

TOWN OF MILFORD

Office of Community Development

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



Administrative Review

Date: June 13, 2020
To: Jason Plourde, Chair, Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2020-12: Steven & Kimberly Giusti, Milford Tax Map 51, Lot 26-152, 131 Timber Ridge Drive – Special Exception Application**

The applicant is before the Board of Adjustment seeking a Special Exception from the Milford Zoning Ordinance, Article VII, Sections 7.12.6 to allow the 275 sq.ft., single chair beauty salon home business within the existing residence in the Residential 'R' district. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
 - a. The subject property is approximately .46 acres with more than 100 linear feet of frontage on Timber Ridge Drive.
 - b. Access to the property is by way of an existing driveway from Timber Ridge Road.
 - c. The property consists of a newly constructed 1,768 square foot, 3 bedroom single-family residence. The property is serviced by private septic and well.
 - d. The property is situated in a partially constructed subdivision (Timber Ridge – Phase VI) consisting of single family residences. As such, the property is abuts similar single-family residences on all sides.
2. The proposal calls for converting approximately 275 square feet of the unfinished basement into a single chair beauty salon home business.
3. Pursuant to Sections 7.12.6 and 7.12.8, a single chair beauty/barber shops fall under the classification of a Home Business and are permitted in the Residential 'R' Zoning district by Special Exception.
4. The proposed home business will consist of the following:
 - a. Location - The single chair beauty salon home business will be conducted entirely within the basement of the single-family residence.
 - b. Signs - The applicant will be limited to a sign of not more than six (6) square feet and shall not advertise in such a way that would encourage customers or salespersons to come to the property without an appointment. The applicant should provide clarification and/or more details regarding signage and location of said signage.
 - c. Employees - The business will be operated by the property owner with no other additional employees.
 - d. Area - The proposed home business will be less than 25% of the combined floor area of all structures on the property.
 - e. Sales - Retail sales of goods incidental to home business are being proposed.
 - f. Traffic – The applicant will need to clarify the anticipated maximum number of clients per day. Section 7.12.6 stated that there shall be not more than sixteen (16) clients or deliveries per day. The proposed use typically does not generate an excessive amount of vehicle trips.

- g. Hours of Operation - The proposed home business will operate M-F after 3pm and Saturdays 9am – 3pm by appointment only.
- h. Hazardous Substances – Pursuant to Section 7.12.6.A.9, the use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts commonly found in a dwelling. The use shall not involve the use or storage of toxic substances. The applicant will need to discuss chemicals that will be used for the business and stored onsite.

Aerial Photos of Subject Property:







ZBA Application

MILFORD ZONING BOARD OF ADJUSTMENT

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

MAY 21 2020

PROPERTY INFORMATION

Street Address: 131 Timber Ridge Dr.

Tax Map / Parcel #: 51

Lot Size: 51-26-152

Lot 26-152 PROPERTY CURRENTLY USED AS

Residence

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

PROPERTY OWNER

Name: Steven & Kimberly Giusti

Address: 131 Timber Ridge Dr.

City/State/Zip: Milford, NH 03055

Phone: (603) 759-7770

Email: kak11675@yahoo.com

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: ()

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.

Kimberly Giusti 5/19/20
Property Owner's signature Date:

Date Received:

Case Number:

Application Number:

Hearing Date:

Decision Date:

Decision:

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: \$75.00

Abutters Fee: \$4 x 30

Amount received: 111-

Date Received:

Check ☒ Cash ☐

CL 115+116

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

Date Received: 5/21/20
Case Number: 2020-12
Application #:
Date Complete:
Hearing Date: 6/18/20
Decision Date:
Decision:

PROPERTY INFORMATION

Street Address: 131 Timber Ridge Dr., Milford

Tax Map / Parcel #:

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 VII Section 7-12-6

Describe the use you are proposing under the above section of the Ordinance.

Home Business - Beauty Shop
within the Residential R Zoning District

Application for (check all that apply):

- ☒ Home Occupation
☐ Self-Storage Facilities
☐ Accessory Dwelling Unit
☐ Office in Res-A & B
☐ Wetland Buffer Impact
☐ Change/Expansion of Non-conforming Use/Structure
☐ Side/Rear yard setback reduction ☐ Other

General Criteria Section 10.02.1

Describe the project you are requesting a Special Exception for: Single Chair Beauty Salon

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 provides a service

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

Because business will be conducted entirely within the dwelling.

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

Business will be conducted within the dwelling (1) customer at a time.

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

Customers will be served one at a time, and will park in driveway of dwelling. [Between 9am - 9pm]

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

Some Customer Services will be in length of (up to / or more than) 2 hours.



ZBA Application – Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

Explain how the proposal meets the specific criteria of the Zoning Ordinance for each section::

HOME OCCUPATION CRITERIA 10.02.3

1. The person conducting the home occupation shall reside in the dwelling unit, and there shall be no more than one (1) non-resident person employed in connection with such occupation.

There will be no employees.

2. There shall be no evidence outside the dwelling, except permitted signs and required off-street parking, that the dwelling contains a home occupation.

Business will be located in Basement with its own entrance, parking in driveway, and appropriate signage.

3. The home occupation shall not exceed 25% of the combined gross floor area of the existing home and any accessory structures, or 1,000 SF, whichever is less.

Home is 1700+ SF, Salon Space is 275 SF.

4. Accessory finished goods may be provided for sale in conjunction with the home occupation, sold and stored in allowed home occupation space only.

Small Amount of Retail product may be offered for Sale within Space.

5. The home occupation and the conduct thereof shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood.

Business will be part-time by Appointment only after 3pm m-F; Saturdays 9-3. (Approx. 10hrs/wk)

SELF-STORAGE FACILITIES 10.02.4

1. Is the Self-storage facility located in one of the following areas?

Frontage on Rte. 13 North, Rte. 13 South, and/or the following lots of land on North River Road: Map 8, Lots 11, 11-1, 19, 48, 49, 50, 51, 53 and 53-5

2. Is a 15 foot perimeter landscaped buffer along all sides of the property being proposed?

3. Does the buffer proposed meet 10.02.4.2/3 of the Milford Zoning Ordinance?

4. Is there any outside storage being proposed?

5. Are all building set back at least 50 feet from the front lot line?

6. Has a Site Plan Application been submitted to the Milford Planning Board? Yes No Date:



ZBA Application – Special Exception

MILFORD ZONING BOARD OF ADJUSTMENT

OFFICE IN THE RESIDENCE A AND B DISTRICTS 10.02.7	
1.	Is the specific site of the proposed office use located in an existing building that is an appropriate location for the proposed use and ancillary to the Residential Use permitted by right? Please explain.
2.	Will the use as proposed adversely affect adjacent Residential areas? Please explain.
3.	Will there will be any nuisance, such as but not limited to: noise, odor, hours of operation, traffic, deliveries and lighting associated with this use? Please explain.
4.	Will there be any outside storage? Please explain.
5.	Has the applicant made a site plan application to the Planning Board (hearing subsequent to Zoning Board approval)? Yes No Date of hearing:
WETLAND AND WETLAND BUFFER IMPACT 6.02.6	
1.	Has the need for the project been addressed? Please explain.
2.	Is the plan proposed the least impactful to the wetlands, surface waters and/or associated buffers? Please explain.
3.	Has the impact on plants, fish and wildlife been addressed? Please explain.
4.	Has the impact on the quality and quantity of surface and ground waters been addressed? Please explain.
5.	Has the potential for increased flooding, erosion and sedimentation been addressed? Please explain.
6.	Has the cumulative impact if all parties owning or abutting the affected wetland were allowed to alter or impact the wetland or buffer area in the same way? Please explain.
7.	Has the impact of the values and function of the overall wetland and wetland complex been addressed? Please explain.
8.	Has a comment from the Milford Conservation Commission been solicited? Yes <input type="checkbox"/> No <input type="checkbox"/> Date of Conservation Commission Meeting attended:

ABUTTER LIST

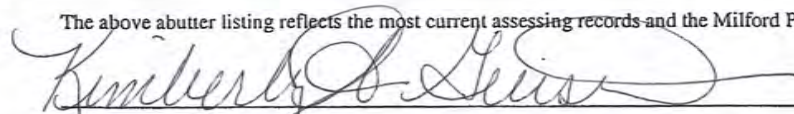
Abutter – Any person whose property is located in New Hampshire and adjoins or is directly across the street, stream, or active railroad property from the land under consideration by the local land use board.

For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration.

For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownerships defined in RSA 205-A:1, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street, stream, or active railroad from the land under consideration by the local land use board. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being an active railroad property, the owner of the railroad property shall be notified. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case where the applicant is different from the owner of the land under consideration by the local land use board, the term "abutter" includes the applicant.

Map	Lot	Property Owner	Street Address	Town	State	Zip Code
1	51-026-134	Jowders, Scott & Amy	69 Timber Ridge Dr.	Milford	NH	03055
2	51-026-136	Badger Hill Properties	172 Rt. 101 Unit 25-C	Bedford	NH	03110
3	51-026-138	Badger Hill Properties	172 Rt. 101 Unit 25-C	Bedford	NH	03110
4	51-026-148	Badger Hill Properties	172 Rt. 101 Unit 25-C	Bedford	NH	03110
5	51-026-150	McAllister, Geoffrey & Nicole	127 Timber Ridge Dr.	Milford	NH	03055
6	51-026-154	PAIM, Guilherme De Oliveira Paim, & Michele Adams	135 Timber Ridge Dr.	Milford	NH	03055
7	51-026-1163	Emberger Gary & Sylvia	128 Timber Ridge Dr.	Milford	NH	03055
8	51-026-1165	Kalinowski Michael & Michael & Laura	132 Timber Ridge Dr.	Milford	NH	03055
9	51-026-1167	Weidman, Nathaniel J	136 Timber Ridge Dr.	Milford	NH	03055

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


Signature of Owner

5/22/2020
Date

51-026-152
Map & Lot



FRONT ELEVATION

MILFORD BUILDING SAFETY
OFFICE COPY

Approved: *[Signature]*
Amended: 7/12/19
Denied:

TOWN OF MILFORD
RECEIVED

JUL 08 2019

PB _____ ZBA _____ Office _____

NO.	DESCRIPTION	BY	DATE

SHEET TITLE: ELEVATION

PROJECT DESCRIPTION: LOT 152
131 TIMBER RIDGE DR

DATE: 7/15/2018

SCALE: 1/4"=1'-0"

SHEET: A-1



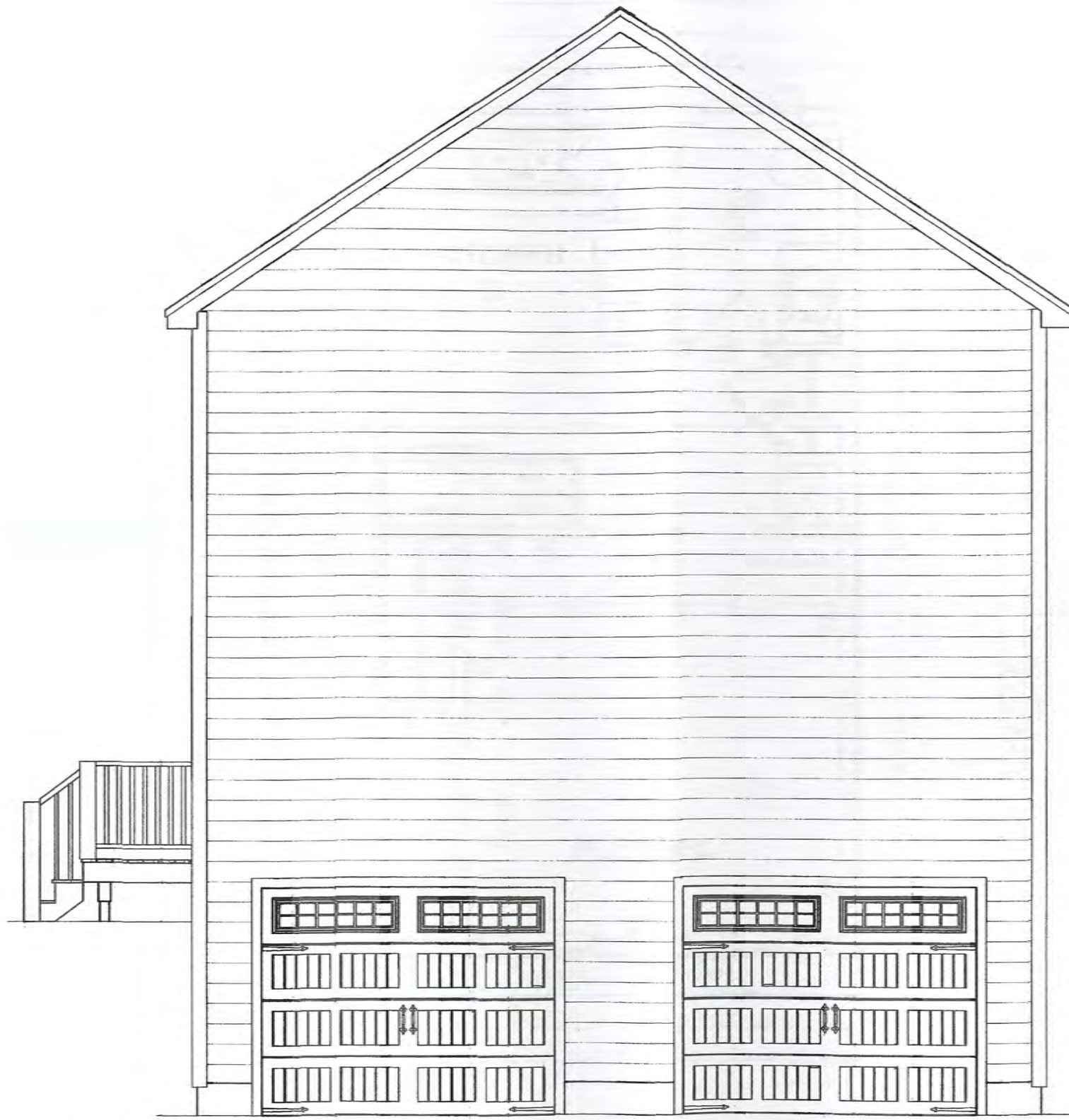
WALKOUT Basement
1 9 Lite Door
REAR ELEVATION

PROJECT DESCRIPTION:
LOT 15.2
131 TIMBER RIDGE DR

SHEET TITLE:
ELEVATION

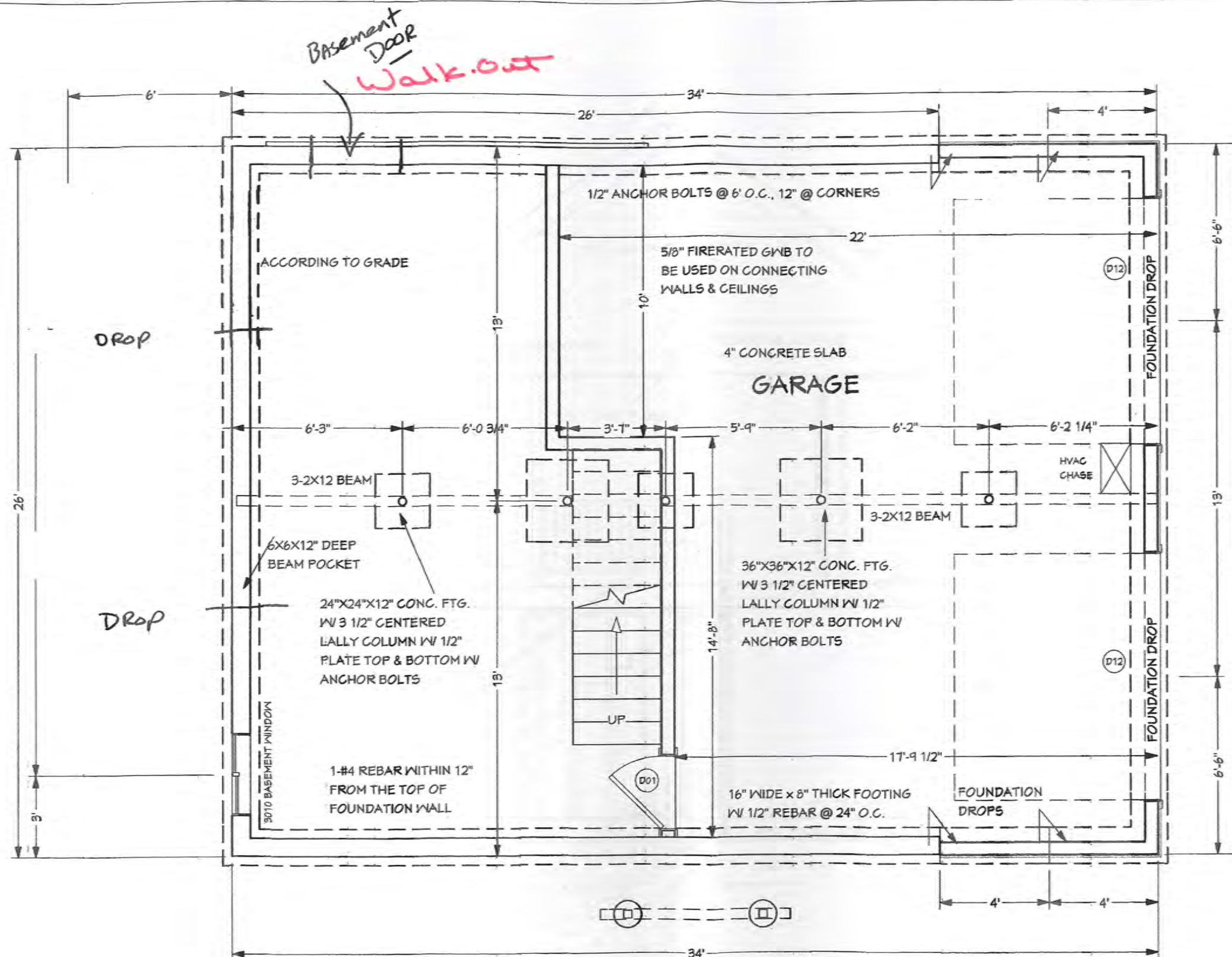
NO. DESCRIPTION BY DATE

DATE:
7/15/2018
SCALE:
1/4"=1'-0"
SHEET:
A-2



RIGHT ELEVATION

PROJECT DESCRIPTION:			
LOT 152			
131 TIMBER RIDGE DR			
DATE:			
7/15/2018			
SCALE:			
1/4"=1'-0"			
SHEET:			
A-4			
SHEET TITLE:			
ELEVATION			
NO.	DESCRIPTION	BY	DATE



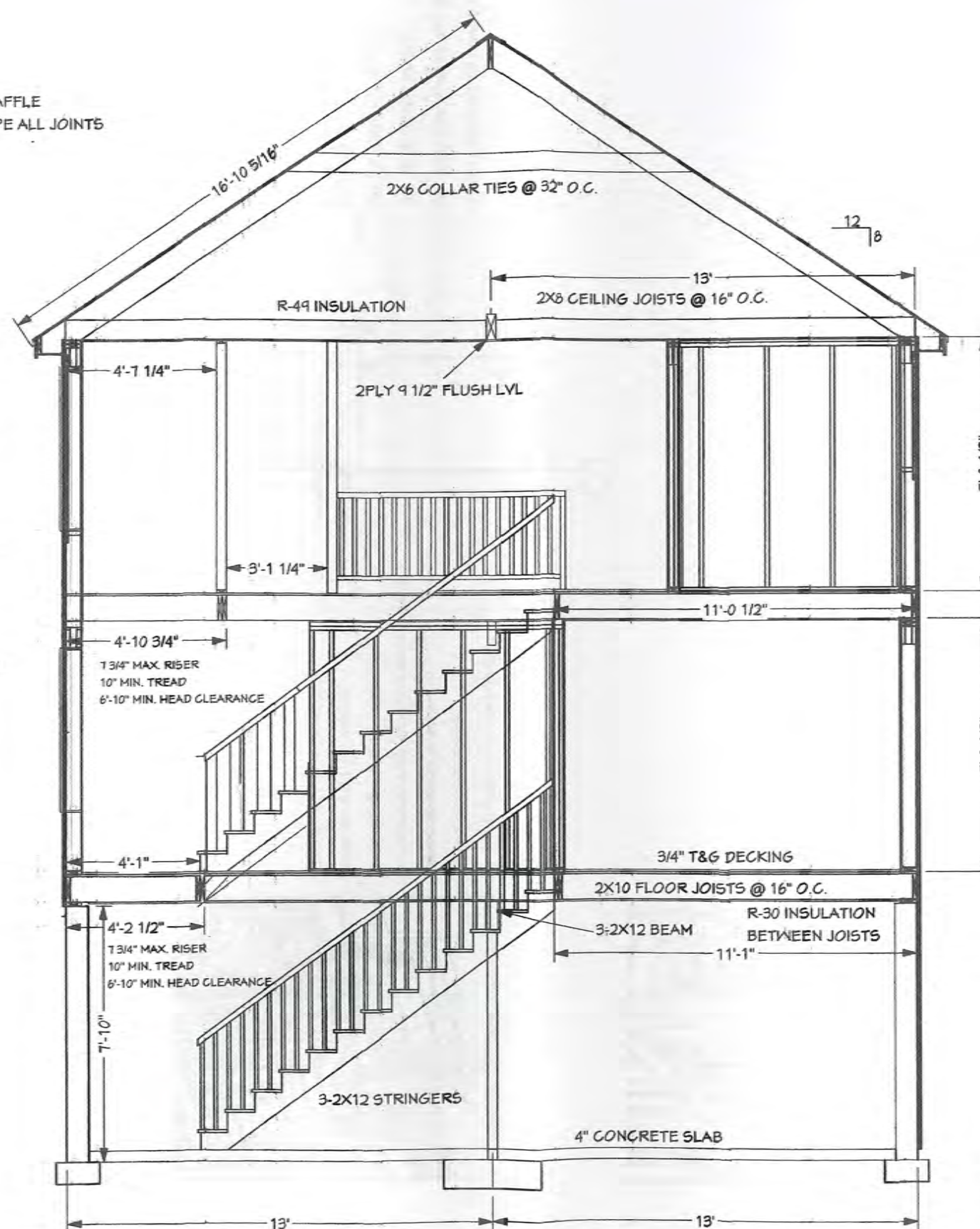
FOUNDATION DROPS & LOCATION SUBJECT TO GRADING
 ANY DECK SIZE T.B.D. (TYP. DECK FRAME: 2X8 P.T. JOISTS W/ 3-2X10 P.T. BEAM ON 12\" SONNO TUBES)

PROJECT DESCRIPTION:		SHEET TITLE:	
LOT 152 131 TIMBER RIDGE DR		FOUNDATION	
DATE:	7/15/2018	BY:	
SCALE:	1/4"=1'-0"	NO. DESCRIPTION	
SHEET:	A-7		

CONTINUOUS RIDGE VENT W/ WIND BAFFLE
1/2" ZIP ROOF SHEATHING, SEAL & TAPE ALL JOINTS
(INSTALL PER MANUF. SPEC)
2X12 RIDGE
2X10 RAFTERS @ 16" O.C.
ASPHALT SHINGLES
3/4" STRAPPING @ 16" O.C.
6MM POLY VAPOR BARRIER
1/2" GYP. BD.

TYP. EXTERIOR WALL

EXTERIOR SIDING
1/2" ZIP WALL SHEATHING
SEAL & TAPE ALL JOINTS,
2X6 STUDS @ 16" O.C.
R-21 FIBERGLASS BATT INSULATION
6MM POLY VAPOR BARRIER
1/2" GYP. BD.



SECTION- MAIN

[illegible]

SHEET TITLE:

SECTION

DESCRIPTION:
LOT 152
131 TIMBER RIDGE DR

DATE:

7/15/2018

SCALE:

 $1/4'' = 1'-0''$

SHEET:

A-8