

Boundary Line Adjustments allowed by the Planning Board and not merged

Here are examples of Boundary Line Adjustments that came before the Planning Board and not merged per 9.1.1.

55 Belknap Point Road. File number 242-240-000-03-02P. The tax map numbers are 242-241-000 and 242-240-000. In the Planning Board meeting minutes of 9/15/2003 this adjustment was allowed even though the two lots were in common ownership and one was non-conforming. One lot was vacant and one lot had a house on it. A building permit was then issued for the vacant lot and a house was built. The land and the house were then conveyed.

44 and 48 Deer Run Lane Elegant Premiere Homes LLC File number 253-200.000-04-037P. These were two vacant lots in common ownership. One is just over an acre and one is under an acre. This file was presented to the Planning Board for a boundary line adjustment. However the application was withdrawn. If the merging ordinance was being enforced these two lots would have been merged immediately since one is 'non-conforming'. Today both these lots have houses on them and were sold by the owner. In addition you will see from John Ayers report these lots had steep slopes and lacked sufficient buildable area.



Town of Gilford
DEPARTMENT OF PLANNING AND LAND USE
47 Cherry Valley Road, Gilford, NH 03249 Vox: (603) 527-4727 Fax: (603) 527-4731

REMINDER

FILE #: **253-200.000-04-037P**

DATE: **July 8, 2004**

You are hereby requested to meet with the Gilford Site Study Committee on Monday, July 12, 2004 at 11:00 a.m., at the Gilford Town Hall, Conference Room A, 47 Cherry Valley Road, Gilford, NH, regarding:

Elegant Premiere Homes, LLC
44 and 48 Deer Run Lane

Boundary Line Adjustment Plan
Single Family Residential Zone

If you are unable to attend this meeting, you will not be heard by the Gilford Planning Board on the following Monday evening.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Sandra J. Bailey, Administrative Assistant
Gilford Planning Board

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cc: File

Basic Proposal: Applicant is proposing a boundary line adjustment between Lots #253-199.000 and #253-200.000, with both lots retaining the same lot areas of 0.92 acres and 1.03 acres, and with Lot #253-199.000 having frontage on Mountain Drive only and Lot #253-200.000 having frontage on Deer Run Lane only.

- ITEM 2** **ELEGANT PREMIERE HOMES, LLC** – Applicant is proposing a boundary line adjustment between Lots #253-199.000 and #253-200.000, with both lots retaining the same lot areas of 0.92 acres and 1.03 acres, and with Lot #253-199.000 having frontage on Mountain Drive only and Lot #253-200.000 having frontage on Deer Run Lane only. Location: 44 and 48 Deer Run Lane. Single Family Residential Zone. File #253-200.000-04-037P. Boundary Line Adjustment Plan Review.

BACKGROUND

This is a proposal for a boundary line adjustment between two lots in Gunstock Acres. Both lots currently have frontage on Deer Run Lane and Mountain Road. It is somewhat difficult to visualize on the plan submitted, but the lots are currently narrow and deep, and are proposed to become wide, shallow lots. The proposed boundary line adjustment would result in one lot with its entire frontage on Deer Run, and another lot with its entire frontage along Mountain Road. Lot #253-199.000 is currently and will remain .92 acres in area, and lot #253-200.000 is and will remain 1.03 acres. The .92 acre lot will be the lot with its frontage along Mountain Drive, and the 1.03-acre lot will be the lot with its frontage along Deer Run Lane.

ANALYSIS

The applicant has asked for waivers of several plan details including contour lines, showing steep slopes and wetlands, buildable lot area calculation, and buildable lot area certification. This is critical for most subdivision plans including this boundary line adjustment. The waivers are being requested presumably because this is only a lot line adjustment that creates no new lots, and results in each lot having the same area. However, since this boundary line adjustment will make the Mountain Drive lot less buildable in that the property it is picking up is much steeper than what it is giving up, it appears the proposal may not be allowable. The adjustment also makes the Deer Run lot more buildable in that it will pick up more level land and become wider in an area where the lot is currently rather narrow

The Mountain Road frontage is located opposite the intersection of Alpine Drive. This area is very steep. While waiving plan details including contour lines, steep slopes and wetlands, buildable lot area calculation, and buildable lot area certification may be acceptable with a minor lot line adjustment with two level, dry lots, the circumstances of this application and this site make those plan details essential. This is a major boundary line adjustment and the land involved is very steep.

RECOMMENDATION

Staff recommends that the Planning Board not waive the wetlands and slopes information. This information is important in determining how buildable each lot is. With the steepness of lot #253-199.000 an issue and the possibility of lot #253-200.000 having wetlands on it, providing such details is important. In fact, given the likelihood that the resulting lots will not meet the town's standards for steep slopes and buildable lot area, it may be a waste of time and money for these details to be provided since the plan may have to be denied for non-compliance.

POSSIBLE ACTION

1. Accept the application as complete pursuant to Section IV, Paragraphs B. and C. of the Subdivision and Site Plan Review Regulations.

2. Waive requirements 16.e. (critical elevation), 19 (existing and proposed utilities), 24 (proposed structures), and 28 (percentage of lot coverage) of the Drawing Standards checklist.
3. Deny the request to waive requirements 14 (contour lines), 16.b. (structural setbacks), 16.c. (steep slope areas), 16.d. (wetlands), 16.h. (buildable area certification), and 20 (structural setbacks) of the Drawing Standards checklist and require the applicant to return to the August 2, 2004 meeting with a subdivision plan including these details.

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