



ZBA Application
MILFORD ZONING BOARD OF ADJUSTMENT
GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

TOWN OF MILFORD RECEIVED
 AUG 08 2019
 PB ZBA Office

Date Received: 9/4/19
 Case Number: 2019-23
 Application Number: _____
 Hearing Date: 9/19/19
 Decision Date: _____
 Decision: _____

PROPERTY INFORMATION
 Street Address: 98 WILTON RD.
 Tax Map / Parcel #: 11-19 Lot Size: 0.18

PROPERTY CURRENTLY USED AS

TOWN OF MILFORD RECEIVED
 SEP 04 2019
 PB ZBA Office

- Zoning District (check one):**
- Residence A
 - Residence B Residence R
 - Commercial
 - Limited Commercial
 - Industrial
 - Integrated Commercial-Industrial
 - Integrated Commercial-Industrial-2

If the application involves multiple lots with different owners, attach additional copies of this page.

PROPERTY OWNER
 Name: ELIZABETH DUGGAN
 Address: 22 CATTAIL CIRCLE
 City/State/Zip: NEW IPSWICH, NH 03071
 Phone: (603) 291-0358
 Email: edgn1968@msn.com

- Overlay District (check any that apply):**
- West Elm Street Overlay
 - Nashua/Elm Street Overlay
 - Commerce & Community Overlay
 - Open Space & Conservation
 - Wetlands Conservation
 - Groundwater Protection
 - Floodplain Management

The applicant is the person who is making this proposal on behalf of themselves, the owner or a third party. This is usually the same as the property owner, but might be a tenant, someone who plans to purchase the property, an engineer or lawyer, etc. If the applicant is the same as the owner, just check "Same as owner" and leave the rest of this section blank.

APPLICANT/REPRESENTATIVE
 SAME AS OWNER
 Name: _____
 Address: _____
 City/State/Zip: _____
 Email: _____
 Phone: () Cell: ()

APPLICATION FEES

Application Fee:	\$75.00
Abutters Fee: \$4 x <u>8</u>	<u>32.00</u>
Amount received:	
Date Received:	

Check _____ Cash ✓

use for EW 9-19-19

THE FEES ASSOCIATED WITH THIS APPLICATION DO NOT APPLY TO ANY OTHER FEES REQUIRED FOR APPROVAL OF THIS PROJECT. PLANNING, IMPACT, BUILDING AND OTHER FEES MAY APPLY.

The undersigned property owner(s) hereby authorize(s) the filing of this application and agree to comply with all code requirements applicable to this application.

Elizabeth Duggan 9/6/2019
 Property Owner's signature Date:

2019-23



**Town of Milford
Zoning Board of Adjustment**

Date Received: 9/4/19
Case #: 2019-23
Application #: _____
Payment amount: N/A
Date: 9/4/19 By: LD

Application for Equitable Waiver of Dimensional Requirements

Name of Applicant: Elizabeth Duggan Phone #: 603-291-0358

Email: edgn1968@msn.com

Address: 22 Cat Tail Circle, New Ipswich, NH 03071

Owner: Same
(If same as applicant, write "Same")

Owner's Address: Same
(If same as applicant, write "Same")

Property Location: 98 Wilton Road Map 11 Lot 19
(Number and Street)

Description of property: Single-family house lot. Partially developed with installed foundation. The property contains approximately .18 acres of land with 118 linear feet of frontage on Wilton Road.

(Lot dimension, total area, present use)

This application is not considered acceptable unless all required statements have been made and all sections completed. Additional information may be supplied on separate sheets if necessary.

Fees: \$75.00 per case plus abutter fees, including owner and representative (if applicable).

Town of Milford New Hampshire
One Union Square · Milford, NH 03055 · Phone (603) 249-0620 · Fax (603) 673-2273
www.milford.nh.gov

Section 1 - APPLICATION FOR EQUITABLE WAIVER

An Equitable Waiver of dimensional requirements from Article V Section 5.08.5.B of the Zoning Ordinance is requested to permit:

Allow the construction of SF house to be closer than 15' from the side and rear property lines. House will be located 11.2' from the side and 12.8' from the rear setback.

Facts supporting this request:

1. Explain how the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value:

The violation of the rear and side backs was not noticed or discovered by the owner until the foundation was complete. The violation was discovered when the owner requested an as-built survey of the foundation. See email dated 8/8/19 from surveying company.

2. A. Explain how the violation was not an outcome of ignorance of the law or Ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner or owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in Ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority:

The violation was not an outcome of the ignorance of law or malice intent, but an error with the placement of the foundation which was not discovered until the foundation was completed. Relied upon the iron pins that were unknowingly out of position to locate the foundation.

or

- B. In lieu of 2.A, demonstrate that the violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected:

NA

3. Explain how the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property:

The violation does not constitute a public or private nuisance as the foundation is located within the boundaries of the subject parcel and meets the front setback requirement. The use of this property and abutting properties will not be impacted and/or have been mitigated. Substantial outreach and discussions

4. Explain how, that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected:

A substantial investment has been made installing the foundation and to correct this violation would be extremely costly with no benefit to the public interest.

Section 2 - ABUTTERS

See attached sheet.

Section 3 - ATTACHMENTS

- A. A plan of the property and all buildings, drawn to scale, is required.
- B. A Building Permit Application as needed (to be determined by the building official.)
- C. Additional explanations, justification, abutters' statements, letters, etc.

Section 4 - REPRESENTATION

Owner(s) authorization for the applicant or other agent to represent the owner at the proceedings:

Print the name of the person or party representing the owner(s)

The applicant or agent, as stated hereon, has authorization from the property owner to submit this Zoning Board of Adjustment application and to represent the property owner on matters relative to said process.

Elizabeth Duggen
Owner's Signature

9/13/2019
Date

Section 5 - SIGNATURES

Signature of Applicant Elizabeth Duggen

Date 9/13/2019

Signature of Owner _____

Date _____

Signature of Zoning Official _____

Date _____

For office use only

Code Enforcement Officer's decision and comments:

ABUTTER LIST

Abutter – Any person whose property is located in New Hampshire and adjoins or is directly across the street, stream, or active railroad property from the land under consideration by the local land use board. The term “abutter” shall also include the owner and the applicant.

Map	Lot	Property Owner	Mailing Address	Town	State	Zip Code
		STEVEN ZELONIS	P.O. Box 592	Milford	NH	03055
		37 wilton rd LLC LLC	100 Elm St	Nashua	NH	03055
		Heather Brown	96 Wilton Rd	Milford	NH	03055
		Alan Vagner	100 Wilton Rd	Milford	NH	03055
		Elizabeth Duggan	98 Wilton rd	Milford	NH	03055
		Randy Haight (Survey)	31 old Nashua Rd #2	Amherst	NH	03051
		Town of Milford	1 Union Square	Milford	NH	03055
		Boston and Maine Railroad	25 Shattuck St	Lowell	MA	01852

TOWN OF MILFORD
 RECEIVED
 AUG 08 2019
 FB ZEA Office

The above abutter listing reflects the most current assessing records and the Milford Zoning Board of Adjustment is released from any responsibility for inaccurate information or incorrect abutter notification.

Elizabeth Duggan
 Signature of Applicant

8/8/2019
 Date

Map & Lot

ZBA
11-19

Darlene Bouffard

From: Greg <mr.duggan@aol.com>
Sent: Thursday, August 8, 2019 10:33 AM
To: Darlene Bouffard
Subject: Fwd: 98 Wilton Road, Milford, NH

Sent from my iPhone

Begin forwarded message:

From: Randolph Haight <RAHaight@meridianlandservices.com>
Date: July 25, 2019 at 3:32:29 PM EDT
To: Gregory Duggan <mr.duggan@aol.com>
Subject: 98 Wilton Road, Milford, NH

Hi Gregg,

Here's the Construction Plot Plan for Lot 11-19 that you requested. We were able to build upon prior survey work we've done in the area and with the recent survey work, define your Lot.

As you related to me prior to our beginning the survey, there were iron pins along the Site's westerly lot line. Unfortunately the iron pins were extremely tall, loose & leaning, and are out of position.

Just so you know, if the iron pin had been set by or under the direction of a Licensed Land Surveyor, the pins would have been stamped with the name of the party that set them.

Since you relied on the out of position iron pins, the foundation and the bulkhead both encroach the building setback lines and the chain link fence along the easterly lot line is within the adjoining Lot 11-18.

You'll need a variance to be able to use them for the proposed Building. We've noted the actual location of the foundation & bulkhead on the Construction Plot Plan. Please review & comment.

Best Regards,
Randy

Randolph A. Haight, LLS
Principal

Meridian Land Services, Inc.
PO Box 118, Milford, NH 03055-0118
31 Old Nashua Road, Amherst, NH 03031
P (603) 673-1441 F (603) 673-1584
RAHaight@MeridianLandServices.com
www.MeridianLandServices.com

Land Use & Development Consultants, Serving New Hampshire and Massachusetts

WILTON ROAD

REFERENCE PLANS:

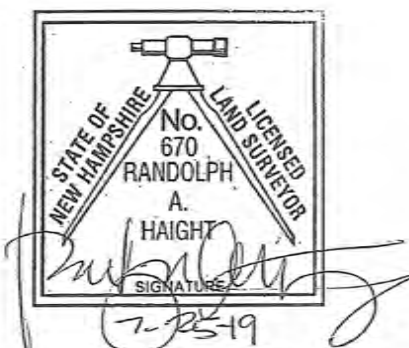
1. "LAND OF - WILLIAM P. & MARY E. VARLEY - WILTON & MILFORD HIGHWAY - MILFORD, N.H.", SCALE 1"=40', DATED MARCH 14, 1946, BY EARLE L. WILLIAMS, H.C.R.D. PLAN NO. 152C, SHT 6.
2. "PLAN OF TAX MAP PARCELS 7-27, 7-33, & 7-34 - HILLSBOROUGH MILLS - MILFORD, N.H.", SCALE 1"=80', DATED JULY 17, 1979, BY THOMAS F. MORAN, INC. H.C.R.D. PLAN NO. 12421.

NOTE:

1. THE BOUNDARY INFORMATION SHOWN WAS DEVELOPED FROM A FIELD SURVEY BY THIS OFFICE BETWEEN DECEMBER 2010 & JULY 2019 AND THE REFERENCE PLANS CITED.

CERTIFICATION:

"I CERTIFY THAT THE FOUNDATION SHOWN FOR LOT 11-19 CONFORMS TO THE DIMENSIONAL REQUIREMENTS OF THE BUILDING SETBACK REGULATIONS OF THE TOWN OF MILFORD EXCEPT AS CITED HEREON."



CONSTRUCTION PLOT PLAN
TAX MAP 11, LOT 19

ELIZABETH DUGGAN
98 WILTON ROAD
MILFORD, NEW HAMPSHIRE

SCALE: 1" = 20'

JULY 25, 2019



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

FILE: 11023C00.dwg

PROJ. NO: 11023.00

SHEET NO: 1 OF 1

1"x12" I.P.(f)

I.P.(f)

11-22

11-21

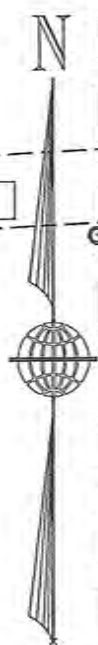
11-20

11-19

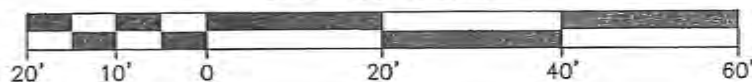
0.175 ACRES
7,643 SQ.FT.
(PLAN=8,014)

11-18

TOWN MILFORD
LINE +/- WILTON



GRAPHIC SCALE



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

B & M RR

Plotted: 7/25/2019 2:23 PM By: RAH
H:\MLS\11023\11023C00\11023C00.dwg

Aerial Photograph Map 11 Lot 19

