



AGENDA

September 20, 2011

Town Hall BOS Meeting Room - 6:30 PM

SCENIC ROAD PUBLIC HEARING:

In accordance with NH RSA 231:158, the Milford Planning Board will hold a public hearing on the following applications:

1. **Creative Investors, LLC – Map 45, Lot 17 (proposed lots 17-1 and 17-2);** partial removal of stonewall and potential tree cutting/trimming for proposed driveways to be located on Mile Slip Rd.
2. **Carole M. Colburn Revocable Trust – Map 51, Lot 1;** partial removal of stonewall and potential tree cutting/trimming for proposed driveways to be located on Osgood Rd.

MINUTES:

3. Approval of minutes from the 8/16/11 meeting/public hearing.

NEW BUSINESS:

4. **HD Enterprises, Inc/Hillmont Properties, LLC – Elm St – Map 12, Lot 13-1.** Public Hearing for a site plan amendment to construct a 400SF addition with associated site improvements.
(New application-applicant)
5. **Carole M Colburn, trustee for Carole M Colburn Rev Trust – Osgood Rd – Map 51, Lot 1.** Public Hearing for a proposed subdivision creating three (3) new residential lots.
(New application-Meridian)

OTHER BUSINESS:

Future meetings:

09/27/11 Worksession
10/04/11 Worksession
10/11/11 Worksession
10/18/11 Regular meeting

The order and matters of this meeting are subject to change without further notice.

Town Hall • Union Square • Milford, NH 03055 • (603) 249-0620 • Fax (603) 673-2273

MILFORD PLANNING BOARD MEETING (Draft)
August 16, 2011 Board of Selectmen's Meeting Room, 6:30 PM

Members present:

Janet Langdell, Chairperson
Tom Sloan, Vice chairman
Paul Amato
Kathy Bauer, BOS representative
Chris Beer
Steve Duncanson
Susan Robinson, Alternate member

Excused:

Judy Plant

Staff:

Sarah Marchant, Town Planner
Shirley Wilson, Recording Secretary
Jack Knowles, Videographer
Meghan Bouffard, Videographer

Matt Sullivan, Perspective member

MINUTES:

1. Approval of minutes from the 7/19/11 meeting.

NEW BUSINESS:

2. **Town of Milford/Boynton Hill Rd – Map 40, Lot 104.** Public Hearing for a waiver request from Development Regulations Article V, Section 5.016. (new application)
3. **Creative Investors – Mile Slip Rd – Map 45, Lot 17.** Public Hearing for a proposed conventional subdivision creating three (3) new residential lots. (new application)
4. **Spring Creek Sand & Gravel, LLC – Mile Slip Rd – Map 50, Lot 4-4.** Public Hearing for an excavation plan amendment to revise one note on plan #SP1004-15 for the existing, approved gravel operation. (new application)

Chairperson Langdell called the meeting to order at 6:30PM, introduced the board members and staff and reviewed the ground rules for the meeting.

MINUTES:

P. Amato made a motion to accept the minutes from the 7/19/11 meeting. S. Duncanson seconded. P. Amato, K. Bauer, C. Beer, S. Duncanson, and J. Langdell voted in favor. T. Sloan abstained.

NEW BUSINESS:

Town of Milford/Boynton Hill Rd – Map 40, Lot 104. Public Hearing for a waiver request from Development Regulations Article V, Section 5.016.

Abutters present:

John & Nancy McDevitt, Boynton Hill Rd

Joe Traficante, Boynton Hill Rd

Chairman Langdell recognized:

Sarah Marchant, representing Bill Parker, Milford Community Development Director

P. Amato made a motion to accept the application. C. Beer seconded and all in favor. J. Langdell noted that the application was complete according to the staff memo. S. Wilson read the abutters list into the record.

S. Marchant explained that the waiver request application is taken care of per the verbiage of town counsel and signed by Bill Parker, Director of Community Development as part of the petition. Since the original subdivision, approved and signed in 2003, three lots have been built and one lot is anxiously awaiting a closing. The roadway has been built through phase I with the proposed turnarounds; however, it has never been completed. Ownership has switched hands several times and the town has gotten involved with winter road maintenance. Staff has been working for the past eight months to try to figure out the best way to take over the road and use the securities which are sufficient, to finish the roadway. We have reached a solution and all parties have agreed; however, part of the original subdivision approval and Planning Board regulations require that a deed to the roadway be granted. It is not possible for a deed to be granted for this roadway, and in lieu of that, the BOS will hopefully be making a decision, on August 29th, to take the roadway. There will be no discrepancies but this is outside of normal process which requires a waiver. The ownership of this roadway has switched several times; several of the lots have been sold to individual owners and there are many mortgagees on these properties. Because of how the deeds were written when the properties sold, our process would require sign-off by all owners and parties of all the lots. It would be very costly and time consuming to chase down all the mortgagees specifically. There are very clear, legal ways per RSA without having to go that route.

J. Langdell read item #14 of the petition/application *..when the lots in this subdivision were conveyed, the deeds did not contain any such exception...* which would have created the right of the Town to get the deed for the roadway *.. and, accordingly, ownership of the bed of the roadway shown as Boynton Hill Road appears to reside fractionally in the two original developers as well as an undivided fractional share corresponding to ownership of any of the individual lots in the subdivision.* We are tracking back to something that happened around 2002 and trying to move forward. S. Marchant said that the Town's goal, with this waiver and the Selectmen's sign-off later this month, is to finish the road before winter so we can take over all maintenance for plowing and drainage. J. Langdell added that would also maintain public safety.

P. Amato inquired as to how much money was held as security. S. Marchant replied that the owners have signed over the remaining amount of nearly \$25,000 which will cover our estimates for paving, cleaning out the drainage, the as-builts and for the last of the bounds to be set. P. Amato said he didn't remember getting into this kind of situation in the past and asked what happened. S. Marchant said she was not exactly sure how we got here and there are many factors, such as not having a development agreement, the repeated switching of owners, private ownership sales, and unclear ownership of the roadbed. Usually we have a very clear sale from one owner to another that can be traced back, but there are some fuzzy documents in this case that make it very difficult to determine ownership. J. Langdell said based on Sarah's presentation as well as the documentation from town counsel, it appears there was a problem on the owner/developer side when they were crafting the documents and that the errors started many years ago, but tracked forward.

Chairperson Langdell opened the meeting to the public; there being no comment, the public portion of the hearing was closed.

T. Sloan made a motion to grant the waiver, as follows *The Town of Milford Planning Board, finds that there is cause to grant a waiver of **Town of Milford Development Regulations - § 5.16** to permit the Phase I portion of **Boynton Hill Road** to be laid out by the Selectmen as a public road without the requirement of a deed to the underlying fee of the road and, the Board also finds that the proposed layout corresponds ‘...in its location and lines...with a street shown on a subdivision plat approved by the planning board, ..., per RSA 674:40,(I)(b), namely the subdivision plan of Boynton Hill Subdivision, currently on record in the Hillsborough County Registry of Deeds as **Plan #32640**. P. Amato seconded. K. Bauer, BOS representative, abstained as the BOS will be considering this matter on 8/29/11. All else voted in favor and the motion carried by a vote of 6-0-1.*

Creative Investors – Mile Slip Rd – Map 45, Lot 17. Public Hearing for a proposed conventional subdivision creating three (3) new residential lots.

Abutters present:

Mark Maloon, Mile Slip Rd

Paul Amato of Spring Creek Sand & Gravel LLC, Mile Slip Rd

Chairman Langdell recognized:

Mike Plough, Fieldstone Land Consultants, PLLC

Kent Chappell, Creative Investors

Nate Ball, Creative Investors

P. Amato requested to step down as he was an abutter to this application. C. Beer made a motion that this application did not pose potential regional impact. S. Duncanson seconded and all in favor. J. Langdell noted that the application was complete according to the staff memo. S. Wilson read the abutters list into the record. C. Beer made a motion to accept the application. S. Duncanson seconded and all in favor.

M. Plough distributed and presented revised plans dated 8/12/11. He explained that the 29.7 acre parcel is to be subdivided creating three (3) new lots each with the required 200ft of frontage along Mile Slip Rd and two (2) acre minimums required by the Residential “R” district. The remaining 21.9 acre lot has frontage along Wolfer Rd, a class VI road. There will also be a proposed access easement shown on the plan on lot 17-2 for the benefit of lot 17-3 which will minimize the slope and help with the drainage from the build-out of these lots. Sheet 3 shows the proposed grading and driveway design. The proposed common driveway meets the Milford Driveway Design Standards. The driveway for lot 17-3 will come off the road at 4% for 20ft, continue up at 10% until the plateau and then flatten out at 5%. The driveway for lot 17-2 has the same start of 4% going up to 10% and the landing will be 3%. The driveway for lot 17-1 will come off at 4%, going up at 4% and then 6% right into the garage. The proposed homes will have drive under garages. The drainage design shows swales on either side of the access easement coming down to a proposed cross-culvert into an existing 24” CMP culvert. Although a bit steep, we feel the proposed driveway grading better fits the land, has great sight distance either way and meets the intent of the driveway regulations. We will be meeting with the DPW Director next week to review these plans.

S. Marchant noted that in reviewing the plans today, we just caught the fact that Mile Slip Rd is a scenic road and a scenic road hearing will be required for the placement of the driveways prior to any driveway permits being issued.

K. Bauer asked if the 10% grade met our driveway regulations. S. Marchant said 10% is the maximum grade.

S. Duncanson asked if the Fire Department had seen these proposed driveway plans. S. Marchant said no, but we can submit the plans for review. In the past, the last common driveway had to be wider than twelve (12’) ft for winter clearance and this one starts at sixteen (16’) ft which should be sufficient. J. Langdell suggested that future interdepartmental reviews include parameters for what is sufficient for fire apparatus. S. Duncanson then inquired if the ten (10’) ft turning radius was enough for the Fire Department. J. Langdell said Fire Department review can be added as a condition of approval.

J. Langdell reviewed staff comments from the memo dated 8/16/11 and a memo from Bill Parker dated 8/3/11 which discussed the remainder lot on Wolfer Rd being a non-buildable lot. It was also requested that a note be added to the plan stating such. M. Plough said that has been addressed on note #16... *Lot 45/17 shall be considered a non-buildable lot until such time as zoning relief is granted or Wolfer Road is upgraded to a Class V roadway. The improvements to Wolfer Rd will require town improvements prior to construction.*

T. Sloan suggested a note stating that there is a dedicated ROW for lot 3 across lot 2 and there should be something that pertains to the responsibilities for maintaining that shared driveway. S. Marchant said generally a common access easement is required that will be recorded with the subdivision plan. K. Bauer inquired about driveway maintenance. S. Marchant said that information will be detailed in the common driveway easement and is a private agreement between the two parties.

Chairperson Langdell opened the hearing to public comment; there being none, the public portion of the meeting was closed.

J. Langdell then reviewed staff recommendations.

C. Beer made a motion to grant conditional approval of the application; pending staff recommendations, DPW and Fire Department review, a common access agreement be provided, and a note be added to the plan referencing the ROW. S. Duncanson seconded and all in favor.

Spring Creek Sand & Gravel, LLC – Mile Slip Rd – Map 50, Lot 4-4. Public Hearing for an excavation plan amendment to revise one note on plan #SP1004-15 for the existing, approved gravel operation.

Abutters present:

Martin Sample, Mile Slip Rd

Steve & Shelly LaSalle, Mile Slip Rd

Chairman Langdell recognized:

Paul Amato, Spring Creek Sand & Gravel, LLC

Mike Plough, Fieldstone Land Consultants, PLLC

C. Beer made a motion to accept the application. K. Bauer seconded and all in favor. J. Langdell noted that the application was complete according to the staff memo. S. Wilson read the abutters list into the record.

P. Amato explained the he acquired this parcel a number of years ago from Russ Goldman of Sandy Creek Sand & Gravel. Although the market has been quiet over the past few years he continues his permit for the sand and gravel operation. The original operation used my property to access Mason Rd and now I own the operation and we still take the material out my other property, so we either need to have the note amended or removed from the original plan dated 10/18/04.

J. Langdell asked if the plan is reviewed by Staff, the Zoning Administrator and Code Enforcement with the annual issuance of the gravel permit. S. Marchant said it is reviewed by staff. Gravel removal operations are very strongly governed by State RSA and NH DES and DES has regular requirements for information submittal on the status of the operation. P. Amato added that he is submitting this current existing conditions plan prepared by Fieldstone Land Consultants to DES as part of the process. J. Langdell referenced the staff memo comments ... *the gravel excavation operation has been completed in accordance with the approved plan through phase _____, however, it has exceeded the allotted five year time frame* and asked what phase the operation was in, what the lifespan would be and what is the reclamation plan. P. Amato said He would like to think this operation will be done in the next five years, but he doesn't really know how long it will take as he can't control the economy or the building activity in the area. Phase I was completed and reclaimed prior to when he purchased the operation. A portion of phase II is done and we've just started getting into phase III, which is a large area with a lot of material to remove. He described the area and also the recent logging activity this summer.

K. Bauer brought up the staff comment from Code Enforcement to review the plan every five years. S. Marchant explained that former note #11 was unique to this plan and was not part of our gravel excavation regulations, our

development regulations or on any other gravel removal operation plan in this community. J. Langdell said we're not required to do this, but would it be a better *best practice* within the Town of Milford if going forward that type of note was included on gravel operation plans. P. Amato clarified that the reasoning behind the note was because Mr. Goldman was using his property to get in and out and he didn't want the operation to go on forever without any control. He doesn't feel there is still a need for the note as he now owns both properties. J. Langdell said that with the DES requirements and the annual permit, there is some level of review already. K. Bauer agreed that there is sufficient review to remove the note. P. Amato added that the Town has \$22,500 of his money as a reclamation bond which is incentive to move the process along.

Chairperson Langdell opened the hearing to public comment.

S. LaSalle said her driveway sits right across the street from the small easement area and wanted to be sure that everything will still be trucked out the way it has been all along and that nothing will be coming out that way onto Mile Slip Rd. P. Amato replied that was correct and said the only time that easement came up was when the Mitchell Brook Development was being considering. S. Marchant said there is a note on the plan that specifically states the route to be used and all other detail points of the original plan will stay the same. Mr. Amato would have to come back to the Planning Board before that route could change.

The public portion of the meeting was closed.

T. Sloan made a motion to grant approval subject to the staff recommendations from the memo dated 8/16/11. S. Duncanson seconded and all in favor.

OTHER BUSINESS:

There was no other business discussed and the meeting was adjourned at 7:16PM.

MINUTES OF THE AUGUST 16, 2011 PLANNING BOARD MEETING APPROVED _____, 2011

Motion to approve: _____

Motion to second: _____

Signature of the Chairperson/Vice- Chairperson: _____ Date: _____



STAFF MEMO

Planning Board Meeting

September 20, 2011

Agenda Item #1: Creative Investors, LLC – Mile Slip Rd – Map 45 Lots 17 (Proposed lots 17-1 and 17-2)

SCENIC ROAD PUBLIC HEARING

Public hearing for potential removal of stonewall for a two new driveways to be located off Mile Slip Road, servicing three lots

Background:

In conjunction with a minor subdivision application conditionally approved in August, the applicant is before the Board for one new driveway and one new shared driveway off of Mile Slip Road. All of Mile Slip Road is classified as a “Scenic Road”.

Based on NH RSA 231:158.II, *Effect of Designation as Scenic Road,*

“Upon a road being designated as a scenic road as provided in RSA 231:157, any repair, maintenance, reconstruction, or paving work done with respect thereto by the state or municipality, or any action taken by any utility or other person acting to erect, install or maintain poles, conduits, cables, wires, pipes or other structures pursuant to RSA 231:159-189 shall not involve the cutting, damage or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the planning board, or any other official municipal body designated by the meeting to implement the provisions of the subdivision after a public hearing...”

There are no trees flagged for trimming or removal for either driveway, however both driveways will require a portion of the stonewall be removed or relocated.

Staff Recommendation:

It has been customary to recommend when stone walls are disturbed for new driveways or roads that the disturbed portion of the stone wall be rebuilt along the new driveway or incorporated into the existing wall.

If the Planning Board consents to the disturbance of the existing stone wall for the two driveways, Staff would recommend that as a condition of approval the stones be utilized on site for driveway delineation or along the existing stone wall.



STAFF MEMO

Planning Board Meeting

September 20, 2011

Agenda Item #2: Carole M Colburn Revocable Trust – Osgood Rd – Map 51, Lot 1

SCENIC ROAD PUBLIC HEARING

Public hearing for potential removal of stonewalls for two new driveways to be located off Osgood Road, serving three new lots

Background:

In conjunction with a minor subdivision application, the applicant is before the Board for one new driveway and one new shared driveway off of Osgood Rd. All of Osgood Road is classified as a “Scenic Road”.

Based on NH RSA 231:158.II, *Effect of Designation as Scenic Road*,

“Upon a road being designated as a scenic road as provided in RSA 231:157, any repair, maintenance, reconstruction, or paving work done with respect thereto by the state or municipality, or any action taken by any utility or other person acting to erect, install or maintain poles, conduits, cables, wires, pipes or other structures pursuant to RSA 231:159-189 shall not involve the cutting, damage or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the planning board, or any other official municipal body designated by the meeting to implement the provisions of the subdivision after a public hearing...”

There are no trees flagged for trimming or removal for either driveway, however both driveways will require a portion of the stonewall be removed or relocated.

Staff Recommendation:

It has been customary to recommend when stone walls are disturbed for new driveways or roads, that the disturbed portion of the stone wall be rebuilt along the new driveway or incorporated into the existing wall.

If the Planning Board consents to the disturbance of the existing stonewall for the two driveways, Staff would recommend that as a condition of approval the stones be utilized on-site for driveway delineation or along the existing stone wall.



Looking South from Proposed Single Drive for lot 51-1-1



09/14/2011

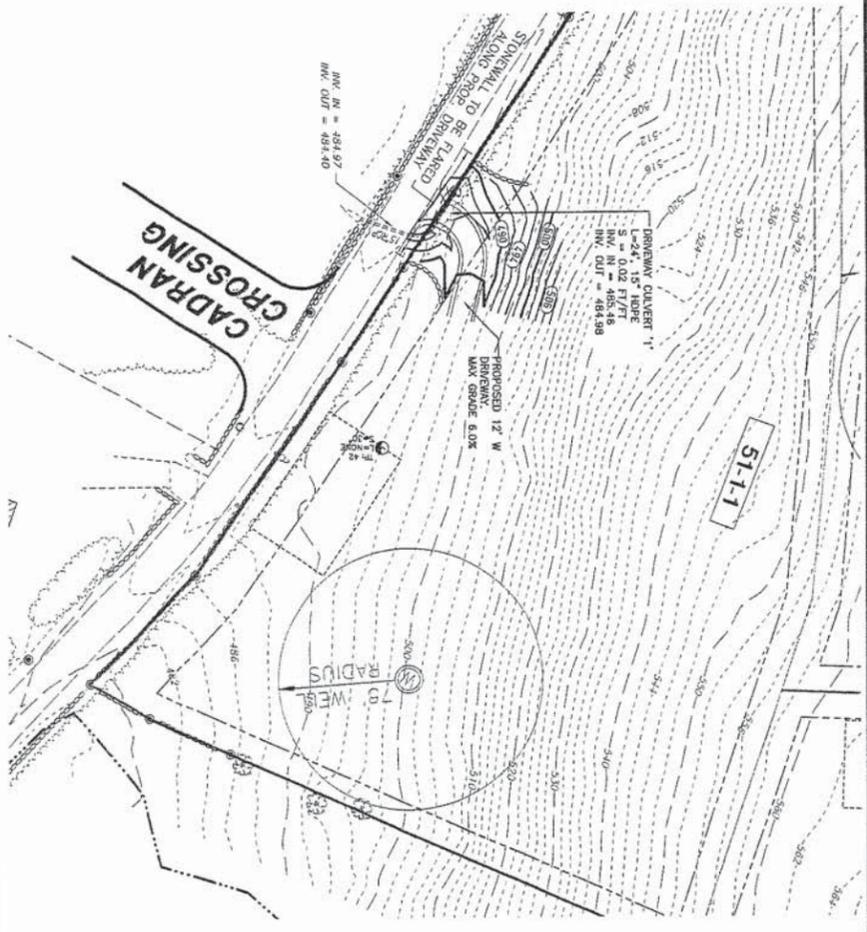
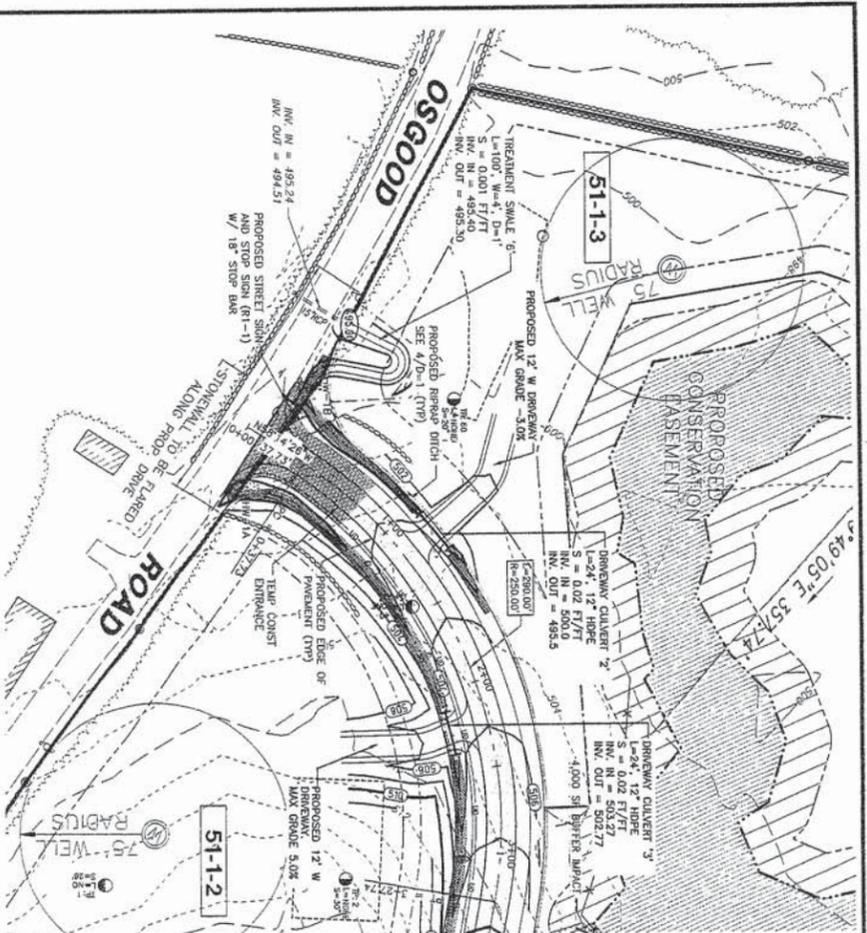
Looking North From Proposals Single Drive For Lot 51-1-1



Looking North from Proposed Common Driveway/Future Rd.

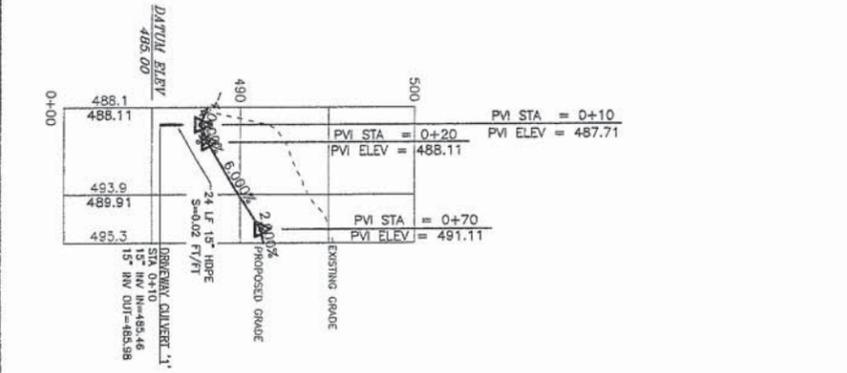
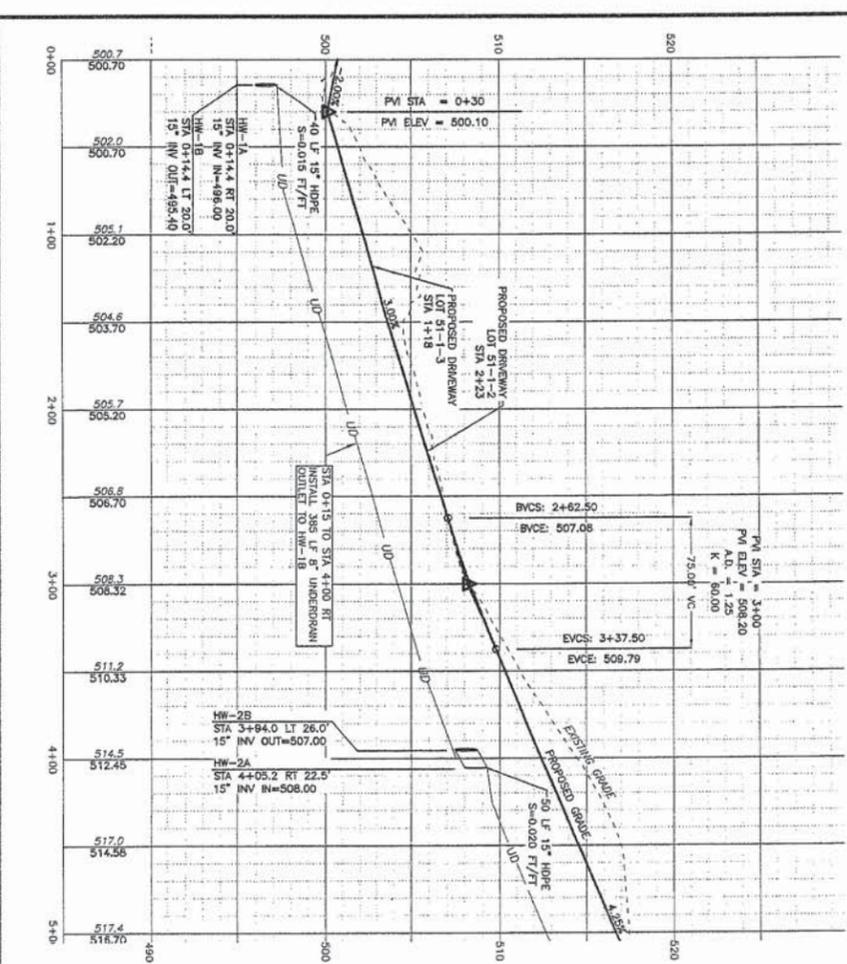


LOOKING SOUTH FROM PROPOSED COMMON DRIVE / FUTURE RD.



(2) PROPOSED DRIVEWAYS OFF THE PROPOSED COMMON DRIVEWAY

(1) PROPOSED INDIVIDUAL DRIVEWAY OFF OSGOOD ROAD



- GENERAL CONSTRUCTION NOTES:**
1. THE LOCATION OF THE UTILITIES SHOWN ARE APPROXIMATE. THE CONTRACTOR IS RESPONSIBLE FOR ALL UTILITY SERVICES, TO LOCATE AND PRESERVE.
 2. THE CONTRACTOR IS RESPONSIBLE FOR ALL UTILITY COMPANIES AND JURISDICTIONAL AGENCIES PRIOR TO AND DURING CONSTRUCTION.
 3. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND PROPOSED WORK PRIOR TO CONSTRUCTION.
 4. CONTRACTOR SHALL OBTAIN A ROAD OPENING PERMIT FROM THE MILFORD DPW PRIOR TO MOBILIZATION.



TAX MAP LOT 51-1 MILFORD, NEW HAMPSHIRE		PLAN AND PROFILE 3 PROPOSED DRIVEWAYS	
CAROLE M. COLBURN REVOCABLE TRUST			
SCALE: 1" = 50' HORIZ. / 1" = 5' VERT.	DATE: MAY 23, 2007	REV. DATE	DESCRIPTION
A	9/15/11	3	PROPOSED DRIVEWAY LOCATIONS
KEA	JAH	DR	CK

MERIDIAN
Land Services, Inc.

31 OLD NASHUA ROAD, AMHERST, NH 03031
MAILING ADDRESS: PO BOX 118, MILFORD, NH 03055-0118
TEL: 603-873-1441 FAX: 603-873-1584 MERIDIAN@MERIDIANLANDSERVICES.COM

ENGINEERS - LAND SURVEYORS - SCIENTISTS - LAND PLANNERS



STAFF MEMO

Planning Board Meeting

September 20, 2011

Agenda Item #4: HD Enterprises, Inc/Hillmont Properties, LLC – 770 Elm St – Map 12, Lot 13-1

Public Hearing for a Minor Site Plan

Background:

The applicant is before the Board to amend the existing Site Plan for 770 Elm St, to allow for a 20' x 20' three-season porch addition, in line with the front of the existing structure on the east side. The applicant received a special exception from the ZBA on September 1st to construct the new porch within the front setback lines (minutes attached), 9 feet from the edge of the State ROW.

The site is located between Dunkin Donut's to the east and Balcom Brothers to the west. There are no structures across Route 101 as the ROW abuts the banks of the Souhegan River, although the river sits substantially lower than the road and businesses.

The site has recently been a series of coffee shops or restaurants. The current applicant is proposing a Memphis BBQ and Blues restaurant and bar. To accommodate the BBQ smoker, which is a self-contained unit and will meet all air quality standards, the applicant needs to construct the three-season porch, as the unit is too large to fit in the existing kitchen. The applicant has stated in Note 5: *addition will architecturally match the existing building.*

The applicant is not proposing any changes to the existing driveway entrance, parking configuration or open space. The existing site plan shows 18 parking spaces, the applicant has added 4 parking spaces, labeled as "Compact Car Only" at the entrance to the lot. These spaces allow for the minimum 24 feet of clearance between the end of the parking space and the building however they are only shown as 15' in depth. The Development Regulations require 18' for parking spaces.

The applicant is proposing to utilize the existing signage on the building, however the maple trees along the ROW screen much of this signage. The site plan details a sign in the north-western corner of the lot at the edge of the driveway.

The applicant has noted a dumpster to the rear of the parking lot. The dumpster should not be located to hinder the use of the last parking space. In addition, the Development Regulations require the dumpster be screened and located on concrete pad, or other solid surface. The site plan should reflect how the dumpster will be screened (fencing, shrubs, etc) and that it will be located on a concrete pad.

The two large maples in front of the site will remain and will shield the addition from the public right-of-way. No additional landscaping has been proposed for the site.

Please find the attached copy of the site plan, images of the property, ZBA minutes and Fire Department Memo. Staff believes the application is ready for acceptance at this time.

Interdepartmental Reviews:

Code Enforcement–

Applicant is currently working with Code Enforcement relative to the attached porch, expansion of a non-conforming use and Shoreland Protection. All other issues will be addressed through the code review process.

Zoning –

1. Use is allowed by zoning in the “C” Commercial District.
2. Special Exception was granted 9/1/11 to allow construction of a 20’ x 20’ addition within the front 30’ setback. Addition to maintain the front setback line of existing structure and will be approximately 9 feet from the property line.

Water Utilities – The Property is on a private well, no issues with sewer.

Fire – see attached memo.

The DPW, Police and Conservation Commission have no comment on this application.

No responses were received from Assessing and Ambulance departments or Heritage Commission as of 9/15/11. The Heritage Commission did note in an email that this was originally a school house and a historically significant building. If any comments come in, Staff will let the Board know at the meeting.

Staff Recommendation:

The Board should discuss with the applicant the proposed new parking spaces being designated for *Compact Cars only* which are smaller than specified by the Development Regulations.

If the Board chooses to grant conditional approval, the following details will need to be finalized prior to final approval:

- 1) The type of screening and pad the dumpster will be located on shall be noted on the plan.
- 2) A note be added stating “The dumpster shall not be located so as to interfere with the parking configuration”
- 3) All new signage will have to comply with Sign Ordinance.
- 4) A stormwater permit is not required at this time.





Fire Department MEMORANDUM

TO: Sarah Marchant
FROM: Capt. Jason A Smedick
DATE: 2 September 2011
SUBJECT: 770 Elm St. Site Plan Review

After review of the aforementioned site plan the following items will need to be addressed:

- 1. The smoker shall meet the requirements of NH State Fire Code, NFPA 96 Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations.**
- 2. If the restaurant is to be used as a night club as well and has an occupant load of greater than 100 persons a sprinkler system shall be installed.**

Should you have any questions please do not hesitate to contact me.

Town of Milford
Zoning Board of Adjustment Minutes
Sept 1, 2011
Case # 14-11
Charles Hall
Special Exception

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Present: Kevin Johnson, Chairman
Laura Horning
Fletch Seagroves
Steve Winder
Zach Tripp - Alternate

Absent: Steve Bonczar
Michael Unsworth - Alternate

Secretary: Peg Ouellette

Case #14-11 - The applicant, Charles Hall, along with Hillmont Properties LLC, owner of Map 12, Lot 13-1, 770 Elm St, in the Commercial district, is requesting a special exception from Article II, Section 2.03.1:C to alter an existing non-conforming structure by constructing an addition, nine (9) +/- feet from the front property line.

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

47 Kevin Johnson, Chairman, opened the meeting by stating that the hearings are held in accordance with
48 the Town of Milford Zoning Ordinance and the applicable New Hampshire Statutes. He continued by
49 informing all of the procedures of the Board; he then introduced the Board. K. Johnson read the notice
50 of hearing into the record, as well as the list of abutters. Charles Hall of HD Enterprises, Inc. was
51 present. Hillmont Properties and 776 Elm Street, LLC were represented.
52 Charles Hall presented his case: He stated they want to renovate and expand an existing building to
53 change use into a bar and restaurant. They seek to put in a three-season porch on the left-hand corner
54 of the building (as you face the building) which would be approximately 20' x 20'. He stated it will more
55 than likely be a little smaller than that but decided to go larger and downsize from there. Having a
56 three-season porch outside the building will require access into the side of the building. They do have
57 double doors on one side with an 8 ft stockade fence. There are two large maple trees in the front of
58 the building that will fairly well cover the visual aspect of the building. Balcom Brothers Rental is on the
59 other side of the building. The proposed porch will be unobtrusive and will not visually change the
60 structural shape or footprint of the building. He stated the biggest problem is that the deck will be
61 within nine ft from where the State ROW is, so they came in to go through the ZBA process.
62 K. Johnson stated it appears from both the plot plan and applicant's submitted drawing that the
63 proposed new addition, as it fronts along Rt. 101, will be in line with the existing building. He asked if
64 that is the case.
65 C. Hall responded that is correct.
66 K. Johnson asked if that is the boundary to which an exception is being sought.
67 C. Hall responded it is.
68 K. Johnson asked if that existing building is already at the approximate, plus or minus, from the right of
69 way which extends beyond the surface of the roadway.
70 C. Hall responded yes.
71 L. Horning questioned the 19 ft call out on the plan between this building and Dunkin Donuts. Are
72 people driving back and forth along this? Is there enough for two vehicles to pass back and forth? Is it
73 obstructing anything?
74 C. Hall stated that the 19 ft boundary area is a greenway. It has two fences; actually a fence and a half
75 after Hurricane Irene. There is no way to get around the back of the building. He pointed out that they
76 have handicapped ramps and to the right of the ramp is also a patio area of crushed stone and pea
77 gravel. If you go around that right side of the building from the back to the proposed three-season deck
78 area, there is a fence, brush and shrubbery, and pea stone gravel.
79 K. Johnson, pointing to the plan, showed the line where the fence exists and the section of fence that
80 has since been blown down.
81 C. Hall stated that is correct, the fence line that goes parallel to that side of the building is the 8 ft
82 stockade fence between Dunkin Donuts and the property. At the back corner of the building there was
83 another 8 ft stockade fence which came down and there is a picket fence at the back side of the
84 proposed deck that will have to be relocated.
85 K. Johnson asked if the existing chimney and fence are on that side of the building, those will need to be
86 addressed. He noted on the application that this is being taken care of.
87 Applicant stated yes.
88 K. Johnson opened the hearing for public comment; there were no comments or questions and the
89 public portion of the meeting was closed. He then stated a letter received from John Hill giving Charles
90 Hill permission to represent his interest in this case.
91 Kevin Johnson asked the applicant to go through the criteria for a special exception.
92 Description of proposed use: Renovate and expand existing building for a restaurant/bar.
93 Build a bar and install coolers and sinks. Build a three season deck, 20x20 SF to building and
94 install exterior door to allow access to the deck.
95 **1. The proposed use shall be similar to those permitted in the district:**

96 As evidenced by the numerous local businesses in the immediate area with assorted decks and
97 landings that are used for various purposes, we also will run along the same lines.
98 **2. The specific site is an appropriate location for the proposed use because:**
99 It is unobtrusive to virtually all other businesses in the area because it is screened from the
100 road by trees and from abutters by stockade fencing.
101 **3. The use as developed will not adversely affect the adjacent area because:**
102 It is blocked from view and access by stockade fence. Separated from other abutters by the
103 building itself.
104 **4. There will be no nuisance or serious hazard to vehicles or pedestrians:**
105 It is not accessible to any vehicular traffic and is not in the path of any pedestrian foot traffic.
106 **5. Adequate appropriate facilities will be provided for the proper operation of the proposed**
107 **use because:**
108 As an outside addition with associated deck there is no other appropriate facilities involved . All
109 access to the area will be controlled by on site management.
110 K. Johnson questioned that there will be no direct access at the side of the building from the screened
111 porch?
112 C. Hall responded that is correct.
113 K. Johnson asked if there were any additional questions from the Board; there were none.
114 K. Johnson read from the Town of Milford Zoning Ordinance; Article II, Section 2.03.1:C Non-conforming
115 Use and Structure: Alterations: Alteration, expansion or change of a non-conforming use or structure
116 shall only be permitted by Special Exception by the Zoning Board of Adjustment if it finds that: 1.The
117 proposed alteration, expansion or change will not change the nature of the original use; and 2. The
118 proposed alteration, expansion or change would involve no substantially different effect on the
119 neighborhood. (1999)
120 K. Johnson also read from the Town of Milford Zoning Ordinance, Article V, Section 5.05.1 Acceptable
121 Uses, in Commercial District: Acceptable Uses C 1 Restaurants. And Section 5.05.5 Acceptable Uses
122 and Yard Requirements by Special Exception: A. Each structure shall be set back at least thirty (30) feet
123 from the front lot line.
124 K. Johnson indicated that the special exception is covered in Section 5.05.2A:3 Reduced front, side and
125 rear setbacks, and also in Section 2.03.1:C, Non Conforming Use and Structure, so the Board does have
126 the ability to consider the special exception.
127 **2.03.1:C: 1. The proposed alteration, expansion or change will not change the nature of the**
128 **original use; and 2. The proposed alteration, expansion or change would involve no**
129 **substantially different effect on the neighborhood. (1999)**
130 F. Seagroves said that he sees no change to the existing structure. There is no expansion
131 because it is not going out toward the road and he doesn't see any problem. He also doesn't
132 see that it will have any drastic effect to the neighborhood because a lot of the other buildings
133 are the same way.
134 L. Horning agreed that the expansion will not change the nature of the use. As F. Seagroves
135 said, it is going along the same line and not going out towards Rte 101. She does not see any
136 substantial change to the neighborhood; it is a business area and it is a proposed business use.
137 Z. Tripp agreed and said that there would be no effect on the neighborhood.
138 S. Winder agreed that it is an acceptable use and doesn't see any issues.
139 K. Johnson agreed, commenting that while this appears to have originally been a residential
140 structure, it is within the commercial zone. The adjacent businesses are clearly commercial and
141 are developed as commercial type buildings. There is no need to maintain a residential look to
142 this business since the property has been used for commercial uses. So, therefore, the nature of
143 the original commercial use would not be altered by the three-season porch nor would it make
144 any substantial effect on the neighborhood. It is a whole series of very commercial properties

145 and it is making this commercial property more commercial. He feels the alterations
146 requirement for non-conforming use has been met and in this particular case it does not make
147 this property more non-conforming.

148 **Section 10.02.1:A The proposed use shall be similar to those permitted in the district.**

149 S. Winder said it is similar to other businesses in the area. Under B, the specific site is allowed in
150 the zoning. On C, there is no adverse impact on adjacent areas. He said as it is separated from
151 other areas with a fence, there is no nuisance or hazard to pedestrians.

152 L. Horning agreed. The proposed use is permitted in the district. As the Chair stated, there is no
153 need to maintain residential continuity in that area; they are all businesses. It is use permitted
154 and similar to those in the district.

155 Z. Tripp stated the proposed location for the three-season porch is the best location. It is out of
156 the way of traffic going in and out of the facility. It is blocked off from the neighbors. It is the
157 most appropriate place.

158 F. Seagroves said the proposed use is similar in the district. Just up the street there is a
159 restaurant that has a porch like a three-season porch. It is appropriate because there are others
160 in the area. He does not see any adverse effect to the area because it is all commercial. As far
161 as nuisance to vehicles or pedestrians there are not many people walking up in that area. There
162 are a lot of cars, but he doesn't see any problem.

163 K. Johnson agreed with the rest of the Board that the use is similar to those permitted; that the
164 specific site as provided on the plans is an appropriate one; it maintains the line of the existing
165 building; it does not encroach into the setback any further than the existing building does; so it
166 is an appropriate location. The use as developed will not adversely affect the adjacent areas. It
167 won't block the site line of any of the other businesses in the area any more than the existing
168 fences do, so it will not impact them. With the conditions stated, with limiting access off that
169 side of the building, there should be no serious hazard to vehicles. His concern there was that
170 people could go down off it and into traffic. But as the applicant has described the planned
171 development, customer safety has been taken into consideration, so he sees no serious hazard
172 to people. The placement, per the plans, will not obstruct the views so it would not present any
173 traffic hazard. Addressing the appropriate facilities is one that gives the Board very wide
174 latitude in considering the exception. In this case, what the Board would do for this type of
175 facility is defer to the Planning Board. If a safe deck is built, that is the adequate facility. It's a
176 whole package. The Board will assume that the Planning Board will make sure that the deck is
177 an appropriate facility and that the applicant is going to ensure that it is an appropriate facility.

178 K. Johnson feels that adequate facilities will certainly be provided for this use.

179 K. Johnson said, after reviewing the petition and all the evidence and taking into consideration personal
180 knowledge of the property in question, the Board has determined the following findings of fact:

181 K. Johnson asked the Board if this is a special exception allowed by the ordinance.

182 F. Seagroves - yes; L. Horning - yes; Z. Tripp - yes; S. Winder - yes; K. Johnson - yes

183 K. Johnson asked if the specified conditions are present under which a special exception may be
184 granted. Steve Winder - yes; L. Horning - yes ; Z. Tripp - yes ; F. Seagroves - yes; K. Johnson - yes

185 K. Johnson asked if there was a motion to approve the application.

186 F. Seagroves made the motion to approve Case # 14-11.

187 Z. Tripp seconded the motion to approve Case #14-11.

188 Final Vote:

189 Z. Tripp -yes; S. Winder - yes; L. Horning - yes; F. Seagroves - yes; K. Johnson - yes

190 Case #14-11 was approved by unanimous vote.

191 Kevin Johnson reminded the applicant of the 30 day appeal period and that the Planning Board would
192 be contacting the applicant with appropriate paperwork.



STAFF MEMO

Planning Board Meeting

September 20, 2011

Agenda Item #4: Carole M Colburn, trustee for Carole M Colburn Rev Trust – Osgood Rd – Map 51, Lot 1

Public Hearing for a Minor Subdivision

Background:

The applicant is proposing to subdivide lot 51/1 into 3 new building lots and one large remainder lot on Osgood Rd. The three new lots meet the 200' frontage and 2 acre zoning minimums on a Class V or better roadway. The large (87.88 acre) remainder lot would be left with less than 200' of frontage on a Class V or better road. The Planning Board has in the past approved subdivisions which create a non-buildable lot (example: Phillipsen on Ponemah Hill Rd and Creative Investments on Mile Slip Rd) with the requirement that a note be added to the plan stating the lot is a non-buildable lot until such time as zoning relief is granted or, in this case, a new roadway is constructed.

The Planning Board will likely recognize this plan from the Design Review phase of an application to subdivide the parcel into 32 open space residential lots, with a through road connecting to Woodhawk Dr and one cul-de-sac. That application made it through Design Review phase in May of 2008, but never returned for Final Application as the economy stalled and the money for outside engineering review was not available. The applicant has come back with a separate application to subdivide the original three frontage lots, with the hopes of completing the rest of the subdivision in the future.

The southern most two lots will be accessed via a 12' wide common driveway to be constructed within the future roadway. A draft Common Driveway and Drainage easements have been submitted encompassing the driveway and the full future right-of-way. The northern lot's driveway is proposed to be 100 feet south of the Cadran Crossing/Osgood Rd intersection (images submitted as part of the Scenic Road Hearing application).

To accommodate the change from Open Space to traditional Residence R, zoning the lots have been increased to meet the minimum lot size and frontage (this change was made to accommodate the future open space subdivision for which an Alteration of Terrain permit was approved). Lot 51/1-3 was expanded to meet the 2 acre minimum, and now contains a section of the large wetland system found on lot 51/1. The applicant has proposed and submitted a draft conservation easement to protect the wetlands on that lot. Lot 51/1-3 also contains a drainage easement on the common driveway/Osgood Rd intersection to handle the drainage from the common driveway.

Profiles for both driveways have been submitted documenting slopes but were submitted after Interdepartmental Reviews were returned. The common driveway for lots 51/1-3 and 51/1-2 will have a 3% slope and the single northern driveway has a maximum slope of 6%, well below the maximum 10% driveway grade. Drainage for both driveways utilizes the 15” culverts in the ROW.

The three new lots would be served by on-site private well and septic systems.

Please find the attached plan set.

Interdepartmental Reviews:

Conservation Commission – The Commission is opposed to the propose configuration of lot 51/1-3. The Commission believes it is “inconsistent with the intent of the Open Space Ordinance” and does not wish to see small conservation easements located within lots. Additionally, it creates a situation where the buffer is within the lot. If a lot is created with buffer within the lot, the Commission requests that signage be prepared and placed to designate the buffer area and that the buffer is referenced within the deed.

Fire – has no issues or concerns.

Code Enforcement/Stormwater/DPW –

1. For 911 purposes proposed driveway locations need to be on plan. A road name should be proposed for the private way that will become the future right-of-way. Based upon a review of the 2008 application Woodhawk Dr should be extended to its intersection with the future Nye Drive. The private way that will become the new road off, of Osgood Rd to the Nye Drive/Woodhawk Drive intersection, should be named as part of this subdivision process.
2. Proposed house location for lot 51-1-1 should be on plan as concerned about future drainage onto the Osgood Rd ROW. Applicant can not significantly increase flows

to lot 51/3. Applicant will need to demonstrate minimal increase and that the existing 15” culvert beneath Osgood Road is sufficient.

3. What is the plan for stormwater involving the two lots off the common driveway? Applicant can not significantly increase flows to lot 51-2. Applicant will need to demonstrate minimal increase and that the existing 15” culvert beneath Osgood Road is sufficient.

Water Utilities – No issues, there is no public water or sewer in this area.

Zoning Administrator – See attached memo.

Police and has no comment on this application.

No response was received as of September 15th from Assessing, Ambulance or Heritage Commission.

Staff believes the application is complete at this time.

Staff Recommendation:

The driveway profiles are a key piece of information the Board will need to evaluate to determine if the lots drain effectively onto Osgood Rd without adverse impacts. The Board should discuss the potential driveways with the applicant.

If the Board chooses to conditionally approve this subdivision plan the following items will need to be updated prior to final approval:

1. Change title as suggested by Zoning Administrator
2. A driveway detail for the driveways should be included in this plan set, and the details should be accompanied by adequate drainage design to avoid impacts on the 15” culverts on Osgood Rd.
3. A note should be added to the plan that states Stormwater drainage impacts from the future development of lot 51/1 shall not impact Lots 51/1-1, -2 and -3.
4. Add an additional Reference Plan note that cites “Open Space Subdivision Plan Tax Map Parcel 51-1 Land of Carole M. Colburn Revocable Trust, Milford, NH Sale 1” = 100’ – Prepared by Meridian Land Services, Inc. Dated march 27, 2007 (and ADD LAST REVISION DATE), on file a the Town of Milford, Community Development”.
5. Add setback distances to the lots.
6. Add a note stating each lot will require approval of a Stormwater Management Permit prior to commencement of Site work if over 5000 SF of area will be disturbed.

7. Note # 3 should be reworded to state “The purpose of this plan is to create three frontage lots along Osgood Rd and one non-building remainder lot 51/1, as shown.”
8. Note #7 should have the reference to the Growth Management Ordinance removed.
9. Note #9 should be updated to “Milford DPW” instead of “Milford DOT”
10. A note should be added to include Police and Library Impact fees.
11. Note #11 be updated with State Subdivision approval numbers once approved by DES.
12. Disturbance to the stonewalls shall be minimized. Any disturbed areas shall be reincorporated into the remaining stonewalls.
13. Prior to the signing of the plan, all property taxes must be paid or an agreement reached with the Town to assure all taxes will be paid, per the Development Regulations.



September 15, 2011

Phase One: Subdivision Plan Tax Map Parcel 51-1, Land of Carole M. Colburn Revocable Trust

B. Parker review comments:

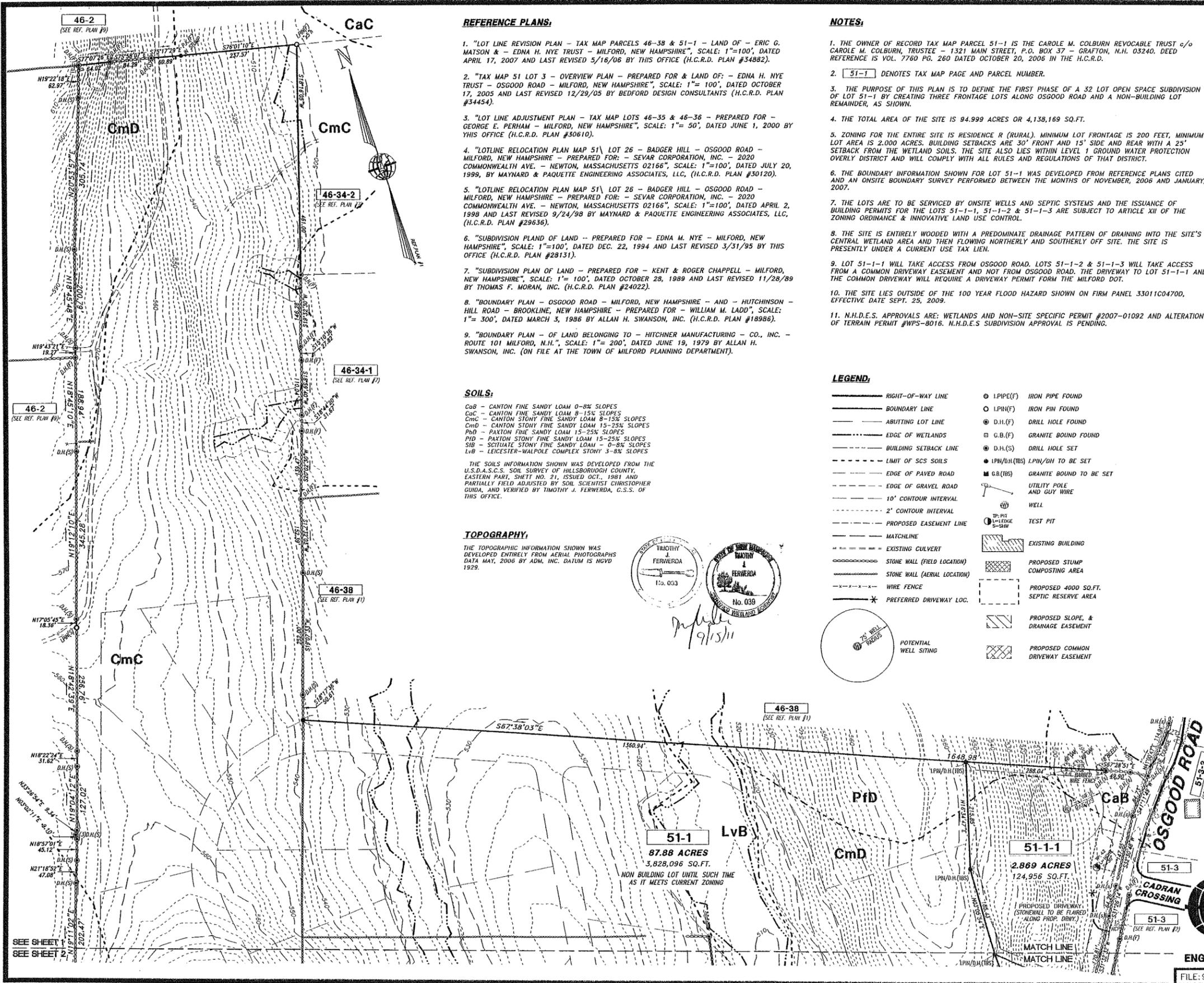
1. By noting this subdivision is 'Phase One' of a proposed 32-lot open space subdivision, it causes confusion as to whether the Open Space and Conservation District criteria should apply.

An OSCD subdivision was proposed for all of 51-1, but did not receive final approvals. As there is no certainty that the remainder of 51-1 will develop as originally proposed, I would recommend that these lots not be noted as Phase I and be considered as a separate and independent subdivision. As designed the current three lot subdivision allows for the future development of the remainder of 51-1 as an OSCD and that is appropriate.

The OSCD subdivision noted above shows the area of 'Proposed Conservation Easement' as part of 51-1-3, and I believe the Conservation Commission is correct in stating that this easement does not meet the intent of the OSCD open space criteria. To meet the intent of the OSCD criteria, 51-1-3 would need to be reconfigured to a two-acre lot that does not include the proposed conservation easement in order to meet the 2-acre minimum lot size, since it is not as of yet part of an approved OSCD allowing for less than 2-acres minimum.

Bottom line recommendation: Do not call this subdivision Phase I Subdivision Plan and call it "Proposed 3- Lot Subdivision, Tax Map 51, Lot 1, Carole M. Coburn Revocable Trust".

2. A driveway detail for the shared driveway serving Lots 1-2 and 1-3 should be required for inclusion in the plan set, and the detail should be accompanied by adequate drainage design to avoid impact on the 15" culvert at the proposed drive and Osgood Road.
3. A note should be added to the plan set that states stormwater drainage impacts from the future development of Lot 51-1 shall not impact Lots 51-1-1, 1-2, and 1-3.
4. Add an additional Reference Plan note that cites "Open Space Subdivision Plan Tax Map Parcel 51-1 Land of Carole M. Colburn Revocable Trust, Milford, NH, Scale 1"=100' – Prepared by Meridian Land Services, Inc. dated March 27, 2007 (and ADD LAST REVISION DATE), on file at the Town of Milford Office of Community Development).
5. Revise Note 9 to read "...Milford Department of Public Works" instead of "...Milford DOT".
6. Add setback distances on the lots.



REFERENCE PLANS:

- "LOT LINE REVISION PLAN - TAX MAP PARCELS 46-38 & 51-1 - LAND OF - ERIC G. MATSON & - EDNA H. NYE TRUST - MILFORD, NEW HAMPSHIRE", SCALE: 1"=100', DATED APRIL 17, 2007 AND LAST REVISED 5/16/06 BY THIS OFFICE (H.C.R.D. PLAN #34882).
- "TAX MAP 51 LOT 3 - OVERVIEW PLAN - PREPARED FOR & LAND OF: - EDNA H. NYE TRUST - OSGOOD ROAD - MILFORD, NEW HAMPSHIRE", SCALE: 1"=100', DATED OCTOBER 17, 2005 AND LAST REVISED 12/29/05 BY BEDFORD DESIGN CONSULTANTS (H.C.R.D. PLAN #34454).
- "LOT LINE ADJUSTMENT PLAN - TAX MAP LOTS 46-35 & 46-36 - PREPARED FOR - GEORGE E. PERHAM - MILFORD, NEW HAMPSHIRE", SCALE: 1"=50', DATED JUNE 1, 2000 BY THIS OFFICE (H.C.R.D. PLAN #30610).
- "LOTLINE RELOCATION PLAN MAP 51\ LOT 26 - BADGER HILL - OSGOOD ROAD - MILFORD, NEW HAMPSHIRE - PREPARED FOR: - SEVAR CORPORATION, INC. - 2020 COMMONWEALTH AVE. - NEWTON, MASSACHUSETTS 02166", SCALE: 1"=100', DATED JULY 20, 1999, BY MAYNARD & PAQUETTE ENGINEERING ASSOCIATES, LLC. (H.C.R.D. PLAN #30120).
- "LOTLINE RELOCATION PLAN MAP 51\ LOT 26 - BADGER HILL - OSGOOD ROAD - MILFORD, NEW HAMPSHIRE - PREPARED FOR: - SEVAR CORPORATION, INC. - 2020 COMMONWEALTH AVE. - NEWTON, MASSACHUSETTS 02166", SCALE: 1"=100', DATED APRIL 2, 1998 AND LAST REVISED 9/24/98 BY MAYNARD & PAQUETTE ENGINEERING ASSOCIATES, LLC. (H.C.R.D. PLAN #29636).
- "SUBDIVISION PLAND OF LAND - PREPARED FOR - EDNA M. NYE - MILFORD, NEW HAMPSHIRE", SCALE: 1"=100', DATED DEC. 22, 1994 AND LAST REVISED 3/31/95 BY THIS OFFICE (H.C.R.D. PLAN #28131).
- "SUBDIVISION PLAN OF LAND - PREPARED FOR - KENT & ROGER CHAPPELL - MILFORD, NEW HAMPSHIRE", SCALE: 1"=100', DATED OCTOBER 28, 1989 AND LAST REVISED 11/28/89 BY THOMAS F. MORAN, INC. (H.C.R.D. PLAN #24022).
- "BOUNDARY PLAN - OSGOOD ROAD - MILFORD, NEW HAMPSHIRE - AND - HUTCHINSON - HILL ROAD - BROOKLINE, NEW HAMPSHIRE - PREPARED FOR - WILLIAM M. LADD", SCALE: 1"=300', DATED MARCH 3, 1986 BY ALLAN H. SWANSON, INC. (H.C.R.D. PLAN #18986).
- "BOUNDARY PLAN - OF LAND BELONGING TO - HITCHNER MANUFACTURING - CO., INC. - ROUTE 101 MILFORD, N.H.", SCALE: 1"=200', DATED JUNE 19, 1979 BY ALLAN H. SWANSON, INC. (ON FILE AT THE TOWN OF MILFORD PLANNING DEPARTMENT).

SOILS:

- CaB - CANTON FINE SANDY LOAM 0-8% SLOPES
- CaC - CANTON FINE SANDY LOAM 8-15% SLOPES
- CmC - CANTON STONY FINE SANDY LOAM 8-15% SLOPES
- CmD - CANTON STONY FINE SANDY LOAM 15-25% SLOPES
- Pfd - PAXTON FINE SANDY LOAM 15-25% SLOPES
- PfD - PAXTON STONY FINE SANDY LOAM 15-25% SLOPES
- SfB - SCITUATE STONY FINE SANDY LOAM - 0-8% SLOPES
- LvB - LEICESTER-WALPOLE COMPLEX STONY 3-8% SLOPES

THE SOILS INFORMATION SHOWN WAS DEVELOPED FROM THE U.S.D.A.S.C.S. SOIL SURVEY OF HILLSBOROUGH COUNTY, EASTERN PART, SHEET NO. 21, ISSUED OCT. 1981 AND PARTIALLY FIELD ADJUSTED BY SOIL SCIENTIST CHRISTOPHER GUIDA, AND VERIFIED BY TIMOTHY J. FERWERDA, C.S.S. OF THIS OFFICE.

TOPOGRAPHY:

THE TOPOGRAPHIC INFORMATION SHOWN WAS DEVELOPED ENTIRELY FROM AERIAL PHOTOGRAPHS DATA MAY, 2006 BY ADM, INC. DATUM IS NGVD 1929.

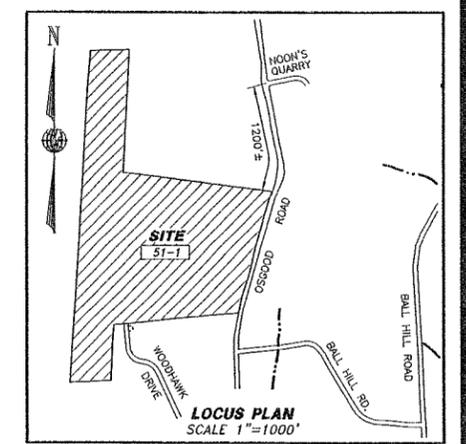


NOTES:

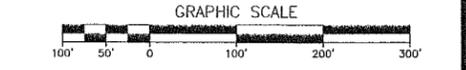
- THE OWNER OF RECORD TAX MAP PARCEL 51-1 IS THE CAROLE M. COLBURN REVOCABLE TRUST c/o CAROLE M. COLBURN, TRUSTEE - 1321 MAIN STREET, P.O. BOX 37 - GRAFTON, N.H. 03240. DEED REFERENCE IS VOL. 7760 PG. 260 DATED OCTOBER 20, 2006 IN THE H.C.R.D.
- 51-1 DENOTES TAX MAP PAGE AND PARCEL NUMBER.
- THE PURPOSE OF THIS PLAN IS TO DEFINE THE FIRST PHASE OF A 32 LOT OPEN SPACE SUBDIVISION OF LOT 51-1 BY CREATING THREE FRONTAGE LOTS ALONG OSGOOD ROAD AND A NON-BUILDING LOT REMAINDER, AS SHOWN.
- THE TOTAL AREA OF THE SITE IS 94.999 ACRES OR 4,138,169 SQ.FT.
- ZONING FOR THE ENTIRE SITE IS RESIDENCE R (RURAL). MINIMUM LOT FRONTAGE IS 200 FEET, MINIMUM LOT AREA IS 2.000 ACRES. BUILDING SETBACKS ARE 30' FRONT AND 15' SIDE AND REAR WITH A 25' SETBACK FROM THE WETLAND SOILS. THE SITE ALSO LIES WITHIN LEVEL 1 GROUND WATER PROTECTION OVERLY DISTRICT AND WILL COMPLY WITH ALL RULES AND REGULATIONS OF THAT DISTRICT.
- THE BOUNDARY INFORMATION SHOWN FOR LOT 51-1 WAS DEVELOPED FROM REFERENCE PLANS CITED AND AN ONSITE BOUNDARY SURVEY PERFORMED BETWEEN THE MONTHS OF NOVEMBER, 2006 AND JANUARY, 2007.
- THE LOTS ARE TO BE SERVICED BY ONSITE WELLS AND SEPTIC SYSTEMS AND THE ISSUANCE OF BUILDING PERMITS FOR THE LOTS 51-1-1, 51-1-2 & 51-1-3 ARE SUBJECT TO ARTICLE XII OF THE ZONING ORDINANCE & INNOVATIVE LAND USE CONTROL.
- THE SITE IS ENTIRELY WOODED WITH A PREDOMINATE DRAINAGE PATTERN OF DRAINING INTO THE SITE'S CENTRAL WETLAND AREA AND THEN FLOWING NORTHERLY AND SOUTHERLY OFF SITE. THE SITE IS PRESENTLY UNDER A CURRENT USE TAX LIEN.
- LOT 51-1-1 WILL TAKE ACCESS FROM OSGOOD ROAD. LOTS 51-1-2 & 51-1-3 WILL TAKE ACCESS FROM A COMMON DRIVEWAY EASEMENT AND NOT FROM OSGOOD ROAD. THE DRIVEWAY TO LOT 51-1-1 AND THE COMMON DRIVEWAY WILL REQUIRE A DRIVEWAY PERMIT FROM THE MILFORD DOT.
- THE SITE LIES OUTSIDE OF THE 100 YEAR FLOOD HAZARD SHOWN ON FIRM PANEL 3301C0470D, EFFECTIVE DATE SEPT. 25, 2009.
- N.H.D.E.S. APPROVALS ARE: WETLANDS AND NON-SITE SPECIFIC PERMIT #2007-01092 AND ALTERATION OF TERRAIN PERMIT #WPS-8016. N.H.D.E.S. SUBDIVISION APPROVAL IS PENDING.

LEGEND:

- RIGHT-OF-WAY LINE
- BOUNDARY LINE
- ABUTTING LOT LINE
- EDGE OF WETLANDS
- BUILDING SETBACK LINE
- LIMIT OF SCS SOILS
- EDGE OF PAVED ROAD
- EDGE OF GRAVEL ROAD
- 10' CONTOUR INTERVAL
- 2' CONTOUR INTERVAL
- PROPOSED EASEMENT LINE
- MATCHLINE
- EXISTING CULVERT
- STONE WALL (FIELD LOCATION)
- STONE WALL (AERIAL LOCATION)
- WIRE FENCE
- PREFERRED DRIVEWAY LOC.
- POTENTIAL WELL SITING
- 1 PIPE (F) IRON PIPE FOUND
- 1 PIN (F) IRON PIN FOUND
- D.H. (F) DRILL HOLE FOUND
- G.B. (F) GRANITE BOUND FOUND
- D.H. (S) DRILL HOLE SET
- 1 PIN/DH (TS) 1 PIN/DH TO BE SET
- G.B. (TS) GRANITE BOUND TO BE SET
- UTILITY POLE AND GUY WIRE
- WELL
- TEST PIT
- EXISTING BUILDING
- PROPOSED STUMP COMPOSTING AREA
- PROPOSED 4000 SQ.FT. SEPTIC RESERVE AREA
- PROPOSED SLOPE, & DRAINAGE EASEMENT
- PROPOSED COMMON DRIVEWAY EASEMENT



REV.	DATE	DESCRIPTION	C/O	DR	CK
A	9/15/11	UPDATE PER STAFF COMMENTS	MPB	RAH	JAH



CERTIFICATION:

"I HEREBY CERTIFY THAT THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND PER THE PRECISION AND ACCURACY STANDARDS FOR AN URBAN CLASSIFICATION SURVEY AS SPECIFIED IN THE NEW HAMPSHIRE LAND SURVEYOR'S ADMINISTRATIVE RULES (LAN503.04) AND HAS A MAXIMUM ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1:10,000) ON ALL PROPERTY LINES WITHIN AND BORDERING THE SUBJECT PROPERTY."

DATE: 9-15-11



OWNER'S SIGNATURE:

CAROLE M. COLBURN, TEE DATE

APPROVED

MILFORD, NH PLANNING BOARD

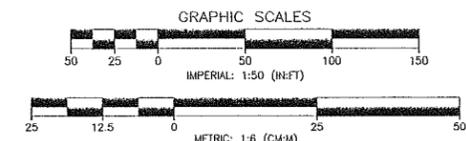
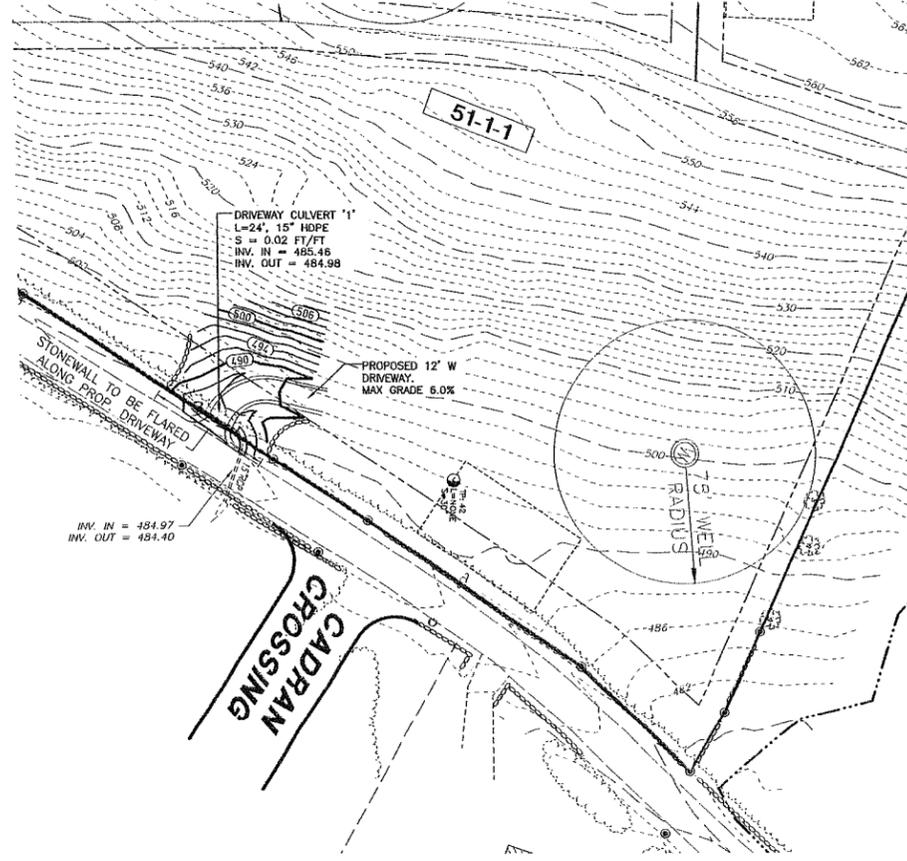
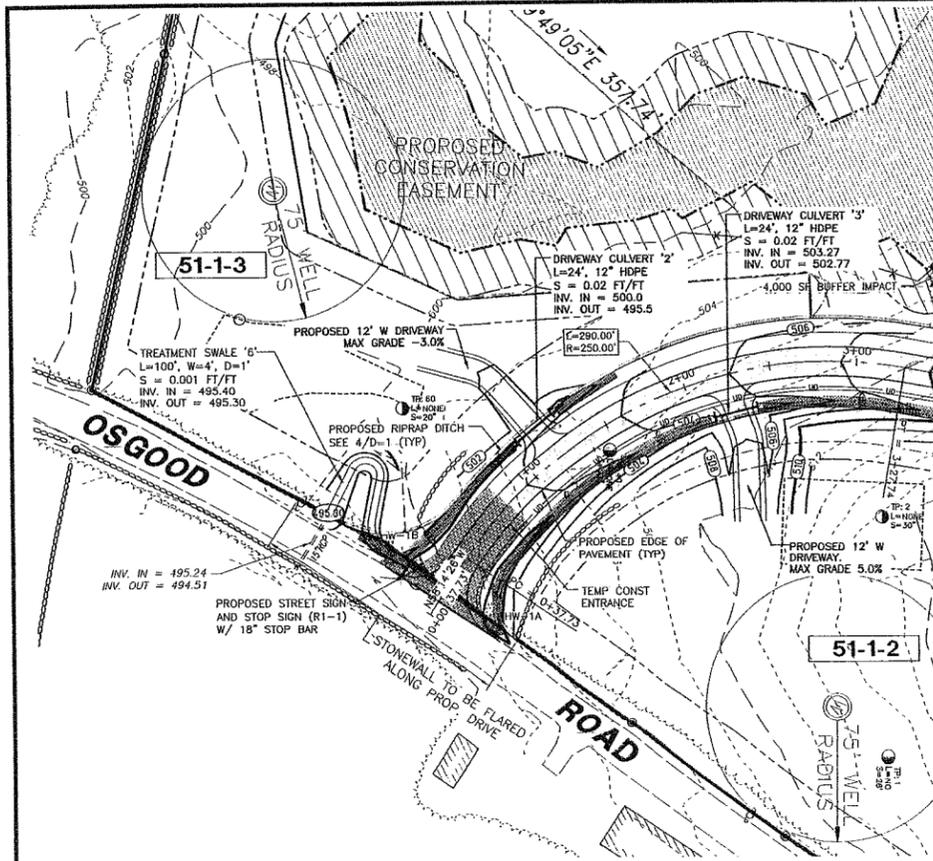
SUB DIVISION #:

DATE APPROVED:

SIGNED:

PHASE ONE
SUBDIVISION PLAN
TAX MAP PARCEL 51-1
LAND OF
**CAROLE M. COLBURN
REVOCABLE TRUST**
MILFORD, NEW HAMPSHIRE
SCALE: 1" = 100' AUGUST 22, 2011

MERIDIAN
Land Services, Inc.
OFFICE: 31 OLD NASHUA ROAD, AMHERST, NEW HAMPSHIRE 03031
MAILING ADDRESS: PO BOX 118, MILFORD, NEW HAMPSHIRE 03055-0118
TEL 603-673-1441 FAX 603-673-1584 MERIDIAN@MERIDIANLANDSERVICES.COM



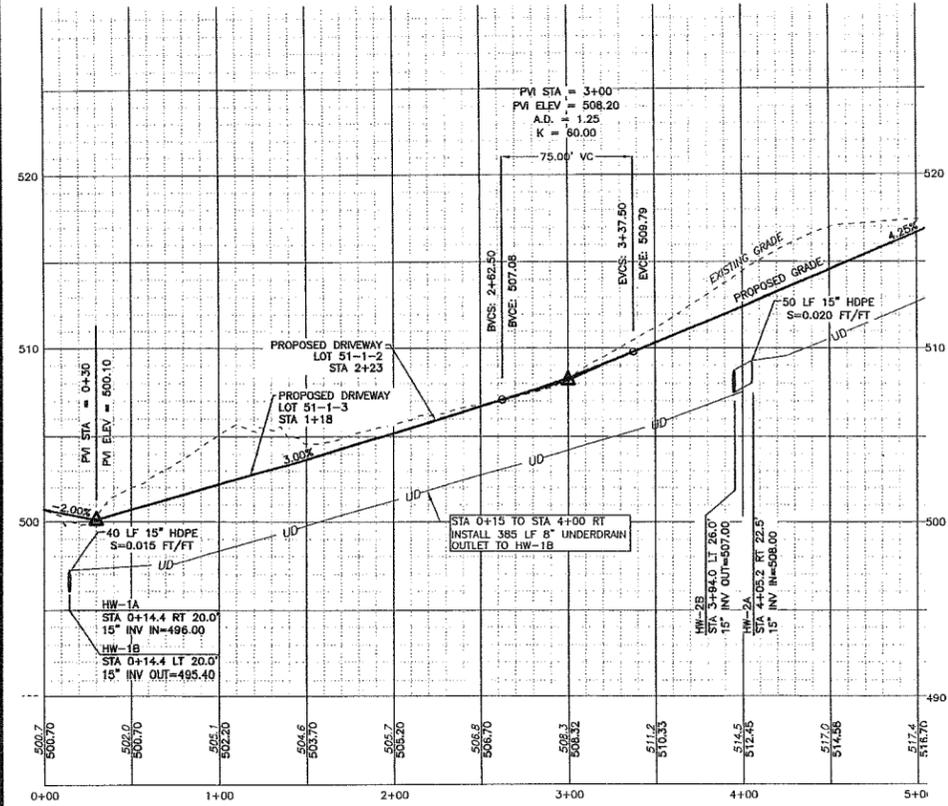
MERIDIAN
 Land Services, Inc.
 31 OLD NASHUA ROAD, MILFORD, NH 03055-0118
 TEL: 603-873-1441 FAX: 603-873-1584 MERIDIANLANDSERVICES.COM
 ENGINEERS - LAND SURVEYORS - SCIENTISTS - LAND PLANNERS

REV.	DATE	DESCRIPTION	DR	CHK
A	9/15/11	3 PROPOSED DRIVEWAY LOCATIONS		

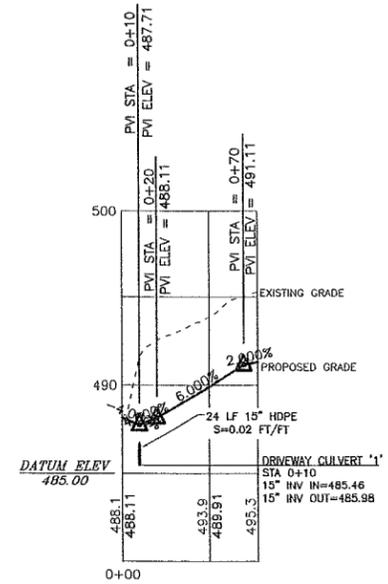
TAX MAP LOT 51-1
 MILFORD, NEW HAMPSHIRE
CAROLE M. COLBURN REVOCABLE TRUST
 SCALE: 1" = 50' HORIZ. / 1" = 5' VERT. DATE: MAY 23, 2007

P-1
 SHEET
 FILE: 965P02A.dwg
 PROJECT: 965.02
 SHEET NO.: 1 OF 1

(2) PROPOSED DRIVEWAYS OFF THE PROPOSED COMMON DRIVEWAY



(1) PROPOSED INDIVIDUAL DRIVEWAY OFF OSGOOD ROAD



GENERAL CONSTRUCTION NOTES:

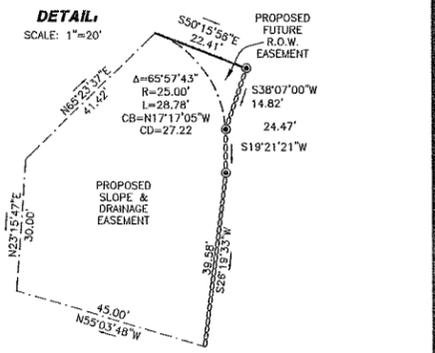
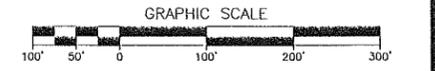
1. THE LOCATION OF THE UTILITIES SHOWN ARE APPROXIMATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE AND PRESERVE ALL UTILITY SERVICES.
2. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING AND COORDINATING WITH ALL UTILITY COMPANIES AND JURISDICTIONAL AGENCIES PRIOR TO AND DURING CONSTRUCTION.
3. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND PROPOSED WORK PRIOR TO CONSTRUCTION.
4. CONTRACTOR SHALL OBTAIN A ROAD OPENING PERMIT FROM THE MILFORD DPW PRIOR TO MOBILIZATION.



H:\MBS\965\965J21



REV.	DATE	DESCRIPTION	MPB	RAH	JAH
A	9/15/11	UPDATED PER STAFF COMMENTS	MPB	RAH	JAH
			C/O	DR	CK



CERTIFICATION

"I HEREBY CERTIFY THAT THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND PER THE PRECISION AND ACCURACY STANDARDS FOR AN URBAN CLASSIFICATION SURVEY AS SPECIFIED IN THE NEW HAMPSHIRE LAND SURVEYOR'S ADMINISTRATIVE RULES (LAN503.04) AND HAS A MAXIMUM ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1:10,000) ON ALL PROPERTY LINES WITHIN AND BORDERING THE SUBJECT PROPERTY."

DATE: 9-15-11

OWNER'S SIGNATURE:

CAROLE M. COLBURN, TRUSTEE _____ DATE _____

APPROVED

MILFORD, NH PLANNING BOARD

SUB DIVISION #: _____

DATE APPROVED: _____

SIGNED: _____

PHASE ONE SUBDIVISION PLAN TAX MAP PARCEL 51-1 LAND OF CAROLE M. COLBURN REVOCABLE TRUST MILFORD, NEW HAMPSHIRE

SCALE: 1" = 100' AUGUST 22, 2011

MERIDIAN

Land Services, Inc.

OFFICE: 31 OLD NASHUA ROAD, MILFORD, NEW HAMPSHIRE 03051-0118
 MAILING ADDRESS: PO BOX 118, MILFORD, NEW HAMPSHIRE 03055-0118
 TEL: 603-673-1441 FAX: 603-673-1584 MERIDIAN@MERIDIANLANDSERVICES.COM

ENGINEERS - LAND SURVEYORS - SCIENTISTS - LAND PLANNERS

- LEGEND:**
- RIGHT-OF-WAY LINE
 - BOUNDARY LINE
 - - - ABUTTING LOT LINE
 - - - EDGE OF WETLANDS
 - - - BUILDING SETBACK LINE
 - - - LIMIT OF SCS SOILS
 - - - EDGE OF PAVED ROAD
 - - - EDGE OF GRAVEL ROAD
 - - - 10' CONTOUR INTERVAL
 - - - 2' CONTOUR INTERVAL
 - - - PROPOSED EASEMENT LINE
 - - - MATCHLINE
 - - - EXISTING CULTIVT
 - - - STONE WALL (FIELD LOCATION)
 - - - STONE WALL (AERIAL LOCATION)
 - - - WIRE FENCE
 - - - PREFERRED DRIVEWAY LOC.
 - L.P.I.P.E.(F) IRON PIPE FOUND
 - L.P.I.N.(F) IRON PIN FOUND
 - D.H.(F) DRILL HOLE FOUND
 - G.B.(F) GRANITE BOUND FOUND
 - D.H.(S) DRILL HOLE SET
 - L.P.N./D.H.(TBS) L.P.I.N./D.H. TO BE SET
 - G.B.(TBS) GRANITE BOUND TO BE SET
 - UTILITY POLE AND GUY WIRE
 - WELL
 - TEST PIT
 - EXISTING BUILDING
 - PROPOSED STUMP COMPOSTING AREA
 - PROPOSED 4000 SQ.FT. SEPTIC RESERVE AREA
 - PROPOSED SLOPE & DRAINAGE EASEMENT
 - PROPOSED COMMON DRIVEWAY EASEMENT
 - POTENTIAL WELL SITING

- ABUTTERS:**
- 51-1
Carole M. Colburn, Trustee
Carole M. Colburn Rev. Tr.
P. O. Box 37
Grafton, NH 03240
7760/260 10/20/2006
 - 51-2
William and Jane Rorick
53 Old Mill Run
Stroudsburg, PA 18360
8280/1803 12/19/10
 - 51-3
Raisanen Homes, Elite, LLC
P.O. Box 748
Nashua, NH 03060-0478
8279/304 12/29/10
 - 51-19
David Michael Danforth
600 Osgood Road
Milford, NH 03055
6670/1190 6/30/2004
 - 51-25
Milford Carnations, Inc.
615 Osgood Road
Milford, NH 03055-3426
1558/87 12/26/1958
 - 51-26, 51-26-48
Badger Mountain of Milford, LLC
10 Lincoln Street
Pelham, NH 03240
8215/1437 6/25/10
 - 51-26-184
Patrick and Diana Keating
75 Woodhawk Drive
Milford, NH 03055-3318
77,700/10
14,102/10/10
 - 51-26-183
William David Dobbs
Lisa Ann Dobbs
75 Woodhawk Drive
Milford, NH 03055-3786
6331/1702 12/20/2000
 - 51-26-12
David and Joanne Couture
70 Woodhawk Drive
Milford, NH 03055-3318
6367/1054 3/2/2001
 - 51-26-13
James and Martha Kouletsis
66 Woodhawk Drive
Milford, NH 03055-3318
8382/2014 3/29/2001
 - 51-3-2
Laurana Bianco and Josh Stirling
546 Osgood Road
Milford, NH 03055-3462
8268/2802 11/30/10
 - 51-3-3
Donald and June Poulin
530 Osgood Road
Milford, NH 03055
8018/2380 9/15/08
 - 51-3-1
Thomas and Deana M. Stepany
524 Osgood Road
Milford, NH 03055-3462
4291/206 7/20/1987
 - 48-2
Town of Milford
1 Union Square
Milford, NH 03055-3786
3421/526 11/25/1985
 - 46-34-2
James and Paula Davison
479 Osgood Road
Milford, NH 03055-3436
5175/1524 3/22/1990
 - 46-34-1
Michael H. Roy
481 Osgood Road
Milford, NH 03055-3436
5247/619 4/4/1991
 - 46-36
George E. and Alice L. Perham
510 Osgood Road
Milford, NH 03055-3462
5006/509 1/8/1998
 - 46-35
Michael H. and Jennifer West
512 Osgood Road
Milford, NH 03055-3462
6515/1407 10/37/2001
 - 46-27
Russell R. and Lara K. Lewis
518 Osgood Road
Milford, NH 03055-3463
7619/470 3/27/2006
 - 46-29
Rachel E. Sullivan, Trustee
Rachel E. Sullivan Living Trust
494 Osgood Road
Milford, NH 03055-3461
6539/1832 12/7/2001
 - 46-30
Area Agency Properties, Inc.
144 Canal Street
Nashua, NH 03060-2812
5258/530 5/28/1991

SEE SHEET 1
SEE SHEET 2

46-2
(SEE REF. PLAN #)

51-1
87.88 ACRES
3,828,096 SQ.FT.
NON BUILDING LOT UNTIL SUCH TIME AS IT MEETS CURRENT ZONING

51-2
2.142 ACRES
93,290 SQ.FT.
Δ=89°02'05"
R=25.00 L=38.41
CB=107°29'41"E
CD=205.474

51-3
2.108 ACRES
91,828 SQ.FT.
(77,700/10)
14,102/10/10

51-19

51-25

51-26
(SEE REF. PLANS #1, #5 & #8)

51-26-184
(SEE REF. PLANS #1, #5 & #8)

51-26-12
(SEE REF. PLANS #1, #5 & #8)

51-26-13
(SEE REF. PLANS #1, #5 & #8)

51-26-48
(SEE REF. PLANS #1, #5 & #8)

WOODHAWK DRIVE

OSGOOD ROAD

51-3
(SEE REF. PLAN #2)

51-2
PROPOSED COMMON DRIVEWAY EASEMENT/FUTURE ROAD (STONEWALL TO BE PLACED ALONG FUTURE RD. R.O.W.)

51-1-2
PROPOSED CONSERVATION EASEMENT

51-1-3
PROPOSED SLOPE & DRAINAGE EASEMENT

51-1-19
PROPOSED COMMON DRIVEWAY EASEMENT/FUTURE ROAD (STONEWALL TO BE PLACED ALONG FUTURE RD. R.O.W.)

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