



Memorandum

To: Paul A. Croce, Chairman
Planning Board members

From: Ron Wolanski, Town Planner

Date: April 1, 2022

Re: Request of Brian W. Murray on behalf of WAM Nominee Trust and the Lisa C. Muir Revocable Trust of 2011 for approval of an administrative subdivision to transfer 1,955 sq.ft. of land from one lot to another. Properties located at 103 & 105 Purgatory Road, Plat 116NW, Lots 52 & 55.

Due to the nature of the proposed administrative subdivision, pursuant to Section 405 of the *Rules and Regulations Regarding the Subdivision and Development of Land*, I have decided to refer the above referenced application to the Planning Board for consideration.

The applicant is proposing to relocate the existing property line between the subject lots which would result in the transfer of approximately 1,955 sq.ft. of land from Lot 52 to Lot 55. The property is located in the R-10 zoning district. Both resulting lots would meet the minimum lot area requirement for a single-family dwelling of 10,000 sq.ft. Lot 55, which currently has no frontage on a public street, would be provide 20 feet of frontage on Purgatory Rd. as a result of the plan. Frontage for Lot 52 would be reduced to 176 feet. It appears that no zoning relief would be needed in order for the plan to be approved.

The plan will result in the transfer of ownership of a portion of a shared driveway which currently provides access to six lots (Lots 52, 53, 54, 55, 56, 57 on AP 116NW), including the two subject parcels. It is unclear how the transfer of ownership of a portion of the driveway would impact this access. No access easements are shown on the plan. One of the findings that must be made prior to subdivision plan approval is that lots will have access to a public street. I have advised the applicant's engineer that documentation demonstrating access to the public street for the impacted lots should be provided for Planning Board consideration.

Should the Board wish to proceed with an approval of the plan the following findings must be made.

Required findings (Subdivision rules and regulations section 403)

The following is a list of the required findings the Board **must** make in approving a subdivision. The Board should make its own conclusions as to the consistency of the plan with these findings.

1. The proposed development is consistent with the comprehensive community plan.

2. The proposed development is in compliance with the standards and provisions of the Town zoning ordinance.
3. There will be no significant negative environmental impacts from the proposed development.
4. The subdivision will not create lots where physical constraints would make building on the lots impracticable.
5. All subdivision lots shall have adequate and permanent physical access to a public street.

The application was certified complete on March 28, 2022. The Planning Board must approve, approve with conditions, or deny the application with 65 days of certificate of completeness: June 1, 2022.

cc. Town Solicitor
Applicant's representative