

TOWN OF MILFORD, NH  
OFFICE OF COMMUNITY DEVELOPMENT

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**STAFF MEMO**

**Date:** June 14, 2019

**To:** Planning Board

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

**Subject:** **KGL Landscape Construction, LLC, Tax Map 8, Lot 73, 211 Mont Vernon Road.** Public hearing for a Minor Subdivision application to subdivide the existing lot of record into two total parcels within the Residential A Zoning District.

**BACKGROUND**

The applicant, KGL Landscape Construction, LLC., is before the Board seeking approval of a minor subdivision plan to subdivide Tax Map 8, Lot 73 into two total lots, Lot 8-73 and Lot 8-73-1 within the Residential A Zoning District. A single-family house will be located on the newly created lots, Lot 8-73-1 while the parent lot, Lot 8-73 will remain a legal, non-conforming commercial use (outside storage of vehicles, boats and recreation vehicles, an automotive repair/maintenance garage, and related office occurring in the existing building. This will be the first public hearing for the application.

**ADDRESS:**

Tax Map 8 Lot 73, 211 Mont Vernon Road.

**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 June 14, 2019.

**PROPOSAL:**

Minor subdivision to subdivide Tax Map 8, Lot 73 (totaling approximately 14.062 acres) into three total lots, Lot 8-73, Lot 8-73-1, and Lot 8-73-2. The proposed acreage is as follows:

<u>Lot #</u>	<u>Existing</u>	<u>Proposed</u>
Map 8, Lot 73	14.062 acres (612,560 sq.ft.)	13.144 acres (572,560 sq.ft.)
Map 8, Lot 73-1	-----	0.918 acres (40,000 sq.ft.)

- Each of the lots meets the minimum 40,000 square foot lot size requirements for lots not serviced by both municipal water and sewer. The lots will be serviced by municipal water and individual septic systems. The plans show the approximate location of the 4,000 s.f. septic reserve area and related test pit information required for State septic approval.
- Frontage for each of lots will be provided on Mont Vernon Road. Each lot meets the minimum 150 linear foot frontage requirement for lots in the Residential A zoning district.
- According to the plans, the two properties will be accessed via a shared driveway located on Lot 8-73. The proposal calls for the creation of a 25' access and utility easement for the benefit of Lot 8-73 and 8-73-1. Access to Lot 8-73 will also be provided by an existing curb cut on Mont Vernon Road.

**EXISTING USE/CONDITIONS:**

Tax Map 8-73 has been a commercial use since 1984 when the Town approved a site plan for a transportation company. This approval consisted of the construction of a 3,600 s.f. automotive service garage with office space. For approximately 30 years, the site was occupied by a school bus transportation company. Since 1984, the site was rezoned from Industrial to Residential ‘A’ which has made the operations onsite a legal, non-conforming use. Upon the departure of the bus company in 2015, the property applied for and received a Variance in 2016 (Case #2015-19) *“to permit a commercial use self-service storage facility (including units, outside storage of vehicles, boats and recreation vehicles) and an automotive repair and maintenance garage and related office occurring in the existing building within the Residence “A” District, the same not being on the list of enumerated permitted uses for that district...”*

No action was the taken to exercise the 2016 Variance approval within the 2 year time limit and as such, became null and void. The pre-existing, legal, non-conforming automotive service garage (with office) and outdoor storage of service vehicles continues to operate.

Map 8-73 is primarily an undeveloped, wooded lot that is diagonally bisected by a delineated wetland resource area. The majority of the upland area to the west of the delineated wetland has been developed and used as part of the commercial operations over the years. The topography for the proposed subdivided lot is primarily flat with a gradual downward slope from west to east. The north and east of the subject property lies the Quarry Wood Circle multi-family development and established single-family development. In addition to the Single-family residences that lie to the south and west. West of the subject property are the self-storage units.

**ZONING:**

The parcels lay within the Residential ‘A’ zoning district. The intent of the Residence "A" District is to provide for low-density or low-intensity uses, primarily single-family residential on individual lots. As stated above, each of the lots meet the minimum dimensional requirements for properties in the Residential “A” District. The properties falls outside of the 100-year flood hazard area, but are within the Groundwater Level 1 protection district and

**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:** The drainage and stormwater management design for the property will not change as a result of the minor subdivision plan. No drainage plan has been incorporated/submitted to address the management of the stormwater and drainage from the commercial operations. Please explain how the stormwater and drainage from the commercial property are being managed.

**Water Utilities:** The comments submitted to the Department involve the further information detailing the layout and design of the water line to the property.

**Heritage Commission:** No comments submitted.

**Conservation Commission:** No comments submitted.

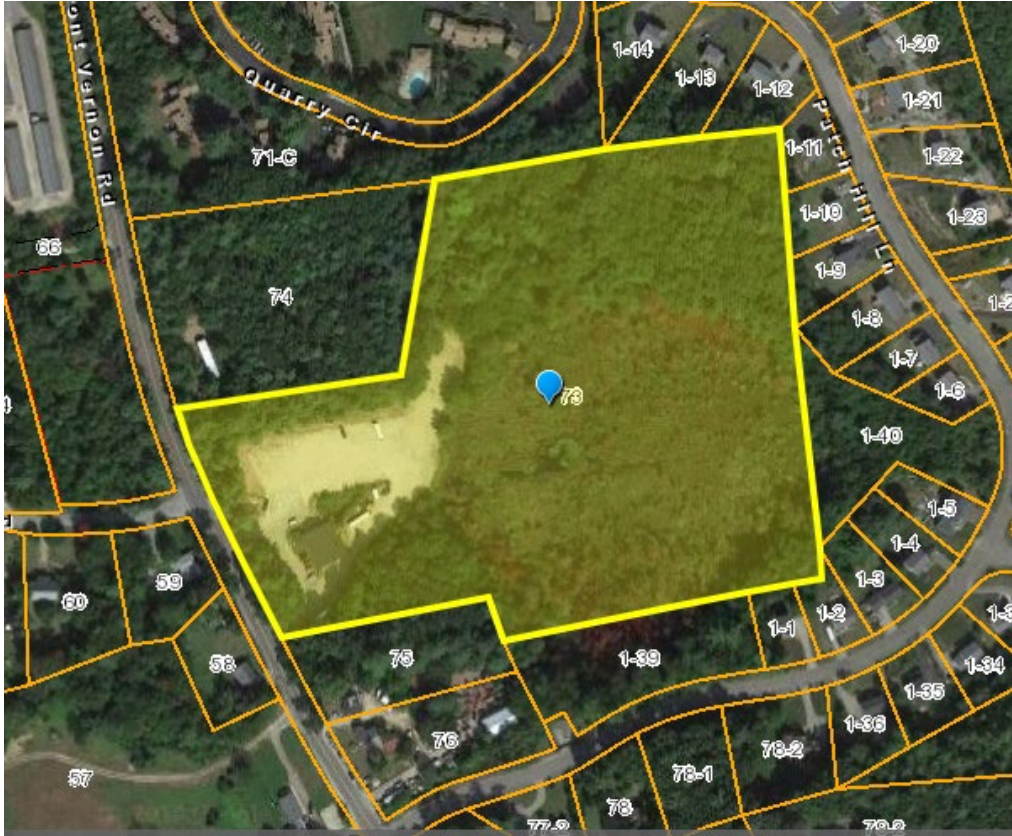
**Community Development/Planning:**

1. Subdivision Plan, Sheet 1. For clarity, please revise the plan (if possible) to show the boundaries/limits of the 30 ft wide Right-Of-Way Access Easement cited in the Reference Plans: Note 2 and the Right-Of-Way Access shown on north east corner of Lot 8-73 to the border of Lot 8-71. Staff understands that the areas described are in fact one easement.
2. Subdivision Plan, Sheet 1. Please provide the legal description and terms/restrictions of the proposed 25’ wide access and utility easement located on Map 8, Lot 73 to the Planning Department for review and approval.

**STAFF RECOMMENDATIONS:**

The applicant should be prepared to address all of the comments raised by the Planning Board, Town Consultants, Staff, and public. Unless the Planning Board has additional comments and or concerns, staff recommends a conditional approval incorporating the two staff comments previously stated.

**Aerial Photograph of the Subject Property:**



**Street Level Photos of the Subject Property:**

**Southerly Driveway Access**



**Northerly Driveway Access**

