

**PLANNING BOARD**  
**27 School Street**  
**HILLSBOROUGH, NH**  
**June 01, 2022**

**DATE APPROVED:** 06/15/2022

**TIME:** 7:00 p.m. – 9:30 p.m.

**MEMBERS:** Susanne White- Chairperson, Melinda Gehris -Vice Chair, Adam Charrette, Ed Sauer, Steve Livingston, Nancy Egner

**EX-OFFICIO:** James Bailey III

**PLANNING DIRECTOR:** Robyn Payson

**ALTERNATES:** Kim Opperman, Dana Clow

**Excused:** Susanne White and Ed Sauer

**Public:** Richard Head, Mark Edwards, Andy Edwards, Sam Foisie, Peter D. Mellen LLS.

**Call to Order:**

Vice Chairperson Melinda Gehris called the meeting to order at 7:00 PM.

Melinda Gehris called the roll and appointed Dana Clow to sit in place of Susanne White and Kim Opperman to sit in place of Ed Sauer.

**Minutes:**

**05/04/22** Adam Charrette made a motion to approve the minutes. Steve Livingston seconded the motion. The motion carried unanimously.

**05/18/22** Steve Livingston made a motion to approve the minutes. Nancy Egner seconded the motion. The motion carried unanimously.

**PUBLIC HEARINGS**

**Minor Subdivision**

741 West Main Street (Map 10 Lot 46)

Andrew and Mark Edwards.

Melinda Gehris asked Robyn Payson if the application was complete. Robyn Payson said the applicant has requested a waiver. If the waiver is granted the application will be complete.

Melinda Gehris recognized property owner Mark Edwards, who introduced himself, described the project and shared the history of his family in the Town.

Sam Foisie of Meridian Land Services presented the waiver request. (See attached)

Mr. Foisie contended that the waiver should be granted due to a conflict between the Zoning and the definition of “Buildable Area” in the Subdivision regulations. He said that the 2-acre requirement in the Rural zone conflicted with the Subdivision regulations because “Buildable Area” is defined as a “contiguous area within a lot, exclusive of road rights-of way and other easements, surface waters, wetlands, areas of steep slope exceeding 25%, and areas within a

federally designated one-hundred-year floodplain. The buildable area is the portion of a lot upon which any building may be placed, in conformance with the Hillsborough Zoning Ordinance.”

He said this is a conflict because this definition requires the minimum 2 acre buildable area to be within the setbacks. That increases the necessary lot size beyond the 2 acres required in the Zoning ordinance. He said the Subdivision regulations cannot be stricter than the Zoning ordinance.

Mr. Foisie said they are requesting a waiver from section 203-3.A for the buildable area of a lot. He went on to address the requirements for a waiver per RSA 674:36 II, n 2 that states “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.”

He answered the criteria by stating:

1. The conflict between the Zoning ordinance and the Subdivision regulations. There is enough buildable area, however it is not contiguous.
2. Spirit and intent is addressed by the fact that the proposed buildable area is sufficient to locate a building, well, and septic system, and the square footage would be sufficient in other residential zones.

Mr. Foisie said in closing that they have demonstrated there is a unique circumstance on this lot that they would like relief from, and they have shown that the request meets the spirit and intent of the zoning ordinance.

Steve Livingston said he had visited the lot. He said they were both massive lots and the buildable area is influenced by the fact it was formerly a sand pit. He said it was his opinion that the waiver should be granted.

Dana Clow said he disagreed with the contention that the Subdivision regulations could not be stricter than the Zoning ordinance. [Amendment 6/15/22] He said that the Planning Board is indeed authorized to adopt and enforce more stringent regulations than the minimum standard put in place by some other authority.

Mr. Foisie said the building area requirement in the Subdivision regulations has created a lot size requirement that is more than the Zoning ordinance requires for the zone.

Mr. Clow said the Planning Board cannot put in a regulation anything that is less than the Zoning ordinance requires. He said he is not debating the merit of the argument, but the argument is that the rule is flawed rather than why it should be granted based on the conditions of the site.

Robyn Payson asked Mr. Foisie if it was true that he had 2 acres of buildable land on the property and that it just wasn't contiguous. Mr. Foisie said that was true. Mrs. Payson then asked Mr. Foisie to confirm that the amount of area that the house, well, and septic was planned for was at least the square footage that would be acceptable in another zone. Mr. Foisie said it was.

Richard Head, Chairman of the Conservation Commission was recognized. He said that the

Commission acknowledged that the regulatory authority was there relative to the differences between the Subdivision regulations and the Zoning, but there are no comments specific to the waiver.

Steve Livingston made a motion to approve the request for a waiver from section 201-3.A of the Chapter 201 Subdivision Regulations to allow a Buildable Area that is less than the 2 contiguous acres of Buildable Area required in the Rural zone. Dana Clow seconded the motion. The motion carried unanimously.

Steve Livingston made a motion to accept the application as complete. Nancy Egner seconded the motion. The motion carried unanimously.

Mr. Foisie presented the application for a two-lot subdivision. (See attached)

Mr. Foisie addressed the matter of the Town buying gravel from the property. He said that was a discussion between town staff and one of the Edwards brothers. There is no plan to sell gravel from the site at this time.

Mr. Foisie said there is a gravel driveway that extends from Route 9, into the property to serve both lots. They will be applying to DOT for an access permit. The access point has been designed to DOT standards, and the rest of the driveway will be designed to the Town of Hillsborough driveway standards.

Mr. Foisie addressed environmental concerns expressed in the comments by the Conservation Commission. There is an intermittent stream along the southwest property boundary that runs in the spring. There are some wetlands along the bank associated with it. There were concerns raised by the Conservation Commission about the property being located in the Groundwater Protection District.

He said that ordinance has established a standard of performance for groundwater protection. He read the requirements of the ordinance. He said the standards were essentially restating DES requirements which will have to be complied with as a part of this project. This use is allowed in the Groundwater Protection District.

Mr. Foisie went on to address the Conservation Commission's concerns about impervious surface. He said the majority of the site is gravel or poorly vegetated area. The existing gravel driveway will remain gravel. There will be no impervious surface impact by the driveway or by replacing the existing barn with a single-family home. The only potential increase of impervious area is the single-family house on the second lot. They are deferring storm water improvements until the building permit stage. He said it should also be noted that it is a gravel area, and gravel is considered an impervious surface.

Dana Clow asked about deferring the stormwater improvements to a future review.

Mr. Foisie said at another project on Bible hill stormwater management was addressed at the building permit stage. He said there are proposed erosion control measures on the plan for when

construction begins before any ground disturbance takes place.

Mr. Clow said the gravel driveway for runoff purposes the same as a paved driveway however the gravel throughout the site has a much higher potential to absorb runoff when compared to the bare ground.

Mr. Foisie said the bare ground has been excavated and compacted so it is modeled as an impervious surface.

Mr. Clow said he noticed that the driveway has a depression on the north easterly side with no indication of how the water will get across.

Mr. Foisie said ordinarily a culvert would need to be installed there but, in this case, the septic system will be installed in that location. The septic design has been completed and is engineered to fill in that depression.

Mr. Clow expressed concern about the depression in the driveway saying it is a water trap and he was surprised he did not see it addressed on the plan.

Mr. Foisie said he did agree that there should be a culvert there however, the septic design has been completed and the culvert isn't needed because it fills in the depression and there will be sheet flow across the grass.

Melinda Gehris asked if the Board felt a site walk was necessary.

The consensus of the Board was to open the public hearing and then determined if a site walk was needed. The public hearing could be continued if necessary.

Melinda Gehris opened the public hearing and called on Richard Head of the Conservation Commission for comment.

Richard Head said the Conservation Commission did not take a positive or negative position on this application. They were raising issues that they thought the Board should consider in its deliberations. Mr. Head spoke about the impact of impervious surface on ground water and surface water resources. He suggested the Planning Board and Conservation Commission take on a project that will look at how much impervious surface there is in town, because more impervious surface is being added through subdivisions and site plans. He said that is an important factor to consider when updating the subdivision regulations. Two thirds of this property is covered by the Groundwater Protection District. The proposed use does not violate the ordinance, but that doesn't mean that impervious surface is not something that the Planning Board shouldn't consider in subdivisions. He said while there is no positive or negative position on this subdivision by the Conservation Commission, there are concerns about adding impervious surfaces that are going to be permanent features of these landscapes.

Dana Clow said that the way to address the inevitable impacts of growth is through the adoption of best management practices to make sure water quality is not degraded but to allow for

responsible growth.

Mr. Head said best management practices only go so far. He said he thought the impervious surface measure is a good way to determine future impacts to the ground water and water bodies. He said it would be good for the Planning Board to analyze where the town is in respect to impervious surface percentage in order to plan for future growth.

Mr. Foisie said that towns are adopting storm water ordinances and there are thresholds for proposed impervious area that require stormwater design. He agreed that increased impervious surface does have potential harm when it is added up. He said the Master Plan should address those concerns.

Mark Edwards said they are looking for the development of two houses. There is no stormwater management at this time, but they will have to go through the DES permitting process, and that is where stormwater management will be addressed.

Riche' Colcombe asked if this property was being considered as part of the proposed Gateway district. She wondered if that would be re-thought if there were going to be only two houses on the property.

Robyn Payson said no.

Melinda Gehris said the Gateway zone does not preclude landowners from doing what they want on their property.

Ms. Colcombe asked if it would influence the decisions of the Board.

Ms. Payson said it would not.

Dana Clow said, for practical purposes without water and sewer in that area, the Gateway zone is probably a long way off.

Melinda Gehris asked the Board if they wanted to do a site walk.

The consensus of the Board was that they did not think a site walk would be necessary.

Nancy Egner said it seems that the Board is starting to think about some larger projects. She suggested the Board start a list of issues that would include impervious surface and stormwater management. Melinda Gehris said that would be discussed later in the meeting.

There being no further comments, Melinda Gehris closed the public hearing.

Steve Livingston made a motion to approve the Minor Subdivision application to subdivide Map 10 Lot 46 (13.363 +/- acres with 1,022.23 feet of frontage) into two tracts. The subdivision will result in the remaining Map 10 Lot 46 being 6.961 +/- acres with 746.49 feet of frontage, and the new Map 10 Lot 46-1 being 6.403 +/- acres with 275.74 feet of frontage. The two lots to be served by on site sewer and private wells.

The project was submitted by Samuel R. Foisie, P.E. of Meridian Land Services, Inc. on behalf of property owners Andrew G. and Mark E. Edwards, and in accordance with the plan titled: "Subdivision of Land of Andrew G. & Mark E. Edwards Tax Map 10 Lot 46 West Main Street Hillsborough New Hampshire" dated on April 11, 2022, and as submitted as a part of this application with the following conditions.

1. Compliance with all local, state, and federal laws and regulations.

Jim Bailey seconded the motion. The motion carried unanimously.

### **Lot Line Adjustment**

347 Farley Road (Map 4 Lots 53&54)

Gerald and Candice Labree

Melinda Gehris asked Robyn Payson if the application was complete.

Ms. Payson said it would be once the waivers are granted.

Peter Mellen presented the waiver request. (See attached). He said the reason for the waiver is because the application checklist does not differentiate between a subdivision and a lot line adjustment. Some of the provisions asked for in the application do not apply to a lot line adjustment because no new building lots are being created.

Dana Clow made a motion to approve the request for waivers from certain provisions of Chapter 201 Subdivision Regulations enumerated in the letter submitted by Peter Mellen LLS. of Donald R. Mellen Surveyor LLC. as written. The letter shall be included in the text in the minutes of this meeting and in the permanent record of this application.

Steve Livingston seconded the motion. The motion carried unanimously.

Nancy Egner made a motion to accept the application. Kim Opperman seconded the motion. The motion carried unanimously.

Peter Mellen presented the application for a lot like adjustment to adjust the lot line between Map 4 Lot 53 and Map 4 Lot 54. Parcel "A" is to be annexed to Lot 53.

Melinda Gehris asked Richard Head if the Conservation Commission had any comments on this application. Richard Head said they did not.

Melinda Gehris opened the public hearing.

There were no comments from the public.

Melinda Gehris closed the public hearing.

Dana Clow made a motion to approve the Lot Line Adjustment application to adjust the lot lines between Map 4 Lot 53 and 54. Parcel "A" is to be annexed to lot 53, resulting in lot 53 with

approximately 161.7 +/- and lot 54 with 5.77 +/- acres with road frontages of 542.50 feet on Danforth Corners Road and 468.97 feet on Farley Road.

The project was submitted by Peter D. Mellen LLS of Donald R. Mellen Surveyor, LLC. on behalf of property owners Gerald R. and Candice J. Labree, and in accordance with the plan titled: "Plan for Lot Line Adjustment Map 4 Lots 53 and 54" dated on May 16, 2022, by Donald R. Mellen Surveyor, LLC. and as submitted as a part of this application with the following conditions.

1. Compliance with all local, state, and federal laws and regulations.

Steve Livingston seconded the motion. The motion carried unanimously.

## **WORK MEETING**

### **Dark Skies**

Adam Charrette reviewed and described the lighting zones proposed as a part of the Dark Skies ordinance. L0- no ambient lighting would be for conservation land, L1- low ambient lighting would be the Rural and Historic District, and L2-moderate ambient lighting, would be the remainder of the zones which include Commercial, Residential, Village Residential, and Central Business District.

Melinda Gehris asked Adam if he has been up to the Historic District and if he knows if there will need to be any changes to what is there now.

Adam said there may be changes because of the landscape lighting requirements. He said he would be interested in the Historic District Commission's thoughts on the ordinance.

Melinda Gehris said she will speak to the Historic District Commission and find out if they would like Adam to come speak to them.

Adam reviewed the draft ordinance with the Board.

Adam said the Dark Skies Committee had their first meeting and he was encouraged that the support for the project was "bi-partisan."

There was discussion about the importance of education in getting the public to accept the idea of the Darks Skies ordinance.

Melinda Gehris recognized Riche' Colcombe. She asked about lighting for flags. Adam said there were exemptions for statuary and memorials. He also said there are fixtures that will light a flag from the top down. Ms. Colcombe also said that she did not know if Tractor Supply recently changed their lighting, but she can see it now, and she hadn't been able to before.

There was discussion about lighting for businesses.

Adam talked about the 10 year “grandfather clause” that allows time for lighting to be changed over to Dark Skies compliant lighting.

Steve Livingston said Eversource has a program where they will sell lighting fixtures for ten dollars each.

Melinda Gehris said that the Board can review the draft ordinance and at the meeting of July 6, they can discuss it again.

### **Lot Coverage Percentages**

Robyn Payson distributed her research on other town’s lot coverage percentages for residential and commercial uses, and a draft of the updated chart.

Melinda Gehris suggested that since the Board has been talking about impervious surface coverage it would be a good idea to ask the Conservation Commission for input.

Dana Clow said it is important that the Board decides on what they want to achieve, and the Conservation Commission is important.

Richard Head said they appreciate the opportunity to work with the Planning Board on this. He said it would be helpful to find a way to compile the data on where the town is now as far as total impervious surface.

There was discussion about how the research could be done to determine that information.

Melinda Gehris asked the Board if they wanted to have a joint meeting with the Conservation Commission to discuss this issue.

Richard Head said he would talk to the Conservation Commission and get back to the Planning Board about it.

### **Rules of Procedure**

Robyn Payson distributed the most recent draft of the Rules of Procedure. She included some new sections that were included in the recent ZBA update that had already been vetted by Chris Boldt.

Robyn reviewed the updated regulations with the Board.

Melinda Gehris raised concerns about the section that deals with conflict of interest. Specifically, her concern was about “juror’s standard” and recusal. She proposed that the Board ask Chris Boldt how strictly this provision needs to be read.

The Planning Board will review the changes and respond at the next meeting.



## **OTHER BUSINESS**

Jim Bailey asked what the Board does about a site that makes changes after they have been approved. Mr. Bailey brought up Kelley Auto Sales because they have paved their parking lot, and Angus Lea golf course because they added stairs going down to the parking lot that they told the Board they would not be.

Kim Opperman said he thought it was odd that a car dealer would have only 15 cars.

Jim Bailey said there were more than 15 cars there.

Steve Livingston agreed, but he thought the site looked great.

Melinda Gehris said (regarding the car lot) that the Board did not give Mr. Kelley any condition about what he could pave. She said that at the hearing the Board could have limited the amount of paving, but the Board did not do that. The lesson out of that is if there is a concern about paving there should be more conditions applied. She said the lesson is to say to the applicant that if they make a change they need to come back to the Board.

Jim Bailey said the Board takes a lot of time and ask the right questions and said maybe there should be more conditions.

Robyn Payson said that was why she wanted Angus Lea to come in for Site Plan review because if you have an approved site plan, you have something to hold the applicant to, but the Board chose not to require it.

Steve Livingston said there would be no harm in applicants coming back to the Planning Board if something changes on the site. He said we must make sure the people know that.

Dana Clow said things might change in the field and you don't want to clutter up the agenda because any minor change could send the person back to the Planning Board to consider whether it is significant or not. There has to be some level of judgement, but when you are deviating from your site plan by paving more than you said you were, that is a problem in the administration of the regulations.

Jim Bailey said they never said whether they were going to pave or not pave.

Steve Livingston said it could be as easy as coming in to Robyn and saying things have changed.

Kim Opperman said he has never done a commercial project without having a site plan, and then have in house rules. Nine out of then times they could go in to Robyn and Mike Borden could make a decision as to whether a change is significant or not.

Robyn said one thing the Board has done that is a step in the right direction in the Site Plan

regulation update is to require that all site plans be professionally prepared. If the applicant wants to submit a “pencil drawing” they can always request a waiver.

After further discussion Kim Opperman, Steve Livingston and Jim Bailey all said that the Kelley Auto Sales lot looked great.

There being no further business, Nancy Egner made a motion to adjourn. Jim Bailey seconded the motion.

**Meeting Adjourned 9:30 pm**

Respectfully Submitted,  
Robyn L. Payson, Planning Director



**MERIDIAN**  
**LAND SERVICES, INC.**

CIVIL ENGINEERING | LAND SURVEYING | PERMITTING | SOIL & WETLAND MAPPING | SEPTIC DESIGN | ENVIRONMENTAL

Office: 31 Old Nashua Road, Suite 2, Amherst, NH 03031  
Mailing: PO Box 118, Milford, NH 03055  
Phone: 603-673-1441 \* Fax 603-673-1584  
www.MeridianLandServices.com

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**May 3, 2022**

**Robyn Payson,**

**Planning Director**

**Office of Community Planning**

**(603) 464-3877**

**27 School Street,**

**PO Box 7**

**Hillsborough, NH 03244**

**Re: Edwards Subdivision**

**Site Plan Review**

**Tax Map 10, Lot 46**

#### **Waiver Request**

As part of the Subdivision Application review process for the above referenced project, the following waiver is being requested from the Chapter 201, Subdivision of Land. these requests are to allow the applicant to construct a better project.

The following is a list of the waivers requested and justification.

#### **Waiver Request #1 - Section 201-3.A. of the Chapter 201, Subdivision of Land**

The applicant request relief from Section 201-3.A. of the Chapter 201, Subdivision of Land to allow a reduction in buildable area.

#### **Justification**

Section 201-3.A. of the Chapter 201, Subdivision of Land reads:

*"Character of land for subdivision. Land of such character that it cannot, in the judgment of the Board, be used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, or due to damage or negative effect on a) air quality; b) ground or surface water resources; c) wildlife habitat and trails; d) significant natural features or sites; e) significant historic buildings or sites; or f) agricultural lands designated by the Soil Conservation Service as prime agricultural land or agricultural land of statewide significance, shall not be platted for residential, commercial, or industrial subdivision. The buildable area of a lot, as defined in these regulations, shall be clearly delineated on the plat and shall not be less than the minimum lot size as required in the Hillsborough Zoning Ordinance."*

The minimum lot size described in the Hillsborough Zoning Ordinance Table 1 for the Rural District is 2 acres. The remaining lot 10-46 meets the requirement described above with 2.21 acres (96,461 sf) of buildable area. The proposed lot 10-46-1 has a two large sections of buildable area, contiguous buildable area A being 1.77 acres (77,096 sf) and contiguous buildable area B being 1.16 acres (50,561 sf). The proposed lot 10-46-1 does not meet the requirement if Section 201-3.A. is strictly followed. The intent of a buildable area requirement is to verify that a proposed lot is not unbuildable. By the subdivision

regulations allowing smaller buildable area in other zoning district, the regulations have confirmed that a reduced area is large enough to build a structure and supporting infrastructure. The 1.16 and 1.77 acres of buildable area exceed the buildable area requirement for the adjacent property, 40,000 sf. Lastly the proposed subdivision demonstrates that both lots are buildable. The plans show place holder 3-bedroom homes, wells with 75' protective radius, 4,000 sf boxes represent where a septic can be constructed, and test pits have been dug confirming the septic can be built. Essentially, the lot has been proven to be buildable.

The buildable area of 1.77 acres is 11.5% less than the Subdivision of Land regulations requirement if it is strictly required. By reducing the 2-acre buildable area requirement within the Subdivision of Land regulations the lot remains to be a buildable lot. This waiver request is not contrary to the spirit of the Zoning Ordinance or the Subdivision Regulation.



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Mailing: PO Box 118, Milford, NH 03055  
Phone: 603-673-1441 \* Fax 603-673-1584  
www.MeridianLandServices.com

**May 3, 2022**

Robyn Payson

Town Planner

Town of Hillsborough, NH

P.O. Box 7, 27 School Street

Hillsborough, NH 03244

Ph: (603) 464-3877

Re: **Edwards Subdivision**

**Lot 10-46, Hillsborough**

**Subdivision Application**

**Project Narrative**

The subject property is approximately 13.363 acres and is located at 741 West Main Street in Hillsborough, NH. The property is also described as Tax Map 10 Lot 46. The subject lot lays within the Rural Zoning District. The existing site is an old gravel pit with a small storage building and access to West Main St (State Route 9). There is an existing gravel drive the leads to the rear of the lot. The purpose of this application and plan is to depict a subdivision of Map 10 Lot 46 (13.363 +/- acres with 1,022.23 feet of frontage) into two tracts. The subdivision will result in the remaining Map 10 Lot 46 being 6.961 +/- acres with 746.49 feet of frontage, and the new Map 10 Lot 46-1 being 6.403 +/- acres with 275.74 feet of frontage." The two lots to be served by on site sewer and private wells. The proposed lot line will bisect the property approximately down the center of the existing lot.

**Access**

The site will maintain the existing access point to Route 9. The entrance will be improved to meet NHDOT driveway policy and standards. This includes a 20' long paved driveway apron and maintain a 12' wide driveway. Once the driveway extends beyond the DOT ROW the remainder of the driveway is designed to Hillsborough Subdivision of land Regulations – Driveway Standards (Appendix A Section III). A 25' access easement will be placed over the proposed driveway and will be conveyed when the deeds are created. A NHDOT Driveway permit was submitted on 4/27/22.

**Drainage**

The land cover will remain essentially the same. The proposed gravel driveway is replacing the existing gravel access way. The runoff generated from the driveway way will be essentially the same as the existing condition.



## Donald R. Mellen Surveyor, LLC

22 Center Road  
P.O. Box 412  
Hillsborough, NH, 03244-0412

Phone (603) 464-3266  
Fax (603) 464-3401  
Email: [mellensurvey@tds.net](mailto:mellensurvey@tds.net)  
Website: [www.mellensurvey.com](http://www.mellensurvey.com)

May 16, 2022

Susanne White, Chair  
Town of Hillsborough Planning Board  
PO Box 7  
Hillsborough, NH 03244

### Re: Lot Line Adjustment on Map 4 Lots 53 & 54, Farley Road, Hillsborough, N.H.

Dear Susanne,

In regard to the above referenced application, the applicant is requesting a waiver of the following highlighted requirements of Section 201-5 of the Town of Hillsborough New Hampshire Subdivision Regulations as they pertain to Lots 53 and 54:

- 201-5.B.6**      **Boundaries with angles, bearings and distances.**
- 201-5.B.18**    **Location of numbered test pits and percolation tests. Data for all test pits dug shall be shown on the plan and/or on accompanying 8½" x 11" sheets, bearing the permitted septic designer's stamp on each sheet.**
- 201-5.B.19**    **Subdivision boundaries transferred to United States Department of Agriculture, Natural Resources Conservation Service Soil Maps. The copy of the county soil survey must be provided at the same scale as the original county soil survey.**
- 201-5.B.20**    **Wetland boundaries are identified and delineated ..."**
- 201-5.B.21**    **Surface waters**
- 201-5.B.22**    **A written statement shall be included on the subdivision plan certified by the stamp of a Certified Wetland Scientist (CWS) that all wetlands and surface waters on-site have been delineated in accordance with the standards listed above.**
- 201-5.B.23**    **Topographic survey, with a minimum contour interval of two (2) feet, showing a buildable area in accordance with 201-3(B), together with a fifty (50) foot wide access route from the building site to an existing Class V or better highway.**
- 201-5.B.26**    **Topographic survey, with a minimum contour interval of twenty (20) feet, of the entire subdivision.**

**201-5.B.27**

**Construction plans:**

**(a) Plan and profile.**

[1] Plan of all proposed streets, drives, drainageways and drainage structures; sewer, water and electric lines, erosion and sediment control structures and other areas to be disturbed for the construction of improvements shall be made with existing topography shown in dashed lines and proposed contours shown in solid lines and at a contour interval no greater than two feet, plus spot elevations, center-line stationing of all proposed roads at fifty-foot intervals and the location of all adjacent lot lines with lot number of each lot taken from the site survey. Plans shall be drawn at a scale of not more than one inch equals 50 feet.

[2] Profiles will show existing and proposed elevations along the center lines, roadway grades, curve length, K value, high/low points and all proposed drainage structures and lines, sewer and water lines and other materials. Profiles shall be drawn at a scale of not more than one inch equals 50 feet horizontal and one inch equals five feet vertical.

[3] Cross sections shall be shown every 50 feet along the center line at a scale for both horizontal and vertical of one inch equals 10 feet.

(b) Construction details of all roadways, curbing, sidewalks, drainage structures, sediment control and erosion control structures and any other required improvements shall be shown on a convenient scale.

(c) Construction sequence for each phase of subdivision and construction of improvements.

I am also seeking waivers to the following items found on your checklist but not listed under Section 201-5 of the Subdivision Regulations:

**28. Certified Septic Designer seal and signature.**

**33. Right-of-Way landscape plan.**

As noted on the accompanying plans, the intent of this application is to annex area from Lot 54 to Lot 53; no additional building lots are being created. Lot 53 is a 161.7± acre lot, has frontage on a Class VI road only and has little immediate potential for development. It will be increased in area as the result of this lot line adjustment. I am therefore asking that the requirement for a full instrument survey of this lot be waived.

Items 18-23 and 26 are typically required when an applicant is subdividing and creating new lots. These items are required to show that the lots are buildable. Item 27 is typically required when a subdivision includes the construction of new streets. No new streets are proposed as a result of this lot line adjustment.

Item 28 is typically not required as part of a lot line adjustment which does not create any additional lots. Item 33 is typically required for subdivisions involving the construction of new streets; no new streets are proposed as part of this lot line adjustment.

Sincerely,



Peter D. Mellen, LLS