



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

1 UNION SQUARE, MILFORD, NH 03055

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STAFF MEMORANDUM

Date: May 11, 2022

To: Planning Board

From: Lincoln Daley, Community Development Director

Subject: **Case SD #2022-05 Brookstone Manor, LLC, Tax Map 19, Lot 25-9, 135 Elm Street and Town of Milford, Tax Map 19, Lot 10, 127 Elm Street.** Public Hearing for a proposed lot line adjustment to the boundaries of Tax Map 19, Lots 10 and 25-9 within the within the Commercial 'C' Zoning District. *(New Application)*

BACKGROUND/PROPOSAL:

Brookstone Manor LLC and the Town of Milford have partnered to construct a proposed municipal dog park and passive recreation trail system on the rear, undeveloped 7.1 acre portion of the 135 Elm Street property. To accomplish this, the applicants are before the Board seeking approval of a lot line adjustment to modify the common lot lines of the Brookstone Manor, LLC property Map 19, Lot 25-9 and the abutting Town owned property, Tax Map 19, Lot 10. Both parcels are located in the Commercial 'C' Zoning 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 May 3, 2022.

WAIVER REQUESTS:

No waivers have been requested for this application.

EXISTING USE/CONDITIONS:

Tax Map 19, Lot 25-9 is approximately 11.9 total acres. The property contains a 92-unit, multifamily development (Brookstone Manor) located on approximately 4 acres of the front portion of the property. The remaining northeasterly portion of the property remains undeveloped and directly borders the Souhegan River. A municipal service line and utility easement run along the northerly portion of the property. The property contains in excess of 200 linear feet of frontage on Elm Street. The property is accessed by one curb cuts located at southeast area of the property on Elm Street. The municipal utility service line is accessed by the Town via a gated access located on the Northeast corner of the abutting Granite Plaza property onto the subject property. The property is serviced by municipal water and waste water.

Tax Map 19, Lot 10 is approximately 5.9 acres and was acquired by the Town. The property is partially developed and contains the former Permatlach building located in the rear of the property and existing parking lot. The property contains in excess of 17.21 linear feet of frontage on Elm Street. The property is accessed by one curb cut located at southwest corner of the property and a secondary emergency and

maintenance access road located in the northeast corner. The property is serviced by municipal water and waste water.

The project area directly borders the Granite Town Plaza to the West and commercial and residential uses to the South. The Town owned 127 Elm Street property and Keyes Memorial Park lie to the East. To the North, the property abuts the Souhegan River and by extension across the river, recreational, commercial and residential uses.

ZONING DISTRICT/INFORMATION:

The subject property is 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. Each of the lots in their new configurations meet the lot sizes and frontages as required by Milford Zoning Ordinance, Section 5.05.

On May 5, 2022, Brookstone Manor, LLC was granted a Variance from the Board of Adjustment from Article V, Sections 5.05.1.P and 5.03.4.A of the Milford Zoning Ordinance to allow the existing 92-unit multi-family development on 4.8 acres of the subject parcel in the Commercial Zoning District and allow the donation of the remaining 7.1 acres to the Town of Milford for permanent conservation/recreational use.

PROPOSAL:

The intent of the proposal is to depict a lot line adjustment along the common lot lines of subject properties by reducing Tax Map 19, Lot 25-9 by approximately 7.1 acres (shown as Parcel A) and adding to town owned property, Tax Map 19, Lot 10. The proposal would result as follow:

<u>Lot #</u>	<u>Existing</u>	<u>Proposed</u>
Tax Map 19, Lot 10	5.9 acres (259,288 sf.)	13.0 acres (567,544 sf.)
Tax Map 19 Lot 25-9	11.9 acres (517,399 sf.)	4.801 acres (209,143 sf.)

STAFF COMMENTS:

Conservation Commission: The Commission have been fully involved with the project and expressed their full support for the proposal and donation of property.

Planning Department: The proposal to reduce the size of the parent lot and donate 7.1 acres to the Town will have no impact to essential character of the neighborhood or community with regards to the existing density and/or multi-family development. The parcel and multi-family development will remain unchanged and continue to function as originally approved. Further, the 7.1 acres to be removed will continue to function as dedicated open conservation and recreation areas. If approved, the donated property will be incorporated into the Town owned 127 Elm Street property and by extension the municipal park system for the benefit of the general public and tenants of Brookstone Manor. A conservation and recreation deed restriction will be placed on the 7.1 acres ensuring that the property to be donated will be permanently limited to conservation and recreation purposes. It is worth noting that this property is identified in the 2014 Pedestrian Connectivity Plan as primary connection point for existing and proposed future trails along the Souhegan River.

It is staff’s understanding that the Dog Park Association and Town Recreation Staff will appear before the Planning Board for a formal presentation with the final design and layout of the municipal dog park for review and comments.

STAFF RECOMMENDATIONS:

The applicant should be prepared to address any of the comments raised by the Planning Board, Staff, and public pertaining to the Lot Line Adjustment. Barring any/all input and recommendations from the Board, Staff recommends approving the application subject to staff and Board comments.

Aerial Photos of Subject Properties

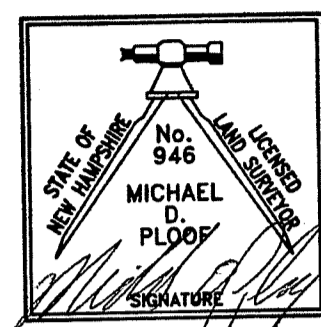


LEGEND:

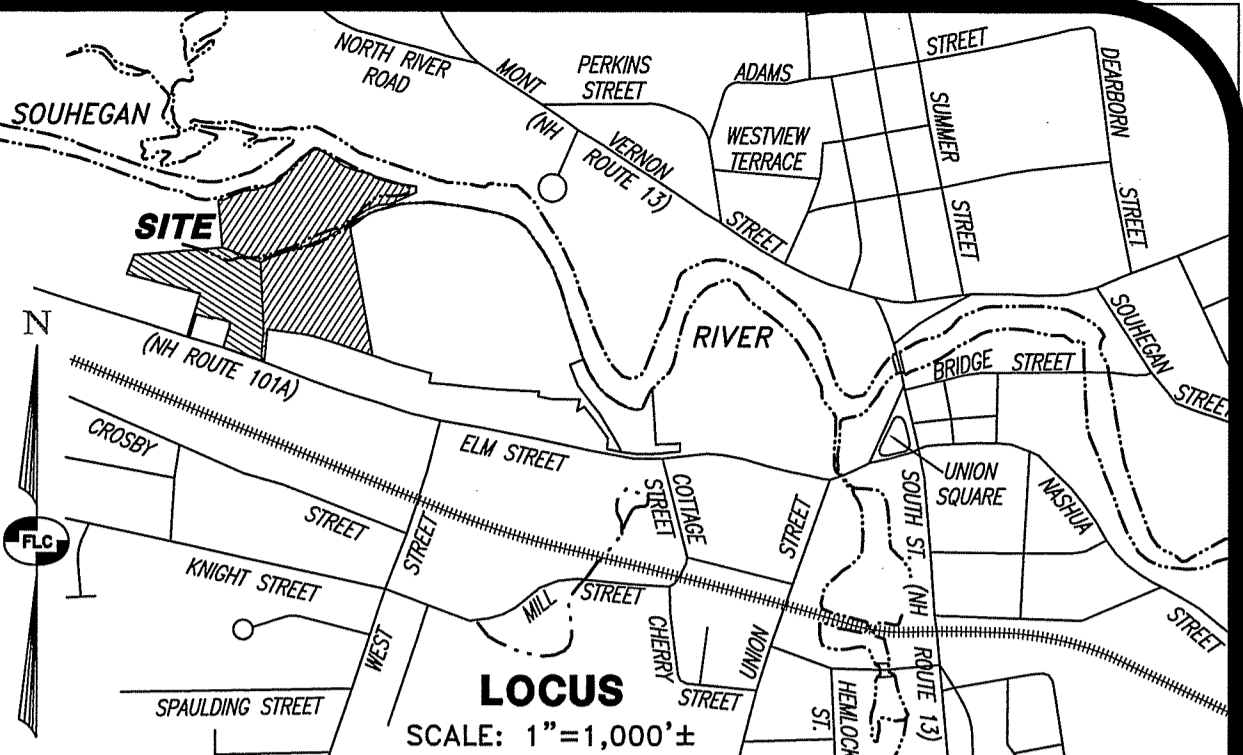
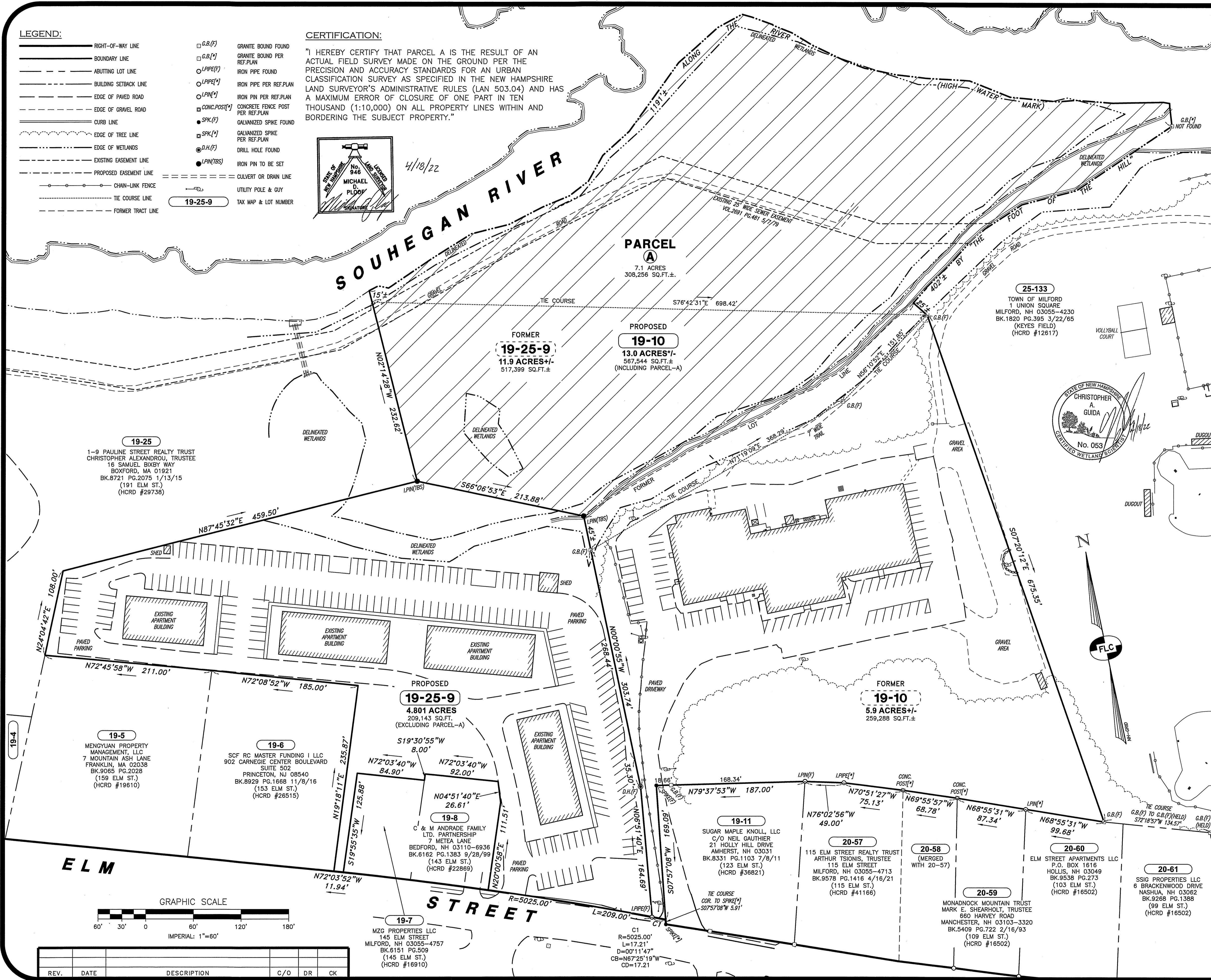
- RIGHT-OF-WAY LINE
 - BOUNDARY LINE
 - - - ABUTTING LOT LINE
 - - - BUILDING SETBACK LINE
 - - - EDGE OF PAVED ROAD
 - - - EDGE OF GRAVEL ROAD
 - - - CURB LINE
 - - - EDGE OF TREE LINE
 - - - EDGE OF WETLANDS
 - - - EXISTING EASEMENT LINE
 - - - PROPOSED EASEMENT LINE
 - - - CHAIN-LINK FENCE
 - - - THE COURSE LINE
 - - - FORMER TRACT LINE
- G.B.(F) GRANITE BOUND FOUND
 - G.B.(*) GRANITE BOUND PER REF.PLAN
 - LPIPE(*) IRON PIPE FOUND
 - LPIPE(*) IRON PIPE PER REF.PLAN
 - LPIN(*) IRON PIN PER REF.PLAN
 - CONC.POST(*) CONCRETE FENCE POST PER REF.PLAN
 - SPK.(F) GALVANIZED SPIKE FOUND
 - SPK.(*) GALVANIZED SPIKE PER REF.PLAN
 - D.H.(F) DRILL HOLE FOUND
 - LPIN(TBS) IRON PIN TO BE SET
 - CULVERT OR DRAIN LINE
 - UTILITY POLE & GUY
 - 19-25-9 TAX MAP & LOT NUMBER

CERTIFICATION:

"I HEREBY CERTIFY THAT PARCEL A IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND PER THE PRECISION AND ACCURACY STANDARDS FOR AN URBAN CLASSIFICATION SURVEY AS SPECIFIED IN THE NEW HAMPSHIRE LAND SURVEYOR'S ADMINISTRATIVE RULES (LAN 503.04) AND HAS A MAXIMUM ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1:10,000) ON ALL PROPERTY LINES WITHIN AND BORDERING THE SUBJECT PROPERTY."



4/18/22



NOTES:

- THE OWNER OF RECORD FOR TAX MAP 19 LOT 10 IS THE TOWN OF MILFORD, 1 UNION SQUARE, MILFORD, NH 03055. THE REFERENCE DEED IS BK.8816 PG.476 DATED DECEMBER 14, 2015.
- THE OWNER OF RECORD FOR TAX MAP 19 LOT 25-9 IS BROOKSTONE MANOR LLC, 1 MONARCH PLACE, SUITE 1300, SPRINGFIELD, MA 01144. THE REFERENCE DEED IS BK.9211 PG.2499 DATED SEPTEMBER 19, 2019.
- THE PURPOSE OF THIS PLAN IS TO REVISE THE COMMON LOT LINES BETWEEN EXISTING TAX MAP LOTS 19-10 AND 19-25-9 BY SUBTRACTING PARCEL "A" FROM TAX MAP LOT 19-25-9 AND ADDING IT TO TAX MAP LOT 19-10.
- THE TOTAL AREA OF EXISTING TAX MAP LOT 19-25-9 IS 11.9± ACRES, RESULTING FROM THE 1988 LOT LINE ADJUSTMENT (HCRD PLAN # 22869). THE TOTAL AREA OF EXISTING TAX MAP LOT 19-10 IS 5.9± ACRES BASED ON THIS PLAN. THE PROPOSED AREA OF LOT 19-25-9 IS 4.801 ACRES OR 209,143 SQ.FT. THE PROPOSED AREA OF LOT 19-10 IS 13.0± ACRES. THE AREA OF PARCEL "A" IS 7.1± ACRES.
- THE LOTS ARE LOCATED WITHIN THE COMMERCIAL ZONING DISTRICT (C). MINIMUM LOT SIZE REQUIRED IS 20,000 SQ.FT. MINIMUM FRONTAGE IS 150 FT. FRONT SETBACK DISTANCE IS 30 FT. SIDE AND REAR SETBACK DISTANCE IS 15 FT.
- HORIZONTAL ORIENTATION AND DATUM ARE BASED ON NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM OF 1983 (REFERENCE PLANS 1 THRU 3).
- THE SURFACE FEATURES SHOWN HEREON ARE THE RESULT OF ON-SITE FIELD SURVEYS PERFORMED BY THIS OFFICE DURING THE MONTHS OF JULY 2017, SEPTEMBER 2018 AND AUGUST 2020.
- JURISDICTIONAL WETLANDS WERE MAPPED AND LOCATED BY THIS OFFICE DURING THE MONTH OF SEPTEMBER 2018.
- A PORTION OF THE LOT LIES WITHIN THE AE ZONE OF THE FLOOD HAZARD AREA PER FEMA F.I.R.M. PANELS 33011C0458D AND 33011C0459D DATED SEPTEMBER 25, 2009. THE CALCULATED BASE FLOOD ELEVATION LIES APPROXIMATELY BETWEEN THE 244 AND 246 CONTOURS.
- THE SUBJECT PARCEL LIES WITHIN THE GROUNDWATER PROTECTION DISTRICT 1.

REFERENCE PLANS:

- "BOUNDARY PLAN OF LAND - EILEEN M. RYDER & - ESTATE OF STEPHEN RYDER - MILFORD, N.H.", SCALE 1"=100', DATED 1/9/1981 AND LAST REVISED 2/2/1981, BY THOMAS F. MORAN, INC. RECORDED IN THE H.C.R.D. AS PLAN #13826.
- "SUBDIVISION - CONSOLIDATION PLAN - PREPARED FOR - BIRCHTREE ASSOCIATES - MILFORD, N.H.", SCALE 1"=100', DATED 5/18/1984 AND LAST REVISED 7/25/1984, BY THOMAS F. MORAN, INC. RECORDED IN THE H.C.R.D. AS PLAN #16910.
- "LOT LINE ADJUSTMENT PLAN - LOT 19-8 - PREPARED FOR - JIM STARK - MILFORD, N.H.", SCALE 1"=20', DATED 9/30/1988, BY THOMAS F. MORAN, INC. RECORDED IN THE H.C.R.D. AS PLAN #22869.
- "BOUNDARY PLAN OF LAND - ROGER P. & NANCY J. BARRACLOUGH - MILFORD, N.H.", SCALE 1"=40', DATED 9/5/1983 & REVISED 3/20/1984, BY MONADNOCK SURVEY, RECORDED IN THE H.C.R.D. AS PLAN #16502.
- "BOUNDARY PLAN - LAND OF - 123 ELM STREET PROPERTIES, LLC - MAP 19 LOT 11 - ELM STREET - N.H. ROUTE 101A - MILFORD - HILLSBOROUGH COUNTY - N.H.", SCALE 1"=20', DATED 7/2/2006 AND LAST REVISED 7/2/2010, BY TODD LAND USE CONSULTANTS. RECORDED IN THE H.C.R.D. AS PLAN #13826.
- "MINOR SITE PLAN - LAND OF - 115 ELM STREET REALTY TRUST - MAP 20 LOTS 57 & 58 - ELM STREET - N.H. ROUTE 101A - MILFORD - HILLSBOROUGH COUNTY - N.H.", SCALE 1"=20', DATED 12/7/2006 AND LAST REVISED 5/31/2007, BY TODD LAND USE CONSULTANTS. RECORDED IN THE H.C.R.D. AS PLAN #41166.

LOT LINE ADJUSTMENT PLAN
TAX MAP 19 LOTS 10 & 25-9
(127 & 135 ELM STREET)
MILFORD, NEW HAMPSHIRE
PREPARED FOR AND LAND OF (LOT 19-10),
TOWN OF MILFORD
1 UNION SQUARE, MILFORD, NH 03055
AND LAND OF (LOT 19-25-9),
BROOKSTONE MANOR LLC
1 MONARCH PLACE, SUITE 1300, SPRINGFIELD, MA 01144

SCALE: 1"=60' APRIL 5, 2022

Surveying • Engineering • Land Planning • Permitting • Septic Designs



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REV.	DATE	DESCRIPTION	C/O	DR	CK