

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:** April 15, 2022  
**To:** Planning Board  
**From:** Lincoln Daley, Community Development Director  
**Subject:** **SD2022-03 Kincaid Realty Trust and Meridian Land Services (owners/applicants), 323 South Street, Map 43, Lot 16.** Public Hearing for a minor subdivision of existing Map 43 Lot 16 into two lots. Parcel is located within the Commercial “C” zoning district. *(New Application)*

**BACKGROUND/PROPOSAL:**

The applicant is before the Board seeking approval of a minor subdivision application to subdivide the parent lot, Map 43, Lot 16 into two total lots, Tax Map 43, Lots 16 and 16-1. The lots are located in the Commercial “C” District. This will be the first public hearing for the application.

**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 April 5, 2022.

**WAIVER REQUESTS:**

No waivers have been requested

**EXISTING USE/CONDITIONS:**

The total area of Map 43, Lot 16 is approximately 7.899 acres and contains in excess of 800 linear feet of frontage on South Street / Route 13. The property is partially developed and contains the existing 14,000 square foot auto repair business, Kincaid Auto Repair & Sales. The property contains substantial wetland resources areas that are centrally located and along the rear half of the property. The property abuts the Town Public Works Department to the north and commercial properties to the east, while residential uses are located to the south and west.

**ZONING DISTRICT/INFORMATION:**

The subject property is located within the Commercial “C” District. The intent of this district is to provide areas for those businesses, institutional, financial, governmental and compatible residential uses which constitute the commercial requirements of the Town.

**PROPOSAL:**

The intent of the proposal is to depict a lot line adjustment along the common lot lines of Tax Map 43, Lots 16 and 16-1:

<b>Lot #</b>	<b>Existing</b>	<b>Proposed</b>
Map 43, Lot 16	7.899 acres (344,079 SF)	5.276 acres (229,816 SF)
Map 43, Lot 16-1		2.623 acres (114,263 SF)

Each of the lots in their new configurations meet the lot sizes and frontages as required by Milford Zoning Ordinance § 5.05.4. Map 43, Lot 16 conforms to the minimum dimensional requirements of the Commercial “C” Zoning District for a property serviced only by municipal water - 60,000 square foot lot size, 225 feet of frontage on a Class V or better road, and 30’ front yard and 15’ side/rear setbacks.

Map 43, Lot 16-1 conforms to the minimum dimensional requirements of the Commercial “C” Zoning District for a property serviced by both municipal water - 20,000 square foot lot size, 150 feet of frontage on a Class V or better road, and 30’ front yard and 15’ side/rear setbacks.

**STAFF COMMENTS:**

1. The subdivision plan does not show all of the appropriate monumentation for the lots. Please revise and resubmit the subdivision plan to include all property monumentation (existing or to be set) on the front and rear boundaries for both properties.
2. Note: #5 refers only to the proposed lot, Map 43, Lot 16-1 that will be serviced by both public water and waste water. The parent lot, Map 43, Lot 16 will only be serviced by municipal waste water. Pursuant to Section 5.05.4.B, those commercial areas not serviced by municipal sewerage and water systems, the minimum lot size shall be sixty thousand (60,000) square feet, together with two hundred twenty-five (225) feet of frontage on a Class V or better road.

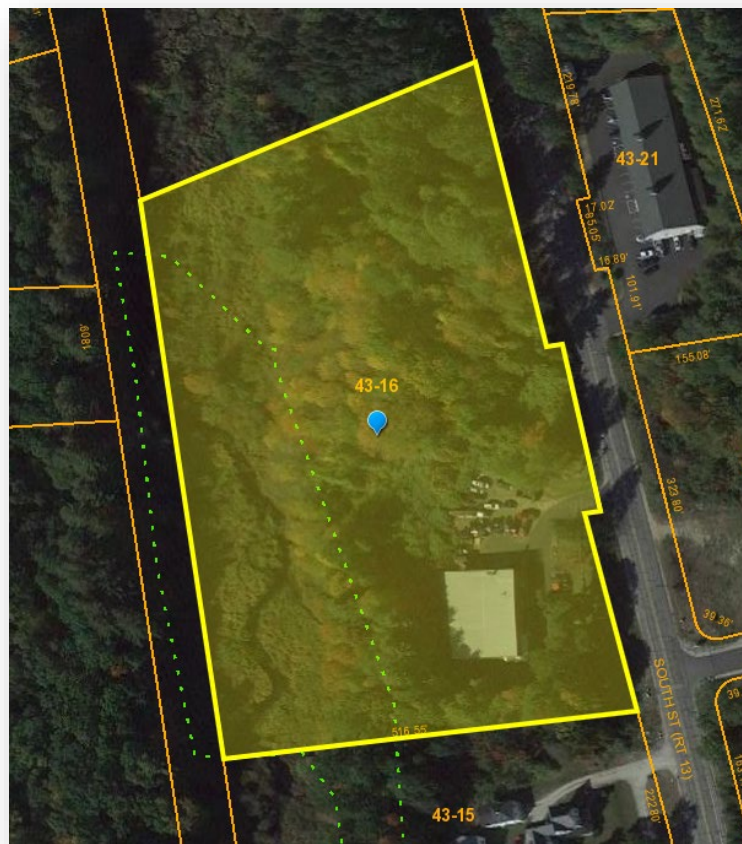
Please amend Notes: #5 to read as follows:

“Zoning for Parcel 43, Lot 16 is Commercial “C”. Minimal Conventional Requirements Include 60,000 Square Feet of Lot Area, 225’ of Frontage, 30’ Front Yard & 15’ Side & Rear Yard Setbacks. Zoning for Parcel 43, Lot 16-1 is Commercial “C”. Minimal Conventional Requirements Include 20,000 Square Feet of Lot Area, 150’ of Frontage, 30’ Front Yard & 15’ Side & Rear Yard Setbacks.”

**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 comments.

## Aerial Photos of Subject Properties



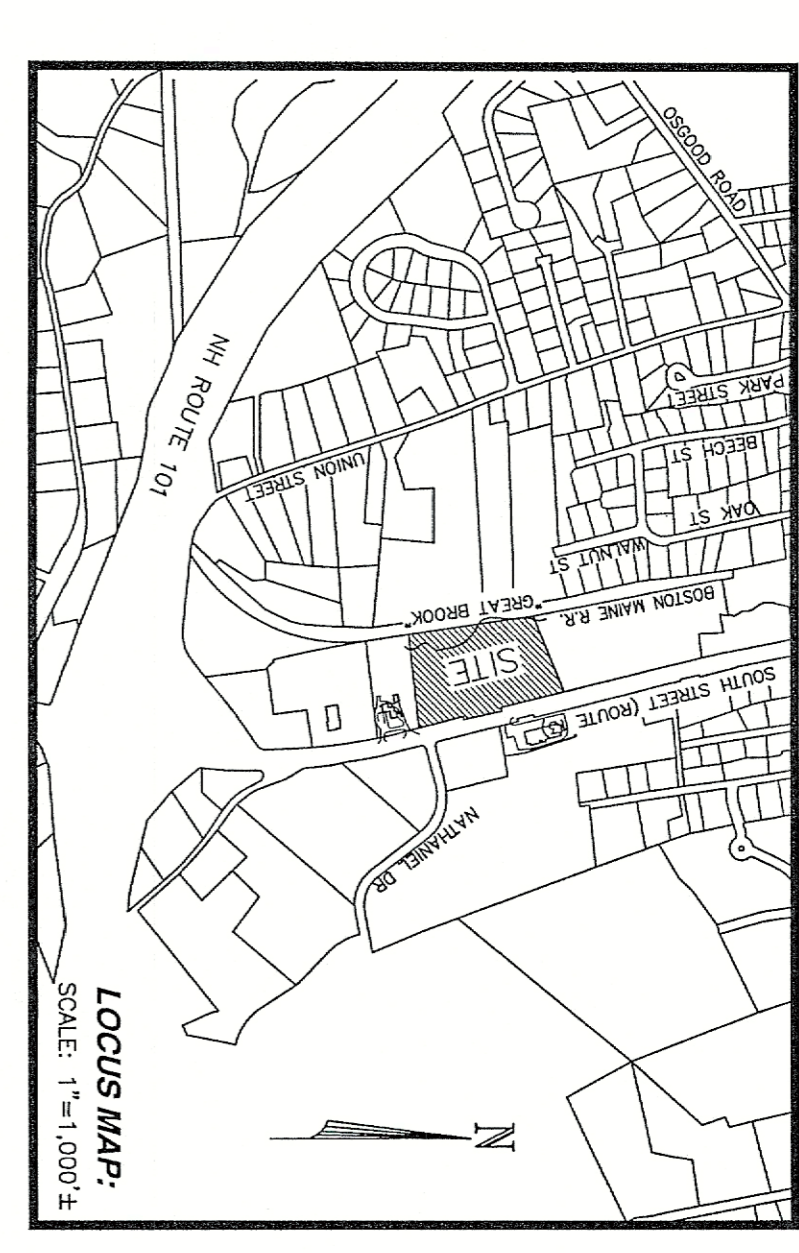
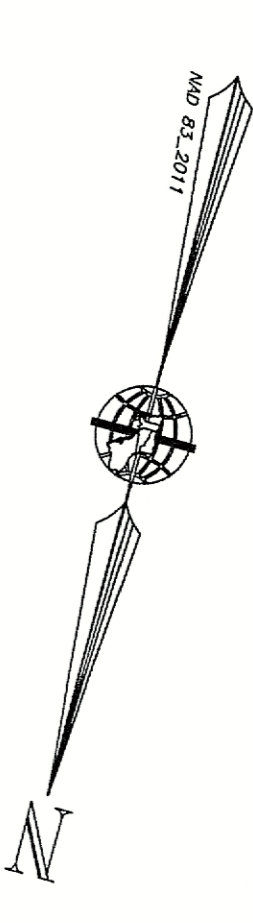


**LEGEND:**

- RIGHT-OF-WAY SIDELINE
- PROPERTY LINE
- ABUTTING LOT LINE
- BUILDING SETBACK LINE
- EDGE OF PAVEMENT
- 10' CONTOUR INTERVAL
- 2' CONTOUR INTERVAL
- APPROXIMATE 100 YEAR FLOOD ZONE BOUNDARY
- EXISTING OVERHEAD UTILITIES
- EDGE OF WETLANDS
- 50' BUFFER ZONE FROM WETLANDS
- GROUNDWATER PROTECTION DISTRICT BOUNDARY
- U.S.D.A. SOILS BOUNDARY
- EDGE OF WATER
- STONE WALL
- APPROX. U.G. DRAINAGE
- 43-15 EXISTING TAX MAP AND LOT NUMBER
- EXISTING BUILDING
- EXIST. BOUND FOUND
- EXIST. DRILL HOLE FOUND/SET
- I/PIN TO BE SET
- GRANITE BOUND TO BE SET

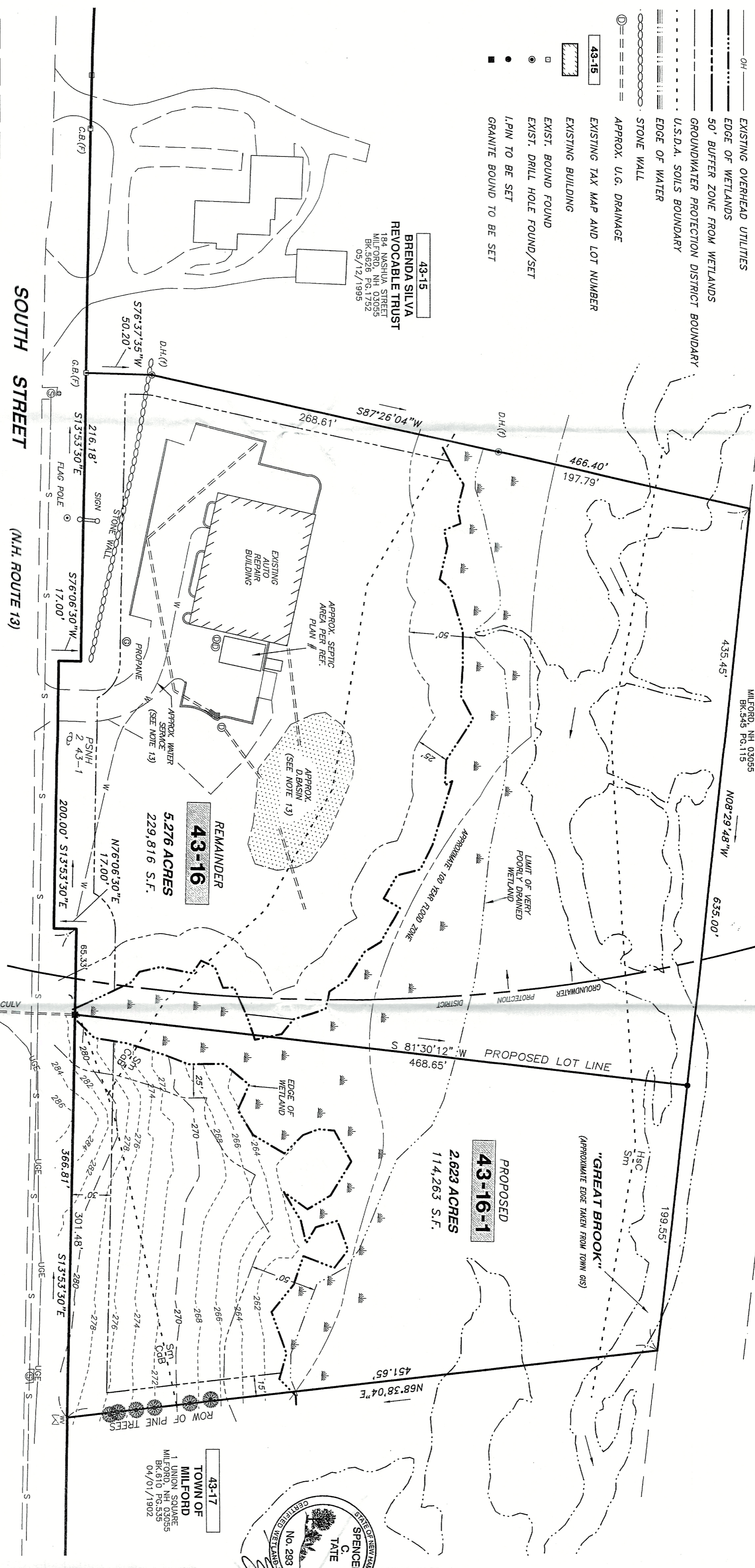
**REFERENCE PLANS:**

1. "SUBDIVISION PLAN - LAND OF HARRY K. DRIVER - MILFORD, N.H." SCALE: 1"=40', DATED SEPTEMBER 1977, PREPARED BY E.A. LEACH RECORDED AT THE H.C.R.D. AS PLAN NO. 10773
2. "SITE GRADING & UTILITY PLAN - MAP 43 LOT 16 - KINCAID AUTO REPAIR - SOUTH STREET (NH RTE 13) - TOWN OF MILFORD, HILLSBOROUGH COUNTY, NEW HAMPSHIRE" SCALE 1" = 40', DATED 9/23/2008, ON FILE WITH THE TOWN OF MILFORD PLANNING BOARD



**NOTES:**

1. THE OWNER OF TAX MAP 43 LOT 16 IS KINCAID REALTY, LLC. SEE HCRD BOOK 8044 PAGE 1262 DATED 12-31/2008.
2. THE PURPOSE OF THIS PLAN IS TO DEFICI A 2 LOT CONVENTIONAL SUBDIVISION OF TAX MAP 43 LOT 16 INTO TWO COMMERCIAL / RESIDENTIAL LOTS.
3. EXISTING LOT 43-16 IS CURRENTLY SERVED BY MUNICIPAL WATER SERVICE AND PRIVATE SEPTIC SYSTEM. PROPOSED LOT 43-16-1 WILL BE SERVED BY AVAILABLE MUNICIPAL WATER AND SEWER.
4. TOTAL AREA OF EXISTING LOT 43-16 SITE IS 7,899 ACRES OR 344,079 SQ. FT.
5. ZONING FOR THE PARCEL IS COMMERCIAL "C" DISTRICT. MINIMUM CONVENTIONAL REQUIREMENTS (FRONT YARD 20,000 FEET OF LOT AREA, 150' OF FRONTAGE, 30' FRONT YARD & 15' SIDE & REAR YARD)
6. PORTIONS OF THE LOT LIE WITHIN THE 100 YEAR SPECIAL FLOOD HAZARD AREA PER FEMA FIRM MAP 3301100459D, EFFECTIVE DATE 9/29/09.
7. THE SITE LIES WITHIN THE LEVEL 1 PROTECTION AREA OF THE GROUNDWATER PROTECTION OVERLAY DISTRICT REGULATIONS.
8. HORIZONTAL ORIENTATION IS BASED UPON NEW HAMPSHIRE STATE PLAN COORDINATE SYSTEM AND VERTICAL DATUM IS BASED ON NAVD88 PER A GPS COORS SOLUTION DURING DECEMBER, 2021.
9. WETLANDS SHOWN WERE DELINEATED IN ACCORDANCE WITH THE ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL TECHNICAL REPORT 44-87-1 AND THE NORTHEAST REGIONAL SUPPLEMENT, BY SPENCER C. TAITE C.W.S. OF THIS OFFICE IN DECEMBER, 2021.
10. LOT 43-16 IS SUBJECT TO ALL EASEMENTS AND RIGHTS AS NOTED IN HCRD BOOK 8044 PAGE 1262 TO THE EXTENT THEY MAY STILL APPLY.
11. NO UNDERGROUND UTILITY INVESTIGATION WAS PERFORMED BY THIS OFFICE AT THIS TIME. UTILITY INFORMATION SHOWN IS BASED UPON AVAILABLE RECORD INFORMATION AND NO GUARANTEE IS MADE TO THEIR ACCURACY.
12. THE BOUNDARY INFORMATION SHOWN IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED BY THIS OFFICE DURING THE MONTHS OF NOVEMBER AND DECEMBER 2021. SITE DETAIL AND BOUNDARY INFORMATION HAS BEEN CHECKED AND FOUND TO BE ACCURATE AND CORRELATED WITH MILFORD GIS DATA AND THE REFERENCE PLANS NOTED HEREIN.
13. THE APPROXIMATE DRAINAGE FEATURES ON REMAINING LOT 43-16, INCLUDING THE DETENTION BASIN AND UNDERGROUND DRAINAGE LINES ARE PER REFERENCE PLAN #2. THE WATER SERVICE TO REMAINING LOT 43-16 IS SHOWN APPROXIMATELY PER REFERENCE PLAN #2. THE APPROXIMATE LOCATION OF ANY UTILITIES SHOULD BE CONFIRMED WITH BIGSAFE PRIOR TO ANY CONSTRUCTION ON LOTS 43-16 OR 43-16-1.
14. ACCORDING TO NHDOT, THIS SECTION OF SOUTH STREET (NH ROUTE 13) FALLS UNDER THE URBAN COMPACT CLASSIFICATION AND ANY MANAGEMENT OF THE ROADWAY IS THE TOWNS RESPONSIBILITY, INCLUDING THE ISSUANCE OF DRIVEWAY PERMITS.



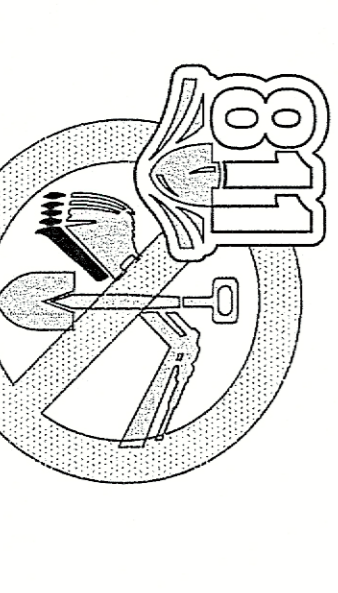
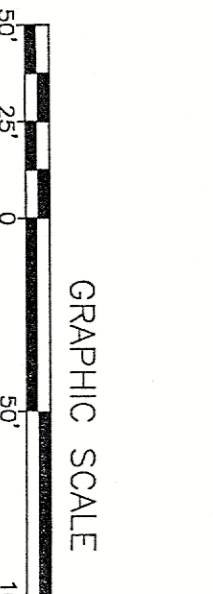
**OWNERS SIGNATURE:**  
 KINCAID REALTY TRUST  
 DATE: 3/18/22

**43-20-1**  
 SALT CREEK PROPERTIES, L.L.C.  
 307 ELM STREET  
 MILFORD, NH 03055  
 BK 8521 PG 593  
 01/29/2013

**43-20-2**  
 SALT CREEK PROPERTIES, L.L.C.  
 307 ELM STREET  
 MILFORD, NH 03055  
 BK 8521 PG 593  
 01/29/2013

**43-21**  
 TWO FOR TWO, L.L.C.  
 479 NORTH RIVER ROAD, #8  
 MILFORD, NH 03055  
 BK 8536 PG 1462  
 12/09/2001

**43-20**  
 SALT CREEK PROPERTIES, L.L.C.  
 307 ELM STREET  
 MILFORD, NH 03055  
 BK 8521 PG 593  
 01/29/2013

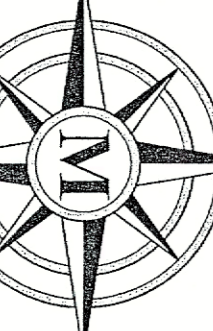


**USDA SCS SOILS DATA:**

Cd8 - CANTON FINE SANDY LOAM - 0-8% SLOPES - WELL DRAINED  
 Cc8 - CANTON FINE SANDY LOAM - 8-15% SLOPES - WELL DRAINED  
 Sm - SMO VARIANT SILT LOAM - 0-2% - VERY POORLY DRAINED  
 H8c - HINCKLEY LOAMY SAND - 8-15% - EXCESSIVELY DRAINED

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

TOWN OF MILFORD  
 RECEIVED  
 MAR 18 2022  
 P.B. ZBA OFF



**MERIDIAN**  
 LAND SERVICES, INC.  
 ENGINEERING | SURVEYING | PERMITTING  
 SOIL & WETLAND MAPPING | SEPTIC DESIGN  
 31 OLD NASHUA ROAD, AMHERST, NH 03021 TEL: 603-673-1441  
 MERIDIANLANDSERVICES.COM FAX: 603-673-1584

PROJECT NO. 10252.00 SHEET NO. 1 OF 1

**KINCAID REALTY TRUST**  
 SUBDIVISION PLAN  
 LAND OF:  
 323 SOUTH STREET  
 TAX MAP 43 LOT 16  
 MILFORD, NEW HAMPSHIRE  
 MARCH 15, 2022