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**Town Planner's Project Review**  
**Wednesday, June 12, 2019**

VII. **72 Piscataqua Road – Resubdivision of two existing lots.** Resubdivision/lot line adjustment of 2 lots, one with frontage on Route 4/Piscataqua Road and one with frontage on Riverview Road. Donna Vittands, property owner. Paul Dobberstein, Ambit Engineering, Surveyor. Map 11, Lots 29 and 31-15. Residence Coastal District.

- Accept as complete (subject to confirmation of minimum and average lot data, below, prior to the meeting), set public hearing for July 10, and determine if a site walk is appropriate.

Please note the following:

- 1) Site walk. I recommend the board hold a site walk.
- 2) Porkchop subdivision. This provision is contained in Section 175-109 O. It requires a shared driveway, hence the proposed shared driveway on Route 4, which NHDOT would prefer if not require. The application meets the required minimum and average lot frontages and appears to meet the lot sizes for the two reconfigured lots, subject to additional data to be provided by the applicant.
- 3) Lot reconfiguration. This proposal is a lot line adjustment. I also call it a lot reconfiguration because the lot line is changing significantly *and* to make it clear that the applicant has the right to use the porkchop subdivision provisions which apply to “subdivisions” as long as the proposed layout meets those requirements. (Of course, the applicant could combine the two lots into one and then subdivide under the porkchop provisions but that step is not necessary.)
- 4) Lot size. Prior to acceptance we need confirmation that both lots have at least 80,000 square feet and the average of both lots is at least 120,000 square feet. It appears that the requirement is met but we need the specific data. No part of the wetland itself (green on the applicant’s colored worksheet) and no part of the 100 foot buffer (purple on the applicant’s worksheet) that is poorly drained counts toward the minimum lot size. The WCOD states:

*175-64. Use of Wetlands in Calculating Lot Area and Density. No areas of surface water, wetlands or areas designated as very poorly drained, poorly drained, or somewhat poorly drained soil located within the WCOD may be used to satisfy minimum lot sizes or the minimum usable area per dwelling unit requirement.*

Note. This restriction applies only to the WCOD and not the Shoreland Protection Overlay District. The Town has not treated water within the SPOD to be wetlands except where they are clearly delineated as wetlands as part of the WCOD but there is now debate on how best to handle open water within the SPOD. The staff (Audrey, April, and I) needs to clarify this issue which is also pertinent to the 2-lot subdivision for 3 Foss Farm Road.

- 5) Lot layout. See the enclosed plans showing the current lot line in red and the proposed new lot line in green. Lots are not supposed to be “gerrymandered,” i.e. made unduly irregular to meet zoning dimensions. The proposed lot layout is unusual but the *existing* lot layout is highly irregular. With regards to trying to make the new layout more regular, the applicant emphasized to the surveyor that this is the layout she wants. At this point, I do not see problems with the proposal.
- 6) Lot 31-15. Lot 31-15 is presently vacant. The current lot is virtually all wetland and wetland buffer plus taking access from Riverview Road would require a wetlands crossing, so this application is beneficial. There is land outside of the WCOD for construction of a house, but any approval should note clearly on the plans that development of the lot would require a conditional use or other special approval if there is any activity within the WCOD.
- 7) TRG Review. The TRG discussed the application on June 4. I will email the minutes early in the week. Police Chief Kurz submitted a memorandum that he sees no concerns with the proposal.
- 8) Shared driveway. The Porkchop subdivision requires use of a shared driveway. An easement is shown on the plan. Presently the driveway serves the existing house and is located on the same house lot. With the lot line adjustment it will be relocated onto Lot 31-15 so an easement will be needed. We will need to determine if any improvement to the existing driveway is needed to serve the 2 lots now. If any improvement is needed it would require a conditional use as the driveway is located within the wetland buffer. As a precedent condition, or prior to approval if desired by the board, the applicant will need to present an easement document including provisions for access and maintenance. The easement area is over 30 feet wide. Approval from NHDOT will be needed for the expanded use of the existing driveway.
- 9) Utility easement. Now a utility easement across lot 31-15 will also be necessary to serve lot 29. These are existing overhead electric lines. An easement document will need to be submitted, either as a precedent condition or prior to approval if desired by the board. Assuming that the applicant and board think it appropriate to retain the existing overhead electric lines here a waiver from Section 9.05 B of the Subdivision Regulations – which requires burying existing lines - will be needed.
- 10) New electric. The Planning Board should determine whether electric lines in the future to serve lot 31-15, which is presently vacant, should be buried. Burying the lines within the shared easement would require a conditional use.
- 11) State approval. State approval of subdivisions is not required for any lots over 5 acres. Lot 29 will be reduced to 5.3 acres. However, given the amount of wetlands, open

water on the lot and the Town's buffers we should require an approval or at least an okay from NHES for the lot reconfiguration, in the future event that the leach field must be replaced.

- 12) Contiguity. The lots extend to the mean high water (MHW) of Johnson Creek. Lot 29 extends to the north and touches Route 4. It is contiguous all the way, including a very thin sliver along the creek.
- 13) Test pits. An updated plan with test pits is included.
- 14) Soils waiver. The applicant requested a waiver from showing high intensity soils. Given the size of the lots and fact that this is not creating a new lot I recommend approval.