

TOWN OF MILFORD, NH  
OFFICE OF COMMUNITY DEVELOPMENT

1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620

WEB: WWW.MILFORD.NH.GOV

## **STAFF MEMORANDUM**

**Date:** June 16, 2022

**To:** Planning Board

**From:** Lincoln Daley, Community Development Director

**Subject:** **Case SD2022-01 Carl and Sally Chappell, Tax Map 42, Lot 46, 116 Osgood Road.** Public hearing for a Minor Subdivision application to subdivide the subject lot into two lots within the Residential 'R' District.

### **BACKGROUND/PROPOSAL:**

The applicant is before the Board seeking approval of a Minor Subdivision Application to subdivide the parent lot Tax Map 42, Lot 46 into two total lots (Tax Map 42, Lot 46 and 46-1). The proposal calls for subdividing approximately 3.625 acres from the existing 20.5 acre property to accommodate the main 2-family house and large barn with the remaining 16.875 acres for the existing agricultural operation and smaller single-family house.

### **APPLICATION STATUS:**

The application is complete and ready to be accepted. The Board will need to make a determination of regional impact.

### **NOTICES:**

Notices were sent to all property abutters on Jun 2, 2022.

### **WAIVER REQUESTS:**

No waiver requests have been submitted.

### **LAND USE APPROVALS**

On March 3, 2022, the applicant previously received a Variance from the Board of Adjustment from the Milford Zoning Ordinance, Article V, Section 5.02.4.B to subdivide Tax Map 42, Lot 46 and create a lot with 105 linear feet of frontage where 150 feet is required on a principle route of access on a Class V road or better for a property in Residential 'A' district not serviced by both municipal water and sewer.

### **EXISTING USE/CONDITIONS:**

The subject property is approximately 20.5 acres in area and contains an existing 7 bedroom, two-family house centrally located on the front portion of the property within the 30 foot front dimensional setback (built in 1900). A one-story barn is located behind said home. The property also contains a single story house located on northeastern portion of the property (built in 1910). Lastly, Chappell Farms LLC operates a forestry / lumber operation (agricultural use) with outdoor commercial parking and storage rental space on the property. The property contains delineated wetland resources areas along the southern and easter portions of the subject property. Great Brook runs along the southern property line.

**PROPOSAL:**

<b>Tax Map/Lot</b>	<b>Existing</b>	<b>Proposed</b>
Tax Map 42-46		3.625 acres (157,892 sf.)
Tax Map 42-46-1	20.5 acres (892,979 sf.)	16.875 acres (735,087 sf.)

**ZONING DISTRICT/INFORMATION:**

The subject property is within the Residential ‘R’ District. The intent of the Residence "R" District is to provide for low-density residential and agricultural land uses, and other compatible land uses, that are sensitive to the rural character and environmental constraints existing in the district.

With the exception relief granted for the frontage for Tax Map 42, Lot 46. Both proposed lots meet the minimum dimensional requirements for properties within the Residential ‘R’ Zoning District.

**STAFF COMMENTS:**

1. Per the request of the Town Assessor, please revise the plan and associated notes to label lot containing the two-family house lot as the parent lot (Tax Map 42, Lot 46) and the larger property containing the agricultural operation as the subplot (Tax Map 42, Lot 46-1).
2. Sheet 1 - A note shall be added to the plan stating that prior to the signing of the plan, all monumentation shall be set and noted on the plan or a security be provided to the Town to cover the cost of monumentation.
3. Sheet 1, Note #9 – Please confirm the reason for not providing a revised wetland delineation for the subdivision.
4. Sheet 2 – Please explain if the barn located on the proposed Lot 42-46-1 will be used by the non-residential operation. If yes, please explain if an easement would be required.
5. Sheet 2 – Please confirm if the smaller house located on Lot 42-46 has an NH DES approved septic system.

**STAFF RECOMMENDATIONS:**

The applicant should be prepared to address any of the comments raised by the Planning Board, Staff, and public pertaining to the Minor Subdivision Plan. Barring any/all input and recommendations from the Board, Staff recommends approving the application subject to revising the plan per staff and Board comments.

**Aerial Photos of Subject Property:**





**SOILS LEGEND:**

U.S.D.A., S.C.S. SOIL TYPE LINE  
 CmC - CANTON STONY FINE SANDY LOAM - 8% TO 15% SLOPES  
 DeA - DEERFIELD LOAMY FINE SAND - 0% TO 3% SLOPES  
 DeB - DEERFIELD LOAMY FINE SAND - 3% TO 8% SLOPES  
 HsB - HINCKLEY LOAMY SAND - 3% TO 8% SLOPES  
 WdA - WINSOR LOAMY SAND - 0% TO 3% SLOPES  
 Rp - RIPPOWAM FINE SANDY LOAM - NEARLY LEVEL SLOPES

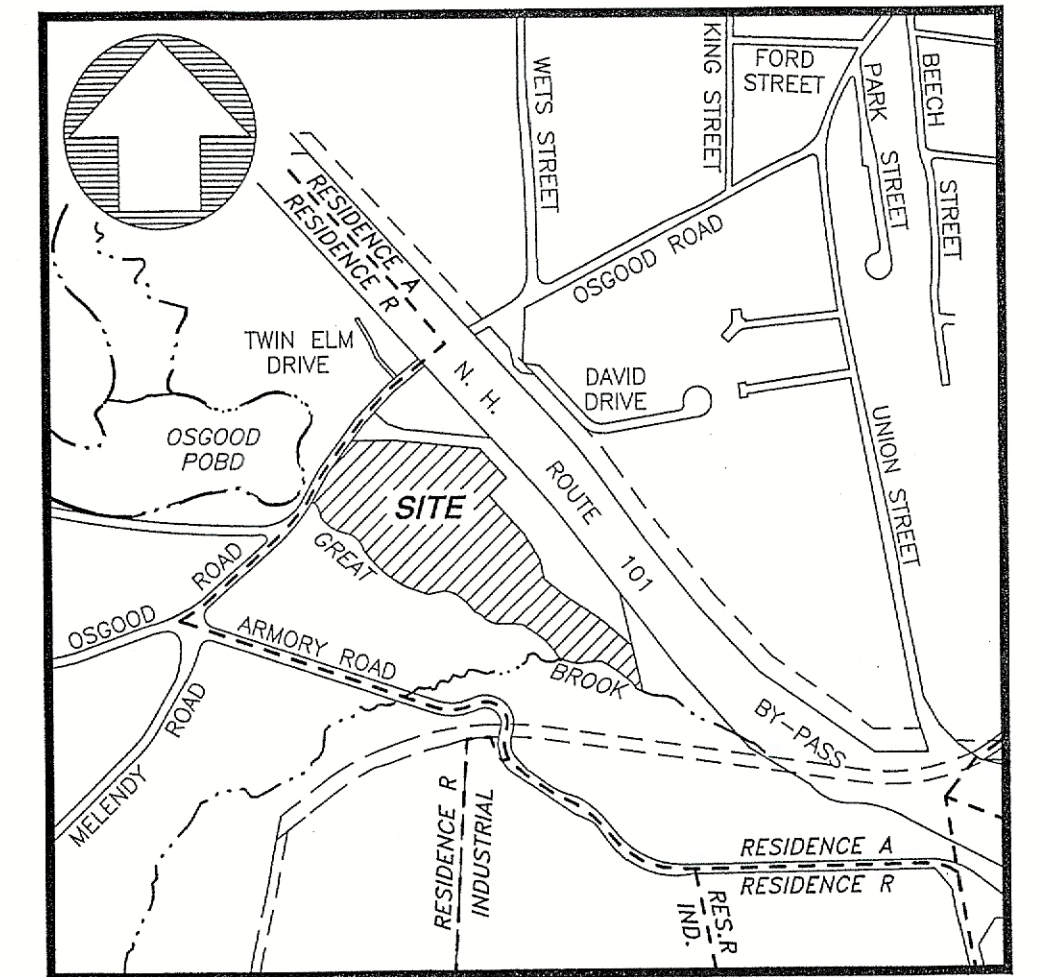
UPLAND SOILS INFORMATION TAKEN FROM THE SOIL SURVEY OF HILLSBOROUGH COUNTY, EASTERN PART, SHEET 22.

**ABUTTERS:**

42-8 TOWN OF MILFORD 1 UNION SQUARE MILFORD, NH 03055-4230  
 42-9 ALIZA B. & WILLIAM M. LEUCI 117 OSGOOD ROAD MILFORD, NH 03055  
 42-10 TOWN OF MILFORD 1 UNION SQUARE MILFORD, NH 03055-4230  
 42-37-1 CRAIG & ROSEMARIE BROWN 107 MAIN STREET NORWELL, MA 02061 VOL.8221 PG.2207 7/20/2010  
 42-43 LEONA W. LANDON C/O PAMELA FALLEENSEN 2507 COUNTY LANE BALDWINVILLE, NY 13027-9603 VOL.1365 PG. 144 4/24/45 VOL.5094 PG.1940 3/28/89  
 42-44 LOU-ANN POOR & CHARLES T. SIMPSON P.O. BOX 2698 DUBLIN, NH 03444 VOL.9523 PG.2509 9/9/2021  
 42-45 GREGORY T. & AMY J. GATELY 24108 CAROUSEL LANE LUNENBURG, MA 01462 VOL.9365 PG.1462 10/16/2020  
 42-46-2 CALEB & MARANDA GILBERT 114 OSGOOD ROAD MILFORD, NH 03055 VOL.9315 PG.2220 7/2/2020  
 42-47-1 ALYSHA S. JOHNSON 146 OSGOOD ROAD MILFORD, NH 03055 VOL.8023 PG.366 10/1/2008  
 42-47-2 ANDREW RAKIEY & AMY WILLIAMS 148 OSGOOD ROAD MILFORD, NH 03055 VOL.9060 PG.2838 4/2/2018  
 42-81 TOWN OF MILFORD 1 UNION SQUARE MILFORD, NH 03055-4230

**REFERENCE PLAN:**

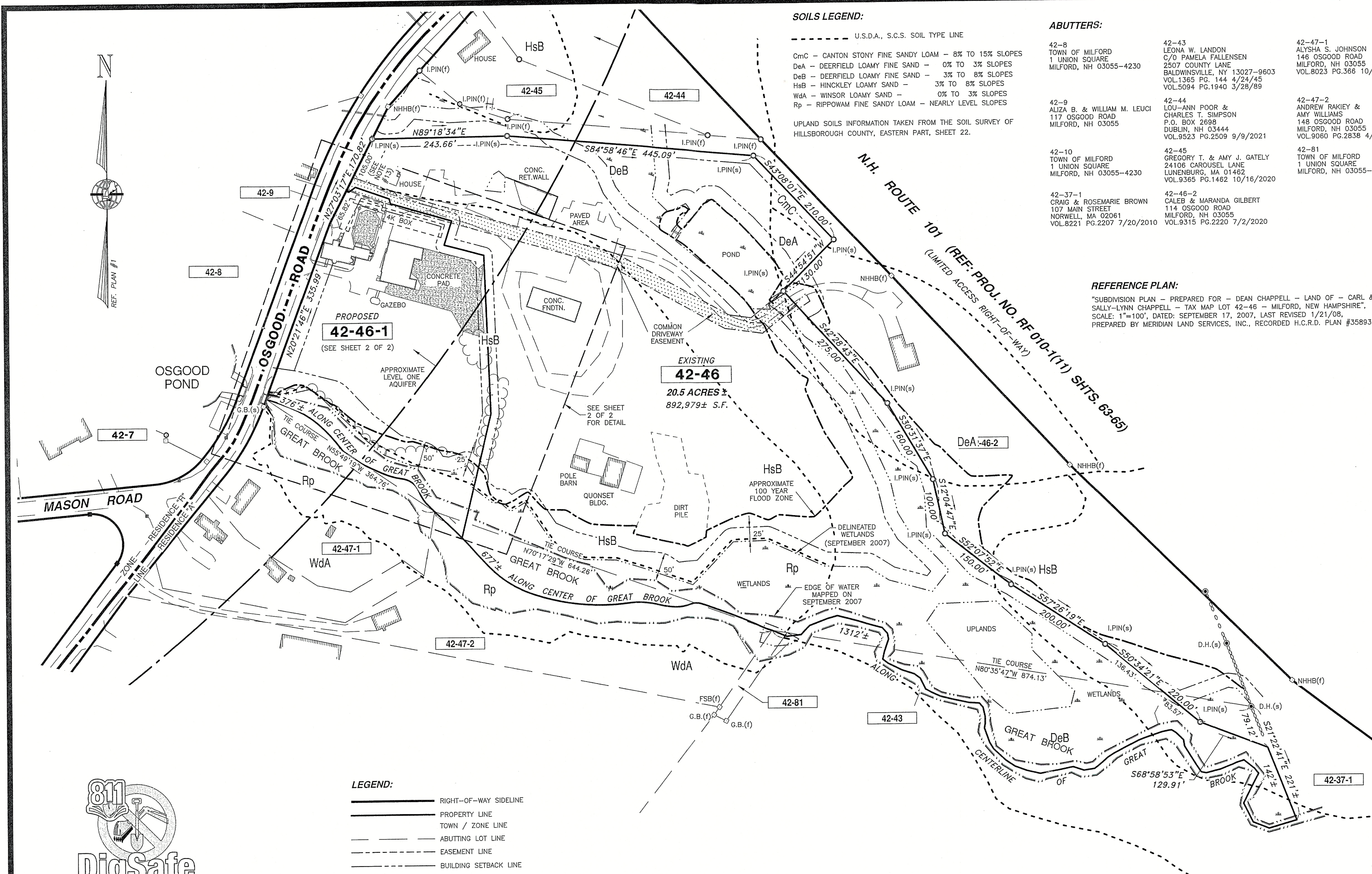
"SUBDIVISION PLAN - PREPARED FOR - DEAN CHAPPELL - LAND OF - CARL & SALLY-LYNN CHAPPELL - TAX MAP LOT 42-46 - MILFORD, NEW HAMPSHIRE".  
 SCALE: 1"=100', DATED: SEPTEMBER 17, 2007, LAST REVISED 1/21/08,  
 PREPARED BY MERIDIAN LAND SERVICES, INC., RECORDED H.C.R.D. PLAN #35893.



**LOCUS MAP:**  
SCALE: 1"=1,000'±

**NOTES:**

- THE OWNERS OF RECORD ARE CARL AND SALLY-LYNN CHAPPELL, 116 OSGOOD ROAD, MILFORD, N.H. DEED REFERENCE IS VOL. 2382 PG. 145 DATED SEPTEMBER 9, 1974 IN THE H.C.R.D.
- THE PURPOSE OF THIS PLAN IS TO DEPICT A TWO RESIDENTIAL LOT SUBDIVISION OF TAX MAP LOT 42-46.
- 42-46 DENOTES TAX MAP AND PARCEL NUMBER.
- ZONING FOR THE ENTIRE SITE IS RESIDENCE 'A'. MINIMUM LOT FRONTAGE IS 150 FEET WITH 40,000 SQ. FT. OF AREA. BUILDING SETBACKS ARE 30' FRONT, 15' SIDE & REAR WITH 50' FROM GREAT BROOK AND CLASS 6 WETLANDS ALONG GREAT BROOK. THE SITE ALSO LIES WITHIN THE AQUIFER PROTECTION OVERLAY DISTRICT AND WITHIN LEVELS 1 & 2 OF THE GROUND WATER PROTECTION DISTRICT.
- THE SITE LIES PARTIALLY WITHIN THE 100 YEAR FLOOD HAZARD BOUNDARY AS SHOWN ON FEMA FLOOD MAP #33011C0458D.
- THE EXISTING HOUSE ON PROPOSED LOT 42-46-1 IS SERVICED BY MUNICIPAL WATER AND ON-SITE SEPTIC DISPOSAL SYSTEM. THE REMAINDER LOT 42-46 IS ALSO SERVICED BY MUNICIPAL WATER AND ON-SITE SEPTIC DISPOSAL SYSTEM.
- THE BOUNDARY INFORMATION AND OBSERVABLE SITE IMPROVEMENTS SHOWN FOR PROPOSED LOT 42-46-1 IS THE RESULT OF A PRECISE INSTRUMENT SURVEY BY THIS OFFICE AT THIS TIME. THE REMAINING BOUNDARY INFORMATION AND IMPROVEMENTS SHOWN ON LOT 42-46 ARE BASED UPON THE REFERENCE PLAN NOTED HEREON SUPPLEMENTED WITH ARIAL PHOTOGRAPHY.
- TOTAL AREA FOR THE EXISTING LOT 42-46 (PRE-SUBDIVISION) IS 20.5± ACRES OR 892,979± S.F.
- THE WETLANDS SHOWN WERE DELINEATED ON SEPTEMBER 12, 2007 BY DAVID M. PETTIT, UNDER THE SUPERVISION OF CERTIFIED WETLANDS SCIENTIST TIMOTHY J. FERWERDA OF THIS OFFICE, IN ACCORDANCE WITH THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 DATED JANUARY, 1987. NO FURTHER WETLAND DELINEATION HAS BEEN PERFORMED AS PART OF THIS PLAN AND MAY REQUIRE FURTHER INVESTIGATION IF CONSTRUCTION IS PROPOSED ADJACENT THE WETLANDS SHOWN HEREON.
- TOPOGRAPHY SHOWN ON PROPOSED LOT 42-46-1 IS THE RESULT OF A FIELD SURVEY PERFORMED BY THIS OFFICE ON APRIL 15, 2022. THE VERTICAL DATUM IS NGVD OF 1929.
- LOT 42-46 IS SUBJECT TO AN EXISTING COMMON DRIVEWAY EASEMENT AND MAINTENANCE COVENANT AS NOTED IN H.C.R.D. BK. 7944 PG. 1593 DATED 1/30/2008. PROPOSED LOT 42-46-1 WILL NOW ALSO BE SUBJECT TO A PORTION OF THE COMMON DRIVEWAY EASEMENT AS WELL.
- NO UNDERGROUND UTILITY INVESTIGATION WAS PERFORMED BY THIS OFFICE AT THIS TIME.
- THE TOWN OF MILFORD ZONING BOARD OF ADJUSTMENT GRANTED A VARIANCE FROM ARTICLE V, SECTION 5.02.4.B ON MARCH 3, 2022 TO SUBDIVIDE THE LOT LOCATED A TAX MAP 42, LOT 46 AND CREATE A LOT WITH 105' LINEAR FEET OF FRONTAGE WHERE 150 FEET IS REQUIRED. SEE ZBA CASE #2022-02.

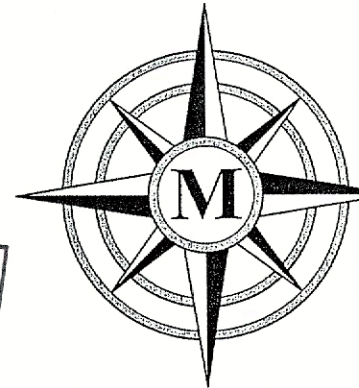
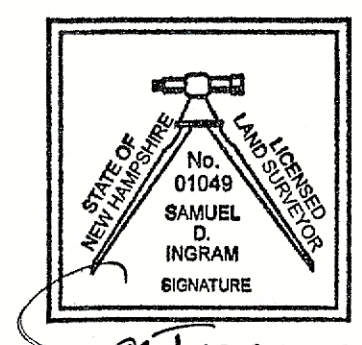


**LEGEND:**

- RIGHT-OF-WAY SIDELINE
- PROPERTY LINE
- TOWN / ZONE LINE
- - - ABUTTING LOT LINE
- - - EASEMENT LINE
- - - BUILDING SETBACK LINE
- - - EDGE OF PAVEMENT
- - - EXISTING GRAVEL ROAD
- - - EDGE OF WETLANDS
- - - EDGE OF WATER
- - - STONE WALL
- 42-46 EXISTING TAX MAP AND LOT NUMBER
- EXISTING BUILDING
- EXISTING TREE LINE
- EXISTING GRANITE BOUND FOUND
- EXISTING DRILL HOLE FOUND/SET
- EXISTING IRON PIN FOUND
- EXISTING CATCH BASIN SQUARE
- EXISTING UTILITY POLE & GUY WIRE
- EXISTING SINGLE POST SIGN

**APPROVED**  
 MILFORD, NH PLANNING BOARD  
 SUB DIVISION #: \_\_\_\_\_  
 DATE APPROVED: \_\_\_\_\_  
 SIGNED: \_\_\_\_\_

**CERTIFICATION:**  
 "I HEREBY CERTIFY THAT PROPOSED LOT 42-46-1 SHOWN HEREON IS THE RESULT OF AN ON-SITE INSTRUMENT SURVEY PERFORMED BY THIS OFFICE DURING THE MONTH OF APRIL 2022, WHICH MEETS THE URBAN CLASSIFICATION PRECISION OF ONE PART IN TEN THOUSAND (1:10,000)."



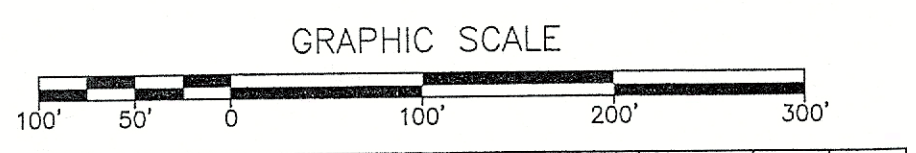
**SUBDIVISION PLAN**  
 LAND OF:  
**CARL & SALLY-LYNN CHAPPELL**  
 TAX MAP 42 LOT 46  
 MILFORD, NEW HAMPSHIRE

SCALE: 1" = 100' MAY 23, 2022

**MERIDIAN**  
 LAND SERVICES, INC.  
 ENGINEERING | SURVEYING | PERMITTING  
 SOIL & WETLAND MAPPING | SEPTIC DESIGN  
 31 OLD NASHUA ROAD, AMHERST, NH 03031 TEL. 603-673-1441  
 MERIDIANLANDSERVICES.COM FAX 603-673-1594



**OWNER'S SIGNATURE:**  
 Carl Chappell  
 DATE: 5/23/22



REV.	DATE	DESCRIPTION	C/O	DR	CK
D					
C					
B					
A					

Plotted: 5/23/2022 11:47 AM By: M.R.  
 H: \MIS\05216\5216D07\Drawings\5216D07.DWG



LOT SYNOPSIS

LOT NO.	EXISTING	PROPOSED	-
42-46	892,979± S.F. 20.5± ACRES	735,087± S.F. 16.875± ACRES	42-46-1
42-46-1		157,892± S.F. 3.625± ACRES	

OWNER'S SIGNATURE:

*Carl Chappell* 5/23/22  
CARL CHAPPELL DATE

**APPROVED**

MILFORD, NH PLANNING BOARD

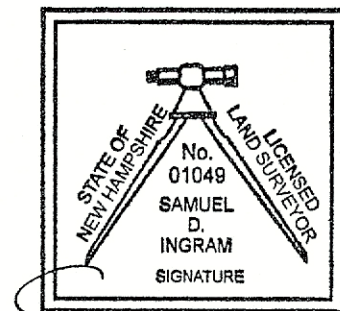
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*Samuel D. Ingram* 5/23/22

SUBDIVISION PLAN  
LAND OF:

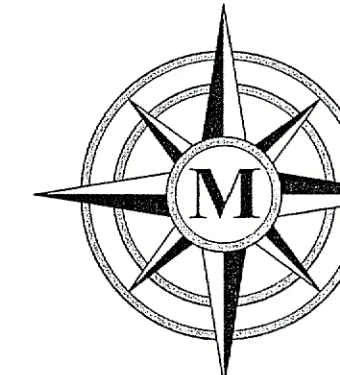
**CARL & SALLY-LYNN  
CHAPPELL**

TAX MAP 42 LOT 46

MILFORD, NEW HAMPSHIRE

SCALE: 1" = 40'

MAY 23, 2022



**MERIDIAN**

LAND SERVICES, INC.

ENGINEERING | SURVEYING | PERMITTING  
SOIL & WETLAND MAPPING | SEPTIC DESIGN

31 OLD NASHUA ROAD, AMHERST, NH 03031 TEL. 603-673-1441  
MERIDIANLANDSERVICES.COM FAX 603-673-1584

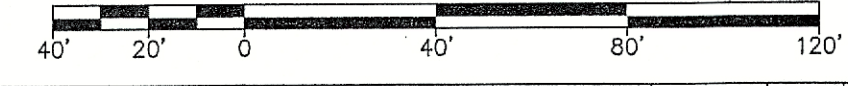


LEGEND:

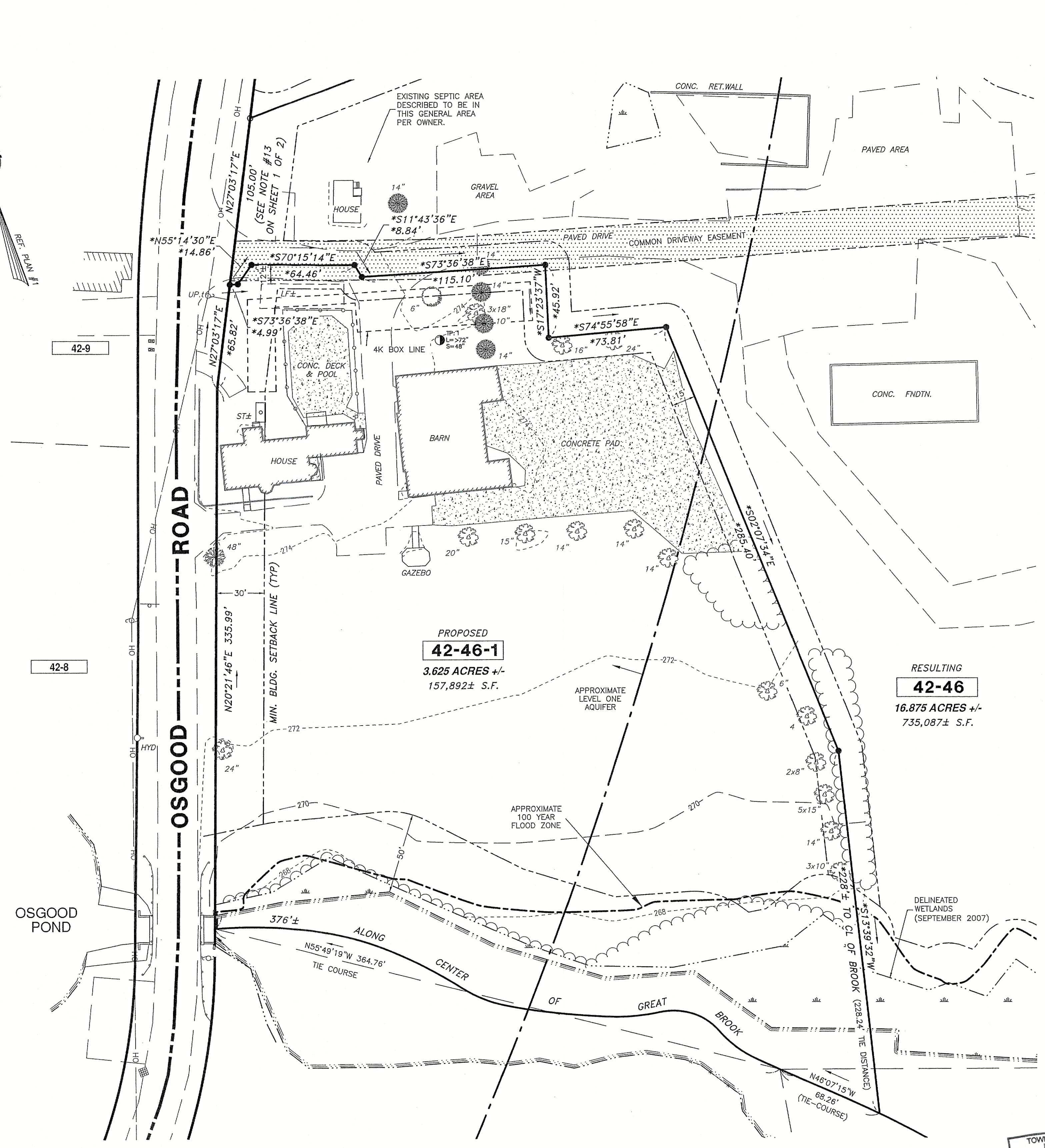
- RIGHT-OF-WAY SIDELINE
- PROPERTY LINE
- TOWN / ZONE LINE
- ABUTTING LOT LINE
- FORMER TRACT LINE
- EASEMENT LINE
- BUILDING SETBACK LINE
- EDGE OF PAVEMENT
- EXISTING GRAVEL ROAD
- OH — EXISTING OVERHEAD ELECTRIC
- — EDGE OF WETLANDS
- — EDGE OF WATER
- CpC — U.S.D.A. SOILS BOUNDARY
- — STONE WALL
- — 10' CONTOUR INTERVAL
- — 2' CONTOUR INTERVAL
- 42-46 — EXISTING TAX MAP AND LOT NUMBER
- — EXISTING BUILDING
- — TEST PIT WITH DATA  
TEST PIT NUMBER DEPTH—LEDGE FOUND  
DEPTH—SEASONAL HIGH WATER FOUND
- — EXISTING TREE LINE
- — EXISTING ACCESS EASEMENT
- — EXISTING CHAINLINK FENCE LINE
- — EXISTING GUARDRAIL LINE
- — EXISTING GRANITE BOUND FOUND
- — EXISTING DRILL HOLE FOUND/SET
- — EXISTING IRON PIPE FOUND
- — EXISTING CATCH BASIN SQUARE
- — EXISTING UTILITY POLE & GUY WIRE
- — EXISTING SINGLE POST SIGN
- — EXISTING SPRUCE TREE
- — EXISTING MAPLE TREE
- — EXISTING OAK TREE
- — EXISTING DECIDUOUS TREE
- — MONUMENT TO BE SET
- — BEARINGS AND DISTANCES FOR PROPOSED LOT LINES



GRAPHIC SCALE



REV.	DATE	DESCRIPTION	C/O	DR	CK
D	---	---	---	---	---
C	---	---	---	---	---
B	---	---	---	---	---
A	---	---	---	---	---



PROPOSED  
**42-46-1**  
3.625 ACRES +/-  
157,892± S.F.

RESULTING  
**42-46**  
16.875 ACRES +/-  
735,087± S.F.

Plotted: 5/23/2022 11:47 AM By: M.R.  
 H:\NLS\05216\5216\_07\Drawings\5216D07.DWG