



TOWN OF MILFORD, NH  
OFFICE OF COMMUNITY DEVELOPMENT

1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620

WEB: WWW.MILFORD.NH.GOV

**Date:** February 10, 2020  
**To:** Planning Board  
**From:** Kellie Shamel, Town Planner  
**Subject:** Vita Cooper & Utopia Revocable Trust (applicant/owner) – Review for acceptance and consideration of final approval for a lot line adjustment application between two existing lots. The parcels are located at 148 Colburn Road and 245 Federal Hill Road in the Residence R and Groundwater Protection Districts. Tax Map 53, Lot 67-2 and 67-3.

**BACKGROUND/PROPOSAL:**

The applicant is before the Board seeking approval of a lot line adjustment to modify the common lot lines of Map 53, Lot 67-2 and 67-3. The parcels are located in the Residential R and Groundwater Protection Districts. Currently, Map 53, Lot 67-2 and Lot 67-3 are developed lots each with a single family residence. The proposal also calls for the relocation of the existing home currently located near the quarry pond. This is because as a result of the lot line adjustment, two homes would be located on one lot which is not permitted. The existing home will be relocated onto the New Lot 67-3 and will access utility services from Federal Hill Road in association with the proposed utilities for existing Lot 68-1.

This will be the first public hearing for the application.

**EXISTING USE/CONDITIONS:**

The total area of existing Map 53, Lot 67-2 is 28.3 acres and currently has an existing single family residence. The total area of existing Map 53, Lot 67-3 is 6.506 acres and currently has an existing single family residence. Both parcels will be serviced by private well and septic. Additionally, there is an existing access easement on Lot 68-1 (this lot is also owned by the applicant) which will be used to access new Lot 67-3 from Federal Hill Road.

**APPLICATION STATUS:**

The application is complete and ready to be accepted.

**NOTICES:**

Notices were sent to all property abutters on February 6, 2020.

**WAIVERS:**

Waiver request from the Milford Development Regulations applying only to the larger conforming lot that is only being made larger and more conforming (lot 67-2):

Article V, Section 5.06; Submission for Lot Line Adjustment.

Item K; Delineation of all wetlands and wetlands buffers on parcels. (this waiver is only needed for lot 67-2, because it is the only lot that is being reduced in size. Wetlands and buffers are shown for this lot to assure compliancy).

Article V, Section 5.06; Submission for Lot Line Adjustment

Item L; Delineation of slopes over 25% on parcels. (this waiver is only needed for lot 67-2 and not 67-3. Lot 67-3 is the only lot that is being reduced in size and the plan does show all contours and any steep slopes for lot 67-3 to assure compliancy).

**PROPOSAL:**

The intent of the proposal is to depict a lot line adjustment along the common lot lines of lots 67-2 and 67-3. The proposed acreage is as follows:

<u>Lot #</u>	<u>Existing</u>	<u>Proposed</u>
Map 53, Lot 67-2	28.3 acres (1,232,785 SF)	31.83 acres (1,386,777 SF)
Map 53, Lot 67-3	6.506 acres (283,378 SF)	2.97 acres (129,188 SF)

- Lot line adjustment between Map 53, Lot 67-2 and Map 53, Lot 67-3 to remove a 3.535 acre area (labeled Parcel ‘A’) from Map 53, Lot 67-3 and consolidate it with Map 53, Lot 67-2. This increases the size of the Lot 67-2 to 31.83 acres and decreases Lot 67-3 to 2.97 acres.
- Each of the proposed lots meet the minimum lot size of 2 acres (87,120 SF) or greater, and minimum frontage of 200 linear feet. The plans show the approximate location of the septic service areas and related test pit information required for State septic approval.
- Frontage for each of lots will be provided on Federal Hill Road and Colburn Road. Each lot meets the minimum 200 linear foot frontage requirement for lots in the Residential R zoning district.

**INTERDEPARTMENTAL REVIEWS:**

**Ambulance:** No comments.

**Assessing:** No comments.

**Building Department:** No comments

**Code Enforcement/ Health:** No comments.

**Conservation Commission:** No comments.

**Fire Department:** No comments.

**Heritage Commission:** Comments due by 2/14/2020.

**Police Department:** No comments.

**Public Works:** No comments.

**Water/Sewer Utilities:** No comments.

**Community Development / Planning:**

1. General Comment. Please confirm that the proposed driveway meets all local requirements related to site distance.
2. Sheet 1, Notes. Please add a note stating “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.”
3. Lot Line Adjustment Plan. A note shall be added to the plan stating that prior to the signing of the plan, all monumentation shall be set and noted on the plan or a security be provided to the Town to cover the cost of monumentation. Further, please be sure to include all bounds for each of the affected lots. See Milford Development Regulations, Section 6.021 Bounds for more information and specifications.
4. Sheet 1, Notes. Please shall add a note(s) detailing waiver requests.
5. General Comment. The relocation of the existing house onto new Lot 67-3 (as shown on the plan) must be completed before any permits are issued and prior to plan recordation.

**STAFF RECOMMENDATIONS:**

The applicant should be prepared to address the comments raised by the Planning Board, Conservation Commission, Town Consultants, Staff, and public pertaining to the Subdivision Plan. If the Board is satisfied with the information and responses from the applicant and finds the remaining concerns can be addressed with staff, staff would recommend a conditional approval.



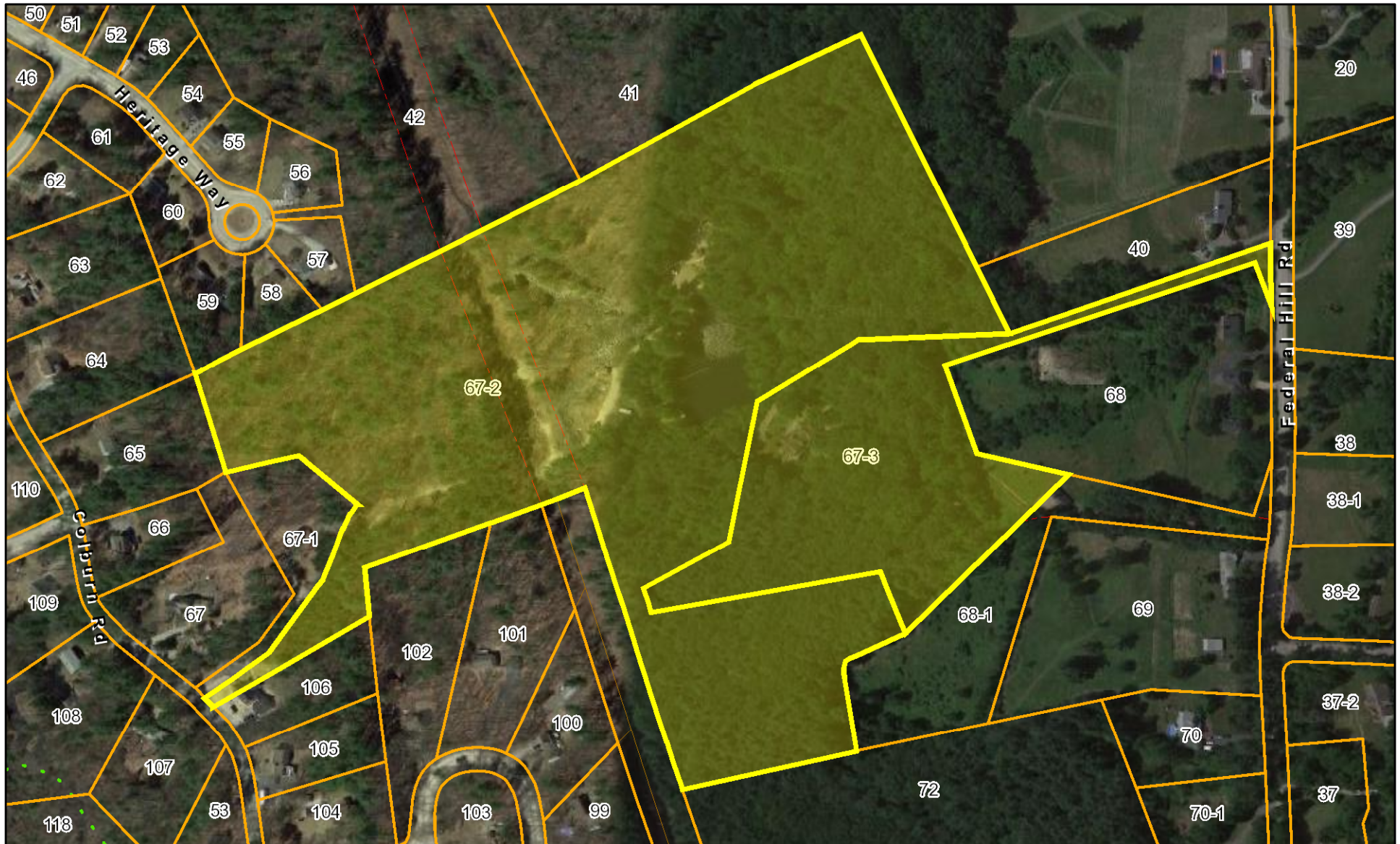
# Utopia Revocable Trust - Lot Line Adjustment

Milford, NH

1 inch = 300 Feet



February 11, 2020



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

# SANDFORD SURVEYING AND ENGINEERING

597 New Boston Road, Bedford, NH 03110 • 603.472.2265 • mail@sandfordsurvey.com • sandfordsurvey.com

January 20, 2020

Town of Milford  
Community Development  
1 Union Square  
Milford, NH 03055  
Attn: Kellie Shamel



Re: Narrative for Utopia Revocable Trust, Lot Line Adjustment.

This Lot Line Adjustment will change the areas of Lot 67-2 and 67-3. Lot 67-2, which is an already developed parcel with a private residence, will increase in size to 31.83 acres. Lot 67-3, which is already developed with a private residence, will decrease in size to 2.97 acres. The intention of the Adjustment is not to facilitate a new house but rather to facilitate a relocation of the existing home on Lot 67-3, moving the structure away from the extreme cliff created by the quarry operation and increase safety for any new owner of Lot 67-3. The quarry pond and associated cliff will now be wholly on Lot 67-2. The relocation of the house onto New Lot 67-3 will access utility services from Federal Hill Road in association with the proposed utilities for existing Lot 68-1.

The existing Quarry area on the parcels was originally for a farm quarry for the Foster Family in approximately the late 1800's. The commercial use ran from approximately 1900 to the late 1920's, when the operation ceased to exist. For a more detailed history see the attached email from Vita Cooper.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Sandford". The signature is stylized with large loops and a long horizontal stroke at the end.

Earl Sandford

Senior Engineer, Sandford Surveying and Engineering, Inc.  
P.E., L.L.S., C.W.S.  
earl@sandfordsurvey.com

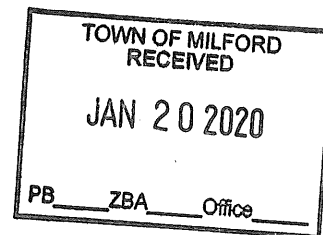


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Town of Milford  
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Attn: Kellie Shamel



Re: Narrative for Utopia Revocable Trust, Lot Line Adjustment.

The Quarry started as a 'farm Quarry' for The Foster Farm in the late 1800's. It began commercially operating around the turn of the century and sold to Daniels granite company in 1908 with an "easement along the southern boundary" of the Foster farm (from Federal Hill rd to the quarry parcel)

Along the way it was sold to Souhegan Granite Co.

In the Late 20's the quarry stopped operation and then was taken by Milford for back taxes. The hole filled with water generally 50' deep, and a 50' cliff above the water remains.

Several residential ownerships occurred with the access to quarry being from Colburn Rd...where the granite had left the property from Quarry operations.

The right of way to Federal Hill was not developed probably because it was uphill - considering that the means to move the stone was with animals pulling Trailers.

For a long time Rock Comstock owned the quarry, his home is modified but still exists on lot 53/67 (144 Colburn Rd)

The quarry was known in town as Comstock Quarry where back in the day, Rock let people swim.

Steve Desmarais who loved the quarry purchased it from Comstock & owned it for several years before I (and my mother Vivian Curtis) purchased it in October 1994.

Vita's History:

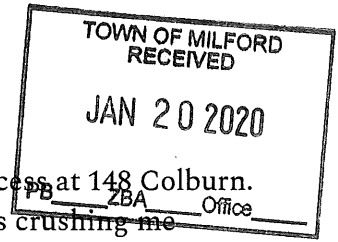
1994 Acquired land from Steve Desmarais lots 53/67-1&2

67-1 had septic approval in place at that time.

Mom & I named it Utopia because it is The Perfect World for me.

1995 Built Home at 146 Colburn (67-1)

I learned of a Right of way to Federal Hill rd contained in the deed of 53/68. It was at this time looking through the chain of title info I learned about the quarry's history. .



2002 Vita's Marriage To Ken Cooper

2006 Desmarais Construction Began construction of the Big House with access at 148 Colburn. This was a very expensive build: \$2million and the Tax bill of \$21,557/year is crushing me financially.

2010(?) Ken Cooper's LLC purchased 53/68 when it went on the market because of the land's proximity to the Big House. Afterward, the driveway to Federal Hill Rd was built. And the restrictive terms on the access easement were legally abolished.

From the start, in designing the big house, we planned on using the access easement in our abutter's deed as the main access to the Big House. Ken wanted the approach to the house to "not view the garage doors". And the pretty side of the house is from the up hill side. The look of the place was extremely important to Mr Cooper.

The construction used the road frontage on Colburn as address/access.

2012 Cooper divorce begins. As a factor of the divorce legalities, I renamed my trust from "Vita L Vaitkunas Revocable Living Trust" to "Utopia Revocable Trust" where it is documented that I use the name Vita Cooper

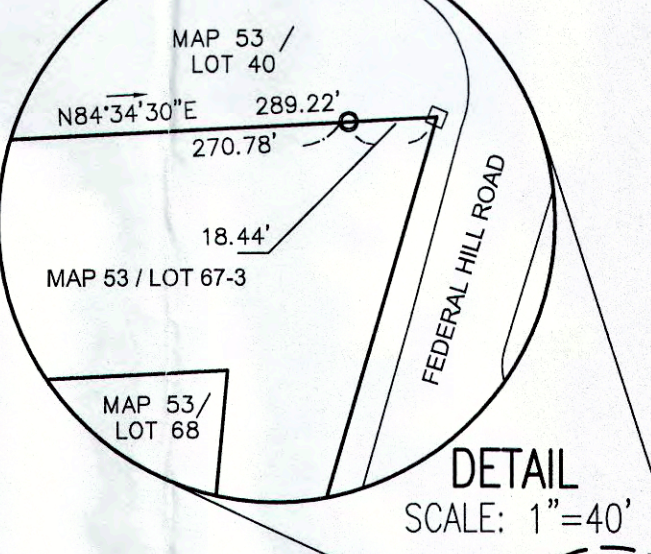
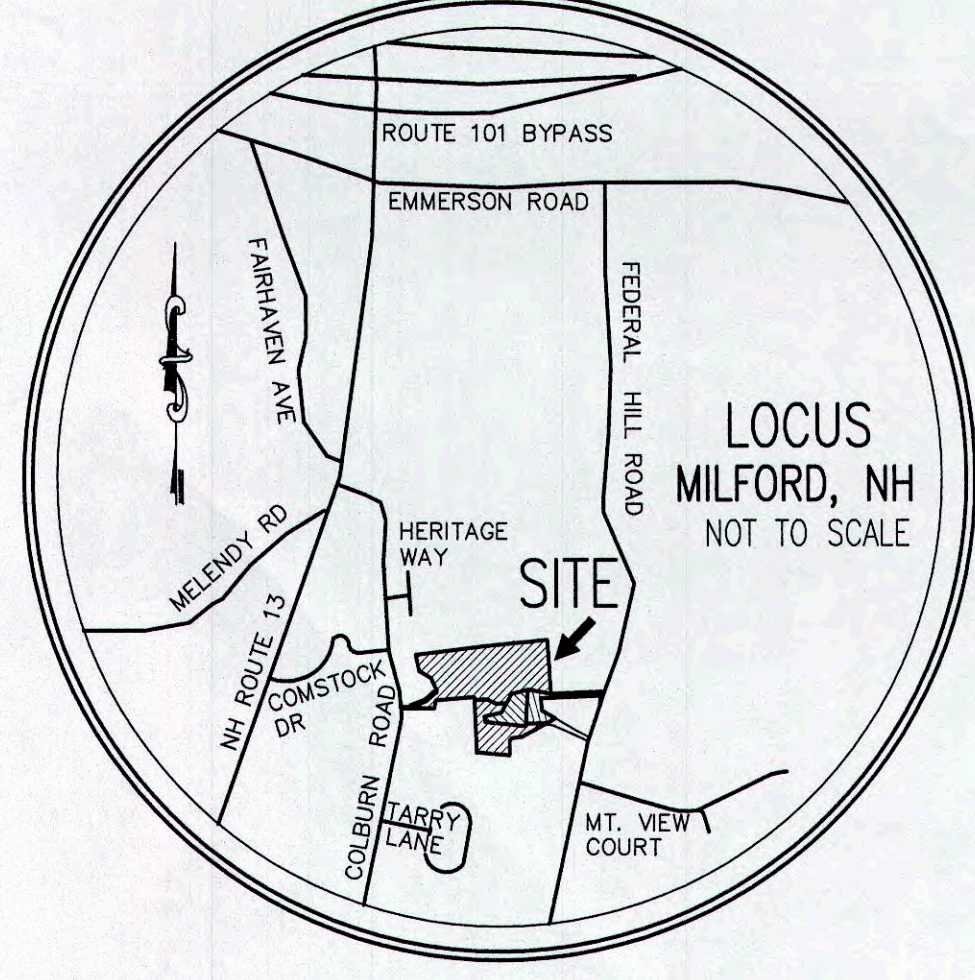
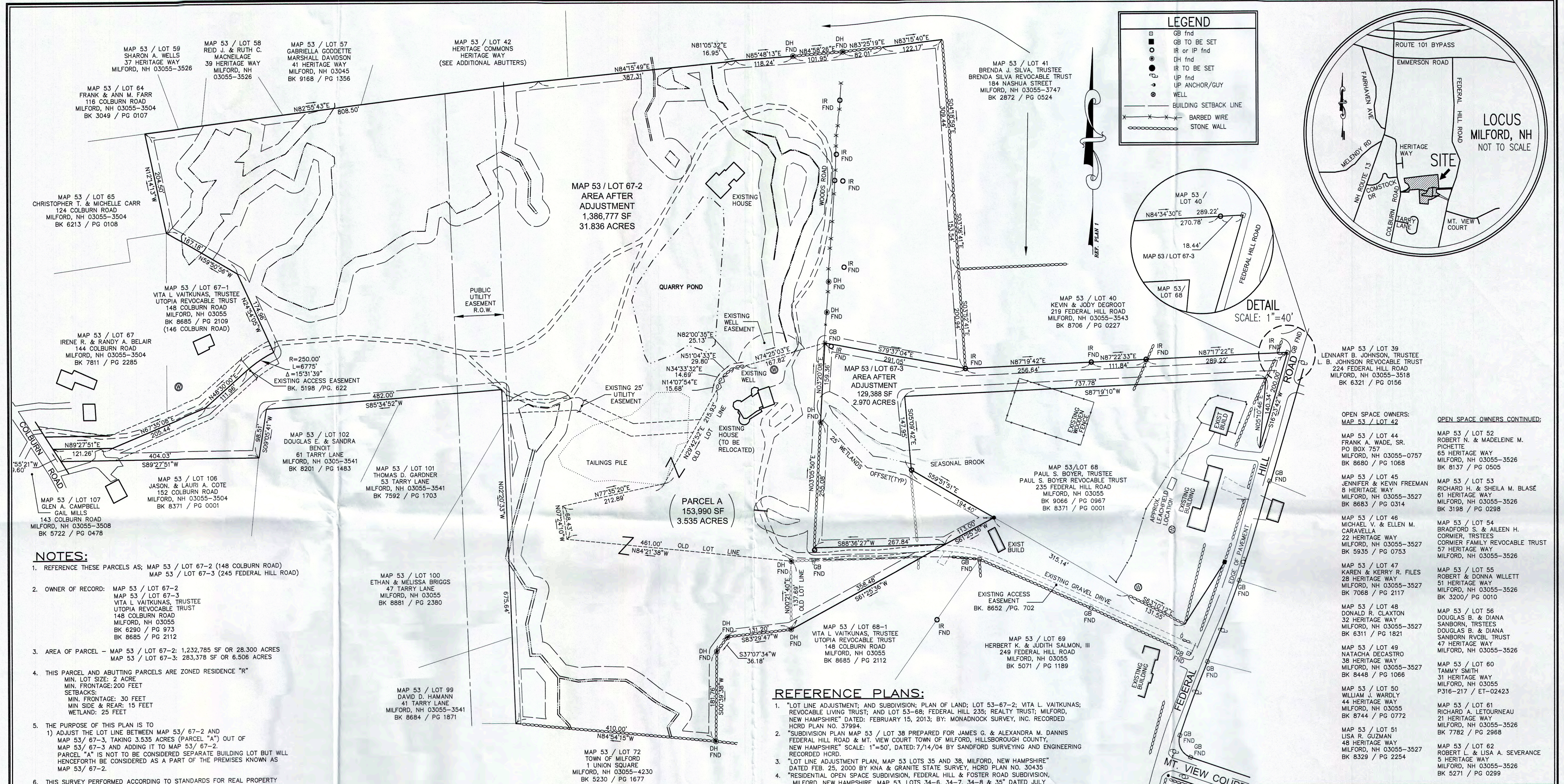
2013 Subdivision Lot line adjustment to separate the Big House from the Quarry parcel (as a condition of the divorce) This created a new lot 53/67-3 (address 245 Federal Hill Rd) for the Big House with road frontage on Federal Hill Rd and an easement across 53/68-1. And it added parcel A to 67-2, parcel B to 67-3 and the lot 53/68-1 (247 FHRd) into Vita's chain of title.

2016 construction began for a smaller, affordable home on the quarry which was always in the plan of the 2013 subdivision. That Home was completed 9/2018 is on lot 67-2 with address 148 Colburn Rd.

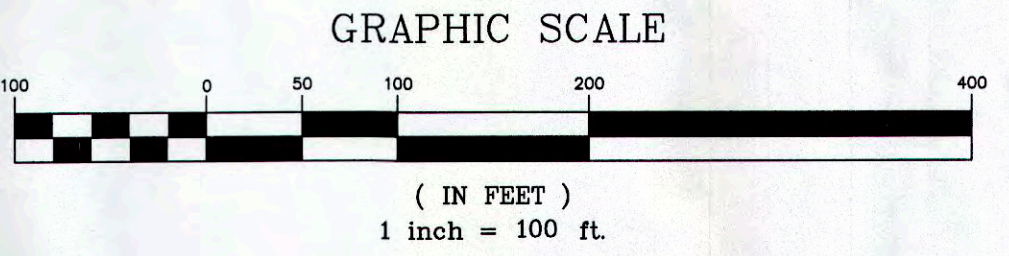
Having Strangers/Tenants in the Big House made me realize that the proximity to the cliff with new owners of the home is untenable. Trespassing happened even after tenants were told not to at the lease signing. The Quarry's cliff presents a dangerous scenario for new owners. And an unacceptable liability for Vita, which creates the need for the lot line adjustment and moving the house before it Sells.

Vita





- NOTES:**
- REFERENCE THESE PARCELS AS: MAP 53 / LOT 67-2 (148 COLBURN ROAD) MAP 53 / LOT 67-3 (245 FEDERAL HILL ROAD)
  - OWNER OF RECORD: MAP 53 / LOT 67-2 VITA L. VAITKUNAS, TRUSTEE UTOPIA REVOCABLE TRUST 148 COLBURN ROAD MILFORD, NH 03055 BK 6290 / PG 973 BK 8685 / PG 2112
  - AREA OF PARCEL - MAP 53 / LOT 67-2: 1,232,785 SF OR 28.300 ACRES MAP 53 / LOT 67-3: 283,378 SF OR 6.506 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 1) ADJUST THE LOT LINE BETWEEN MAP 53 / 67-2 AND MAP 53 / 67-3, TAKING 3.535 ACRES (PARCEL "A") OUT OF MAP 53 / 67-3 AND ADDING IT TO MAP 53 / 67-2. PARCEL "A" IS NOT TO BE CONSIDERED SEPARATE BUILDING LOT BUT WILL HENCEFORTH BE CONSIDERED AS A PART OF THE PREMISES KNOWN AS MAP 53 / 67-2.
  - 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 GUARANTY OF TITLE.
  - THE PARCELS DO NOT FALL WITHIN A 100 YEAR FLOOD HAZARD AREA AS SHOWN F.I.R.M. PANEL 330011C0470D, WITH AN EFFECTIVE DATE OF 09/25/2009.
  - PORTIONS OF LOT 67-2 FALL WITHIN A LEVEL II GROUNDWATER PROTECTION AREA THE REVISED LOT 67-3 DOES NOT FALL WITHIN A PROTECTION AREA. ARTICLE VI, SECTION 6.01.3.E.1 EXEMPTS PRIVATE RESIDENCES.
  - TOPOGRAPHIC INFORMATION FOR LOT 67-2 ARE FROM PLAN REFERENCE #1. TOPOGRAPHIC INFORMATION FOR NEW LOT 67-3 IN THE AREA OF PROPOSED BUILDING SITE IS FROM AN ON THE GROUND SURVEY BY THIS OFFICE IN SEPTEMBER 2019.
  - 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.



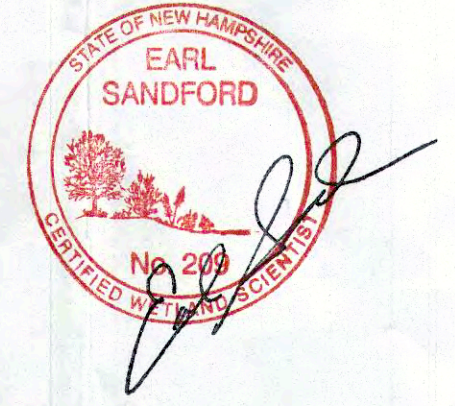
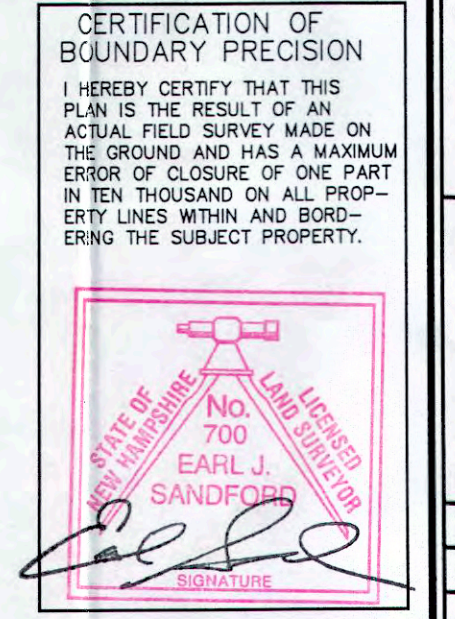
- REFERENCE PLANS:**
- "LOT LINE ADJUSTMENT, AND SUBDIVISION; PLAN OF LAND; LOT 53-67-2; VITA L. VAITKUNAS; REVOCABLE LIVING TRUST; AND LOT 53-68; FEDERAL HILL 235; REALTY TRUST; MILFORD, NEW HAMPSHIRE" DATED: FEBRUARY 15, 2013; BY: MONADNOCK SURVEY, INC. RECORDED HCRD PLAN NO. 37994.
  - "SUBDIVISION PLAN MAP 53 / LOT 38 PREPARED FOR JAMES G. & ALEXANDRA M. DANNIS FEDERAL HILL ROAD & MT. VIEW COURT TOWN OF MILFORD, HILLSBOROUGH COUNTY, NEW HAMPSHIRE" SCALE: 1"=50', DATED: 7/14/04 BY SANDFORD SURVEYING AND ENGINEERING RECORDED HCRD.
  - "LOT LINE ADJUSTMENT PLAN, MAP 53 LOTS 35 AND 38, MILFORD, NEW HAMPSHIRE" DATED FEB. 25, 2000 BY KNA & GRANITE STATE SURVEY, HCRD PLAN NO. 30435
  - "RESIDENTIAL OPEN SPACE SUBDIVISION, FEDERAL HILL & FOSTER ROAD SUBDIVISION, MILFORD, NEW HAMPSHIRE, MAP 53, LOTS 34-6, 34-7, 34-8 & 35" DATED JULY 28, 2000 BY KNA & GRANITE STATE SURVEY, HCRD PLAN NO. 31405.

- OPEN SPACE OWNERS:**
- MAP 53 / LOT 42  
FRANK A. WADE, SR.  
PO BOX 757  
MILFORD, NH 03055-0757  
BK 8680 / PG 1068
- MAP 53 / LOT 44  
JENNIFER & KEVIN FREEMAN  
9 HERITAGE WAY  
MILFORD, NH 03055-3527  
BK 8683 / PG 0314
- MAP 53 / LOT 46  
MICHAEL V. & ELLEN M. CARAVELLA  
22 HERITAGE WAY  
MILFORD, NH 03055-3527  
BK 5935 / PG 0753
- MAP 53 / LOT 47  
KAREN & KERRY R. FILES  
28 HERITAGE WAY  
MILFORD, NH 03055-3527  
BK 7068 / PG 2117
- MAP 53 / LOT 48  
DONALD R. CLAXTON  
32 HERITAGE WAY  
MILFORD, NH 03055-3527  
BK 6311 / PG 1821
- MAP 53 / LOT 49  
NATACHA DECASTRO  
38 HERITAGE WAY  
MILFORD, NH 03055-3527  
BK 8448 / PG 1066
- MAP 53 / LOT 50  
WILLIAM J. WARDLY  
44 HERITAGE WAY  
MILFORD, NH 03055  
BK 8744 / PG 0772
- MAP 53 / LOT 51  
LISA R. GUZMAN  
48 HERITAGE WAY  
MILFORD, NH 03055-3527  
BK 8329 / PG 2254
- MAP 53 / LOT 52  
ROBERT N. & MADELEINE M. PICHETTE  
65 HERITAGE WAY  
MILFORD, NH 03055-3526  
BK 8137 / PG 0505
- MAP 53 / LOT 53  
RICHARD H. & SHEILA M. BLASE  
61 HERITAGE WAY  
MILFORD, NH 03055-3526  
BK 3198 / PG 0298
- MAP 53 / LOT 54  
BRADFORD S. & ALLEN H. CORMIER, TRUSTEES  
CORMIER FAMILY REVOCABLE TRUST  
57 HERITAGE WAY  
MILFORD, NH 03055-3526
- MAP 53 / LOT 55  
ROBERT & DONNA WILLETT  
51 HERITAGE WAY  
MILFORD, NH 03055-3526  
BK 3200 / PG 0010
- MAP 53 / LOT 56  
DOUGLAS B. & DIANA SANBORN, TRUSTEES  
DOUGLAS B. & DIANA SANBORN RVOLC TRUST  
47 HERITAGE WAY  
MILFORD, NH 03055-3526
- MAP 53 / LOT 60  
TAMMY SMITH  
31 HERITAGE WAY  
MILFORD, NH 03055  
P316-217 / ET-02423
- MAP 53 / LOT 61  
RICHARD A. LETOURNEAU  
21 HERITAGE WAY  
MILFORD, NH 03055-3526  
BK 7782 / PG 2968
- MAP 53 / LOT 62  
ROBERT L. & LISA A. SEVERANCE  
5 HERITAGE WAY  
MILFORD, NH 03055-3526  
BK 5271 / PG 0299

APPROVED BY THE MILFORD PLANNING BOARD

DN \_\_\_\_\_ CERTIFIED BY \_\_\_\_\_

\_\_\_\_\_ CHAIR, AND \_\_\_\_\_ VICE-CHAIR OR DESIGNATED MEMBER.



EARL J. SANDFORD, CERTIFIED WETLAND SCIENTIST #209, OF SANDFORD SURVEYING & ENGINEERING, L.L.C. 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-NORTH-CENTRAL 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.

**LOT LINE ADJUSTMENT PLAN**  
**MAP 53 / LOTS 67-2 & 62-3**  
 PREPARED FOR  
**UTOPIA REVOCABLE TRUST**  
**FEDERAL HILL ROAD & 148 COLBURN 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

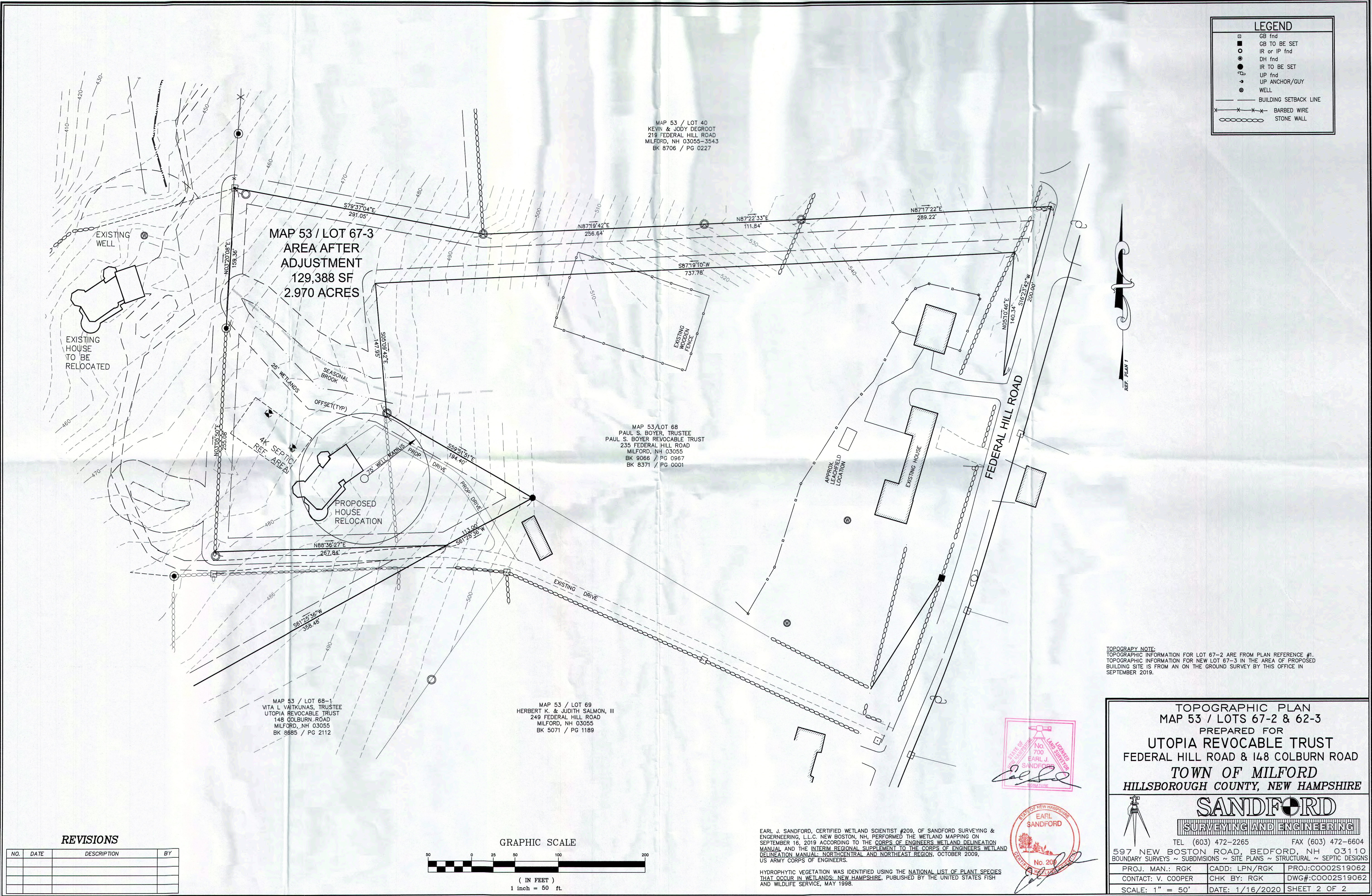
PROJ. MAN.: RGK CADD: LPN/RGK PROJ: COO02S19062  
 CONTACT: V. COOPER CHK BY: RGK DWG#: COO02S19062  
 SCALE: 1" = 100' DATE: 1/16/2020 SHEET 1 OF 2

**REVISIONS**

NO.	DATE	DESCRIPTION	BY
1	1-20-20	OWNER SIGNATURE	LPN



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



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

MAP 53 / LOT 67-3  
AREA AFTER  
ADJUSTMENT  
129,388 SF  
2.970 ACRES

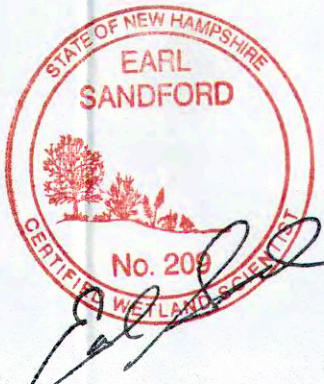
MAP 53 / LOT 68  
PAUL S. BOYER, TRUSTEE  
PAUL S. BOYER REVOCABLE TRUST  
235 FEDERAL HILL ROAD  
MILFORD, NH 03055  
BK 9065 / PG 0967  
BK 8371 / PG 0001

MAP 53 / LOT 68-1  
VITA L. VAITKUNAS, TRUSTEE  
UTOPIA REVOCABLE TRUST  
148 COLBURN ROAD  
MILFORD, NH 03055  
BK 8685 / PG 2112

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



TOPOGRAPHY NOTE:  
TOPOGRAPHIC INFORMATION FOR LOT 67-2 ARE FROM PLAN REFERENCE #1.  
TOPOGRAPHIC INFORMATION FOR NEW LOT 67-3 IN THE AREA OF PROPOSED  
BUILDING SITE IS FROM AN ON THE GROUND SURVEY BY THIS OFFICE IN  
SEPTEMBER 2019.



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**TOPOGRAPHIC PLAN**  
**MAP 53 / LOTS 67-2 & 62-3**  
PREPARED FOR  
**UTOPIA REVOCABLE TRUST**  
FEDERAL HILL ROAD & 148 COLBURN ROAD  
**TOWN OF MILFORD**  
HILLSBOROUGH COUNTY, NEW HAMPSHIRE

**SANDFORD**  
SURVEYING AND ENGINEERING

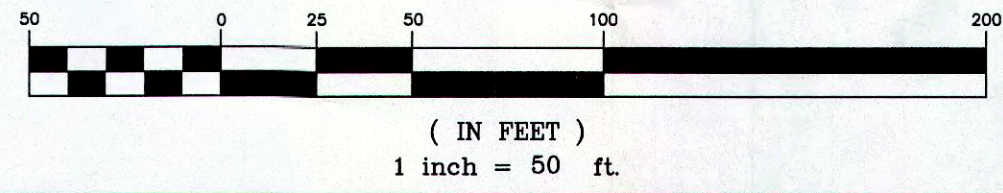
TEL (603) 472-2265 FAX (603) 472-6604  
597 NEW BOSTON ROAD, BEDFORD, NH 03110  
BOUNDARY SURVEYS ~ SUBDIVISIONS ~ SITE PLANS ~ STRUCTURAL ~ SEPTIC DESIGNS

PROJ. MAN.: R GK	CADD: LPN/R GK	PROJ: COO02S19062
CONTACT: V. COOPER	CHK BY: R GK	DWG#: COO02S19062
SCALE: 1" = 50'	DATE: 1/16/2020	SHEET 2 OF 2

**REVISIONS**

NO.	DATE	DESCRIPTION	BY

**GRAPHIC SCALE**



S:\land projects 3\COO02S19062\dwg\COO02S19062.dwg, 1/21/2020 1:43:54 PM, SAVIN MP W6700 PS, 1:1, Sandford Surveying & Engineering, P4--25 Lori