and is not used for primary access. The second primary driveway crosses the southerly end of the residential premises at 119 River Road. The proposed lot line adjustment will allow the second primary driveway to be on the revised lot for #115 and no longer be part of the residential lot.

Due to the proposed lot line bisecting the paved apron a portion of it will now be included on the commercial lot which would not normally be allowed based on the number of permitted driveways, however the pavement that exists is not for an intended driveway to the commercial

business as stated above. The applicant is proposing to leave the existing pavement intact and has applied for pavement setback variances to allow that to occur.

Justifications

Per Section 28-9-4(b)(4):

- a. *The use is specifically authorized in this ordinance as a conditional use*

Per Section 28-7-11-(f) Alternative Parking Arrangements, will provide an option for adjoining property under separate ownership to share the use of a driveway and relative to the width of driveways and other such conditions that will promote the safe and efficient movement of traffic.

- b. *If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this Article, and with the specific conditions or standards established in this ordinance for the particular use;*

The applicant is not proposing to make any changes and the use will capture the intent for both properties to continue to enjoy a safe means of access and pull off space along River Road as they have been accustomed to.

- c. *The use will not materially endanger the public health or safety;*

The use will not affect the public health and will actually enhance public safety. The primary driveway to the garage on the residential property is partially obscured by the grade in the front yard making it difficult for oncoming traffic to see a vehicle exiting the property. If the pavement is eliminated the occupant will be forced to back into River Road from a partially blind driveway creating a potential hazard. If the pavement remains as-is the occupant has the ability to exit the property without backing out at a point which is more visible to oncoming traffic. Any vehicles servicing the commercial property will also have a safe means to pull off the narrow traveled way of River Road

- d. *The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;*

The use has been existing since at least the mid 1950's and it will not affect compatibility with the neighborhood or adjoining uses in any way if allowed to remain.

- e. *The use will not have an adverse effect on highway or pedestrian safety;*

The use currently does not adversely affect highway or pedestrian safety, thus will not contribute to any negative impact, rather it will continue to enhance the safety.

- f. *The use will not have an adverse effect on the natural, environmental, and historic resources of the City;*

There are no proposed changes to the site, thus there will be no adverse affects to natural, environmental or historic resources of the Cit

- g. *The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the*

*proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.*

The use will not require any public expenditure, nor will it have any impact on public utilities, community facilities and services.

OVERHEAD VIEW



PHOTO 1 VIEWING SOUTH





PHOTO 2 VIEWING NORTH

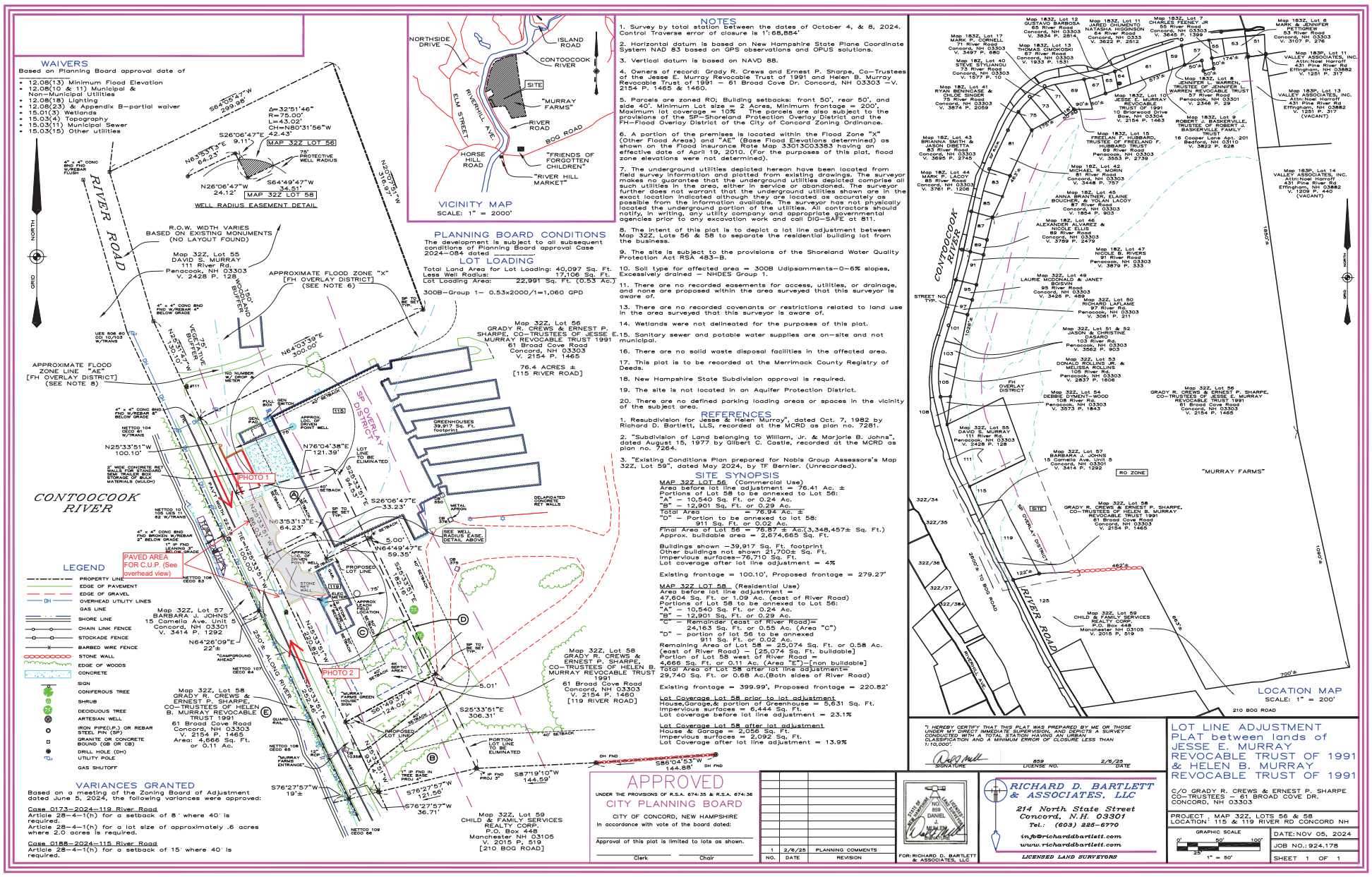


PHOTO 2 VIEWING NORTH

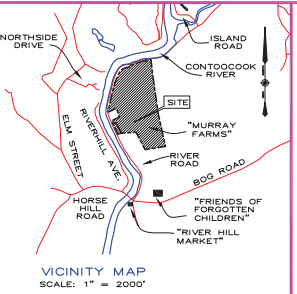
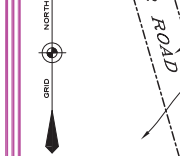
Respectfully submitted,

*Daniel J. Mullen*

Daniel J. Mullen, LLS



- WAIVERS**  
Based on Planning Board approval date of
- 12.08(13) Minimum Flood Elevation
  - 12.08(10) & (11) Municipal & Non-Municipal Utilities
  - 12.08(18) Lighting
  - 12.08(23) & Appendix B—partial waiver
  - 15.01(3) Wetlands
  - 15.03(4) Topography
  - 15.03(11) Municipal Sewer
  - 15.03(15) Other utilities



**PLANNING BOARD CONDITIONS**  
The development is subject to all subsequent conditions of Planning Board approval Case 2024-084 dated

**LOT LOADING**  
Total Land Area for Lot Loading: 40,097 Sq. Ft. Less Well Radius: 17,106 Sq. Ft. Lot Loading Area: 22,991 Sq. Ft. (0.53 AC.)

300B-Group 1 = 0.53x2000/1=1,060 GPD

- NOTES**
- Survey by total station between the dates of October 4, & 8, 2024. Control Traverse error of closure is 1/10,584.
  - Horizontal datum based on new Hampshire State Plane Coordinate System NAD 83 based on GPS observations and OPUS solutions.
  - Vertical datum is based on NAVD 88.
  - Owners of record: Grady R. Crews and Ernest P. Sharpe, Co-Trustees of the Murrey Revocable Trust of 1991 and Helen B. Murray Revocable Trust of 1991 — 61 Broad Cove Rd. Concord, NH 03303 -V. 2154 P. 1465 & 1460.
  - Parcels are zoned R01. Building setbacks: front 50', rear 50', and side 40'. Minimum lot size = 2 Acres, Minimum frontage = 200'. Maximum lot coverage = 10%. The parcels are also subject to the provisions of the SP-Shoreland Protection Overlay District and the FH-Flood Overlay District of the City of Concord Zoning Ordinance.
  - A portion of the premises is located within the Flood Zone "X" (Other Flood Areas) and "AE" (Base Flood Elevations determined as shown on the Flood Insurance Rate Map 33013C03353 having an effective date of April 19, 2010. (For the purposes of this plat, flood zone elevations were not determined).
  - The underground utilities depicted herein have been located from field survey information and plotted from existing drawings. The surveyor makes no guarantee that the underground utilities depicted comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although they are located as accurately as possible from the information available. The surveyor has not previously located the underground portion of the utilities. All contractors should notify, in writing, any utility company and/or appropriate governmental agencies prior to any excavation work and call 811.
  - The intent of this plat is to depict a lot line adjustment between Map 322, Lot 56 & 58 to separate the residential building lot from the business.
  - The site is subject to the provisions of the Shoreland Water Quality Protection Act RSA 483-B.
  - Soil type for affected area = 300B Uplandsoils—0-6% slopes. Excessively drained — NHDES Group 1.
  - There are no recorded easements for access, utilities, or drainage, and none are proposed within the area surveyed that this surveyor is aware of.
  - There are no recorded covenants or restrictions related to land use in the area surveyed that this surveyor is aware of.
  - Wetlands were not delineated for the purposes of this plat.
  - Sanitary sewer and potable water supplies are on-site and not municipal.
  - There are no solid waste disposal facilities in the affected area.
  - This plat is to be recorded at the Merrimack County Registry of Deeds.
  - New Hampshire State Subdivision approval is required.
  - The site is not located in an Aquifer Protection District.
  - There are no defined parking loading areas or spaces in the vicinity of the subject area.

- REFERENCES**
- Resubdivision for Jesse & Helen Murray, dated Oct. 7, 1982 by Richard D. Bartlett, L.L.S., recorded at the MCRD as plan no. 7281.
  - "Subdivision of Land belonging to William, Jr. & Marjorie B. Johns", dated August 15, 1977 by Gilbert C. Castle, recorded at the MCRD as plan no. 7264.
  - "Existing Conditions Plan prepared for Noble Group Assessors's Map 322, Lot 59", dated May 2024, by TF Bernier. (Unrecorded).

**SITE SYNOPSIS**

MAP 322, LOT 56 (Commercial Use)  
Area before lot line adjustment = 76.41 Ac. ±  
Portions of Lot 56 to be annexed to Lot 58:  
"A" = 10,540 Sq. Ft. or 0.24 Ac.  
"B" = 12,901 Sq. Ft. or 0.29 Ac.  
"C" = 24,163 Sq. Ft. or 0.55 Ac. (Area "C")  
"D" = portion of Lot 56 to be annexed to Lot 58:  
911 Sq. Ft. or 0.02 Ac.  
First Adj. Area = 76.97 Ac. ± (3,348,457 Sq. Ft.)  
Approx. buildable area = 2,674,665 Sq. Ft.

Buildings shown — 39,917 Sq. Ft. footprint  
Other buildings not shown 21,700 Sq. Ft.  
Impervious surfaces—76,710 Sq. Ft.  
Lot coverage after lot line adjustment = 4%  
Existing frontage = 100.10'. Proposed frontage = 279.27'

MAP 322, LOT 58 (Residential Use)  
Area before lot line adjustment = 47,604 Sq. Ft. or 1.09 Ac. (east of River Road)  
Portions of Lot 58 to be annexed to Lot 56:  
"A" = 10,540 Sq. Ft. or 0.24 Ac.  
"B" = 12,901 Sq. Ft. or 0.29 Ac.  
"C" = Remainder (east of River Road) = 24,163 Sq. Ft. or 0.55 Ac. (Area "C")  
"D" = portion of Lot 56 to be annexed to Lot 58:  
911 Sq. Ft. or 0.02 Ac.  
Remaining Area of Lot 58 = 25,074 Sq. Ft. or 0.58 Ac. (east of River Road) — [25,074 Sq. Ft. buildable]  
Portion of Lot 58 west of River Road = 6,666 Sq. Ft. or 0.11 Ac. (Area "D")—[non buildable]  
Total Area of Lot 58 after lot line adjustment = 29,740 Sq. Ft. or 0.68 Ac. (Both sides of River Road)  
Existing frontage = 399.99'. Proposed frontage = 220.82'

Lot Coverage Lot 58 prior to lot adjustment  
House, garage, & portion of greenhouse = 5,631 Sq. Ft.  
Impervious surfaces = 2,092 Sq. Ft.  
Lot Coverage after lot line adjustment = 13.9%

**VARIANCES GRANTED**  
Based on a meeting of the Zoning Board of Adjustment dated June 5, 2024, the following variances were approved:

Case 0173-2024-119 River Road  
Article 28-4-1(h) for a setback of 8' where 40' is required.  
Article 28-4-1(h) for a lot size of approximately .6 acres where 2.0 acres is required.

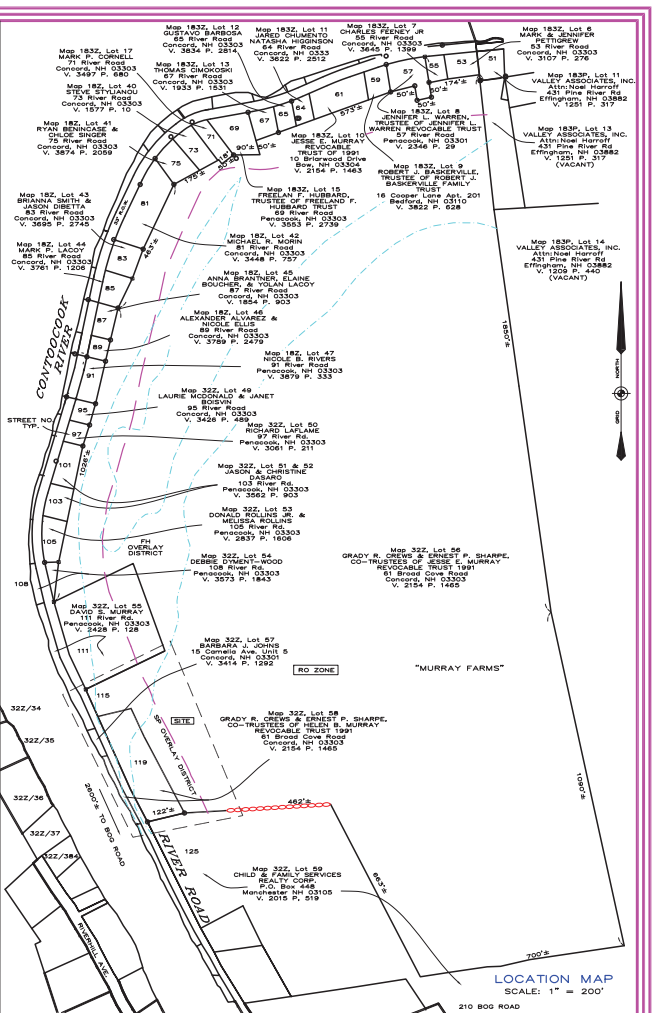
Case 0188-2024-115 River Road  
Article 28-4-1(h) for a setback of 15' where 40' is required.

**APPROVED**  
UNDER THE PROVISIONS OF R.S.A. 674:35 & R.S.A. 674:36  
**CITY PLANNING BOARD**  
CITY OF CONCORD, NEW HAMPSHIRE  
In accordance with vote of the board dated:

Approve of this plat is limited to lots as shown.

NO.	DATE	PLANNING COMMENTS	REVISION
1	2/6/25	PLANNING COMMENTS	

Clerk: Chair



**RICHARD D. BARTLETT & ASSOCIATES, LLC**  
214 North State Street  
Concord, N.H. 03301  
Tel.: (603) 888-0770  
rdb@richardbartlett.com  
www.richardbartlett.com

**LICENSED LAND SURVEYORS**

**LOT LINE ADJUSTMENT**  
PLAT between lands of  
**JESSE E. MURRAY**  
**REVOCABLE TRUST OF 1991**  
**& HELEN B. MURRAY**  
**REVOCABLE TRUST OF 1991**

C/O GRADY R. CREWS & ERNEST P. SHARPE  
CO-TRUSTEES — 61 BROAD COVE RD.  
CONCORD, NH 03303

PROJECT: MAP 322, LOTS 56 & 58  
LOCATION: 115 & 119 RIVER RD CONCORD NH

GRAPHIC SCALE: DATE: NOV 05, 2024  
JOB NO.: 924.178  
SHEET 1 OF 1

Subsurface Systems Bureau ePermit: Subdivision Application - General Information

**Project Identifier and Status (read-only)**

Application Date:  
2/20/2025

Work Number:  
202500687

Project Status:  
UNSUBMITTED

General Info

Technical Info

Documents

Submittal

**Project Location**

Street Address:  
119 RIVER ROAD

Street Address (2):

City/Town:  
CONCORD

Zip Code:  
03303

Parent Tax Map(s):  
322

Parent Blocks(s):

Parent Lot(s):  
58

Parent Units(s):

Proposed Subdivision Name:  
MURRAY

Proposed Lot Numbers:  
58

Number of Lots:  
1

**Application Contacts**

ROLE(S)	NAME	PHONE/EMAIL	Tasks
APPLICANT DESIGNER	MARK SARGENT 214 N STATE ST CONCORD, NH 03301	Home: Work: 603-225-6770 Cell: Email: MCSARGENT@RICHARDDDBARTLETT.COM	<div>Edit</div> <div>Remove</div>
APPLICANT SURVEYOR	DANIEL J MULLEN 2 NASTURTIIUM TERR CONCORD, NH 03303-3427	Home: Work: 603-225-6770 Cell: Email: DMULLEN@RICHARDDDBARTLETT.COM	<div>Edit</div> <div>Remove</div>

Add a person:

Designer

Surveyor

All Others



## WELL RADIUS EASEMENT

Known all persons that xxxxxxxxxx of, xxxxxxxxxx NH, for consideration paid, grants to \_\_\_\_\_ (grantee). Of \_\_\_\_\_ (address), with quitclaim covenants a **WELL RADIUS EASEMENT** in the following described property for the benefit of land of said \_\_\_\_\_ (Grantees)

A Portion of the premises owned by the Grantors situated at 115 River Road, Concord (Penacook), NH bounded and described as follows: Commencing at a point situated on the grantors property line known as Tax Map 32Z, Lot 56, said being point being located S26°06'47"E a distance of 9.11 feet from the northerly most corner of abutting land known as Tax Map 32Z, Lot 58; thence, running through the grantor's land following a curve to the right having a central angle of 32°51'46", and a radius of 75.00 feet, a distance of 43.02 feet to a point on the property line of said Lot 58; thence along Lot 58 S64°49'47"W a distance of 34.51 feet to a point; thence, still along Lot 58 N26°06'47"W a distance of 24.12 feet to the point of beginning, as shown on plan entitled, "Lot Line Adjustment Plat between lands of Jesse E. Murray Revocable Trust of 1991 & Helen B. Murray Revocable Trust of 1991" by Richard D. Bartlett & Associates, LLC, and to be recorded at the Merrimack County Registry of Deeds, and filed with the State of New Hampshire and the City of Concord, NH.

PURPOSE: The easement conveyed herein is for the purposes of allowing the Grantees to maintain and protect that portion of the well radius as shown on the aforesaid Plan for the benefit of their adjacent land as follows:

The permanent right and easement over such portion of the premises described above as is necessary to maintain and protect a protective well radius area around the well to be located on the Grantees' property as shown on said plan.

The purpose of the protective well radius easement is to establish a protective area to prevent contamination of the well for the Grantees' property. So long as the well is used for a source of water supply, the area of the above-described easement shall be kept in a natural state. No use of the area shall be permitted which could directly or indirectly degrade the quality of the well water. Uses that would be prohibited include:

- Transportation corridors (except to provide right-of-way access to the grantor's property)

- Underground utilities or structures except those that are associated with potable water, electricity or communication
- The storage, handling, transport, treatment or disposal of the following: Domestic or Industrial Wastewater; or, hazardous or regulated substances such as pesticides, gas and oil and other chemicals or, hazardous or solid wastes; or, fertilizers; and
- Any other use that the New Hampshire Department of Environmental Services determines would be detrimental to water quality.

No change in use of the area of the protective easement may be undertaken without approval from the New Hampshire Department of Environmental Services, which approval shall not be unreasonably withheld.

EXECUTED this XX day of \_\_\_\_\_ (Month and Year)

\_\_\_\_\_  
//ss// Grantor

State of New Hampshire  
County of Merrimack

This instrument was acknowledged before me on XX (day) of \_\_\_\_\_ (month and year),  
by \_\_\_\_\_ (Grantors)

IN WITNESS Whereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public/Justice of the Peace  
My Commission Expires \_\_\_\_\_