

TOWN OF MILFORD

Office of Community Development

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



Administrative Review

Date: July 8, 2020
To: Jason Plourde, Chair, Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2020-15:** Patti Ann and Paul Liamos, 40 Ashley Drive, Milford Tax Map 47, Lot 27-14 – Special Exception Application

The applicant is before the Board of Adjustment seeking a is seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Sections 5.04.2.A.7 and 5.04.5.B to permit the construction of a deck for an attached accessory dwelling unit within rear dimensional property setback 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 in area and consists of a 2-story, 4 bedroom, single-family residence with an attached 2 bedroom Accessory Dwelling Unit.
 - b. The property is serviced by private well and community septic system.
 - c. The property contains approximately 80 linear feet of frontage on Ashley Drive.
 - d. The subject property is situated in an established single-family residential area. To the west of the subject property lies and an industrial use. To the north, south, and east lie single-family residences.
2. On September 19, 2019, the applicants received a Special Exception (Case #2019-21) to allow the construction of a two bedroom, 692 square foot Accessory Dwelling Unit addition to the existing single-family residence.
3. The design and location of the deck for the ADU has been slightly modified from the previous appearance before the Board resulting in a portion of said deck to be located in the 15 foot rear dimensional setback.
4. Encroachment within the rear 15 foot dimensional setback is permitted by Special Exception pursuant to the Milford Zoning Ordinance, Article V, Sections 5.04.2.A.7 and 5.04.5.



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

TOWN OF MILFORD
 RECEIVED
 JUN 12 2020

Date Received: 6-12-20
 Case Number: 2020-15
 Application Number: _____
 Hearing Date: 7-16-20
 Decision Date: _____
 Decision: _____

PROPERTY INFORMATION

Street Address: 40 Ashley Drive Milford NH
 Tax Map / Parcel #: 47-027-014-000 Lot Size: 0.459

PROPERTY CURRENTLY USED AS

single family residential dwelling ADU

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

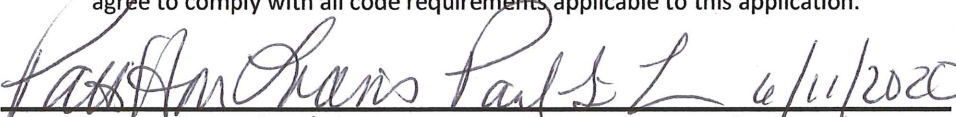
PROPERTY OWNER

Name: Patti Ann and Paul G. Lamos
 Address: 40 Ashley Drive
 City/State/Zip: Milford NH 03055
 Phone: (603) 673-8715
 Email: ppncoli40@comcast.net

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.


 Property Owner's signature Date: 6/11/2020

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 <u>7</u>	<u>28.00</u>
Amount received:	<u>103.00</u>
Date Received:	<u>6/12/2020</u>
Check <input checked="" type="checkbox"/> Cash <input type="checkbox"/>	<u>CK # 1069</u>

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: 6/14/20
 Case Number: _____
 Application #: 2020-15
 Date Complete: 7/6/2020
 Hearing Date: 7/16/2020
 Decision Date: _____
 Decision: _____

PROPERTY INFORMATION

Street Address: 40 Ashley Drive

Tax Map / Parcel #: 47-27-14

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 5.02.5 - 5.07.2.A) and 5.09.J 6D

Describe the **use** you are proposing under the above section of the Ordinance.
 ADU's exterior deck (a small outside corner @18") overlaps the rear setback requirement (see attached certified plot plan). The property behind our unit abuts the quarry land. This ADU unit is for my elderly parents and this small deck is for their use only.

deck (10)

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:
 a special exception with respect to a reduction in the rear yard setback.

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:
 The property is located in the Residential Zone (A). The proposed use complies with the permitted uses in the Residential Zone.

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

C. The use as developed will not adversely affect the adjacent area because:
 No residential unit behind the unit abutted by wooded quarry land.

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

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

REFERENCE PLANS:

1. "LOT LINE REVISION PLAN - TAX MAP LOTS PAUL G. & ANN LIAMOS - LAURA M. GUILMETTE and - WILLIAM R. & BRENDA L. WILSON - 40, 39 & 37 ASHLEY DRIVE - MILFORD, NEW HAMPSHIRE", SCALE: 1"=50', DATED APRIL 18, 2014, REVISED THROUGH 5-27-14, BY MERIDIAN LAND SERVICES, INC. H.C.R.D. PLAN #38138.
2. "SUBDIVISION PLAN OF LAND - ASHLEY COMMONS - MILFORD, NEW HAMPSHIRE", SCALE 1"=100', DATED JULY 29, 1988 AND LAST REVISED OCTOBER 25, 1988, BY MONADNOCK SURVEY, INC. H.C.R.D. PLAN NO. 23010.



REF. PLAN #1

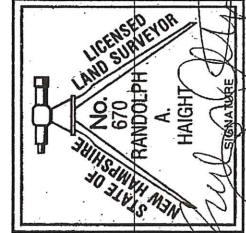
GRAPHIC SCALE



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

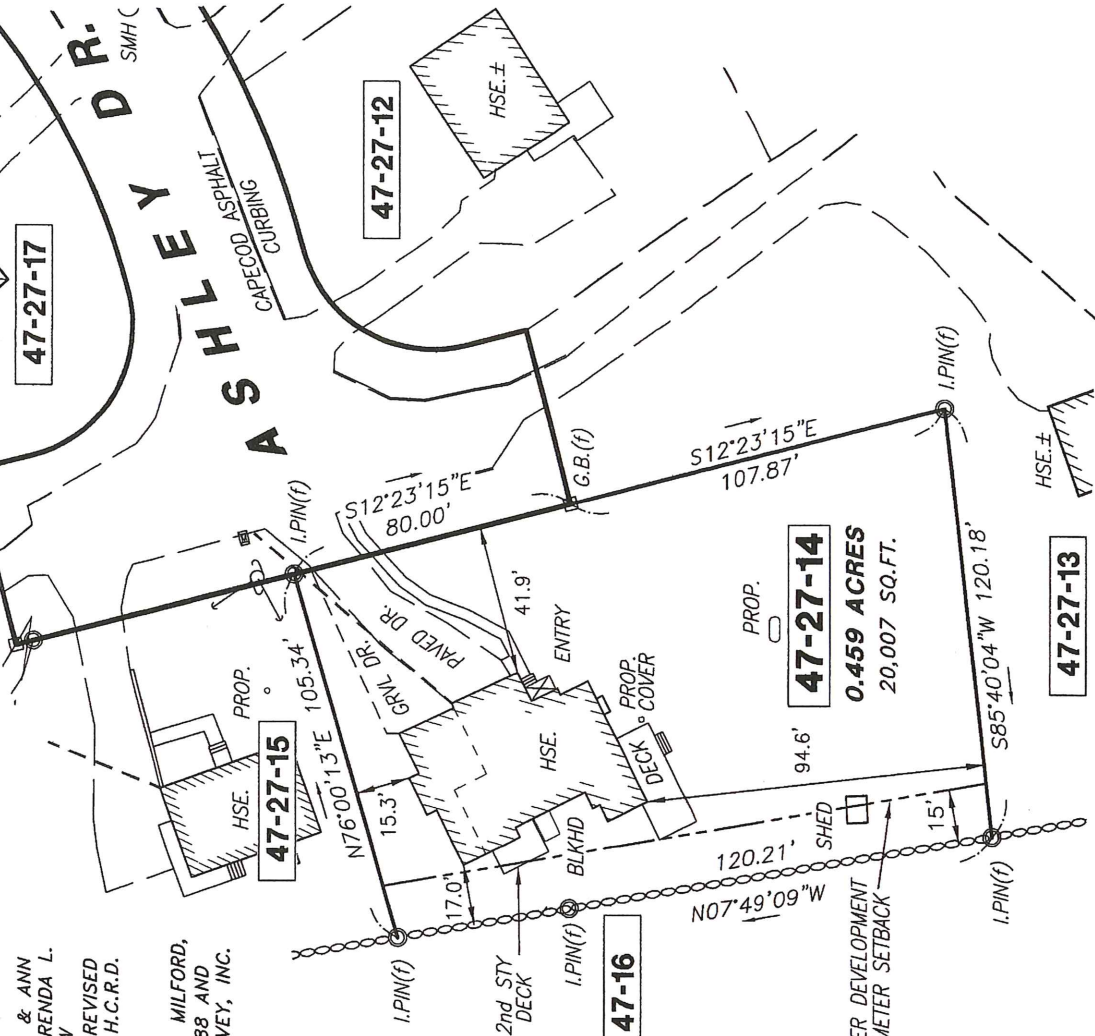
CERTIFICATION:
 "I HEREBY CERTIFY THAT THE EXISTING IMPROVEMENTS SHOWN ARE THE RESULT OF A FIELD SURVEY PERFORMED BY THIS OFFICE IN MAY 2020."

5-20-20



PAUL & P/
 ENGINEERS
 31 OLD NASHUA
 MERIDIAN LA
 PROJ. NO: 3510C03.dwg

SCALE: 1" = 40'



47-27-17

47-27-12

47-27-15

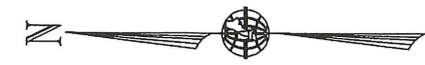
47-27-16

47-27-14
 0.459 ACRES
 20,007 SQ. FT.

47-27-13

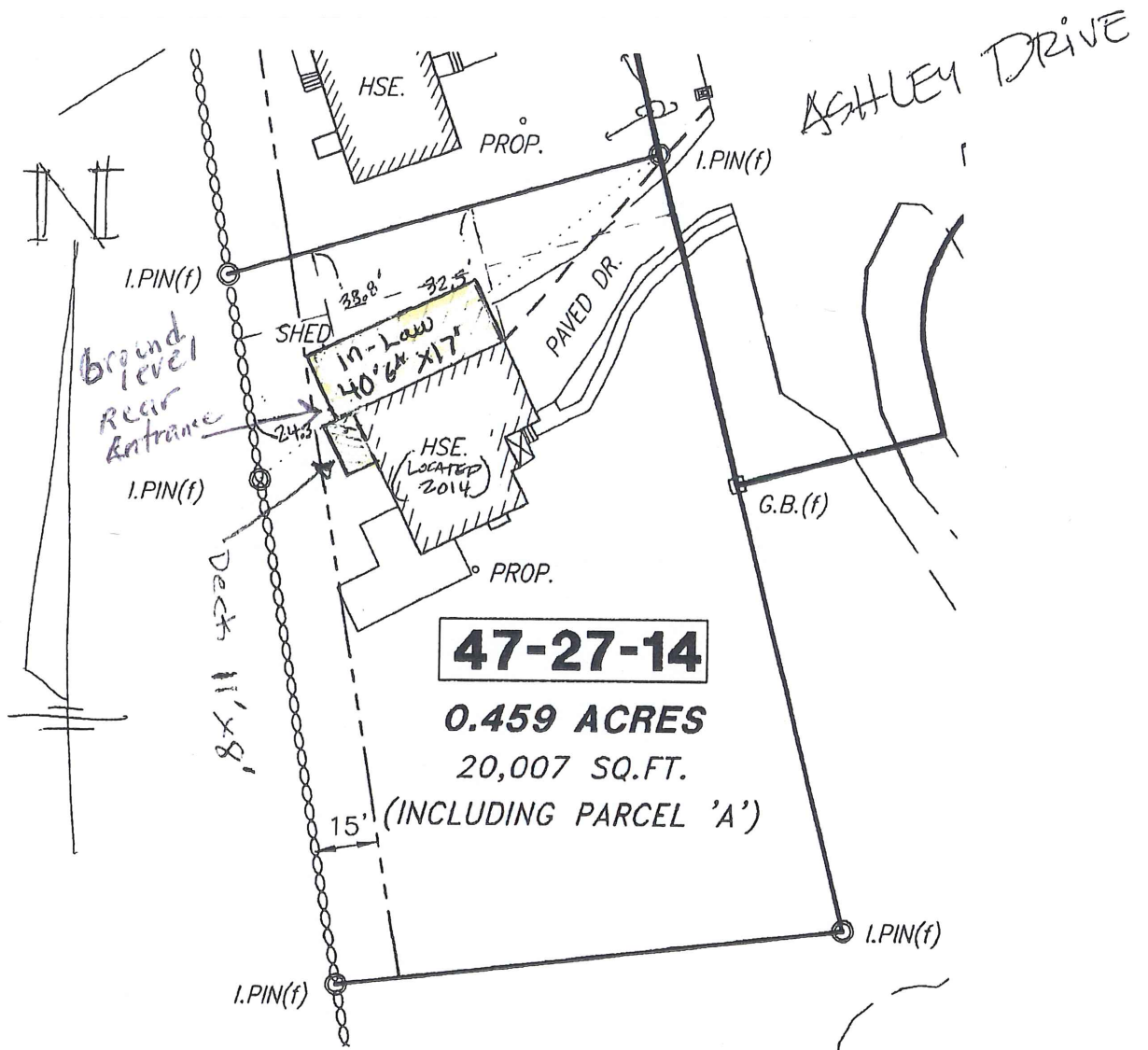
NOTES:

1. THE UNDERGROUND APPROXIMATE BASED AND NO GUARANTEE



SITE

SCALE:



47-27-14

0.459 ACRES

20,007 SQ.FT.

(INCLUDING PARCEL 'A')

SKETCH PLAN LOT 47-27-14
 40 AGHLEY DRIVE
 MILFORD, NEW HAMPSHIRE
 SCALE: 1"=40' AUGUST 7, 2019
 MERIDIAN LAND SERVICES, INC

ASHLEY COMMONS
COMMON LAND
0 ASHLEY DR
MILFORD, NH 03055

BERNARD, CAMILLE L
34 ASHLEY DR
MILFORD, NH 03055-3449

CISEWSKI JR., FRANCIS G
39 ASHLEY DR
MILFORD, NH 03055-3451

NESI REALTY, LLC
15 BRANCH PIKE
SMITHFIELD, RI 02917-1211

PIKE, JAMIE L
PARSONS, JOSHUA N
35 ASHLEY DR
MILFORD, NH 03055

WELCH, RICHARD A & THERES
38 ASHLEY DR
MILFORD, NH 03055-3449

WILSON, WILLIAM R & BREND
37 ASHLEY DR
MILFORD, NH 03055-3451



100 foot Abutters List Report

Milford, NH
June 12, 2020

Subject Property:

Parcel Number: 047-027-014-000
CAMA Number: 047-027-014-000
Property Address: 40 ASHLEY DR

Mailing Address: LIAMOS, PAUL G & PATTI ANN
40 ASHLEY DR
MILFORD, NH 03055-3449

Abutters:

Parcel Number: 047-016-000-000
CAMA Number: 047-016-000-000
Property Address: 102 ARMORY RD

Mailing Address: NESI REALTY, LLC
15 BRANCH PIKE
SMITHFIELD, RI 02917-1211

Parcel Number: 047-027-012-000
CAMA Number: 047-027-012-000
Property Address: 34 ASHLEY DR

Mailing Address: BERNARD, CAMILLE L
34 ASHLEY DR
MILFORD, NH 03055-3449

Parcel Number: 047-027-013-000
CAMA Number: 047-027-013-000
Property Address: 38 ASHLEY DR

Mailing Address: WELCH, RICHARD A & THERESA R
38 ASHLEY DR
MILFORD, NH 03055-3449

Parcel Number: 047-027-015-000
CAMA Number: 047-027-015-000
Property Address: 39 ASHLEY DR

Mailing Address: CISEWSKI JR., FRANCIS G
39 ASHLEY DR
MILFORD, NH 03055-3451

Parcel Number: 047-027-016-000
CAMA Number: 047-027-016-000
Property Address: 37 ASHLEY DR

Mailing Address: WILSON, WILLIAM R & BRENDA L
37 ASHLEY DR
MILFORD, NH 03055-3451

Parcel Number: 047-027-017-000
CAMA Number: 047-027-017-000
Property Address: 35 ASHLEY DR

Mailing Address: PIKE, JAMIE L PARSONS, JOSHUA N
35 ASHLEY DR
MILFORD, NH 03055

Parcel Number: 047-027-032-000
CAMA Number: 047-027-032-000
Property Address: 0 ASHLEY DR

Mailing Address: ASHLEY COMMONS COMMON LAND
c/o William R Wilson, President
37 ASHLEY DR
MILFORD, NH 03055

Town



www.cai-tech.com

Data shown on this report 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 report.