TOWN OF MILFORD

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

Administrative Review

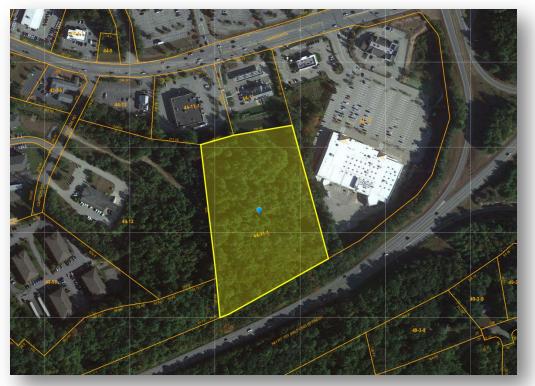
Date:	July 30, 2020	EST. 1794
То:	Jason Plourde, Chair, Zoning Board of Adjustment	SKANIE -
From:	Lincoln Daley, Community Development Director	
Subject:	Case #2020-18: MVC Eye Care / Kevin Chauvette for the property located Lot 11-1 – Special Exception Application <i>(Continued from July 16, 2020)</i>	d at Milford Tax 44,

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. A variance has been filed concurrently with this application.
- 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 appeared before the Planning Board to conduct a conceptual review of the proposed commercial development. Staff is awaiting comments and input from the Conservation Commission.



Aerial Photo(s) of Subject Property:



Tax Map of Subject Property:



Town Hall – 1 Union Square – Milford, NH 03055-4240 – (603) 249-0620 – FAX (603) 673-2273 website: www.milford.nh.gov

	((
(+)) (-) (-) (-) (-) (-) (-) (-		
ZBA Application MILFORD ZONING BOAR	JUN 2 2 2020	Dute Received: 672-7020 Cose Number: 2020 - 18 Application Number ;
GENERAL PROPERTY IN	ORMATION FOR ALL APPLICATIONS	Hearing Date: 7 -16-2020
	TY INFORMATION	Decision Date:
Street Address: 0 Nashua Street		Decision:
Tax Map / Parcel #:44-11-1	Lot Size: 6.85 Acres	
	CURRENTLY USED AS	Zoning District (check one):
Undeveloped		Residence A
		Residence B Residence R
		Commercial
If the application involves multiple lo copies of this page.	ots with different owners, attach additional	 Limited Commercial Industrial
PRO	PERTY OWNER	Integrated Commercial-Industrial
^{Name:} ASRT, LLC		Integrated Commercial-Industrial-2
Address: 111 Bow Street		
City/State/Zip: Portsmouth, NH 0	3801	Overlay District (check any that apply):
Phone: 103 234-3	400	G West Elm Street Overlay
Email John Samo	nas Granp. com	Nashua/Elm Street Overlay
		Commerce & Community Overlay
		Open Space & Conservation
	aking this proposal on behalf of themselves, ually the same as the property owner, but	Wetlands Conservation
	any the same as the property owner, but	Groundwater Protection
•	me as the owner, just check "Same as owner"	G Floodplain Management
APPLICAN	T/REPRESENTATIVE	APPLICATION FEES
SAME AS OWNER MVC Eye	Care	Application Fee: \$75.00
Name: Kevin Chauvette,		Abutters Fee: \$4 x 2
Address: 2075 South Willow Stre	eet	Amount received:
City/State/Zip: Manchester, NH 03	3103	Date Received:
Email: kchauvette@outlook.com		Check Cash
Phone: ()603644-6100	Cell: ()	cheek # 11781
	ereby authorize(s) the filing of this application and equirements applicable to this application.	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.
1 Any	6/21/10	
Property Owner's signature	(Date/	

Town Hall • 1 Union Sq, Milford, NH 03055 • Phone: 603-249-0620 • www.milford.nh.gov

ZBA Application – Special Exception MILFORD ZONING BOARD OF ADJUSTMENT	Case Number:
	Application #: Date Complete:
	Hearing Date:
PROPERTY INFORMATION	Decision Date:
Street Address: Nashua Street	Decision:
Tax Map / Parcel #: 44-11-1	
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.	Application for (check all that apply):
What section of the Zoning Ordinance are you applying under? Article 6.02.6 Section	Home Occupation Self-Storage Facilities Accessory Dwelling Unit Office in Res-A & B
Proposed 5,564 SF Professional Office / Retail Building - MVC Eye Care	Wetland Buffer Impact
Special Exception is requested for Wetland/Wetland Buffer Impact 6.02.6	Change/Expansion of Non- conforming Use/Structure
to gain access to lot.	Side/Rear yard setback reduction
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	on 10.02.1 of the Zoning Ordinan
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:	
 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. 	
Abutting sites are retail or commercial office D. There will be no nuisance or serious hazard to vehicles or pedestrians because:	

ł



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	
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.
SEL	STORAGE FACILITIES 10.02.4
	Is the Self-storage facility located in one of the following areas? ntage 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, 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

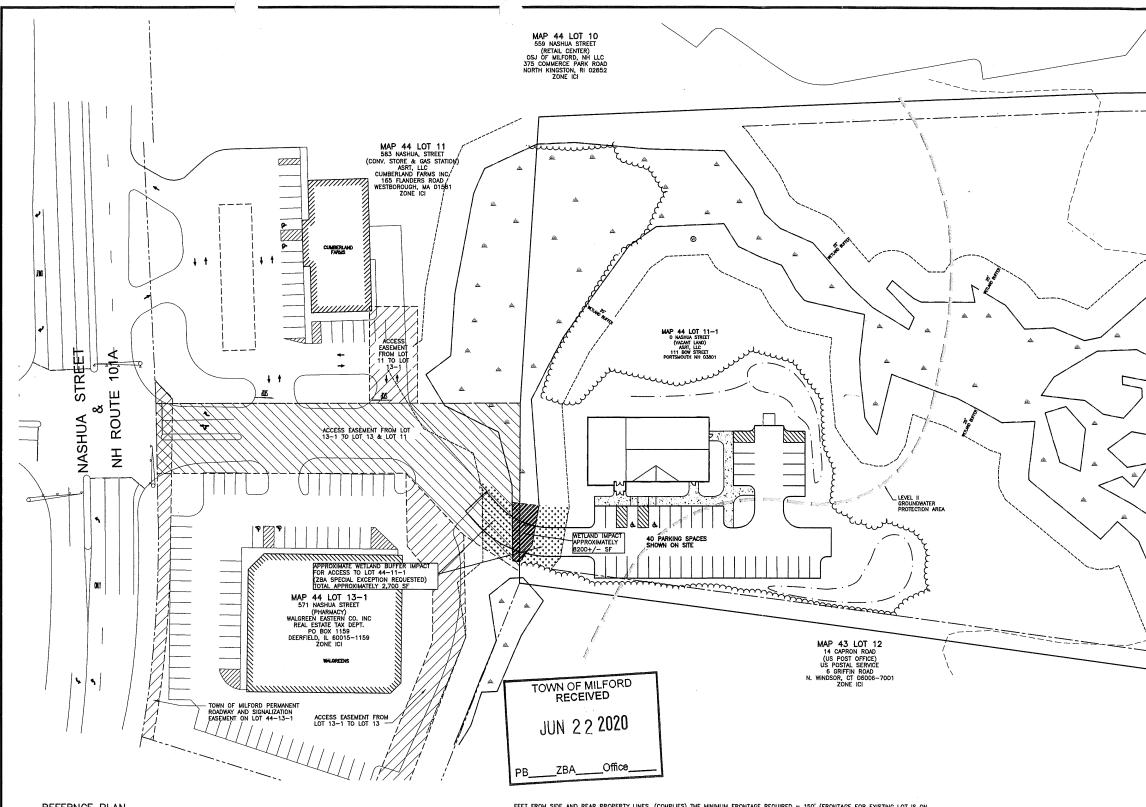
ALL	ESSORY DWELLING UNITS 10.02.6
1.	Is the property going to be Owner Occupied?
2.	Has a Building Permit application been made? Copy of permit application attached?
3.	Is the ADU developed in a manner which does not alter the character/appearance of the principal use as a single-family residence?
4.	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.
For	Existing Unpermitted ADUs
15.	Has a Code Compliance inspection been conducted by the Building Inspector? Please include inspection report.
16.	Is the ADU incompliance 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

OFI	FICE 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. Ye	Has the applicant made a site plan application to the Planning Board (hearing subsequent to Zoning Board approval)? Is No Date of hearing:
WE	TLAND AND WETLAND BUFFER IMPACT 6.02.6
1. Und	Has the need for the project been addressed? Please explain. developed lot created by subdivision May 2013. Only access into site is by access easement from Nashua Street.
2. Yes	Is the plan proposed the least impactful to the wetlands, surface waters and/or associated buffers? Please explain. s. Entrance drive has been shifted as far west to reduce impact to wetland/wetland buffer.
3. Fur	Has the impact on plants, fish and wildlife been addressed? Please explain. Inction and Values Report will be completed by Wetlands Scientist
4. Fur	Has the impact on the quality and quantity of surface and ground waters been addressed? Please explain. Inction and Values Report will be completed by Wetlands Scientist
5. Dra	Has the potential for increased flooding, erosion and sedimentation been addressed? Please explain. ainage areas to be designed as part of final permitting. Areas reserved for drainage are shown non conceptual plar
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. Inction 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. Inction and Values Report will be completed by Wetlands Scientist
8.	Has a comment from the Milford Conservation Commission been solicited? Yes V Date of Conservation Commission Meeting attended: TBD



REFERNCE 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 0380
 - 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
- PEOLIIPED A 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 = $0 \frac{4}{1000}$ 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 THIR MORE THAN 30% PROVIDED
- 13. IN THE EVENT ACCUMULATIONS OF WINTER SNOW VOLUMES SHALL BE REMOVED FROM THE SITE BY THE PROPERTY OW
- 14. ALL GRASS AND LANDSCAPED AREA MAINTENANCE SHALL FERTILIZERS, ALL OF WHICH SHALL BE APPLIED BY A LICEN
- 15. LOT 44-11-1 DOES NOT LIE WITHIN THE 100 YEAR FLOOD EFFECTIVE DATE OF SEPTEMBER 25, 2009.
- ALL WATER, SEWER, ROAD (INCLUDING PARKING LOT) AND MILFORD'S WATER UTILITIES DEPARTMENT AND PUBLIC WORK
- 17. PROPERTY OWNER IS RESPONSIBLE FOR THE OPERATION /
- 18. THE PROJECT IS SUBJECT TO POLICE IMPACT FEES.
- 19. A SPECIAL EXCEPTION IS REQUIRED FOR IMPACT OF THE 2 EASEMENT THROUGH LOT 44-13-1. APPLICATION HAS BEEN
- 20. A PERMIT WILL BE REQUIRED FROM THE STATE OF NEW HA CONSTRUCT THE ACCESS DRIVE AS SHOWN ON PLAN. THE COMMISSION.

	The Duba
HI ROUTE IO	136 Harve Londond 603 Et
	P. Su TheDub
	40 1 INCH
	RE
	REV: DATE:
	DRAWN BY: CHECKED BY: DATE: SCALE: 4RILEOnceptual DEED REF:
MAP 43 LOT 57	PROJECT:
(APARTMENTS & SELE STORAGE) (APARTMENTS & SELE STORAGE) UTTE & NELL TRIST GERALDER GERALDER 289 PNE STREET 289 PNE STREET 280 PNE STREET 20NE B	MVC MAP 44 NASHL MILFO
RTY (30) PERCENT OF THE TOTAL LOT AREA SHALL BE PROVIDED.	MVC
S GENERATED EXCEED ON-SITE STORAGE CAPACITES, EXCESS VOLUMES OF SNOW WHER AND DISPOSED OF AT A LEGAL DUMPING SITE. BE PERFORMED WITH JUDICIOUS USE OF ORGANIC PESTICIDES, HERBICIDES AND INSED APPLICATOR. DO PLAIN PER FLOOD INSURANCE RATE MAP NUMBER 33011C0458D WITH AN	2075 SOUTH MANCHESTE
DRAINAGE WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TOWN OF TKS DEPARTMENT STANDARDS. ND MAINTENANCE OF THE ON-SITE CONVEYANCE SWALES, AND, RAIN-GARDENS.	SHEET TITLE:
25' WETLAND BUFFER TO ACCESS THE SITE FROM AN EXISTING ACCESS EN MADE TO TOWN OF MILFORD ZONING BOARD OF ADJUSTMENT, AMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES WETLANDS BUREAU TO	OVERVI
AMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES WETLANDS BUREAU TO STATE PROCESS REQUIRES A REVIEW BY THE MILFORD CONSERVATION	PROJECT #444

5	
The Dubay Group, Inc. 136 Harvey Rd. Bidg B101 Londondery, NH 03053 603-458-6462	
Engineers Planners Surveyors TheDubayGroup.com	
40 0 20 40 1 INCH - 40 FEET	
REVISIONS: REV. DATE: COMMENT: BY:	
DRAWN BY: REK CHECKED BY: DM DATE: JUNE 17, 2020 SCALE: 1*=40' ##LeConceptual Plan June 22 2020 DEED REF: –	
PROJECT: MVCEYE 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	

SHEET 1 of 2

