

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:** September 16, 2022

**To:** Planning Board

**From:** Camille Pattison, NRPC Assistant Director

**Subject:** Case SD2022-08 Utopia Revocable Trust / Vita Viatkunas, Trustee, Map 53 Lots 67-3 and 68-1 245 and 0 Federal Hill Road.

Public hearing for a Lot Line Adjustment application to modify the property lines between the subject properties within the Residence 'R' Zoning District.

### **BACKGROUND/PROPOSAL:**

The applicant is before the Board seeking approval of a Lot Line Adjustment to modify the property lines between Tax Map 53 Lot 67-3 and Tax Map 53 Lot 68-1, to include the existing shed with Lot 67-3 rather than using a lease arrangement. Parcel Tax Map 53 Lot 67-3 is currently 2.97 acres, and parcel Tax Map 53 Lot 68-1 is 3.462 acres. The adjustment will transfer .3 acres 'Parcel A' from the larger parcel Tax Map Lot 53 lot 68-1 to the smaller parcel Tax Map 53 Lot 67-3.

The parcels do not fall within the 100 Flood Plain or the Groundwater Protection Areas. Federal Hill Road is a designated Scenic Road, however as proposed no stonewalls or trees larger than a 15" circumference will be moved.

### **APPLICATION STATUS:**

The applications are complete and ready to be accepted.

### **NOTICES:**

Notices were sent to all property abutters in a timely manner.

### **WAIVER REQUESTS:**

A waiver is requested from the Development Regulations, Sections 5.06.K and L to show the delineation of wetland, the associated wetland buffers, and slope exceeding 25% on the submitted plan.

### **LAND USE APPROVALS**

On February 18, 2020, the applicant received approval by the Board for a lot line adjustment between Map 53 Lot 67-3 and adjacent parcel Map 53 Lot 67-2.

### **EXISTING USE/CONDITIONS:**

Tax Map 53 Lot 67-3 contains a residence. The abutting property Tax Map 53 Lot 68-1 has an existing shed. After the proposed lot line adjustment, the shed will be located on Map 53 Lot 67-3.

**PROPOSAL:**

<b>Tax Map/Lot</b>	<b>Existing</b>	<b>Proposed</b>
Tax Map 53-67-3	2.97 acres (129,388 sf.)	3.27 acres (142,445 sf.)
Tax Map 53-68-1	3.462 acres (150,826 sf.)	3.163 acres (137,765 sf.)

**Frontage**

The frontage for both lots will not change. The existing access easement along Map 53 Lot 68-1 will remain for Map 53 Lot 67-3.

**ZONING DISTRICT/INFORMATION:**

The subject property is within the Residence ‘R’ District. The intent of the Residence ‘R’ District is to provide for low-density residential and agricultural land uses, and other compatible land uses, that are sensitive to the rural character and environmental constraints existing in the district

Both proposed lots meet the minimum dimensional requirements for properties within the Residence ‘R’ Zoning District, with the exception of the existing shed located within the 15’ side setback.

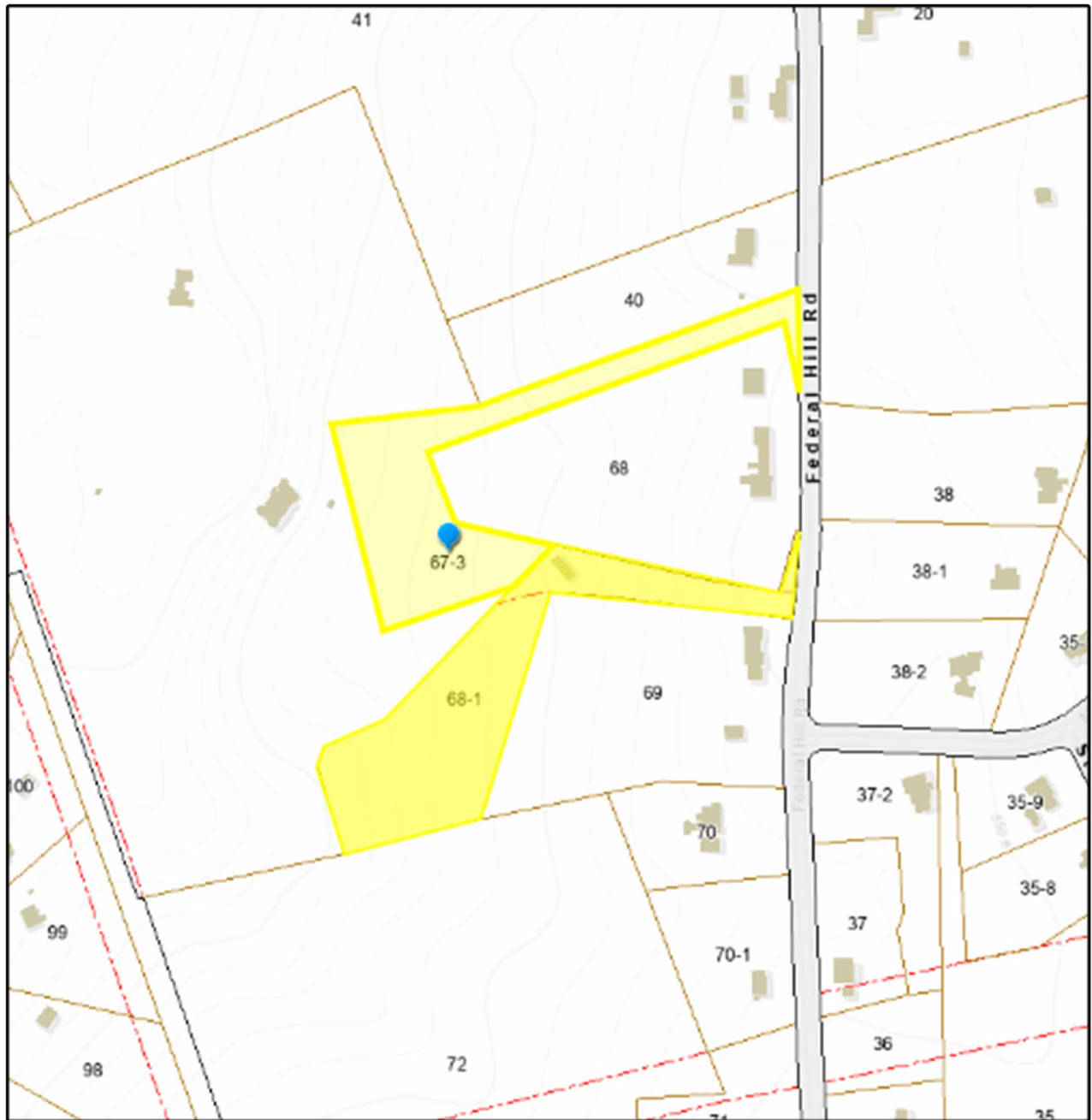
**STAFF COMMENTS:**

1. 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.
2. The parcel must comply with the side setback requirements for the Residential ‘R’ Zoning District. As proposed the existing shed will be located within almost the entire 15’ side setback. The shed will need to be relocated, or the applicant will need to obtain a Special Exception from the Zoning Ordinance for encroaching within the side setback. The applicant has submitted an application for the 9/15/22 ZBA meeting to address this issue.
3. Of note is the unconventional shape of the two lots that will be created by the proposed lot line adjustment.
4. A waiver is requested from the Development Regulations, Sections 5.06.K and L to show the delineation of wetland, the associated wetland buffers, and slope exceeding 25% on the submitted plan.

**STAFF RECOMMENDATIONS:**

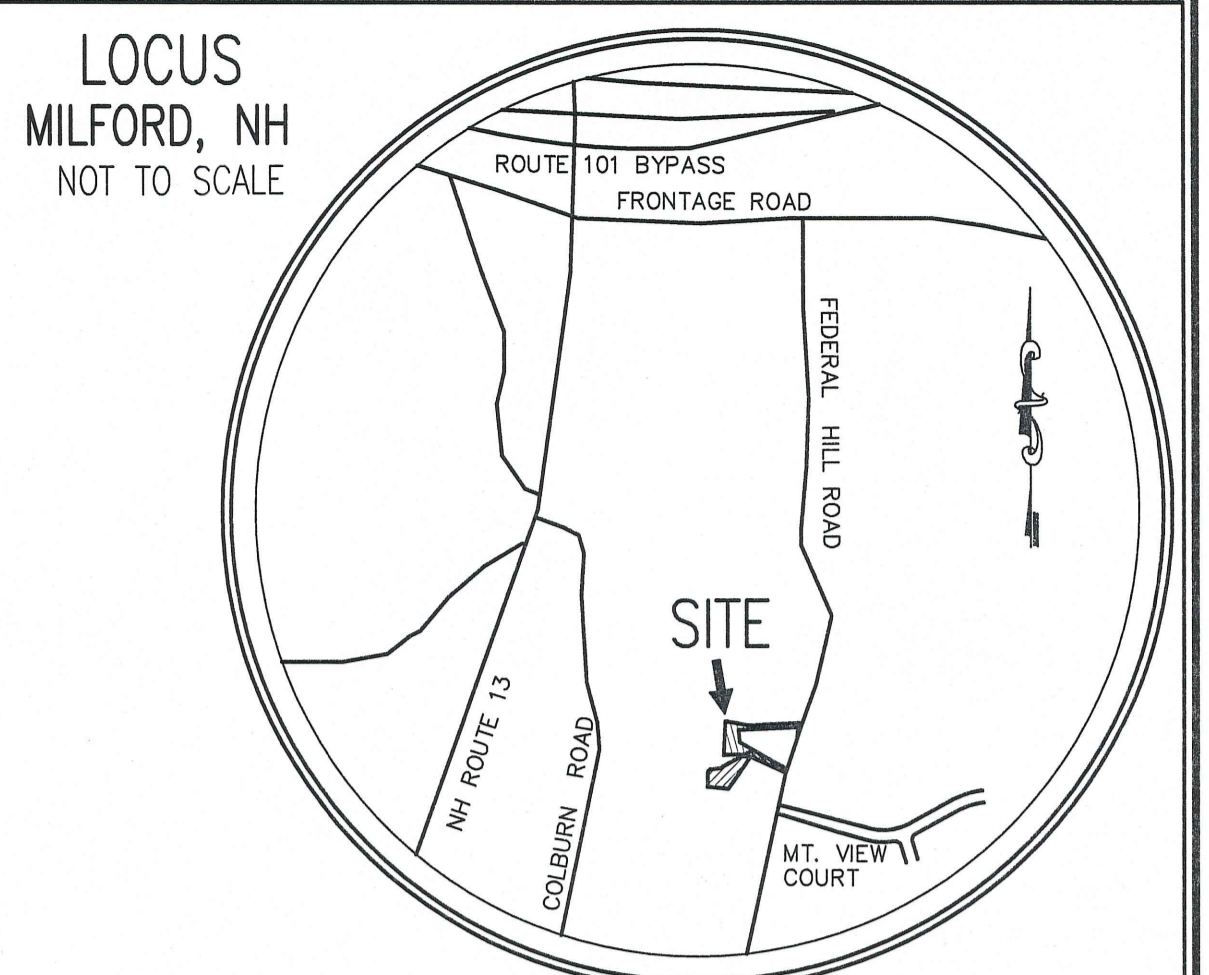
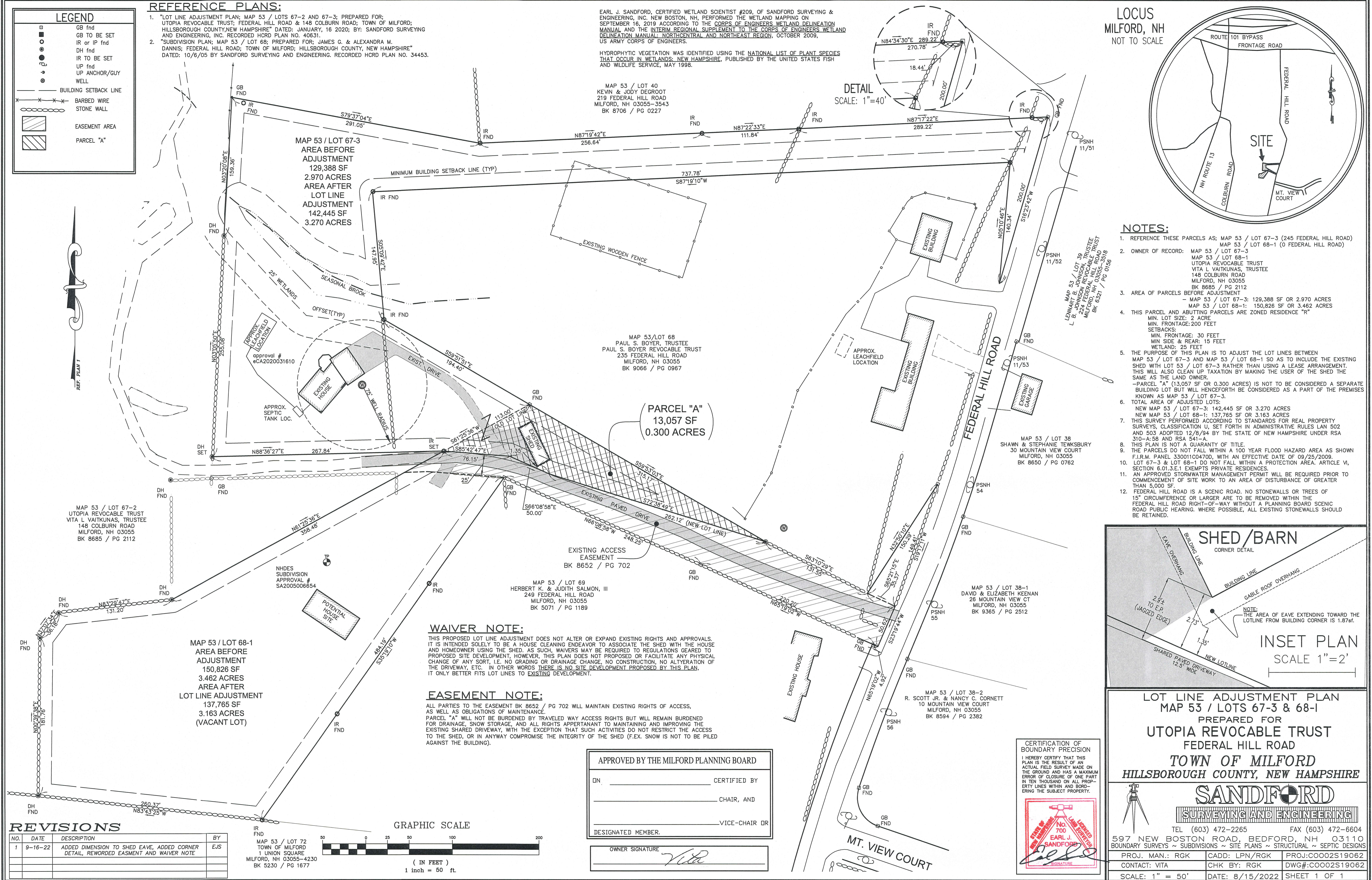
The applicant should be prepared to address any of the comments raised by the Planning Board, Staff, and public pertaining to the Minor Subdivision Plan. Barring any/all input and recommendations from the Board, Staff recommends approving the application subject to revising the plan per staff and Board comments and addressing the side setback issue.

**Map of Subject Property:**

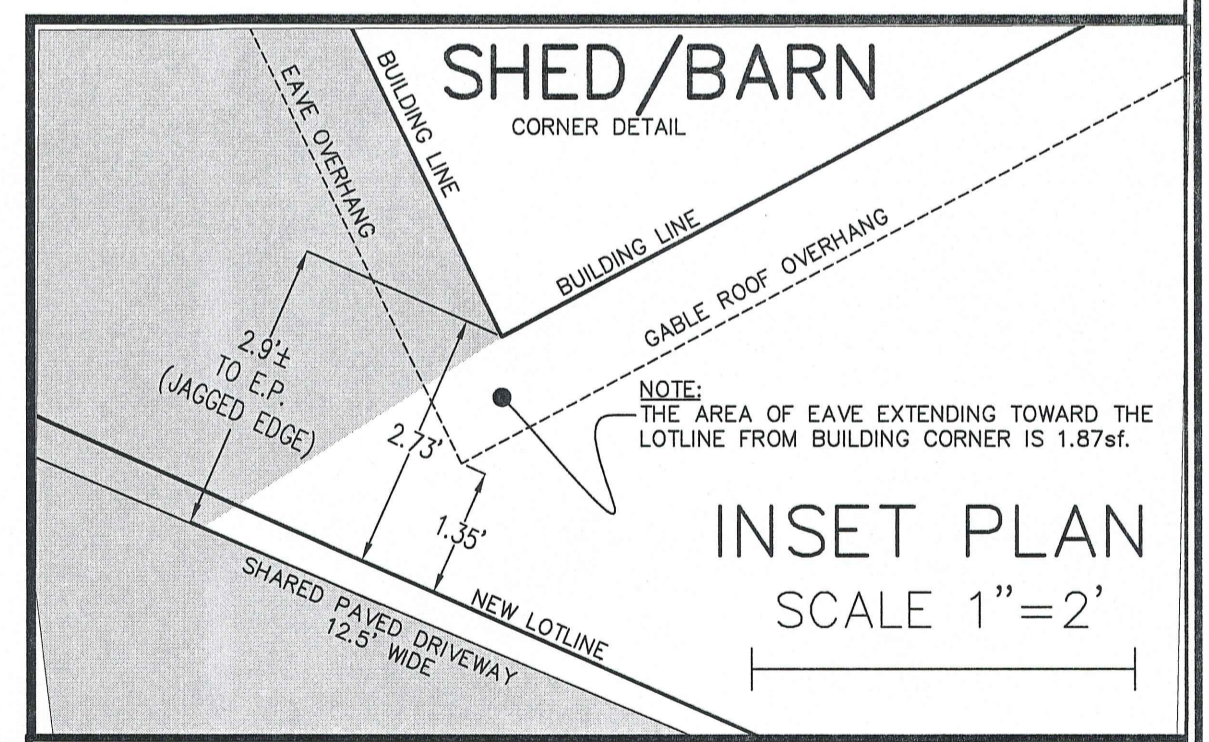




S:\rand projects\3\COO02S19062.dwg\COO02S19062.dwg, 9/16/2022 12:01:34 PM, SAVIN MP, W6700.PS, 1:1, Sandford Surveying & Engineering, P4-25 Lori



- 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  
VITA 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 330011004700, 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

**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, 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.

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

MAP 53/LOT 68  
 PAUL S. BOYER, TRUSTEE  
 PAUL S. BOYER REVOCABLE TRUST  
 235 FEDERAL HILL ROAD  
 MILFORD, NH 03055  
 BK 9066 / PG 0967

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

APPROVED BY THE MILFORD PLANNING BOARD

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

\_\_\_\_\_ CHAIR, AND \_\_\_\_\_ VICE-CHAIR OR

DESIGNATED MEMBER.

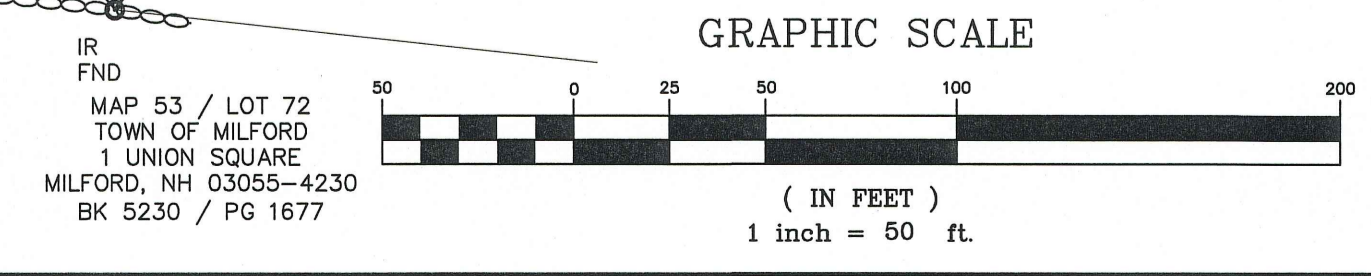
OWNER SIGNATURE: *Vita*

**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 APPERTANANT 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).

**REVISIONS**

NO.	DATE	DESCRIPTION	BY
1	9-16-22	ADDED DIMENSION TO SHED EAVE, ADDED CORNER DETAIL, REWORDED EASMENT AND WAIVER NOTE	EJS



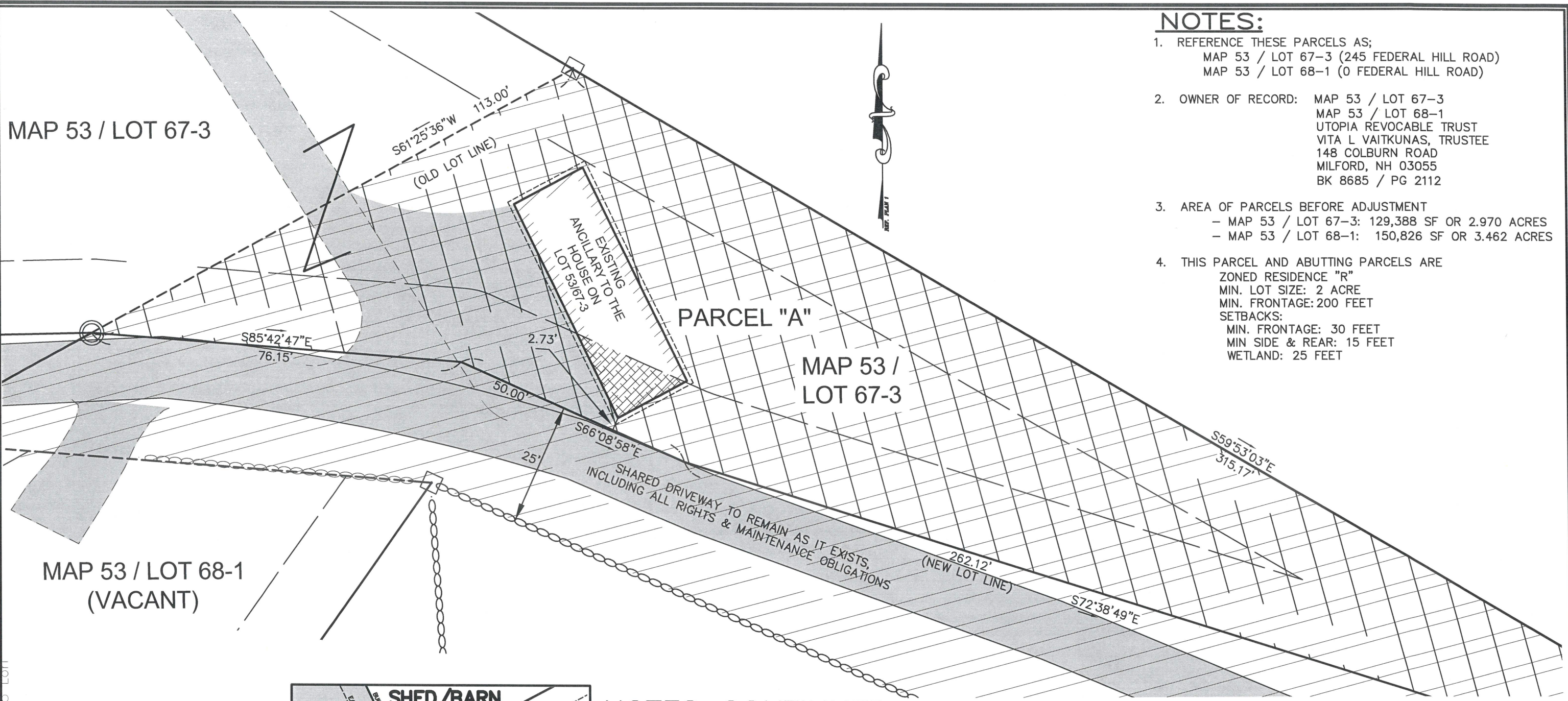
MAP 53 / LOT 72  
 TOWN OF MILFORD  
 1 UNION SQUARE  
 MILFORD, NH 03055-4230  
 BK 5230 / PG 1677



S:\land projects 3\CO002S19062\dwg\CO002S19062.dwg, 9/16/2022 12:07:15 PM, SHARP MX-3071 PCL6, 4=25' Lot

MAP 53 / LOT 67-3

MAP 53 / LOT 68-1  
(VACANT)

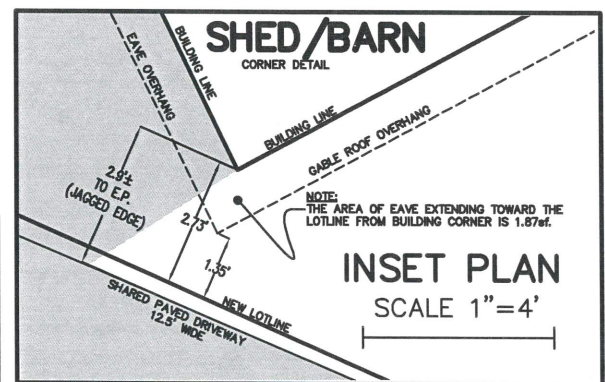


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MAP 53 / LOT 68-1 (0 FEDERAL HILL ROAD)
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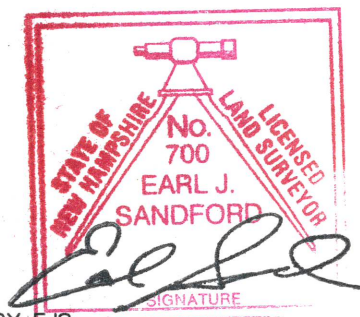
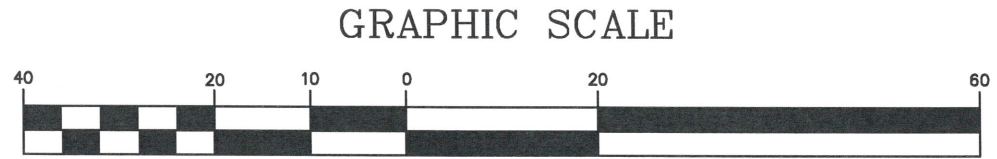
**NOTES CONTINUED:**

5. 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.  
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**LEGEND**

- GB fnd
- IR or IP fnd
- DH fnd
- BUILDING SETBACK LINE
- ⊖ STONE WALL
- ▨ EASEMENT AREA
- ▩ PARCEL "A"



REV. DATE: 9/16/2022 BY EJS  
ADDED DIMENSION TO SHED EAVE, ADDED CORNER DETAIL, REWORDED EASMENT AND WAIVER NOTE

ZBA EXHIBIT  
MAP 53 / LOTS 67-3 & 68-1  
UTOPIA REVOCABLE TRUST  
FEDERAL HILL ROAD  
TOWN OF MILFORD  
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CONTACT: - VITA	CHECKED BY: RGK	DRAWN BY: LPN
SCALE: 1"=20'	DATE: 8/08/2022	DWG #CO002S19062





# Waiver Request Form

Department of Planning and Community Development

Name of Project Utopia Revocable Trust

Applicant Utopia Revocable Trust - Vita Viatkunas, Trustee

Date August 16, 2022

When a proposed subdivision plat or site plan is submitted for approval, the applicant may request in writing to waive specific requirements of these Regulations as they pertain to the subdivision or site plan. The applicant shall present reasons in writing why the waiver is needed by the application deadline for a regularly scheduled Planning Board meeting. The Board's publicly notice agenda for the particular meeting shall clearly indicate that a waiver request has been received, a copy of which is available at the planning office, and that the waiver request will be considered at the meeting.

Abutter notification is required for all waiver requests.

The Planning Board may grant a waiver in a special case, so that justice may be done and the public interest secured, provided that such waiver will not have the effect of nullifying the intent and purposes of these Regulations, the Zoning Ordinance or the Master Plan. The Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case.

All approved waivers shall be noted on the plans, indicating the paragraphs waived and a general description of the waivers.

Subdivision or Site Plan Regulation Section Number	Request and Rationale
1. <u>5.06</u>	<u>Wetlands, Topography and 25% slopes</u> <u>The parcels involved in this Lot Line Adjustment are existing lots of record.</u> <u>The lot lines will change but the buildable area of the lots and topography</u> <u>are not changing from previously approved plans.</u>




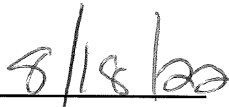
Subdivision or Site  
Plan Regulation  
Section Number

Request and Rationale

3. _____	_____ _____ _____ _____
4. _____	_____ _____ _____ _____
5. _____	_____ _____ _____ _____
6. _____	_____ _____ _____ _____

Please feel free to attach any other information as necessary.

  
\_\_\_\_\_  
Signature of Applicant

  
\_\_\_\_\_  
Date