

TOWN OF MILFORD

Office of Community Development
Planning • Zoning • Building Safety • Code Enforcement • Health
Economic Development • Active Projects



Administrative Review

Date: September 30, 2022
To: Jason Plourde, Chair - Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2022-25 Sandford Surveying and Engineering, Inc. and Utopia Revocable Trust for the properties located at Tax Map 53, Lots 67-3 and 68-1 - Special Exception Application For Setback Relief. (New Application)**

The applicant is before the Board of Adjustment seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Sections 5.04.2.A.7 and 5.04.5.B to allow an existing 48' x 17' square foot accessory structure (shed) to be located within the 15 foot side dimensional setback of Map 53, Lot 67-3 where 15 feet is required for a property located in the Residential 'R' District. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
 - a. Tax Map 53, Lot 68-1 is primarily undeveloped lot that contains 3.46 with 50 linear feet of frontage on Federal Hill Road. Located on the northeast corner of the property is an existing 48' x 17' square foot shed structure. Tax Map 53, Lot 67-3 is a primarily undeveloped lot with 200 linear feet of frontage on Federal Hill Road and contains a single family residence located in the southwest corner.
 - b. Both properties will be serviced by private well and septic.
 - c. The subject properties fall within Residential 'R' Zoning District and are situated among an established residential neighborhood.
2. On September 20, 2022, the applicant received conditional approval of the Line Adjustment by the Planning Board. The approved plans calls for adding approximately 13,000 square feet of area from Map 53, Lot 68-1 (hatched area) to Map 53, Lot 67-3. The area of land to be conveyed contains an existing 48' x 17' square foot shed structure that lies in the northeast corner of the property. The approved layout of the lots results in the shed structure being located within the 15 foot eastern border dimensional setback approximately 1.35 feet from the property line (measurement taken from roof eave).

The property owner is seeking to incorporate the shed structure with the existing house on Map 53, Lot 67-3. Access to the shed and home would be from driveway servicing Map 53, Lot 67-3.

The approval of the Lot Line Adjustment is conditional upon the applicant obtaining a Special Exception from the ZBA for relief from the Side Yard Setback requirement of 15', to allow for the existing shed/barn to be located within this setback.

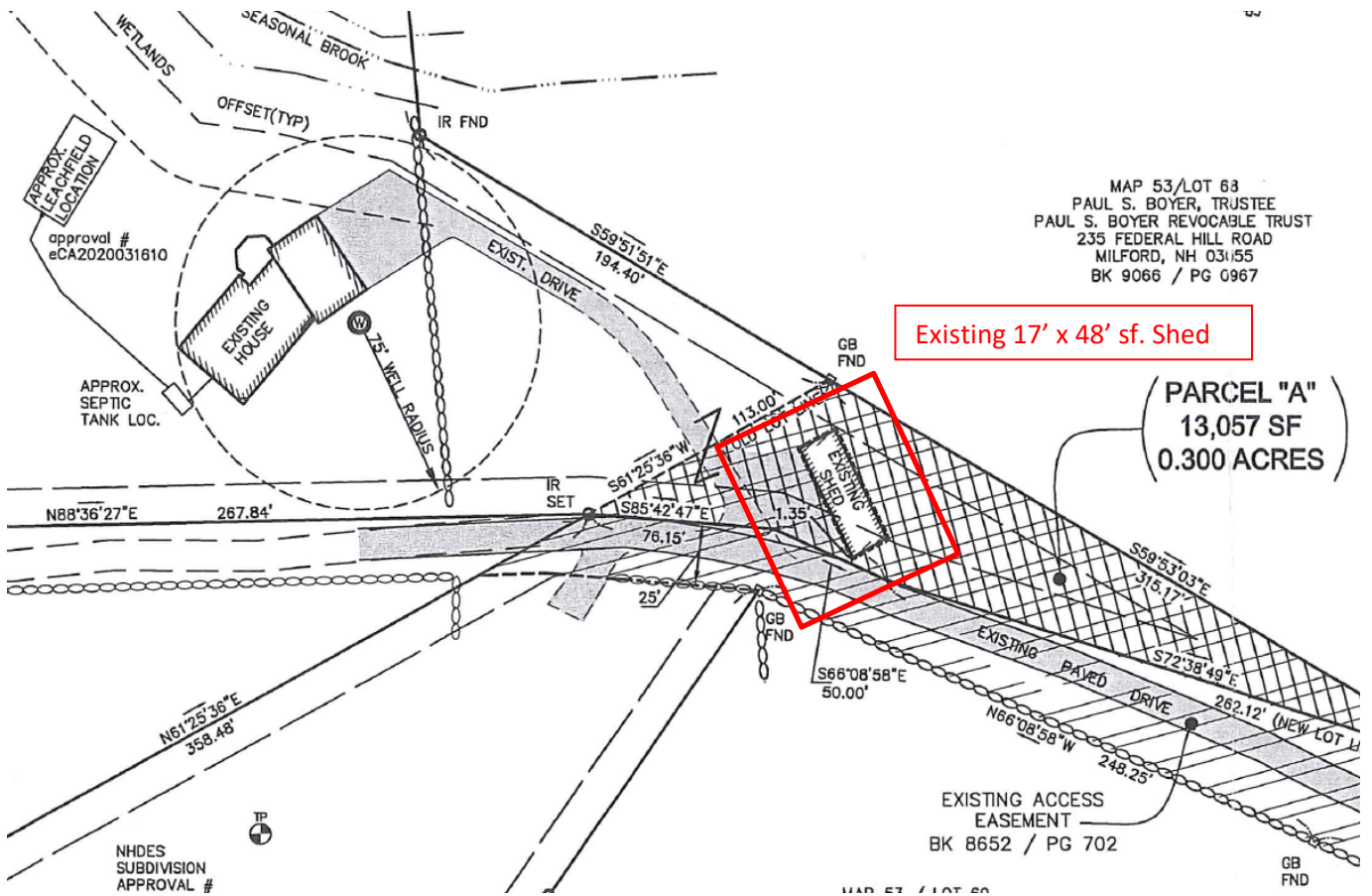
3. Pursuant to Section 5.04.2.A.7 and 5.04.5.B, locating a structure within the 15 foot side dimensional setback is permitted by way of Special Exception.
4. Staff would recommend that the applicant be prepared to address the following:
 - a. Explanation of alternatives considered involving the layout/design of the two lots and proposed location/relocation of the shed structure.

- b. Please explain if the location of the proposed shed in relation to the driveway for Map 53, Lot 67-3 impacts the site distance while accessing or leaving said property.
- c. Please explain if the location of the shed will impact the maintenance of the shared driveway during the winter.

Aerial Photograph(s) of Subject Property:



Lot Line Adjustment Plan of Subject Property – Location of Shed Structure





ZBA Application

MILFORD ZONING BOARD OF ADJUSTMENT

TOWN OF MILFORD
RECEIVED
SEP 16 2022
PB
OFFICE

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

Date Received: _____
 Case Number: _____
 Application Number: _____
 Hearing Date: _____
 Decision Date: _____
 Decision: _____

PROPERTY INFORMATION

Street Address: 245 Federal Hill Road
 Tax Map / Parcel #: 53 / 67-3 & 68-1 Lot Size: 2.970 / 3.462

PROPERTY CURRENTLY USED AS

Lot 67-3 placing a home on currently.
 Lot 68-1 vacant with barn on property.

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

PROPERTY OWNER

Name: Utopia Revocable Trust; Vita L. Viatkunas, Trustee
 Address: 148 Colburn Road
 City/State/Zip: Milford, NH 03055
 Phone: ()
 Email:

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: Earl J. Sandford; Sandford Surveying and Engineering, Inc
 Address: 597 New Boston Road
 City/State/Zip: Bedford, NH 03110
 Email: mail@sandfordsurvey.com
 Phone: () 472-2265 Cell: ()

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.

Property Owner's signature

9/22/22

Date:

Zoning District (check one):

- Residence A
- Residence B Residence R
- Commercial
- Limited Commercial
- Industrial
- Integrated Commercial-Industrial
- Integrated Commercial-Industrial-2

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

APPLICATION FEES

Application Fee: <u>4.57</u>	\$75.00
Abutters Fee: <u>\$4 x 10</u>	<u>45.00</u>
Amount received:	
Date Received:	<u>09/25/22</u>
Check <input checked="" type="checkbox"/> Cash <input type="checkbox"/>	

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.



ZBA Application – Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

TOWN OF MILFORD
 RECEIVED
 SEP 16 2022
 PB _____ ZBA _____ Office _____

Date Received: 9-16-22
 Case Number: 2022-23
 Application #: 2022-1015
 Date Complete: _____
 Hearing Date: 10-10-22
 Decision Date: _____
 Decision: _____

PROPERTY INFORMATION

Street Address: 245 Federal Hill Road

Tax Map / Parcel #: 53/67-3 & 68-1

A Special Exception is a use which is permitted by the Zoning Ordinance, but requires approval from the Zoning Board of Adjustment. Most special exceptions have a list of additional criteria that must be met in order for the ZBA to approve the application.

***Note that in addition to the specific criteria that may be listed for a particular special exception, all special exceptions are subject to the general criteria in Section 10.02.1 of the Zoning Ordinance.**

What section of the Zoning Ordinance are you applying under?

Article V Section 5.04.5 Yard Requirements

Describe the **use** you are proposing under the above section of the Ordinance.
 Proposing to adjust the lot lines on two residential parcels so that the existing shed which is an ancillary use to the house on lot 67-3, will be located on the same lot rather than the adjacent lot 68-1. This will make the southwest corner of the shed 2.73', eave corner 1.35' from the new lot line where 15'; is required
 (The eave overhang beyond the building is 1.87 sf)

**Application for
 (check all that apply):**

- Change/Expansion of Non-conforming Use/Structure (2.03.1.C)
- Wetland Buffer Impact (6.02.6)
- Accessory Dwelling Unit (10.2.6)
- Office in Res-A & B (10.2.7)
- Home Business (7.12.6)
- Side/Rear Yard Setback Reduction (Zoning District Specific)
- Other

General Criteria Section 10.02.1

Describe the project you are requesting a Special Exception for:

To adjust the lot line between lot 68-1 and 67-3, so that the existing shed now on lot 68-1 will be on lot 67-3, as shown on accompanying plan. This is a house cleaning endeavor so that the shed is on the lot as the owner using it.

Explain how the proposal meets the general criteria as specified in Article X, Section 10.02.1 of the Zoning Ordinance:

A. The proposed use is similar to those permitted in the district because:

It is an existing shed within an existing access easement. The use of the parcels will remain Residential with the shed continuing to be an ancillary use for the lot.

B. The specific site is an appropriate location for the proposed use because:

The shed is existing, and with the lot line adjustment the shed will no longer be on the abutting property lot 68-1 but will be on lot 67-3. The physical location on the ground of the shed and surrounding topography will not be changed.

C. The use as developed will not adversely affect the adjacent area because:

The physical location of the shed and topography surrounding will not be changed.

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:

The existing easement will remain along with the obligation to share in costs for improvement and maintenance. The use of the easement is limited to the owners of the specific lots and not for public use

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:

The easement covers shared uses of the driveway, the shed is not part of the shared use and all parties are better served with the proposed lot line adjustment.

S:\land projects 3\COO02S19062\dwg\COO02S19062.dwg, 9/16/2022 12:04:15 PM, SHARP MX-3071 PCL6, 1:2, Sandford Surveying & Engineering, P4-25 Lori

LEGEND

- GB fnd
- GB TO BE SET
- IR or IP fnd
- DH fnd
- IR TO BE SET
- UP fnd
- UP ANCHOR/GUY WELL
- BUILDING SETBACK LINE
- BARBED WIRE
- STONE WALL
- EASEMENT AREA
- PARCEL "A"

REFERENCE PLANS:

- LOT LINE ADJUSTMENT PLAN; MAP 53 / LOTS 67-2 AND 67-3; PREPARED FOR; UTOPIA REVOCABLE TRUST; FEDERAL HILL ROAD & 148 COLBURN ROAD; TOWN OF MILFORD; HILLSBOROUGH COUNTY, NEW HAMPSHIRE DATED: JANUARY, 16 2020; BY: SANDFORD SURVEYING AND ENGINEERING, INC. RECORDED HCRD PLAN NO. 40631.
- SUBDIVISION PLAN; MAP 53 / LOT 68; PREPARED FOR; JAMES G. & ALEXANDRA M. DANNIS; FEDERAL HILL ROAD; TOWN OF MILFORD; HILLSBOROUGH COUNTY, NEW HAMPSHIRE DATED: 10/6/05 BY SANDFORD SURVEYING AND ENGINEERING. RECORDED HCRD PLAN NO. 34453.

EARL J. SANDFORD, CERTIFIED WETLAND SCIENTIST #209, OF SANDFORD SURVEYING & ENGINEERING, INC. NEW BOSTON, NH, PERFORMED THE WETLAND MAPPING ON SEPTEMBER 16, 2019 ACCORDING TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL AND THE INTERIM REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, OCTOBER 2009, US ARMY CORPS OF ENGINEERS.

HYDROPHYTIC VEGETATION WAS IDENTIFIED USING THE NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS, NEW HAMPSHIRE, PUBLISHED BY THE UNITED STATES FISH AND WILDLIFE SERVICE, MAY 1998.

MAP 53 / LOT 40
KEVIN & JODY DEGROOT
219 FEDERAL HILL ROAD
MILFORD, NH 03055-3543
BK 8706 / PG 0227

MAP 53/LOT 63
PAUL S. BOYER, TRUSTEE
235 FEDERAL HILL ROAD
MILFORD, NH 03155
BK 9066 / PG 0967

MAP 53 / LOT 69
HERBERT K. & JUDITH SALMON, III
249 FEDERAL HILL ROAD
MILFORD, NH 03055
BK 5071 / PG 1189

MAP 53 / LOT 38-1
DAVID & ELIZABETH KEENAN
28 MOUNTAIN VIEW CT
MILFORD, NH 03055
BK 9365 / PG 2512

MAP 53 / LOT 38-2
R. SCOTT JR. & NANCY C. CORNETT
10 MOUNTAIN VIEW CT
MILFORD, NH 03055
BK 8594 / PG 2382

MAP 53 / LOT 67-3
AREA BEFORE
ADJUSTMENT
129,388 SF
AREA AFTER
LOT LINE
ADJUSTMENT
142,445 SF
3.270 ACRES

PARCEL "A"
13,057 SF
0.300 ACRES

MAP 53 / LOT 68-1
AREA BEFORE
ADJUSTMENT
150,826 SF
3.462 ACRES
AREA AFTER
LOT LINE ADJUSTMENT
137,765 SF
3.163 ACRES
(VACANT LOT)

MAP 53 / LOT 72
TOWN OF MILFORD
1 UNION SQUARE
MILFORD, NH 03055-4230
BK 5230 / PG 1677

WAIVER NOTE:
THIS PROPOSED LOT LINE ADJUSTMENT DOES NOT ALTER OR EXPAND EXISTING RIGHTS AND APPROVALS. IT IS INTENDED SOLELY TO BE A HOUSE CLEANING ENDEAVOR TO ASSOCIATE THE SHED WITH THE HOUSE AND HOMEOWNER USING THE SHED. AS SUCH, WAIVERS MAY BE REQUIRED TO REGULATIONS GEARED TO PROPOSED SITE DEVELOPMENT, HOWEVER, THIS PLAN DOES NOT PROPOSE OR FACILITATE ANY PHYSICAL CHANGE OF ANY SORT, I.E. NO GRADING OR DRAINAGE CHANGE, NO CONSTRUCTION, NO ALTERATION OF THE DRIVEWAY, ETC. IN OTHER WORDS THERE IS NO SITE DEVELOPMENT PROPOSED BY THIS PLAN. IT ONLY BETTER FITS LOT LINES TO EXISTING DEVELOPMENT.

EASEMENT NOTE:
ALL PARTIES TO THE EASEMENT BK 8652 / PG 702 WILL MAINTAIN EXISTING RIGHTS OF ACCESS, AS WELL AS OBLIGATIONS OF MAINTENANCE. PARCEL "A" WILL NOT BE BURDENED BY TRAVELED WAY ACCESS RIGHTS BUT WILL REMAIN BURDENED FOR DRAINAGE, SNOW STORAGE, AND ALL RIGHTS APPURTANANT TO MAINTAINING AND IMPROVING THE EXISTING SHARED DRIVEWAY, WITH THE EXCEPTION THAT SUCH ACTIVITIES DO NOT RESTRICT THE ACCESS TO THE SHED, OR IN ANYWAY COMPROMISE THE INTEGRITY OF THE SHED (F.E.X. SNOW IS NOT TO BE PILED AGAINST THE BUILDING).

TOWN OF MILFORD
RECEIVED
SEP 16 2022
GRAPHIC SCALE
1 inch = 50 ft.

APPROVED BY THE MILFORD PLANNING BOARD

ON _____ CERTIFIED BY _____
CHAIR, AND _____
VICE-CHAIR OR _____
DESIGNATED MEMBER.

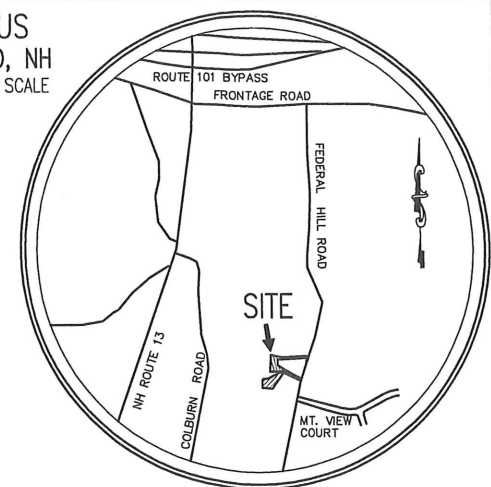
OWNER SIGNATURE *[Signature]*

REVISIONS

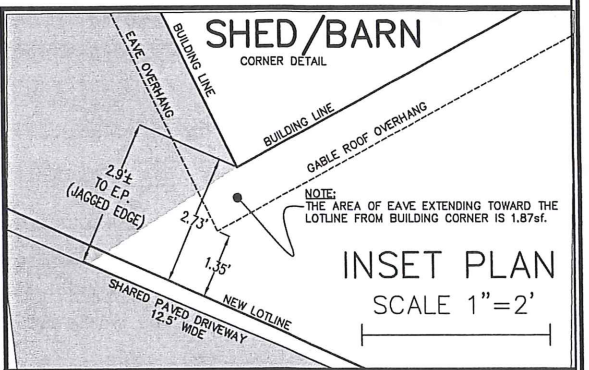
NO.	DATE	DESCRIPTION	BY
1	9-16-22	ADDED DIMENSION TO SHED EAIVE, ADDED CORNER DETAIL, RECORDED EASEMENT AND WAIVER NOTE	EJS

DETAIL
SCALE: 1"=40'

LOCUS
MILFORD, NH
NOT TO SCALE



- NOTES:**
- REFERENCE THESE PARCELS AS: MAP 53 / LOT 67-3 (245 FEDERAL HILL ROAD)
 - OWNER OF RECORD: MAP 53 / LOT 67-3
MAP 53 / LOT 68-1
UTOPIA REVOCABLE TRUST
L. VAITKUNAS, TRUSTEE
148 COLBURN ROAD
MILFORD, NH 03055
BK 8685 / PG 2112
 - AREA OF PARCELS BEFORE ADJUSTMENT
MAP 53 / LOT 67-3: 129,388 SF OR 2.970 ACRES
MAP 53 / LOT 68-1: 150,826 SF OR 3.462 ACRES
 - THIS PARCEL AND ABUTTING PARCELS ARE ZONED RESIDENCE "R"
MIN. LOT SIZE: 2 ACRE
MIN. FRONTAGE: 200 FEET
SETBACKS:
MIN. FRONTAGE: 30 FEET
MIN. SIDE & REAR: 15 FEET
WETLAND: 25 FEET
 - THE PURPOSE OF THIS PLAN IS TO ADJUST THE LOT LINES BETWEEN MAP 53 / LOT 67-3 AND MAP 53 / LOT 68-1 SO AS TO INCLUDE THE EXISTING SHED WITH LOT 53 / LOT 67-3 RATHER THAN USING A LEASE ARRANGEMENT. THIS WILL ALSO CLEAN UP TAXATION BY MAKING THE USER OF THE SHED THE SAME AS THE LAND OWNER.
-PARCEL "A" (13,057 SF OR 0.300 ACRES) IS NOT TO BE CONSIDERED A SEPARATE BUILDING LOT BUT WILL HENCEFORTH BE CONSIDERED AS A PART OF THE PREMISES KNOWN AS MAP 53 / LOT 67-3.
 - TOTAL AREA OF ADJUSTED LOTS:
NEW MAP 53 / LOT 67-3: 142,445 SF OR 3.270 ACRES
NEW MAP 53 / LOT 68-1: 137,765 SF OR 3.163 ACRES
 - THIS SURVEY PERFORMED ACCORDING TO STANDARDS FOR REAL PROPERTY SURVEYS, CLASSIFICATION U, SET FORTH IN ADMINISTRATIVE RULES LAN 502 AND 503 ADOPTED 12/8/94 BY THE STATE OF NEW HAMPSHIRE UNDER RSA 310-A:58 AND RSA 541-A.
 - THIS PLAN IS NOT A GUARANTEE OF TITLE.
 - THE PARCELS DO NOT FALL WITHIN A 100 YEAR FLOOD HAZARD AREA AS SHOWN F.I.R.M. PANEL 330011C04700, WITH AN EFFECTIVE DATE OF 09/25/2009.
 - LOT 67-3 & LOT 68-1 DO NOT FALL WITHIN A PROTECTION AREA, ARTICLE VI, SECTION 6.01.3.E.1 EXEMPTS PRIVATE RESIDENCES.
 - AN APPROVED STORMWATER MANAGEMENT PERMIT WILL BE REQUIRED PRIOR TO COMMENCEMENT OF SITE WORK TO AN AREA OF DISTURBANCE OF GREATER THAN 5,000 SF.
 - FEDERAL HILL ROAD IS A SCENIC ROAD, NO STONEWALLS OR TREES OF 15" CIRCUMFERENCE OR LARGER ARE TO BE REMOVED WITHIN THE FEDERAL HILL ROAD RIGHT-OF-WAY WITHOUT A PLANNING BOARD SCENIC ROAD PUBLIC HEARING. WHERE POSSIBLE, ALL EXISTING STONEWALLS SHOULD BE RETAINED.



LOT LINE ADJUSTMENT PLAN
MAP 53 / LOTS 67-3 & 68-1
PREPARED FOR
UTOPIA REVOCABLE TRUST
FEDERAL HILL ROAD
TOWN OF MILFORD
HILLSBOROUGH COUNTY, NEW HAMPSHIRE

SANDFORD
SURVEYING AND ENGINEERING

TEL (603) 472-2265 FAX (603) 472-6604
597 NEW BOSTON ROAD, BEDFORD, NH 03110
BOUNDARY SURVEYS ~ SUBDIVISIONS ~ SITE PLANS ~ STRUCTURAL ~ SEPTIC DESIGNS

PROJ. MAN.: RGK CADD: LPN/RGK PROJ: COO02S19062
CONTACT: VITA CHK BY: RGK DWG#: COO02S19062
SCALE: 1" = 50' DATE: 8/15/2022 SHEET 1 OF 1





