



CITY OF CONCORD
New Hampshire's Main Street™
Community Development Department
Planning Division

Waiver Request Form – Subdivision Regulations

Instructions:

1. List the section for which the waiver is being requested, along with a brief explanation of the request.
2. Explain how the waiver request complies with each criterion.

Section 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...

Waiver from Section Precedent Condition #1, Items 1a-i.

Fulfilling these requests will require the involvement of at least three additional professionals and engineering time. Providing these items will not provide value or change the outcome of the approval.

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;* There will be no adverse effects to the intent or purpose of the regulations. The lot line location has no effect on the public and providing additional details, topographic information, soil information will not change the outcome of the approval.

(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;* _____
This is not a project for profit and is a simple, amicable, lot line adjustment between two neighbors to address a more natural location of the lot line that respects the natural characteristics of the land while addressing privacy concerns of 224. The existing location of the lot line is a legacy to keep 226 at 10ac and in current use, but 226 has since been built on and no longer qualifies.

(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;* _____
None of the items being requested can be done by the Owner and will require the time of an engineer as well as potentially requiring additional professionals such as a wetland scientists and a geotechnical engineer. Providing these items will not change the outcome of the request, but will come at a large cost to the Owner.

(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will property carry out, or not be contrary to, the spirit and intent of the regulations; and* _____
This is a minor lot line adjustment between two large parcels of land, the absence of these items will not be in contrast to the spirit of the regulations.

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

Finally, note if the waiver complies with RSA 674:36(II)(n)(1) or (2) below and explain how.

- (1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations The waiver does comply with RSA 674:36(n) (1) and (2)
The request is for a very simple lot line adjustment. We have complied with all of the basic surveying and plat recording.
Introducing additional survey work for locations of wells, topography will cost additional engineering time that will
not have any effect on the outcome, but will come at expense to the homeowner who has already been subject to
significant cost in order to record a amicable agreement between neighbors.

OR

- (2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations _____
