

TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620

WEB: WWW.MILFORD.NH.GOV

STAFF MEMO

Date: May 22, 2019

To: Planning Board

From: Lincoln Daley, Community Development Director

Subject: **Jessica Hudson for the properties located at Tax Map 43, Lot 24, 64 Tonella Road and Tax Map 43, Lot 30, 0 Powers Street.** Public hearing for a Lot Line Adjustment application to modify the property lines between the subject properties for the benefit of Map 43, Lot 24 within the Residential B and Industrial Zoning Districts.

BACKGROUND

The applicant, Jessica Hudson, is before the Board seeking approval of a lot line adjustment plan to modify the property lines between the Tax Map 43, Lots 24 and 30 within the Residential ‘B’ and Industrial Zoning Districts. The proposal also includes the creation of a Conservation / Non-Disturbance easement on rear portion of Lot 30 for the benefit of Lot 24. This will be the first public hearing for the application.

ADDRESS:

Tax Map 43, Lot 24, 64 Tonella Road
Tax Map 43, Lot 30, 0 Powers Street

APPLICATION STATUS:

The application is complete and ready to be accepted.

NOTICES:

Notices were sent to all property abutters on May 17, 2019.

EXISTING USE:

Tax Map 43, Lot 24 is a partially developed residential lot consisting of pre-existing, multiple single-family residences. The property consists of 12.71 acres with 228 linear feet of frontage on Tonella Road. The property is the location of the former site of the Tonella King Quarry and contains a pond.

Tax Map 43, Lot 30 is an undeveloped industrial lot consisting of 3.07 acres with 299.47 linear feet of frontage on Powers Street.

The subject parcels lie outside of the 100 year flood hazard area as shown on the National Flood Insurance Program Flood Insurance Rate Maps for Hillsborough County, NH.

PROPOSAL:

The proposed lot line adjustment will result in the following:

	Existing	Proposed
Map 43, Lot 30	3.07 acres (133,578 sq. ft.)	2.617 acres (113,865 sq. ft.)
Map 43, Lot 24	12.71 acres (533,691 sq. ft.)	13.164 acres (573,404 sq. ft.)

The resulting parcel areas conform to the minimum dimensional requirements of the Residential “B” Zoning District consisting of 60,000 square feet and 225’ of frontage and 40,000 square feet and no minimum frontage requirements in the Industrial Zoning District. As a result of the proposed lot line adjustment and acquisition of the area labeled “Parcel A”, Map 43, Lot 24 would obtain approx. 50 linear feet of frontage on Powers Street.

The plan also proposes to create a “No Disturb Buffer Easement” on the rear third of the Lot 30 for the benefit of Lot 24. It is staff’s understanding the easement will be recorded with the deed for the Map 43, Lot 30.

Please see the attached lot line adjustment plan for more detailed information.

INTERDEPARTMENTAL REVIEWS:

Assessing: No comments.

Zoning Administrator: No comments.

Police Department: No comments.

Fire Department: No comments.

Public Works: No comments.

Building: No comments.

Environmental Programs/Stormwater: No comments.

Water Utilities: No comments

Heritage Commission: No comments submitted.

Conservation Commission: The MCC would like to ensure that there is a deed restriction noting the No Disturb Buffer placed on the new deed for Map 43, Lot 24.

Community Development/Planning:

1. Lot Line Adjustment Plan. Please confirm the intent of the proposed 50’ area labeled “Parcel “A”.
2. Lot Line Adjustment Plan. Please update the existing conditions associated with Map 43, Lot 25-1 and Map 43 Lot 25 to reflect (at a minimum) the relocation of the existing house and removal of the stone cutting structure.
3. Lot Line Adjustment Plan. 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.
4. Lot Line Adjustment Plan. Please amend the plan to include Planning Board and Owner Signature Blocks.
5. Lot Line Adjustment Plan. Please submit a copy of the “No Disturb Buffer Easement” to the Community Development Office for review and comment.

STAFF RECOMMENDATIONS:

The applicant should be prepared to address all of the comments raised by the Planning Board, Town Consultants, Staff, and public. Staff recommends that the Board conditionally approve the Lot Line Adjustment Plan incorporating Planning staff comments 2 -5 and the comment from Conservation Commission relative the deed restriction for Map 43 Lot 24.

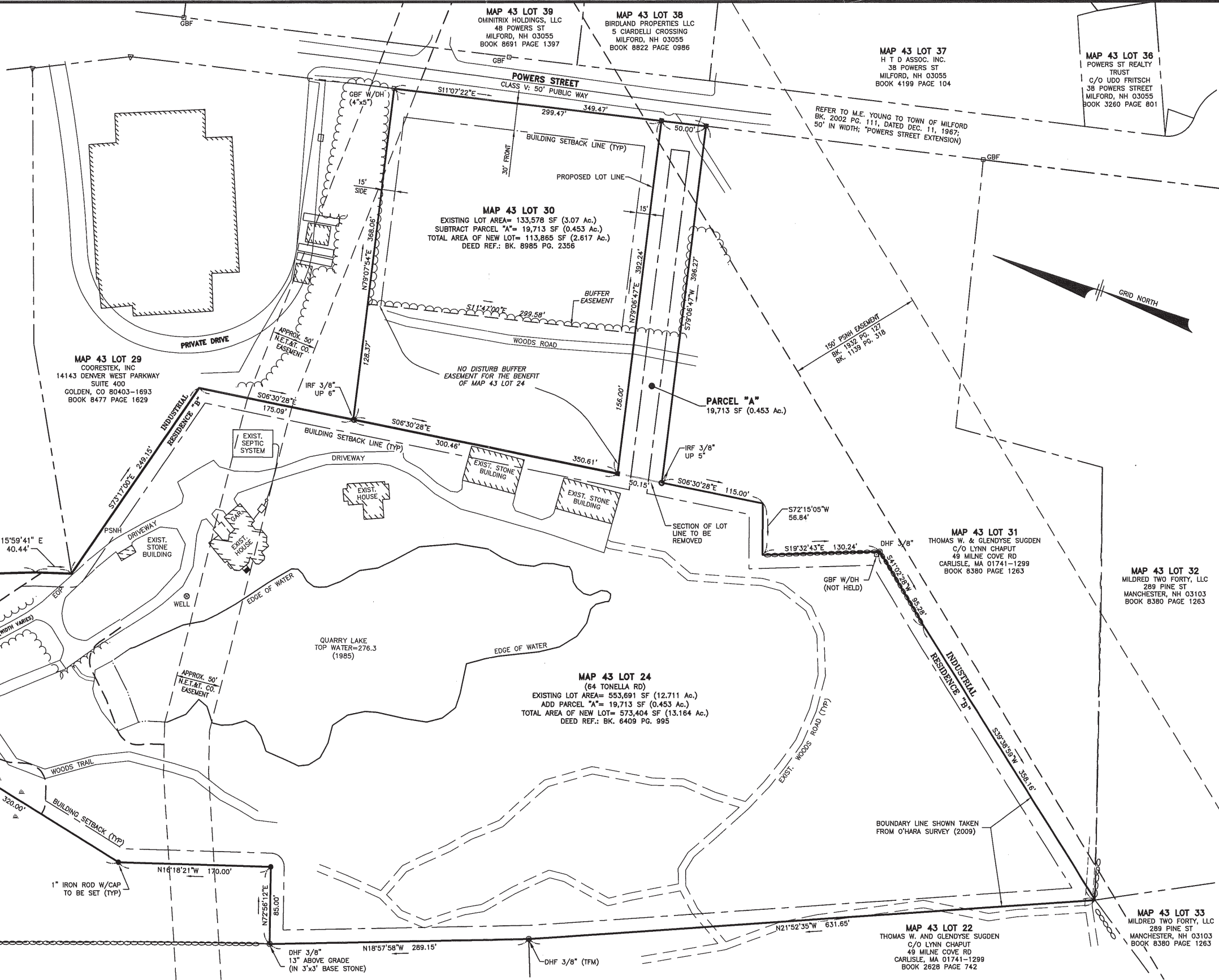
Aerial Photograph of the Subject Property:



NOTES:

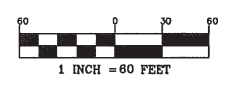
- OWNER OF RECORD: MAP 43 LOT 24
SUZANNE DEMONTIGNY REVOCABLE TRUST
SUZANNE DEMONTIGNY, TRUSTEE
614 NASHUA ST SUITE 63
MILFORD, NH 03055
BOOK 6409 PAGE 995

MAP 43 LOT 30
MARC P. DEMONTIGNY
REVOCABLE TRUST OF 2000
MARC P. DEMONTIGNY, TRUSTEE
JESSICA HUDSON, TRUSTEE
614 NASHUA ST. STE 63
MILFORD, NH 03055
BOOK 8985 PAGE 2356
- THE INTENT OF THIS PLAN IS TO SHOW THE LOT LINE ADJUSTMENT FOR LOT 43-30 AND TO SHOW THE BUFFER EASEMENT ON LOT 43-30, BOTH FOR THE BENEFIT OF LOT 43-24.
- BOUNDARY INFORMATION FOR LOT 43-30, 43-25, AND A PORTION OF LOT 43-24, AS DENOTED ON THE PLAN, IS BASED ON A RETRACEMENT SURVEY BY THIS OFFICE BY WAY OF PHYSICAL EVIDENCE, RECORDED DEEDS AND PLANS.
- BOUNDARY INFORMATION SHOWN FOR THE REMAINDER OF LOT 43-24 IS TAKEN FROM A SURVEY AND PLAN FOR THE SUZANNE DEMONTIGNY REVOCABLE TRUST OF 2000, DATED MAY 2009, PREPARED BY DAVID M. O'HARA & ASSOCIATES. PLAN NOT RECORDED.
- HORIZONTAL DATUM BASED ON NAD83 PER GPS OBSERVATIONS PERFORMED BY THIS OFFICE ON MARCH 29, 2017.
- WETLANDS SHOWN HEREON WERE DELINEATED BY B.A.G. CONSULTANTS, ON MARCH 30, 2017 AND WERE LOCATED BY THIS OFFICE ON APRIL 7, 2017.
- LOT 43-30 AND 43-24 ARE NOT WITHIN A SPECIAL FLOOD HAZARD AREA (100 YEAR FLOOD ZONE) PER FLOOD INSURANCE RATE MAP NUMBER 33011C0459D, EFFECTIVE DATE SEPTEMBER 25, 2009.



The Dubay Group, Inc.
84 Range Road
Windham, NH 03087
603-458-6462

Engineers
Planners
Surveyors
TheDubayGroup.com



REVISIONS:			
REV:	DATE:	COMMENT:	BY:

DRAWN BY: MNW
CHECKED BY: TWIS
DATE: APRIL 30, 2019
SCALE: 1"=60'
FILE: 339-LOT LINE ADJUSTMENT
DEED REF: BK 8985 PG 2356
BK 6409 PG 995

PROJECT:
POWERS STREET INDUSTRIAL
MAP 43 LOT 30
0 POWERS ST
MILFORD, NH 03055
FOR
JUSTIN DEMONTIGNY
614 NASHUA ST #63
MILFORD, NH 03055

PLAN REFERENCES:

- SUBDIVISION PLAN OF LAND: POWERS STREET, MILFORD, NH; SURVEYED FOR THOMAS SUGDEN; SCALE: 1" = 50'; DATED APRIL 1977; PREPARED BY W. ROBERT NOLTE & ASSOCIATES; HILLSBOROUGH COUNTY REGISTRY OF DEEDS PLAN #10132.
- SUBDIVISION PLAN OF LAND: POWERS STREET, MILFORD, NH; SURVEYED FOR THOMAS SUGDEN; SCALE: 1" = 50'; DATED OCTOBER 1977; PREPARED BY W. ROBERT NOLTE & ASSOCIATES; H.C.R.D. PLAN #10921.
- AS-BUILT SITE PLAN: WOODLAND HEIGHTS, POWERS STREET, MILFORD, NH; PREPARED FOR THOMAS SUGDEN; SCALE: 1" = 50'; DATED JULY 1983, REVISED AUGUST 1983; PREPARED BY W. ROBERT NOLTE & ASSOCIATES; H.C.R.D. PLAN #15883.
- BOUNDARY PLAN (WRIGHT PROPERTY): PREPARED FOR JAMES P. MCKENNA; SCALE: 1" = 100'; DATED DECEMBER 1984; H.C.R.D. PLAN #17473.

- PLAN OF RIGHT-OF-WAY: TONELLA ROAD RIGHT-OF-WAY, MILFORD, NH; PREPARED FOR TONELLA QUARRY ASSOCIATES; SCALE: 1" = 50'; DATED FEBRUARY 1987; PREPARED BY MAYNARD & PAQUETTE INC.; H.C.R.D. PLAN #20903.
- LEDGEWOOD ESTATES, TONELLA ROAD AND PROSPECT STREET, MILFORD, NH; PREPARED FOR T & R DEVELOPMENT; SCALE: 1" = 100'; DATED NOVEMBER 2000; PREPARED BY T.F. MORAN; H.C.R.D. PLAN # 31286.
- LEDGEWOOD OF MILFORD, A SENIOR CONDOMINIUM; PREPARED FOR T & R DEVELOPMENT; SCALE 1" = 50'; DATED MARCH 2002; PREPARED BY T.F. MORAN; H.C.R.D. PLAN # 31923.
- WATER AND SEWER UTILITY EASEMENT, MAP 43 LOT 26; PREPARED FOR MARK DEMONTIGNY; SCALE: 1" = 40'; DATED SEPTEMBER 2008; PREPARED BY WOODLAND DESIGN GROUP; H.C.R.D. PLAN # 36184.
- TONELLA ROADWAY PLAN BY S. P. GRASSO, C.E., DATED DECEMBER 1948. PLAN NOT RECORDED AT HILLSBOROUGH COUNTY REGISTRY OF DEEDS.

TOWN OF MILFORD
RECEIVED
APR 29 2019
PB ZBA Office

LAND SURVEYORS CERTIFICATION:
I CERTIFY THAT THIS SURVEY AND PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT THIS PLAN IS THE RESULT OF AN ACTUAL SURVEY PERFORMED ON THE GROUND IN AUGUST, 2018 AND HAS AN ERROR OF CLOSURE OF NOT MORE THAN ONE PART IN TEN THOUSAND.
I CERTIFY THAT THIS SURVEY PLAN IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

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Timothy W. Sutherland
TIMOTHY W. SUTHERLAND, LLS #991
DATE: 4/29/19

SHEET TITLE:
LOT LINE ADJUSTMENT PLAN
PROJECT #339 SHEET 1 of 1

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Town of Milford
CONSERVATION COMMISSION

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1 Union Square
Milford, NH 03055-4240
(603) 249-0628
Fax (603) 673-2273
www.milford.nh.gov
conservation@milford.nh.gov



MEMORANDUM

May 21, 2019

To: Milford Planning Board

**Re: Interdepartmental Review Map43 Lots 24, 30 Lot Line adjustment
64 Tonella Road and 0 Powers Street
Demontigny**

To the Board,

The Conservation Commission reviewed this plan at their May 9, 2019 meeting. The Commission members have one comment.

1. The MCC would like to ensure that there is a deed restriction noting the No Disturb Buffer placed on the new deed for Map43 Lot24.

The Commission appreciates the opportunity to review this application.

Very Respectfully,

Chris Costantino
Milford Conservation Commission | coordinator