

TOWN OF MILFORD

Office of Community Development

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



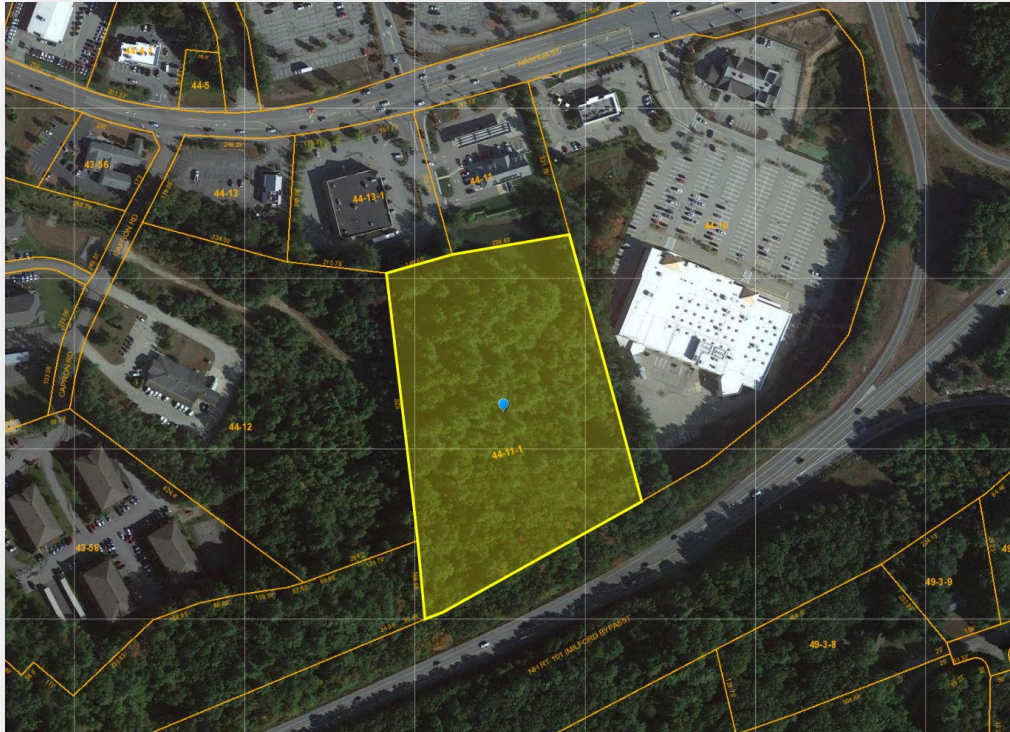
Administrative Review

Date: July 8, 2020
To: Jason Plourde, Chair, Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2020-18:** MVC Eye Care / Kevin Chauvette for the property located at Milford Tax 44, Lot 11-1 – Special Exception Application

The applicants are before the Board of Adjustment seeking a SPECIAL EXCEPTION Milford Zoning Ordinance, Article VI, Section 6.02.6.B to impact approximately 2,700 square feet within the 25 foot wetland buffer area to construct a driveway entrance to a commercial development/office in the Integrated Commercial-Industrial ('ICI') District. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
 - a. The subject property is approximately 6.85 acres and is undeveloped.
 - b. No current utilities on the subject property. Property would be serviced by municipal water and sewer.
 - c. The property contains no linear frontage on a Class V roadway or better. Access to the property would be through an existing access/egress easement along Map 13 Lot 1, 571 Nashua Street.
 - d. The subject property lies within the Integrated Commercial-Industrial Zone ('ICI') requiring a minimum area of 20,000 square feet and 150 linear feet of frontage.
2. The proposal calls for extending the 25' wide driveway/roadway from Nashua Street/NH Route 101A servicing Walgreens Pharmacy and Cumberland Farms into the subject property. Said extension would impact approximately 8,200 square feet of delineated wetland area and 2,700 square feet of wetland buffer area. The driveway/roadway would provide access to a proposed 5,654 sq. ft. building and 40 space commercial development.
3. The proposed work within the wetland buffer area is not listed as an accepted use under Section 6.02.5. Pursuant to Section 6.02.6.B, a Special Exception from the Board of Adjustment is required for any project not listed in 6.02.5.
4. The applicant is in the process of submitting a wetlands crossing permit to the NH Department of Environmental Services for the 8,200 square feet of wetland disturbance.
5. The applicant is before the Planning Board to conduct a conceptual review of the proposed commercial development.

Aerial Photo(s) of Subject Property:



Tax Map of Subject Property:





ZBA Application

MILFORD ZONING BOARD OF ADJUSTMENT
PB _____ ZBA _____ Office _____

TOWN OF MILFORD
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JUN 22 2020

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

Date Received: 6-22-2020
Case Number: 2020-18
Application Number: _____
Hearing Date: 7-16-2020
Decision Date: _____
Decision: _____

PROPERTY INFORMATION

Street Address: 0 Nashua Street

Tax Map / Parcel #: 44-11-1 Lot Size: 6.85 Acres

PROPERTY CURRENTLY USED AS

Undeveloped

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

PROPERTY OWNER

Name: ASRT, LLC

Address: 111 Bow Street

City/State/Zip: Portsmouth, NH 03801

Phone: 603 234-3400

Email: John@SamonasGroup.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 MVC Eye Care

Name: Kevin Chauvette,

Address: 2075 South Willow Street

City/State/Zip: Manchester, NH 03103

Email: kchauvette@outlook.com

Phone: (603) 644-6100 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.

[Signature] 6/21/20
Property Owner's signature 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: \$75.00

Abutters Fee: \$4 x 12 \$48.00

Amount received: \$123.00

Date Received: _____

Check _____ Cash _____

check # 11781

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: _____
 Case Number: _____
 Application #: _____
 Date Complete: _____
 Hearing Date: _____
 Decision Date: _____
 Decision: _____

PROPERTY INFORMATION
Street Address: Nashua Street
Tax Map / Parcel #: 44-11-1
<p><i>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.</i></p> <p>*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.</p>
<p>What section of the Zoning Ordinance are you applying under?</p> <p>Article <u>6.02.6</u> Section _____</p> <p>Describe the use you are proposing under the above section of the Ordinance. Proposed 5,564 SF Professional Office / Retail Building - MVC Eye Care</p> <p>Special Exception is requested for Wetland/Wetland Buffer Impact 6.02.6 to gain access to lot.</p>

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:
 Special exception is requested to gain access to parking for new office/commercial use.

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:
 Use is permitted

B. The specific site is an appropriate location for the proposed use because:
 Use is permitted - Zoned Integrated Commercial Industrial

C. The use as developed will not adversely affect the adjacent area because:
 Abutting sites are retail or commercial office

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:
 Access will be at the existing traffic light on Nashua Street.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:
 Building has been designed for specific use.



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.
2. There shall be no evidence outside the dwelling, except permitted signs and required off-street parking, that the dwelling contains a home occupation.
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.
4. Accessory finished goods may be provided for sale in conjunction with the home occupation, sold and stored in allowed home occupation space only.
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.

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

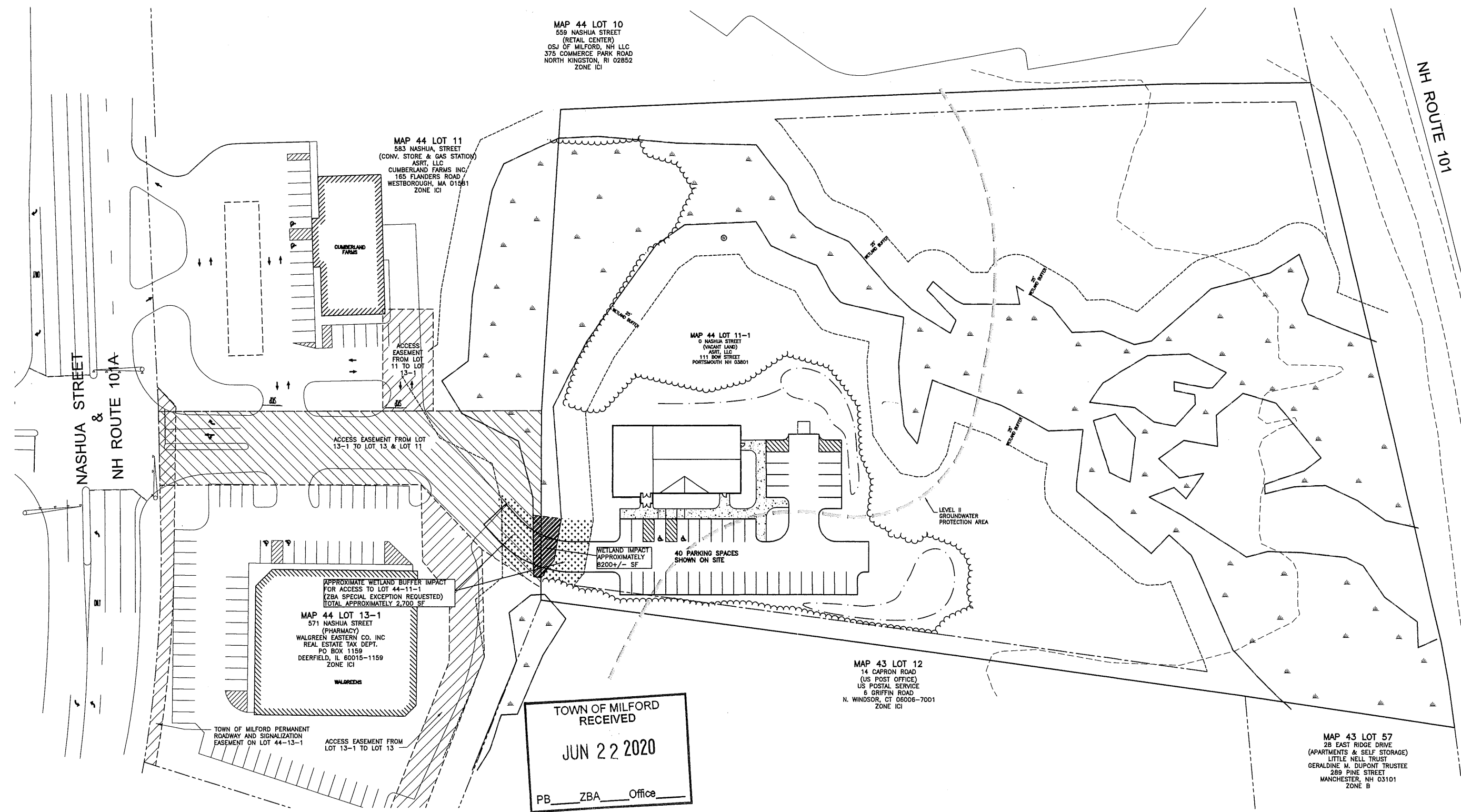
ACCESSORY DWELLING UNITS 10.02.6
1. Is the property going to be Owner Occupied?
2. Has a Building Permit application been made? Copy of permit application attached?
3. Is the ADU developed in a manner which does not alter the character/appearance of the principal use as a single-family residence?
4. Is the ADU intended to be secondary and accessory to a principal single-family dwelling unit?
5. Does the ADU impair the residential character of the premises or the reasonable use, enjoyment and value of neighborhood?
6. Is there adequate off-street parking? How many spaces?
7. Are any additional curb cuts being proposed?
8. Are all necessary additional entrances or exits located to the side or rear of the building to the maximum extent possible? Please note on the plan.
9. Is there adequate sewer/septic and water for the additional inhabitants? Please include septic/sewer approval.
10. Is there only one (1) ADU on the property?
11. Is the ADU no more than 750 square feet? How many square feet is the ADU?
12. Does the ADU have no more than two (2) bedrooms? Please show on plans.
13. If inside the existing dwelling, is there at least one common wall with a door between the two spaces at least 32 inches wide? Please show on plans.
14. If a connecting hall is proposed, is the hallway at least 36 inches wide? Please show on plans.
<i>For Existing Unpermitted ADUs</i>
15. Has a Code Compliance inspection been conducted by the Building Inspector? Please include inspection report.
16. Is the ADU in compliance with Section 10.02.6:A of the Milford Zoning Ordinance? How so?
17. If no, has a Variance from Section 10.02.6:A been granted by the ZBA?



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 <input type="checkbox"/> No <input type="checkbox"/> Date of hearing:
WETLAND AND WETLAND BUFFER IMPACT 6.02.6
1. Has the need for the project been addressed? Please explain. Undeveloped lot created by subdivision May 2013. Only access into site is by access easement from Nashua Street.
2. Is the plan proposed the least impactful to the wetlands, surface waters and/or associated buffers? Please explain. Yes. Entrance drive has been shifted as far west to reduce impact to wetland/wetland buffer.
3. Has the impact on plants, fish and wildlife been addressed? Please explain. Function and Values Report will be completed by Wetlands Scientist
4. Has the impact on the quality and quantity of surface and ground waters been addressed? Please explain. Function and Values Report will be completed by Wetlands Scientist
5. Has the potential for increased flooding, erosion and sedimentation been addressed? Please explain. Drainage areas to be designed as part of final permitting. Areas reserved for drainage are shown non conceptual plan.
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. Function and Values Report will be completed by Wetlands Scientist
7. Has the impact of the values and function of the overall wetland and wetland complex been addressed? Please explain. Function and Values Report will be completed by Wetlands Scientist
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: TBD

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TOWN OF MILFORD
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PB ZBA Office

REFERENCE PLAN

1. TAX LOT 44 LOT 11, SUBDIVISION PLAN, 583 NASHUA STREET (NH ROUTE 101A), MILFORD, NEW HAMPSHIRE, OWNED 7 PREPARED FOR, JOHN SAMONAS" SCALE:1"=50', DATED FEBRUARY 19, 2012, REVISED APRIL 22, 2013

GENERAL NOTES:

1. OWNER OF RECORD:
MAP 44 LOT 11-1
ASRT, LLC
111 BOW STREET
PORTSMOUTH, NH 03801
BOOK 8769 PAGE 0003
2. THIS PLAN IS FOR CONCEPTUAL PURPOSES ONLY. BASE INFORMATION WAS TAKEN ENTIRELY FROM REFERENCE PLANS BY OTHERS AND THE TOWN OF MILFORD GIS. THIS PLAN IS NOT THE RESULT OF AN ACTUAL FIELD SURVEY.
3. PROPOSED IS A 5,654 SF PROFESSIONAL OFFICE WITH SUPPORTING INFRASTRUCTURE FOR MVC EYE CARE.
4. THE SUBJECT PARCEL 44-11-1 IS ZONED ICI - INTEGRATED COMMERCIAL-INDUSTRIAL.
5. A PORTION OF LOT 44-11-1 LIES WITHIN THE LEVEL II PROTECTION AREA AS SHOWN ON THIS PLAN. REFER TO MAP ENTITLED "GROUNDWATER PROTECTION DISTRICT - MILFORD, NH", DATED OCTOBER 24, 2002 OR AS AMENDED.
6. YARD REQUIREMENTS: EACH STRUCTURE SHALL BE SET BACK AT LEAST THIRTY (30) FEET FROM THE FRONT LOT LINE AND FIFTEEN (15)

- FEET FROM SIDE AND REAR PROPERTY LINES. (COMPLIES) THE MINIMUM FRONTAGE REQUIRED = 150' (FRONTAGE FOR EXISTING LOT IS ON NH ROUTE 101 WITH AN ACCESS EASEMENT ACROSS LOT 44-13-1 FROM NASHUA STREET)
7. THE PROPOSED SITE WILL BE SERVICED BY TOWN WATER AND TOWN SEWER. CONTRACTOR/ENGINEER WILL COORDINATE WITH UTILITY COMPANIES LOCATION AND REVISIONS TO EXISTING SERVICE LINES AND CONNECTIONS.
 8. ALL WORK TO BE DONE IN CONFORMANCE WITH THE TOWN OF MILFORD REGULATIONS. ALL STRUCTURES, AND DRAINAGE TO MEET TOWN OF MILFORD SPECIFICATIONS.
 9. THE MAXIMUM HEIGHT OF THE PROPOSED BUILDING OR STRUCTURE IN THE INTEGRATED COMMERCIAL-INDUSTRIAL DISTRICT SHALL BE FORTY (40) FEET. (COMPLIES)
 10. ALL OUTDOOR LIGHTING SHALL BE DOWNCAST AND SO DIRECTED AND SHIELDED THAT NO GLARE WILL SPILL OUT ONTO NEIGHBORING PROPERTIES OR ROADS.
 11. PARKING CALCULATIONS:
ALL OFF-STREET PARKING AND LOADING OR UNLOADING SPACES SHALL BE AT LEAST TEN FEET (10') FROM ANY PUBLIC STREET RIGHT-OF-WAY AND SHALL BE SEPARATED FROM SUCH RIGHT-OF-WAY BY A GRANITE CURB AND LANDSCAPING AS REQUIRED IN 6.08 LANDSCAPING STANDARDS.
REQUIRED:
4 PER PRACTITIONER - 2 TOTAL FUTURE PRACTITIONERS X 4 = 8 SPACES REQUIRED
PLUS ONE PER EVERY 2 EMPLOYEES - 10 EMPLOYEES / 2 = 5 SPACES REQUIRED
RETAIL SPACE=APPROX. 750 SF = 1000 SF = 3 SPACES REQUIRED
MINIMUM REQUIRED SPACES = 16
PROPOSED ON SITE = 40 (ADDITIONAL PARKING SHOWN TO ALLOW FOR SHIFT CHANGE & ADDITIONAL EMPLOYEES)

12. OPEN SPACE: AN AMOUNT EQUAL TO NOT LESS THAN THIRTY (30) PERCENT OF THE TOTAL LOT AREA SHALL BE PROVIDED, MORE THAN 30% PROVIDED
13. IN THE EVENT ACCUMULATIONS OF WINTER SNOW VOLUMES GENERATED EXCEED ON-SITE STORAGE CAPACITIES, EXCESS VOLUMES OF SNOW SHALL BE REMOVED FROM THE SITE BY THE PROPERTY OWNER AND DISPOSED OF AT A LEGAL DUMPING SITE.
14. ALL GRASS AND LANDSCAPED AREA MAINTENANCE SHALL BE PERFORMED WITH JUDICIOUS USE OF ORGANIC PESTICIDES, HERBICIDES AND FERTILIZERS, ALL OF WHICH SHALL BE APPLIED BY A LICENSED APPLICATOR.
15. LOT 44-11-1 DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN PER FLOOD INSURANCE RATE MAP NUMBER 33011C0458D WITH AN EFFECTIVE DATE OF SEPTEMBER 25, 2009.
16. ALL WATER, SEWER, ROAD (INCLUDING PARKING LOT) AND DRAINAGE WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TOWN OF MILFORD'S WATER UTILITIES DEPARTMENT AND PUBLIC WORKS DEPARTMENT STANDARDS.
17. PROPERTY OWNER IS RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF THE ON-SITE CONVEYANCE SWALES, AND, RAIN-GARDENS.
18. THE PROJECT IS SUBJECT TO POLICE IMPACT FEES.
19. A SPECIAL EXCEPTION IS REQUIRED FOR IMPACT OF THE 25' WETLAND BUFFER TO ACCESS THE SITE FROM AN EXISTING ACCESS EASEMENT THROUGH LOT 44-13-1. APPLICATION HAS BEEN MADE TO TOWN OF MILFORD ZONING BOARD OF ADJUSTMENT.
20. A PERMIT WILL BE REQUIRED FROM THE STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES WETLANDS BUREAU TO CONSTRUCT THE ACCESS DRIVE AS SHOWN ON PLAN. THE STATE PROCESS REQUIRES A REVIEW BY THE MILFORD CONSERVATION COMMISSION.

The Dubai Group, Inc.
136 Harvey Rd. Bldg B101
Londonderry, NH 03053
603-458-6462

Engineers
Planners
Surveyors
TheDubayGroup.com

1 INCH = 40 FEET

REVISIONS:			
REV:	DATE:	COMMENT:	BY:

REVISIONS:			
REV:	DATE:	COMMENT:	BY:

DRAWN BY: REK
CHECKED BY: DM
DATE: JUNE 17, 2020
SCALE: 1"=40'
MVC Conceptual Plan June 22 2020
DEED REF: -

PROJECT:

MVC EYE CARE

MAP 44 LOT 11-1
NASHUA STREET
MILFORD, NH

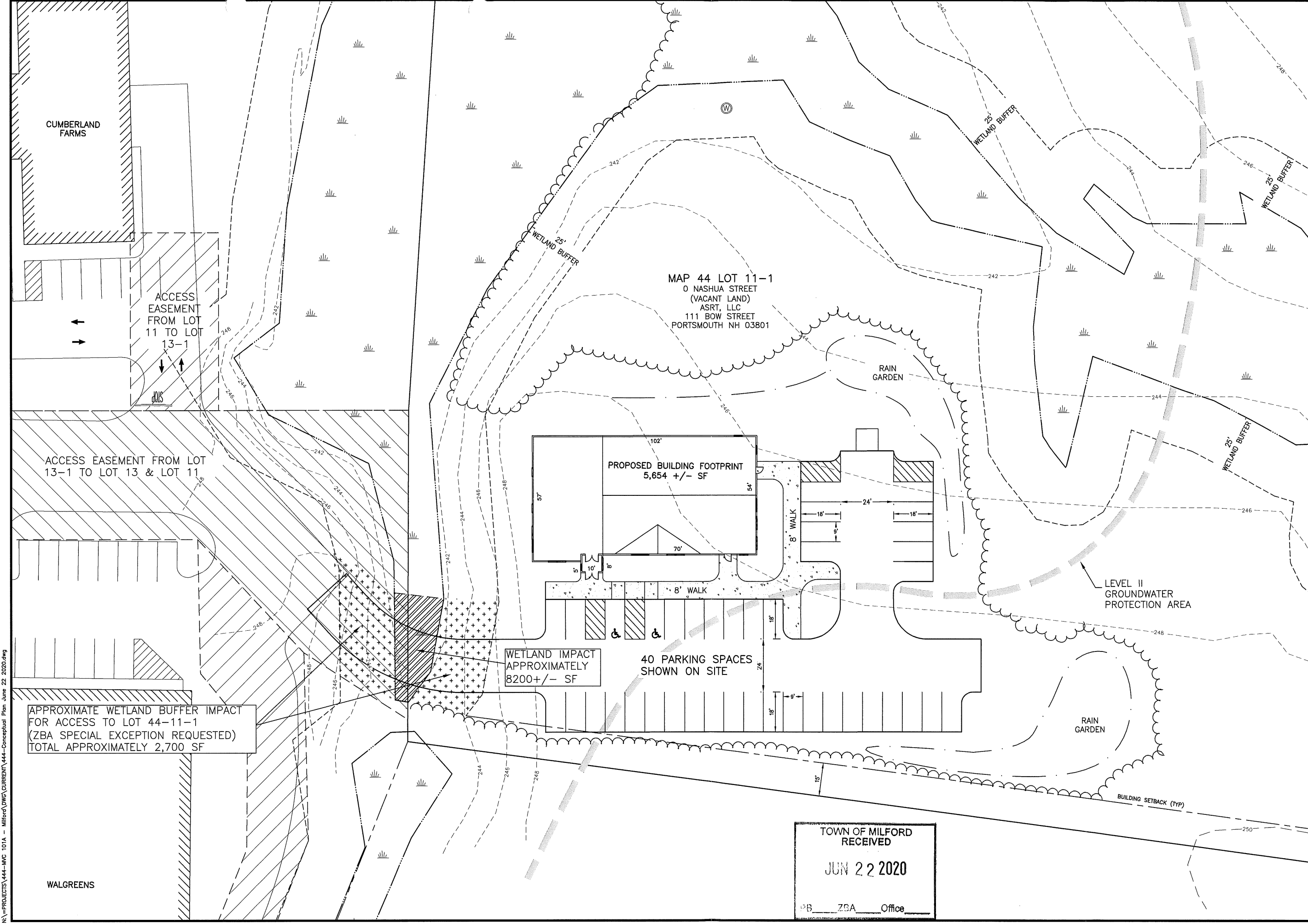
FOR

MVC Eye Care
2075 SOUTH WILLOW STREET
MANCHESTER, NH 03103

SHEET TITLE:

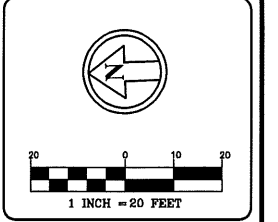
OVERVIEW PLAN

PROJECT #444 SHEET 1 of 2



The Dubay Group, Inc.
 136 Harvey Rd. Bldg B101
 Londonderry, NH 03053
 603-458-6462

Engineers
 Planners
 Surveyors
 TheDubayGroup.com



REVISIONS:			
REV.	DATE	COMMENT	BY

DRAWN BY: WA
 CHECKED BY: KR
 DATE: JUNE 17, 2020
 SCALE: 1"=20'
 PROJECT: Conceptual Plan June 22 2020
 DEED REF: -

PROJECT:
MVC EYE CARE
 MAP 44 LOT 11-1
 NASHUA STREET
 MILFORD, NH

FOR

MVC Eye Care
 2075 SOUTH WILLOW STREET
 MANCHESTER, NH 03103

SHEET TITLE:
CONCEPTUAL SITE PLAN
 JUNE 22, 2020

PROJECT #444 SHEET 2 of 2

TOWN OF MILFORD
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