



Heather Shank  
City Planner

# CITY OF CONCORD

*New Hampshire's Main Street™*  
**Community Development Department**

## Planning Board

March 20, 2019

### Project Summary – Minor Subdivision

Project: Curtin Family Trust Lot Line Adjustment Application (2019-16)  
Property Owners: John J. & Marlyn Curtin Family Trust  
Address: 19 and 21 Fox Run  
Map/Block/Lot: 43Z/6 and 43Z/7

#### **Determination of Completeness:**

Determine the application complete and open the public hearing.

#### **Project Description:**

The John J. & Marlyn Curtin Family Trust intends to annex 6,087 sf of land from 21 Fox Run to 19 Fox Run so that the 19 Fox Run garage that is encroaching onto 21 Fox Run will be located entirely within 19 Fox Run and within the required setbacks, in the Medium Density Residential (RM) District. The properties are developed with single family residences.

#### **Project Details:**

Zoning:	RM (Medium Density Residential) w/o sewer	
Existing Use:	Single Family Residence	
Required Lot Size:	40,000 sf	
Existing Lot Size:	19 Fox Run: 40,001 sf (0.918 ac)	21 Fox Run: 40,338 sf (0.926 ac)
Proposed Lot Size:	19 Fox Run: 46,169 sf (1.06 ac)	21 Fox Run: 34,170 sf (0.78 ac)*
	<i>*Variances granted, see note 1.3 below</i>	
Frontage Required:	200'	
Frontage Provided:	19 Fox Run: 200'	21 Fox Run: 17,115 sf (0.39 ac)
Setbacks Required:	25' front; 25' rear; 15' side	
Setbacks Provided:	25' front; 25' rear; 15' side	

#### **1. General Comments**

1.1 The following comments pertain to a 1-sheet subdivision plan set titled "Boundary Line

Adjustment, between Tax Map 43, Lot Z6 and Tax Map 43, Lot Z7” prepared by Jeffrey L. Green Land Surveying Services, dated February 5, 2019.

- 1.2 Please see the Engineering Division comments in a separate memo.
  - 1.3 The Zoning Board of Appeals (ZBA) granted the following variances to the Zoning Ordinance at their meeting on February 6, 2019, for the property located at 21 Fox Run:
    - A variance to Article 28-4-1(h), the Table of Dimensional Regulations, to allow for a lot line adjustment resulting in a non-compliant lot size of  $\pm 34,251$  sf where the minimum lot size required is 40,000 sf of lot area, and
    - A variance to Article 28-4, Development Design Standards, to allow the use or development of a non-compliant property that does not meeting the minimum lot size for the base district.
  - 1.4 The applicant has requested the waivers to Sections 12.08(3) & 15.03(4) of the Subdivision Regulations (SDR) to not provide topography for the entirety of the parcels based on the nature of the application as a lot line adjustment for existing lots already built upon, exceeding minimum requirements, and no further development is intended. The waivers will properly carry out and not be contrary to the spirit and intent of the regulations. Requiring these features will not enhance this application nor vary the provisions of the Zoning Ordinance or Master Plan. **Staff supports the waiver request.**
  - 1.5 The Applicant is responsible for insuring that all plans to be recorded are in compliance with the current standards of the Merrimack County Registry of Deeds.
2. **Technical Review Comments**
    - 2.1 For all Map and Lot references on the plan, the Map and Lots shall be revised to reflect the correct nomenclature. It should be Map ##Z, Lot #, not Map ##, Lot Z#.
    - 2.2 Per Section 12.04, Location Plan (SDR), the location plan shall include tax map/block/lots numbers for the subject property and abutters.
    - 2.3 Per Section 12.08(23)(c) Impervious surface coverage in square feet and percent shall be provided.
    - 2.4 Per Section 12.08(23)(d) Useable land tabulations shall be provided.
    - 2.5 Per Section 15.03(3) contiguous buildable land shall be noted for each lot and shown on the plan.
    - 2.6 Note 11 appears to be cut off or incomplete. Sentence ends with “taken from”.
    - 2.7 The plan indicates that the frontage for 21 Fox Run is 337.11’. The frontage should be broken up by street: 165.34’ on Fox Run, 151.37’ on Brookwood Drive.
    - 2.8 The repetitive note on 21 Fox Run that identifies the lot parcel as Lot 21 should be deleted to avoid confusion with the correct assessor’s lot note.

### 3. Recommendations

- 3.1 Staff recommends that the Board **grant the waivers to Sections 12.08(3) and 15.03(4), Topography, of the Subdivision Regulations**, based on the nature of the application as a lot line

adjustment for existing lots already built upon, exceeding minimum requirements, and no further development is intended, utilizing the criteria from RSA 674:36(II)(N)(2): 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:

3.2 **Grant Minor Subdivision approval** for the lot line adjustment at 19 and 21 Fox Run, subject to the following precedent conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

1. Address Technical Review Comments, noted in Section 2 above, to the satisfaction of the Planning Division.
2. Address Engineering Division comments in the memo from Bryant Anderson.
3. Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Subdivision Regulations. Should the Board vote to deny the waiver request(s), applicant shall comply with said submission requirement(s).
4. Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
5. Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
6. The Applicant shall deliver to Planning, one plan set and mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

Prepared by: BAF

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**CITY OF CONCORD**  
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**Community Development Department**

David Cedarholm, PE  
City Engineer

**MEMORANDUM**

**TO:** Beth Fenstermacher, Assistant City Planner  
**FROM:** Bryant A. Anderson, PE  
**DATE:** March 8, 2019  
**SUBJECT:** Plan Review, Lot Line Adjustment, Curtin, 19 & 21 Fox Run;  
Map 43Z, Lots 6 & 7; (2019-16)

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The Engineering Services Division (Engineering) has received the following items for review:

- *Boundary Line Adjustment Plan*, Tax Map 43, Lot Z6 and Tax Map 43, Lot Z7, John J. Curtin, Marlyn Curtin, Fox Run & Brookwood Drive, Concord, New Hampshire, prepared by Jeffrey L. Green Land Surveying Services, dated February 5, 2019.

As a supplement to any comments offered by the Planning Division, Engineering offers the following design related comments. **With subsequent submissions, the applicant should provide a response letter that acknowledges/addresses each of these comments.**

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**General Comments**

1. Within the title block, plan view, and notes, all of the map and lot numbers are incorrect and should be adjusted, for example, the correct notation is Map 43Z, Lot 6, not Map 43, Lot Z6.
2. Please include within the plan view the actual building address for each property. 43Z-6 is 19 Fox run and 43Z-7 is 21 Fox run.
3. Within the General Notes, Note 15 is cut off by the border.
4. Within the General Notes, please revise a portion of Note 14 to "Parcel a is not be considered a separate buildable lot and shall be considered merged into and with Tax Map 43Z, Lot 6."
5. Within the plan view there are two notes that state "assumed boundary line" and another note that states "Rebar fnd 5/8" x 1.0' held by owners of both lots 25+ years." Please explain the basis of the notes "assumed boundary line." Also, which two lots does the note "Rebar fnd 5/8" x 1.0' held by owners of both lots 25+ years" refer to? It would

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appear that four lots are affected by these notes: Map 43Z, Lot 6, Map 43Z, Lot 7, Map 43Z, Lot 3, and Map 43Z, Lot 8. In light of an apparent agreement between property owners to a boundary line that conflicts with the boundary lines as shown on the referenced subdivision plan, is this boundary line adjustment plan creating potential title issues?

6. The intent of the plan is to adjust the boundary line due to the garage and driveway encroachment from one lot to another. The plan view also indicates that the fence owned by Map 43Z, Lot 6 also encroaches onto Map 43Z, Lot 7, and it also encroaches onto the abutting lot known as Map 43Z, Lot 3.
7. The final plan should be submitted in black and white in accordance with Registry requirements.

#### **Post-Approval/Pre-Construction Items**

The following items will need to occur prior to the start of construction (unless otherwise noted).

1. The monumentation for the proposed lot lines will need to be set (prior to recording the plan).