



Heather Shank
City Planner

CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

Planning Board

November 20, 2019

Project Summary – Minor Subdivision

Project: Spiewak – Minor Subdivision (2019-58)
Property Owners: Scott and Julie Spiewak
Address: 232 South Street
Map/Block/Lot: 10/1/1

Determination of Completeness:

Determine the application complete and open the public hearing. As part of the motion, indicate that the project does not meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55.

Project Description:

The applicant is proposing a lot line adjustment between 18 (Lot A), 12 (Lot B) Iron Works Road, and 232 South Street (Lot C). The lot line adjustment will annex 2.9 acres from 232 South Street and divide it evenly between 18 and 12 Iron Works Road.

Project Details:

Zoning:	Single Family (RS)
Existing Use:	Single Family Residence
Existing Lot Size:	Lot A: 0.31 ac (13,470 sf) Lot B: 0.35 ac (15,090 sf) Lot C: 9.86 ac (429,501 sf)
Lot Size Required:	12,500 sf
Lot Size Proposed:	Lot A: 1.454 ac (63,320 sf) Lot B: 1.451 ac (63,200 sf) Lot C: 6.95 ac (302,742 sf)
Lot Frontage Required:	100'
Lot Frontage Provided:	Lot A: 120.91' Lot B: 120.65' Lot C: 213.15'
Building Setbacks Required:	25' front; 25' rear; 15' side
Building Setbacks Provided:	25' front; 25' rear; 15' side

1. General Comments

- 1.1 The following comments pertain to the 1 sheet plan set titled "Land of Spiewak, Scott & Julie Lot Line Adjustment Plan" prepared by H. H. Amsden & Sons, dated October 28, 2019.
- 1.2 Please see the comments from the Engineering Division under a separate memo.

2. Waivers

2.1 The applicant has requested waivers from the following sections of the Subdivision Regulations:

- Section 12.07 Wetland Delineation
- Section 12.08(3) Topography
- Section 15.03(15) Non-Municipal Utilities

The applicant states that due to this application being a lot line adjustment where no future development is proposed as a result, the delineation of wetlands, topography, and non-municipal utilities would be costly and the granting of the waivers would not be detrimental to public safety, health, or welfare. For these reasons, **staff supports these waivers.**

3. Technical Review Comments

3.1 Correct note 3 to state "...Merrimack County Registry of Deeds.."

3.2 Add a Purpose of the Plan note, in accordance with Section 12.02(3) Appendix B.

3.3 The total length of the bearing of the western property line shared with the City of Concord shall be corrected to 832.01'.

4. Recommendations

4.1 **Grant the following waivers to form the Subdivision Regulations**, 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:

- Section 12.07 Wetland Delineation
- Section 12.08(3) Topography
- Section 15.03(15) Non-Municipal Utilities

4.2 **Grant Minor Subdivision approval** for the minor subdivision, subject to the following 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) The dispute raised by the surveyor regarding the location of the northeast corner bound of the Spiewak parcel shall be resolved with the City Surveyor.
- (2) Address Technical Review Comments, noted above, to the satisfaction of the Planning Division.
- (3) Address Review Comments from Bryant Anderson, P.E., to the satisfaction of the Engineering Division.
- (4) Waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board vote to deny the waiver(s), the applicant shall comply with said submission requirement(s).
- (5) 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) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- (6) The Licensed Land Surveyor shall sign and seal final plans and mylars.

- (7) The 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.
- (8) The Applicant shall deliver to Planning one (1) plan set(s) and one (1) mylar(s) for endorsement by the planning Board Chairman & Clerk and recording at the Registry of Deeds.

Prepared by: SCD

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David Cedarholm, PE
City Engineer

MEMORANDUM

TO: Sam Durfee, Senior Planner
FROM: Bryant A. Anderson, PE
DATE: November 5, 2019
SUBJECT: Plan Review, Lot Line Adjustment, Spiewak, 232 South Street;
Lot 10/1/1, Lot 10/1/10, and Lot 10/1/13; (2019-58)

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

- *Lot Line Adjustment Plan*, Scott & Julie Spiewak, 232 South Street, Concord, NH, prepared by H.H. Amsden & Sons, dated October 28, 2019 (Preliminary).

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.**

General Comments

1. The surveyor has stated to Engineering that there may be a need for a boundary line agreement or a quitclaim deed to transfer City land to the property owners. Engineering is waiting for additional information from the surveyor to further clarify the potential issue. Until this issue is resolved the plan cannot be finalized.
2. The abutting lot owned by Chapman and known as 10/1/13, should be surveyed in its entirety.
3. The abutting lot owned by Bedard and known as 10/1/10, should be surveyed in its entirety.
4. The abutting lot at the corner of Fernrock Street and Rolinda Avenue, Map 9C, Block 1, Lot 15, should be included on the plan.
5. The abutting lot shown as 9A/4/5, owned by Steven Winer at 7 Fernrock Street, should be 9A/5/14.

Engineering Services
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engineering@concordnh.gov

6. The abutting lot shown as 9A/4/5, owned by Robert and Ann Lanney at 6 Johnson Avenue, should be 9A/5/1.
7. Some of the text on the plan, such as the abutter info on the south side of Iron Works Road, may not comply with MCRD plan recording requirements. In addition, the plan should be prepared as a black & white plan in accordance with registry requirements.
8. Within the Area Table, please include square foot measurements in addition to acreage measurements.
9. Please include notes on the plan that state that “the parcel to be annexed with the existing Bedard parcel is not to be considered a separate buildable lot, but will be considered merged into 10/1/10,” and that “the parcel to be annexed with the existing Chapman parcel is not to be considered a separate buildable lot, but will be considered merged into 10/1/13.”
10. At the northwest corner of the Bedard lot, what does the note “bituminous” actually consist of? The “bituminous” is an encroachment on land owned by the City and should be removed?
11. Within the Locus Map, the abutting owner’s name of Bedard, is shown twice.
12. Within the Locus Map, please adjust the name of Russell Martin Park so that it is not cut off by the border.
13. Along the westerly property line having a bearing of N 18° 59’ 17”E, what does the distance of 707.01’ (which is shown on the outside of the line) represent? The two intermediate distances along the Spiewak parcel (which are shown on the inside of the line) are 300.00’ and 404.31’ and equal 704.31’, and the third intermediate distance along the inside of the Bedard property, which is 127.70’, added to 704.31’ equal 832.01’.

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).