

# TOWN OF MILFORD

## Office of Community Development

Planning • Zoning • Building Safety • Code Enforcement • Health  
Economic Development • Active Projects



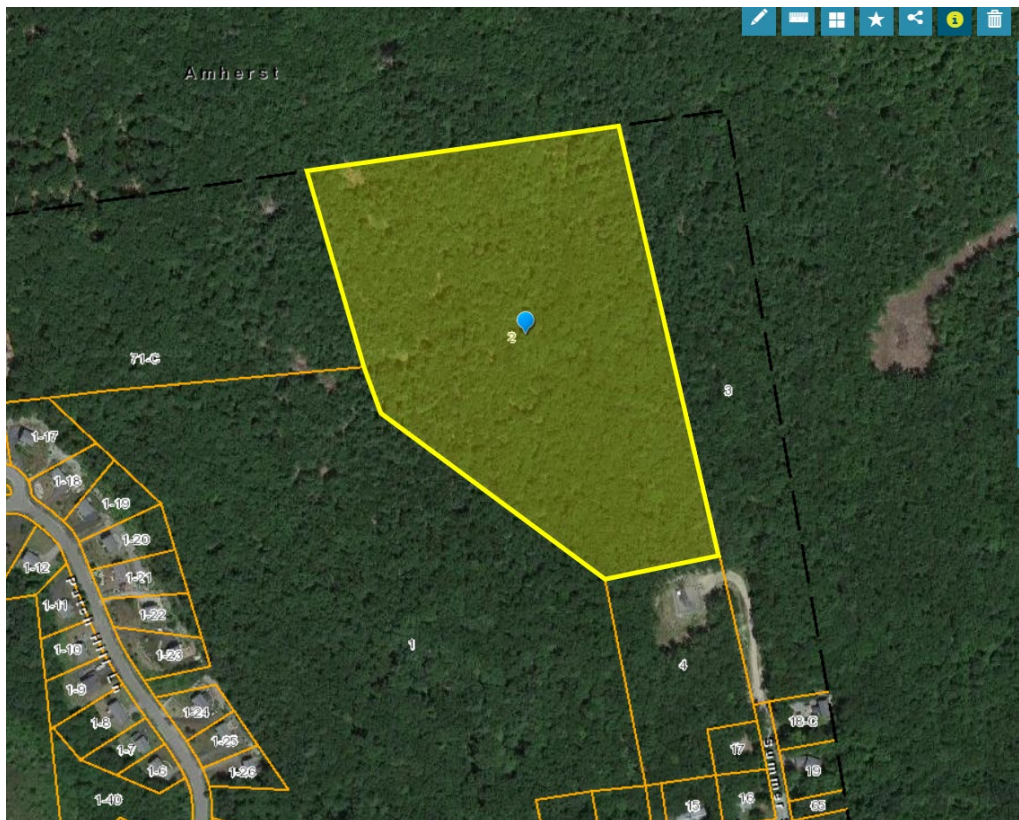
### Administrative Review

**Date:** October 8, 2020  
**To:** Jason Plourde, Chair, Zoning Board of Adjustment  
**From:** Lincoln Daley, Community Development Director  
**Subject:** **Case #2020-27: Robert Kokko and Patch Hill Development LLC for the property located at Tax Map 9 Lot 2, 0 Mont Vernon Street - Variance Application**

The applicant is before the Board of Adjustment seeking a VARIANCE from the Milford Zoning Ordinance, , Article V, Section 5.02.4.B to permit the construction of a single-family residence on a lot of record with less than the minimum required frontage 150') on a principle route of access on a Class V road or better in the Residential 'A' district. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
  - a. The subject property is approximately 11 acres of undeveloped land with no linear frontage on a Class V roadway or better.
  - b. Access to the property is by way of an easement (to be defined) across abutting property, Tax Map 9 Lot 3 onto Summer Street. (See HCRD Book 2005, Page 149, dated 10/30/68)
2. The applicant is seeking to build a single-family residence on the 11 acre parcel with no legal frontage. The dedicated access easement providing access to subject property does not qualify a frontage. Lot will be serviced by private well and septic.
3. The premises conforms to all site and dimension requirements of the Zoning Ordinance with the exception that the subject property does not contain the required 150 linear feet of frontage on a Class V or better required under Section 5.02.4.B. The proposed single-family use on a 40,000 square foot minimum lot not serviced by municipal water and sewer is permitted in Residential 'A' Zone. However, due to the lack of sufficient frontage defined as: "That continuous portion of a lot bordering on a road(s) from which access can be taken, that meets the minimum requirements of the underlying zoning district.", a Variance would be required.
4. The applicant has provided a preliminary driveway design and layout plan from Summer Street, across Map 9 Lot 3 to the approximately location of the single-family residence. Said driveway access, layout, and design would be require a driveway permit from the Public Works Departments and comply with the Town's driveway regulations. The driveway may be subject to a Milford Stormwater Permit.
5. Recommend that the applicant further explain the extent and terms of the recorded easement.
6. In addition, should the Board of Adjustment grant the Variance Request, the applicant will be required to follow two additional steps in compliance with NH RSA 674:41 prior to the property owner being able to obtain a building permit.
  - a. Review and comment by the Planning Board provided to the local governing body (Board of Selectmen) on the matter of issuance of building permit for the subject lot, and,
  - b. The Board of Selectmen votes to authorize the issuance of a building permit.

**Tax Map Subject Property:**





**ZBA Application**  
**MILFORD ZONING BOARD OF ADJUSTMENT**  
**GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS**

Date Received: \_\_\_\_\_  
 Case Number: \_\_\_\_\_  
 Application Number: \_\_\_\_\_  
 Hearing Date: \_\_\_\_\_  
 Decision Date: \_\_\_\_\_  
 Decision: \_\_\_\_\_

**PROPERTY INFORMATION**

Street Address: 0 Mont Vernon St  
 Tax Map / Parcel #: 009-002      Lot Size: 10+-

**PROPERTY CURRENTLY USED AS**

VACANT LAND

*If the application involves multiple lots with different owners, attach additional copies of this page.*

**PROPERTY OWNER**

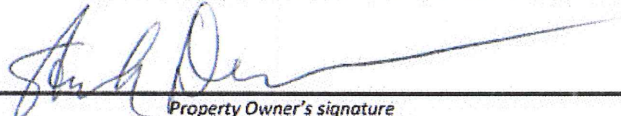
Name: Patch Hill Development LLC Steven Desmarais Mem  
 Address: 307 Elm St  
 City/State/Zip: Milford, NH 03055  
 Phone: ( ) 603-860-7751  
 Email:  
 \_\_\_\_\_  
 \_\_\_\_\_

*The applicant is the person who is making this proposal on behalf of themselves, the owner or a third party. This is usually the same as the property owner, but might be a tenant, someone who plans to purchase the property, an engineer or lawyer, etc. If the applicant is the same as the owner, just check "Same as owner" and leave the rest of this section blank.*

**APPLICANT/REPRESENTATIVE**

SAME AS OWNER  
 Name: Robert F. Kokko  
 Address: 480 Nashua St  
 City/State/Zip: Milford, NH  
 Email: bobkokko@kokkorealty.com  
 Phone: ( ) 603-673-2885      Cell: ( ) 603-759-1276

The undersigned property owner(s) hereby authorize(s) the filing of this application and agree to comply with all code requirements applicable to this application.

  
 \_\_\_\_\_  
 Property Owner's signature      Date: 9/11/2020

**Zoning District (check one):**

- Residence A
- Residence B       Residence R
- Commercial
- Limited Commercial
- Industrial
- Integrated Commercial-Industrial
- Integrated Commercial-Industrial-2

**Overlay District (check any that apply):**

- West Elm Street Overlay
- Nashua/Elm Street Overlay
- Commerce & Community Overlay
- Open Space & Conservation
- Wetlands Conservation
- Groundwater Protection
- Floodplain Management

**APPLICATION FEES**

Application Fee:	\$75.00
Abutters Fee: \$4 x <sup>6</sup>	\$24
Amount received:	
Date Received:	
Check _____ Cash _____	

*THE FEES ASSOCIATED WITH THIS APPLICATION DO NOT APPLY TO ANY OTHER FEES REQUIRED FOR APPROVAL OF THIS PROJECT. PLANNING, IMPACT, BUILDING AND OTHER FEES MAY APPLY.*



**ZBA Application – Variance**  
**MILFORD ZONING BOARD OF ADJUSTMENT**

Date Received: \_\_\_\_\_  
 Case Number: \_\_\_\_\_  
 Application #: \_\_\_\_\_  
 Date Complete: \_\_\_\_\_  
 Hearing Date: \_\_\_\_\_  
 Decision Date: \_\_\_\_\_  
 Decision: \_\_\_\_\_

PROPERTY INFORMATION
Street Address: 0 Mont Vernon Street
Tax Map / Parcel #: 9/2
<i>A Variance is a use which is not permitted by the Zoning Ordinance. Approval from the Zoning Board of Adjustment is required to allow any use or deviation from the Zoning Ordinance. Please work with the Zoning Administrator to make sure your application is complete and you know what will be required of you at the hearing.</i>
What section of the Zoning Ordinance are you asking to be varied? Article <u>5.024</u> Section <u>B</u>
Describe the variance you are requesting under the above section of the Ordinance. <u>To permit the construction of a single family dwelling on a lot with no frontage on a class V or better road. Access would be by easement through Map 9 Parcel 3 to the end of Summer Street.</u>

General Criteria Section 10.01
<b><i>Explain how the proposal meets the following conditions per New Hampshire RSA 674:33.1</i></b>
1. Granting the Variance would not be contrary to the public interest because: The lot is located in the residential A zone which is intended for single family homes. Granting the variance would be in the public interest by further promulgating this use on a much larger than required lot.
2. If the Variance were granted, the spirit of the ordinance would be observed because: Absolutely! As a single house lot, this lot will have much more land than necessary with frontage on an easement leading to a town road, thus keeping the zone density much less than allowed without further development of town roads.
3. Granting the Variance would do substantial justice because: It would allow the owner to enjoy his property, which is now unaccessible, in a reasonable and permitted manner with NO negative impact on abutters or surrounding property.
4. Granting the Variance would not diminish the value of surrounding properties because: Surrounding properties are single family or multi-family on much smaller lots. The new property would be 100% compatible with other uses in the district.
5. Unnecessary Hardship: <i>This section is the central portion of your argument and is the critical factor that the Zoning Board of Adjustment will need to determine what is unique to your property and not generally applicable to other properties in the area or in town.</i>

TOWN of AMHERST

Michachunk Development INC.

QUARRY  
71-C  
CONDOMINIUM

Proposed Driveway  
To be Determined

2

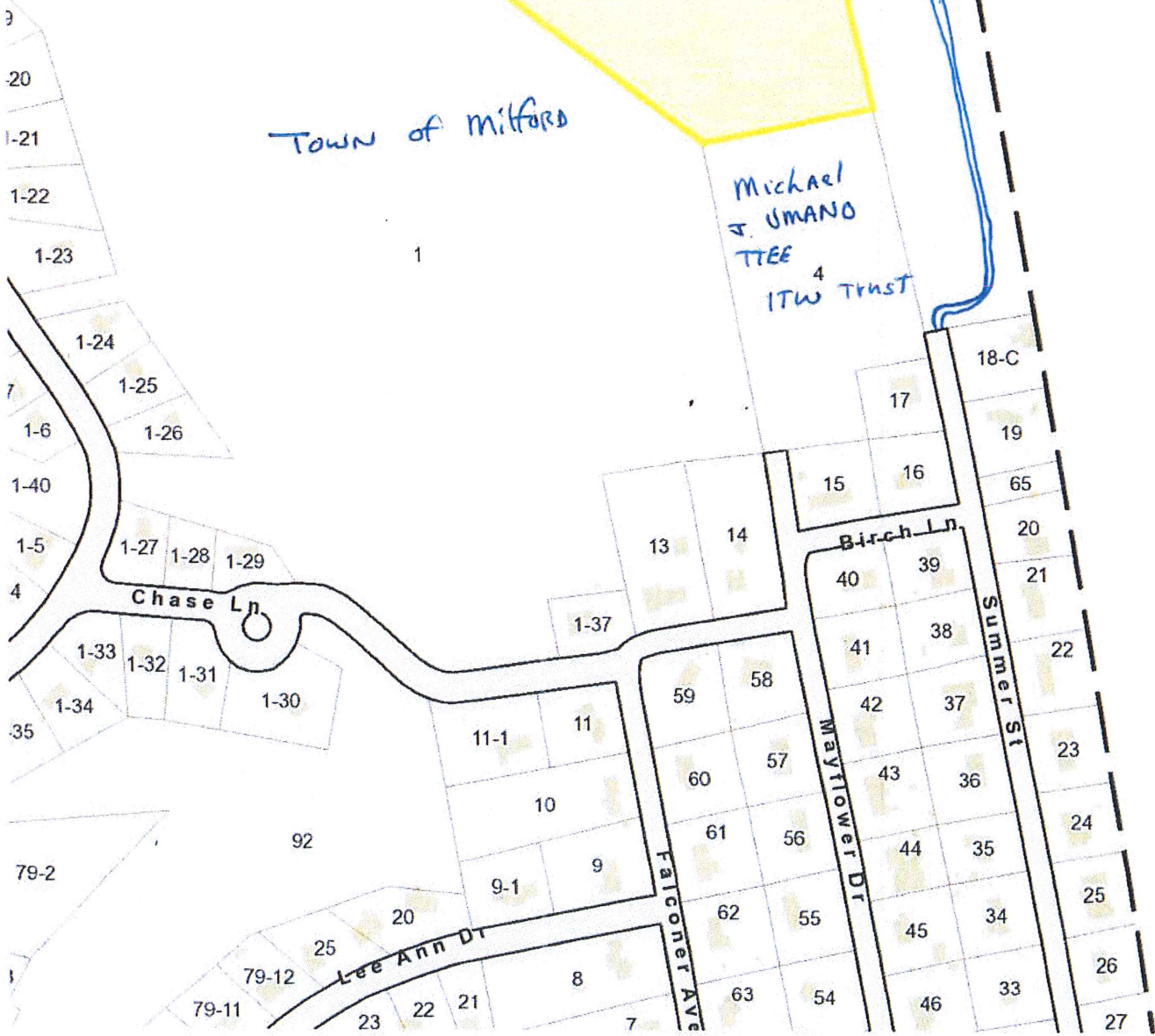
3

Amherst

TOWN of Milford

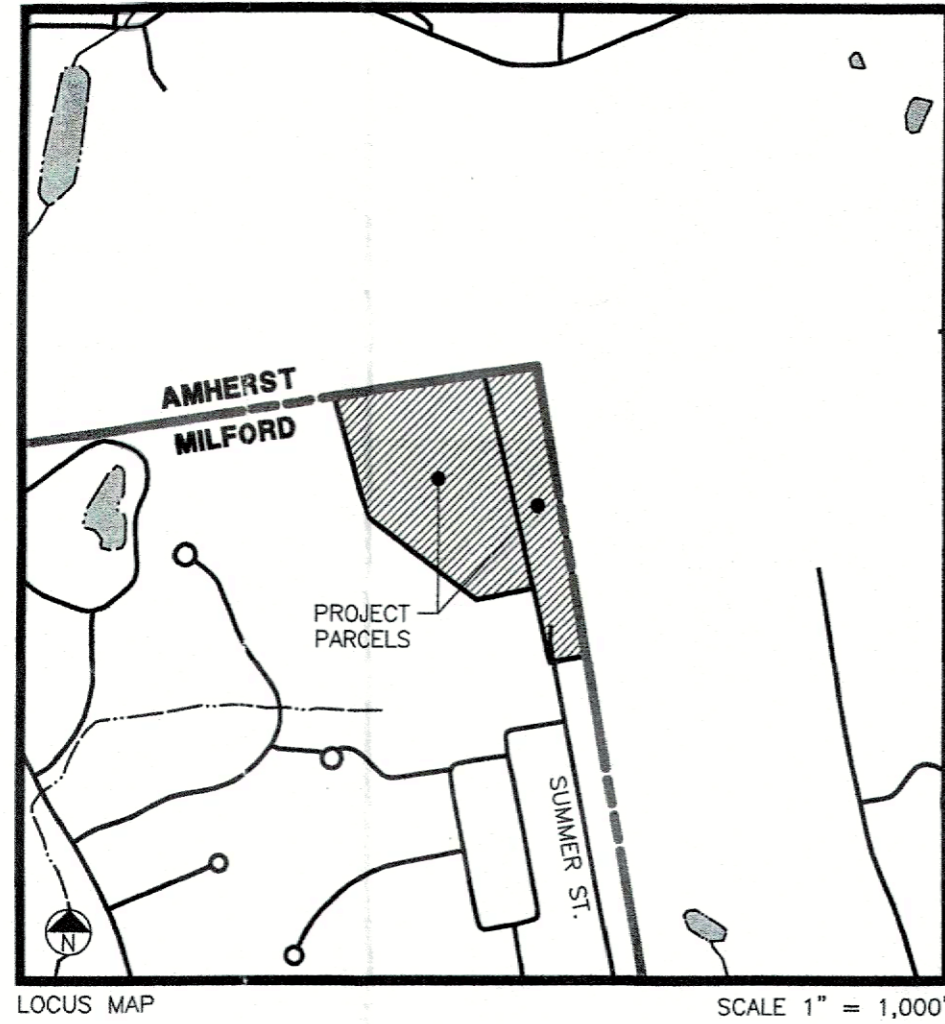
Michael  
& UMANO  
TREE  
ITW TRUST

1

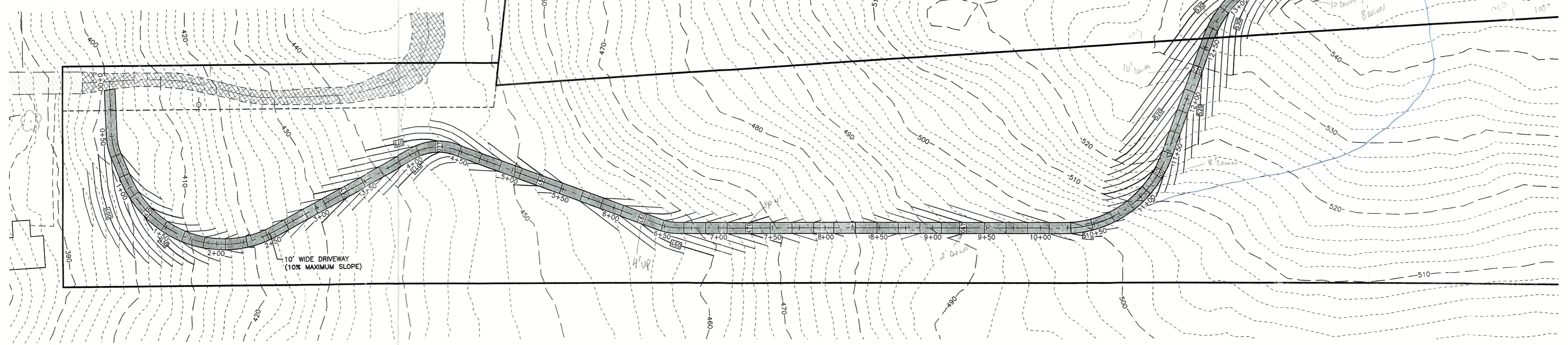
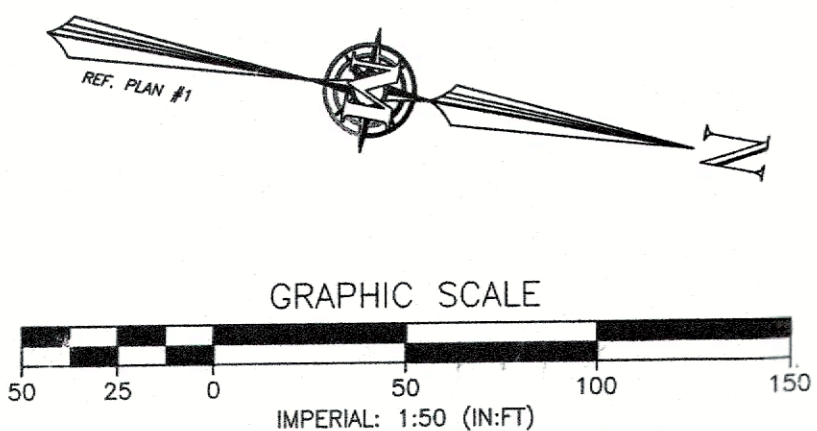


**NOTES:**

1. THE PURPOSE OF THIS PLAN IS TO DEPICT A PROPOSED DRIVEWAY COMPLYING WITH THE TOWN OF MILFORD DRIVEWAY PERMIT REGULATIONS.
2. OWNER OF RECORD:  
 MAP 9 LOT 2  
 PATCH HILL DEVELOPMENT, LLC.  
 307 ELM STREET  
 MILFORD, NH 03055-4766  
  
 MAP 9 LOT 3  
 MICHAEL DEVELOPMENT, INC.  
 P.O. BOX 330265  
 WEST HARTFORD, CT 06133
3. REFERENCING THE ZONING MAP OF THE TOWN OF MILFORD, MAP 3 LOT 2 IS LOCATED WITHIN THE RESIDENCE "R" DISTRICT AND MAP 3 LOT 3 IS LOCATED WITHIN THE RESIDENCE "A" DISTRICT.
4. RESIDENCE "R" DISTRICT DIMENSIONAL REQUIREMENTS:  
 MINIMUM LOT SIZE 2 ACRES (SINGLE FAMILY)  
 MINIMUM FRONTAGE 4 ACRES (TWO FAMILY)  
 200 FT (SINGLE FAMILY)  
 300 FT (TWO FAMILY)  
 FRONT SETBACK 30 FT  
 SIDE/REAR SETBACK 15 FT  
 ACCESSORY STRUCTURES 6 FT  
 SIDE/REAR SETBACK (LESS THAN 120 SF)  
 MAXIMUM BUILDING HEIGHT 35 FT  
  
 RESIDENCE "A" DISTRICT DIMENSIONAL REQUIREMENTS:  
 MINIMUM LOT SIZE 15,000 SF (PUBLIC SEWER & WATER)  
 40,000 SF (PRIVATE SEWER & WATER)  
 MINIMUM FRONTAGE 100 FT (PUBLIC SEWER & WATER)  
 150 FT (PRIVATE SEWER & WATER)  
 FRONT SETBACK 30 FT  
 SIDE/REAR SETBACK 15 FT  
 ACCESSORY STRUCTURES 6 FT  
 SIDE/REAR SETBACK (LESS THAN 120 SF)  
 MAXIMUM BUILDING HEIGHT 35 FT
5. THE EXISTING CONDITION WAS OBTAINED FROM A TOPOGRAPHIC LIDAR SURVEY MADE BY NH GRANIT.
6. THE EXISTING AREA OF TAX MAP 9 LOT 2 IS 11 ACRES. THE EXISTING AREA OF TAX MAP 9 LOT 3 IS 7.11 ACRES.
7. MAP 9 LOTS 2 & 3 ARE LOCATED WITHIN ZONE X, PER F.I.R.M. COMMUNITY PANEL NUMBER 33011C0459D, DATED SEPTEMBER 25, 2009.



RECEIVED  
 SEP 21 2020  
 TOWN OF MILFORD  
 ZBA Office



**MERIDIAN LAND SERVICES, INC.**  
 ENGINEERING | SURVEYING | PERMITTING  
 SOIL & WETLAND MAPPING | SEPTIC DESIGN  
 31 OLD NASHUA ROAD, AMHERST, NH 03031  
 TEL: 603-673-1441  
 FAX: 603-673-1884  
 MERIDIANLANDSERVICES.COM

REV.	DATE	DESCRIPTION	DR	CK
A				
B				
C				
D				
E				
F				
G				
H				

**CONCEPTUAL DRIVEWAY PLAN**  
 JANUARY 31, 2019

PATCH HILL DEVELOPMENT, LLC.  
 SUMMER STREET  
 MAP 9 LOTS 2 + 3  
 MILFORD, NEW HAMPSHIRE

**P-1**  
 SHEET

FILE: 6509P03.dwg  
 PROJECT: 6509.03  
 SHEET NO. 1 OF 2

10% from Summer St.

Abutters to lot 9-2

Town of Milford                      9/1  
1 Union Sq  
Milford, NH 03055

Quarry Owners Association      8/71c  
c/o Kokko Realty  
480 Nashua St.  
Milford, NH 03055

Michael J. UMANO Trustee ITW Realty Trust 9/4  
40 Lone St.  
Marshfield, MA 02050

Town of Amherst NH                      5-75-1 and 5-66  
PO Box 960  
Amherst, NH 03031

Michachunk Development, INC      9/3  
91 Baldwin Hill Rd.  
Lyndeborough, NH 03082

Michachunk Passage Homeowner Association  
c/o Thomas F. Quinn Law Office  
62 Elm St. #2  
Milford, NH 03055

Robert F. Kokko  
480 Nashua St.  
Milford, NH 03055

September 14, 2020

Milford Zoning Board Of Adjustment  
1 Union Square  
Milford, NH 03055

Dear ZBA,

Attached is a variance application to allow a single family dwelling on a lot with no frontage on a class V or better road. Access would be by easement through map 9 parcel 3 from map 9 parcel 2 to the end of Summer St. I have permission for the easement which is presently subject to obtaining approvals from the Town of Milford. There is presently no other access to the 10+- acre parcel.

I would appreciate your consideration and granting of this request.

Robert F Kokko