



Town of Amherst, New Hampshire
Office of Community Development
Building · Code Enforcement · Planning · Zoning · Economic Development

NOTICE OF DECISION

CASE #: PZ19038-060424
MEETING DATE: July 17, 2024
CREATED BY: Nic Strong, Community Development Director
ZONING DISTRICT: Residential Rural (RR) with Wetland & Watershed Conservation District (WWCD Overlay)
APPLICATION DESIGNATION: Final Minor Subdivision
PLAN TITLE and DATE: Subdivision Plan Land Of James Kaveney & Lisa Kaveney
Tax Map 6 Lot 30 82 Baboosic Lake Road Amherst, New Hampshire
Scale: 1" = 40' June 3, 2024
PROPERTY OWNER: James & Lisa Kaveney
APPLICANT/AGENT: Kevin McClure, Meridian Land Services, Inc.
MAP/LOT: Map 6 Lot 30
LOT SIZE: 6.719 acres
ROAD FRONTAGE: Baboosic Lake Road
LOCATION OF PROPERTY: 82 Baboosic Lake Road

You are hereby notified that the Subdivision Plan as cited above has been conditionally approved by majority vote of the members of the Planning Board on July 17, 2024, on the motion:

I **MOVE** to approve Case #PZ19038-060424 for James and Lisa Kaveney for the above cited Final Subdivision of Map 6 Lot 30, with frontage on Baboosic Lake Road, with the following conditions:

CONDITIONS PRECEDENT

Conditions Precedent: The following conditions must be satisfied prior to the Planning Board Chair signing the plans.

1. Submission of revised plans in the number required by the Subdivision Regulations and that include all of the checklist corrections, any corrections as noted at this hearing and any waivers granted.
2. Submission of the mylar for recording at the HCRD.
3. Bounds should be set on the final plat, or a separate certification of bounds set will be required to be recorded at the Hillsborough County Registry of Deeds at the applicant's expense.

4. Receipt of State Subdivision Approval and listing of the approval number on the final plat.
5. Receipt of a list of all lienholders and mortgages, identified and certified by an attorney, if any.
6. Payment of any outstanding fees related to the subdivision application and/or the recording of documents with the HCRD.

SUBSEQUENT CONDITIONS:

Conditions Subsequent: The following conditions subsequent shall be met during construction and on an on-going basis:

1. The applicants shall comply with all of the Town of Amherst's Subdivision Regulations, Stormwater Regulations and Zoning Ordinance requirements.
2. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Acceptance and approval by the Board of the submission shall constitute an agreement between the Town and the applicant that subdivision and development of the land in question shall be done as detailed on the final plat/s. Deviation from the approved final plat requires the consent of the Board.
3. The applicant is assessed impact fees in accordance with the Amherst Impact Fee Schedule approved on August 14, 2023, at the single-family residential rate, with the exact amount of the fees to be calculated by the Community Development Office based on the final square footage determinations. Said impact fees to be collected in accordance with the Impact Fee Ordinance.
4. All wetland buffers shall be placarded.
5. A Stormwater Management Plan shall be filed, and a Stormwater Permit applied for at the same time as a building permit for any construction on the newly subdivided lot.

**ACTIVE AND SUBSTANTIAL DEVELOPMENT OR BUILDING AND
SUBSTANTIAL COMPLETION OF IMPROVEMENTS:**

1. Within 24 months after the date of approval, the following items must be completed in order to constitute "active and substantial development or building" pursuant to RSA 674:39, I, relative to the 5-year exemption to regulation/ordinance changes:
clearing of the driveway along its entire length
2. The following items must be completed in order to constitute "substantial completion of the improvements" pursuant to RSA 674:39, II, relative to final vesting:
installation of the building foundation

FINDINGS OF FACT:

Application Description

Case # PZ19038-060424. James and Lisa Kaveney, Owners. 82 Baboosic Lake Road, PIN#: 006-030-000. Application depicts subdivision of Tax Map 6 Lot 30 into two residential lots in the Residential Rural Zone.

The Staff Report's description and chronology is adopted by the Board as a portion of the Findings of Fact and can be referred to for further details.

Application Completeness

Per Subdivision Regulations Section 202, the Planning Board reviewed documents provided and determined that the application was sufficiently complete to proceed with consideration by the Board per RSA 676:4. I (b).

Land Usage Requirements

Per Subdivision Regulation 207, the character of the land to be subdivided was, in the judgement of the Board, suitable for building purposes without danger to public health or safety, or to the environment.

Per Subdivision Regulations Section 208, the proposed land use meets the existing land uses permitted in the Zoning District which is Residential Rural.

Per Subdivision Regulation Section 209, the applicant will give due regard to preservation and protection of existing features including stone walls and buffers to wetlands.

Per Subdivision Regulation 303, the applicant received a waiver to the driveway standards.

Per Section 4.11 Wetland and Watershed Conservation District requirements, the applicant has applied separately for a CUP (Conditional Use Permit) for the driveway to be constructed within the buffer.

Waivers

Per Subdivision Regulations Section 202.3, the Planning Board may approve waiver requests if the applicant shows good cause.

The applicant received waivers for the studies, for the Stormwater Management Plan, and for Driveway Regulations Section H.13.

Conditions

The applicant acknowledges the conditions precedent and conditions subsequent in the Staff Report as well as any additions from the Planning Board are required.

Summary

The Planning Board finds that with the conditions imposed in the approval, the application meets the spirit and intent of the Ordinances and Regulations.



Nic Strong
Community Development Director

July 24, 2024
Date

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