

# TOWN OF MILFORD

## Office of Community Development

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



### Administrative Review

**Date:** August 27, 2020  
**To:** Jason Plourde, Chair, Zoning Board of Adjustment  
**From:** Lincoln Daley, Community Development Director  
**Subject:** Case #2020-20: Souhegan Nursing Association, Inc., Tax Map 8, Lot 11-1, 24 North River Road  
- Special Exception Application

The applicant is before the Board of Adjustment seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Section 5.04.2.A.6 to permit a change of use from a medical facility to a secondary educational school within the Residential 'R' Zoning District. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
  - a. The subject property is approximately 2.51 acres and is partially developed.
  - b. The property contains a 5,000 sf. office building and former medical building associated parking. The building current is vacant, but previously housed a home and hospice care facility associated with the St. Joseph's Hospital.
  - c. Property contains approximately 260 feet of linear frontage on North River Road and is accessed by a single curb cut on said road.
  - d. The property is serviced by municipal water and sewer.
  - e. The subject property lies within the Residential 'R' Zoning district and is situated among an established residential neighborhood (single-family, detached condominiums) and municipal recreational area. The subject property abuts the MCAA athletic fields to the west and the Souhegan River to the South.
2. The proposal calls for converting the office and medical facility into a secondary educational school complete with classrooms, offices, and a computer room. The total number of students will be approximately 25 with 12 – 15 students and 2 instructors present in the building during the hours of operation. The building would be open Mon- Fri 8am to 5pm (possibility of expanding the evening hours to 10pm).
3. Pursuant to Section 5.04.2.A.6, schools are permitted within the Residential 'R' District by Special Exception. The proposed use as detailed in the application would fall under the definition of a school.
4. The applicant should be prepared to discuss the following:
  - a. Hours of operation within the residential zone.
  - b. Added vehicle trip generation on North River Road and traffic impact.
  - c. Availability of onsite parking for anticipated maximum number of students, instructors, visitors.
  - d. Explanation of future anticipated uses or expansion of the program.
5. The proposed conversion of the office and medical facility into a secondary educational school (a more intense use) will require a site plan application/approval by the Planning Board.

**Aerial Photo(s) of Subject Property:**



**Street Photo(s) of Subject Property:**





**ZBA Application**  
**MILFORD ZONING BOARD OF ADJUSTMENT**

**GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS** Office

TOWN OF MILFORD  
 RECEIVED  
 AUG 06 2020

Date Received: 8-6-2020  
 Case Number: 2020-20  
 Application Number: 202010051  
 Hearing Date: 9-3-2020  
 Decision Date: \_\_\_\_\_  
 Decision: \_\_\_\_\_

**PROPERTY INFORMATION**

Street Address: 24 No. River Rd.  
 Tax Map / Parcel #: D5 / 8-11-1      Lot Size: 2.51 Acres

**PROPERTY CURRENTLY USED AS**

This building is currently vacant but was used for St. Joseph Hospital Home and Hospice care visiting nurse program. It was also used to conduct community health clinics.

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

**PROPERTY OWNER**

Name: **Souhegan Nursing Association, Inc.**  
 Address: 172 Kinsley St.  
 City/State/Zip: Nashua, NH 03060  
 Phone: (603) 595-3170  
 Email: rdemers@covh.org

*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.  
ST. Joseph Hospital of Nashua, N.H.  
 By: [Signature] Date: 8-5-20  
 Property Owner's signature

**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 <sup>28</sup>	112
Amount received:	187
Date Received: <u>OKT</u>	<u>1078660</u>
Check <input checked="" type="checkbox"/> Cash <input type="checkbox"/>	

*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**

TOWN OF MILFORD  
RECEIVED  
AUG 06 2020  
PB \_\_\_\_\_ ZBA \_\_\_\_\_ Office \_\_\_\_\_

Date Received: \_\_\_\_\_  
Case Number: \_\_\_\_\_  
Application #: \_\_\_\_\_  
Date Complete: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_  
Decision Date: \_\_\_\_\_  
Decision: \_\_\_\_\_

**PROPERTY INFORMATION**

Street Address: 24 No River Rd.

Tax Map / Parcel #: D5 / 8-11-1

*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.**

What section of the Zoning Ordinance are you applying under?

Article V Section 5.04.2 A 6

Describe the **use** you are proposing under the above section of the Ordinance.  
We are proposing to use the building/property for secondary education.

We would like to offer an Associate Degree in Medical Assisting. The building would be used for classrooms, student computer room, faculty offices, study space and mock physician exam rooms.

The primary activities would be conducting lectures, having student practice skills, student/instructor meetings, and practicing computer skills.

**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:**  
The building was previously used for Home Health and Hospice. We are requesting to use the building for secondary education. The space has sufficient room for classrooms, offices, and computer room. The building would be used daily, Mon-Fri from 8am to about 5pm. In the future, we might offer an evening program in which case the building might be in use until 10pm.

**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 Town of Milford does allow for a Special Exception in zoning district R for schools. The Town of Milford has 2 schools located nearby at 5 and 9 Elm St. Milford also has one school, Heron Pond Elementary located in the Residence R District. St. Joseph School of Nursing meets the definition of school under the Milford zoning ordinance. The school has degree granting authority from the NH Dept. of Education and is accredited through the Accreditation Commission on Career Schools and Colleges (ACCSC).

**B. The specific site is an appropriate location for the proposed use because:**  
In this general area there are a number of non-residential use applications such as the Milford Community Athletic Association fields, to the west of the property, followed by the Town transfer station and Storage Units all in the R district. To the east of our building there is Milford Lumber, The Boys and Girls Club and the Amato Center in a Commercial district. Directly across the street is Hutchinson Point Condominiums with its entrance located on Rte 13 so traffic should not have an impact on the residence of the association. The school program and other learning activities will not generate unusual noise or create disruption for the local residents. Considering the neighborhood make up 24 No. River Rd. would be a suitable site to provide an education program for the Medical Assistance Profession. The site is large enough to hold 2 classrooms (one on each level), offices, study spaces, 2 mock physician exam rooms, and a student computer room. There is adequate parking for our students and faculty. No additional building space or structures are needed.

**C. The use as developed will not adversely affect the adjacent area because:**  
We anticipate admitting approximately 12-15 students a year for a total of about 24-30 students. The courses are structured so that classroom time is alternated with clinical experiences (with clinical experiences being off-site at physician offices). Classes are currently planned for two days/week with two days/week at clinical sites or at the St. Joseph School of Nursing in Nashua. On any given day, approximately 12-15 students would be in the building as well as 2 instructors. Students, in general, will not be on site unless they are scheduled for class, labs (in the mock examination rooms) or meetings with instructors. All other student activities such as library use, lounges, meeting with bursar, registrar, financial aid, or with school administration would occur at the primary school site, St. Joseph School of Nursing in Nashua.

**D. There will be no nuisance or serious hazard to vehicles or pedestrians because:**  
Students would be arriving to school in their private vehicles, no buses. The number of students and faculty will not substantially affect traffic on North River Road. The parking lots in front and behind the building are sufficient in number and do not require students or faculty to cross the road. The site does not interfere with the athletic fields nor affect the traffic patterns.

**E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:**  
The building has two bathrooms on each level and a small kitchen area for a lunch room. The property is maintained by St. Joseph Hospital which will provide housekeeping, buildings and grounds, and facilities maintenance.



## **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**

<b>ACCESSORY DWELLING UNITS 10.02.6</b>
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 <b>one</b> 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?

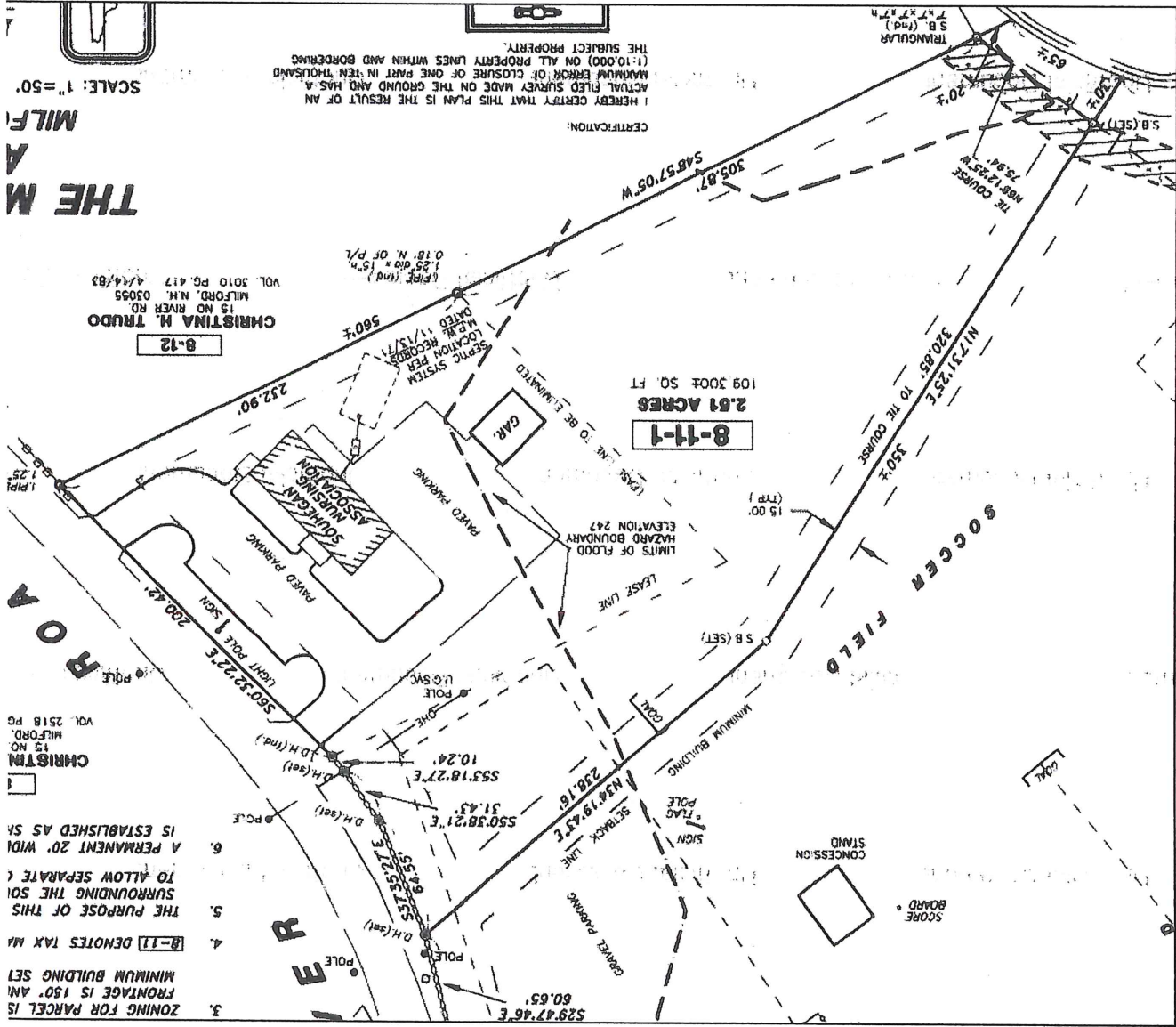


**ZBA Application – Special Exception**  
**MILFORD ZONING BOARD OF ADJUSTMENT**

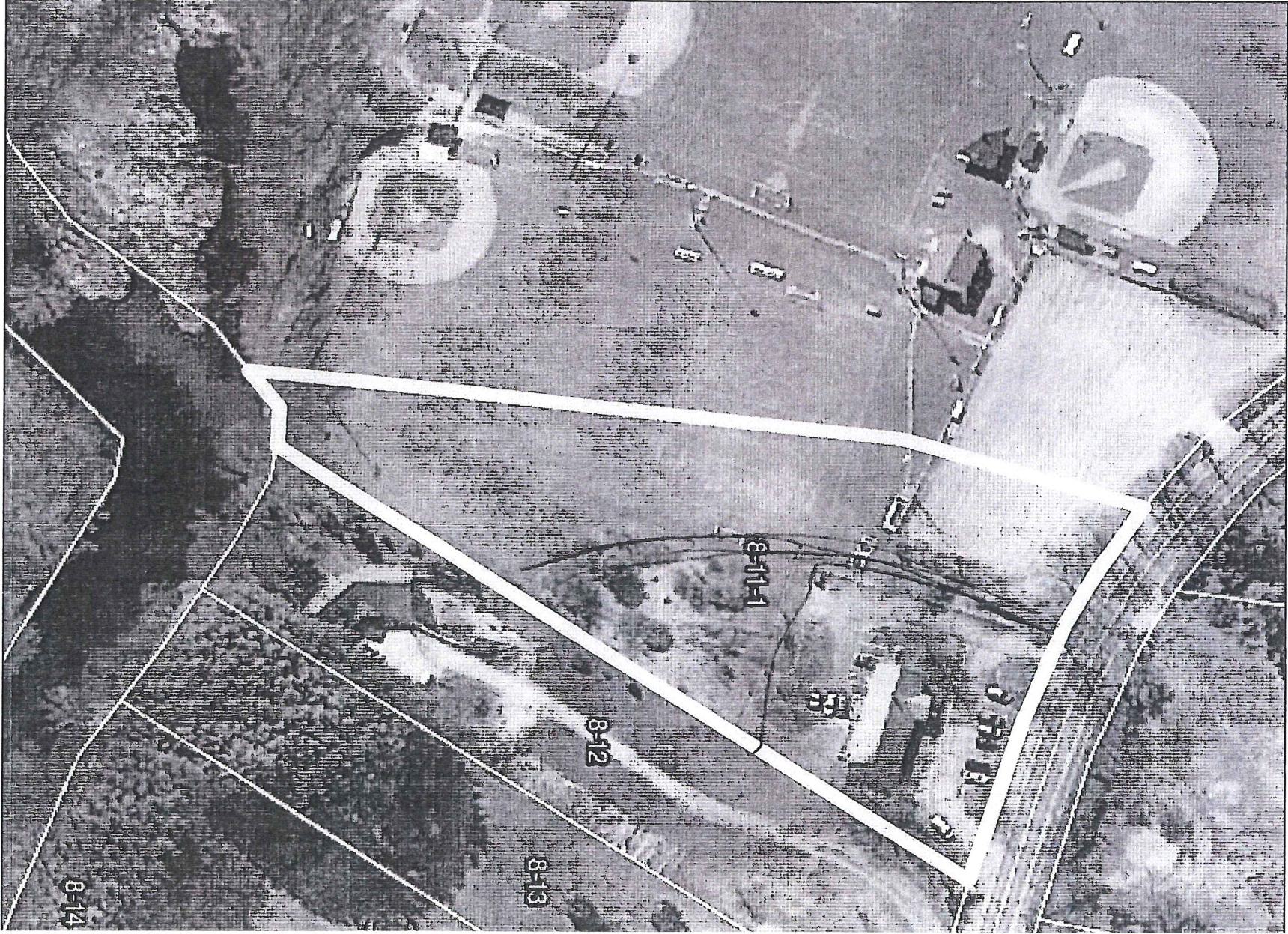
<b>OFFICE IN THE RESIDENCE A AND B DISTRICTS 10.02.7</b>	
1.	Is the specific site of the proposed office use located in an existing building that is an appropriate location for the proposed use and ancillary to the Residential Use permitted by right? Please explain.
2.	Will the use as proposed adversely 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:
<b>WETLAND AND WETLAND BUFFER IMPACT 6.02.6</b>	
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:



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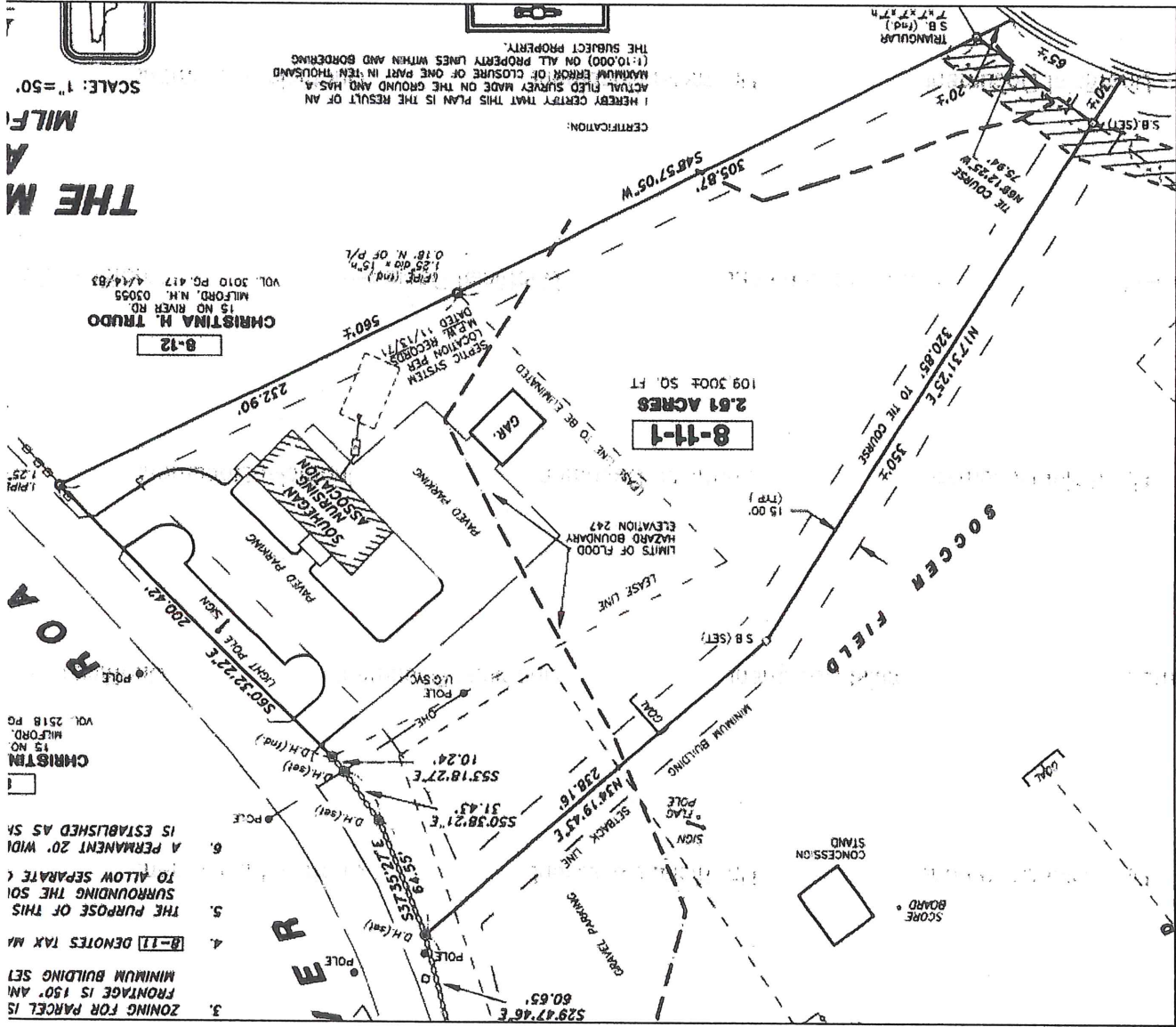
**SITE PLAN**



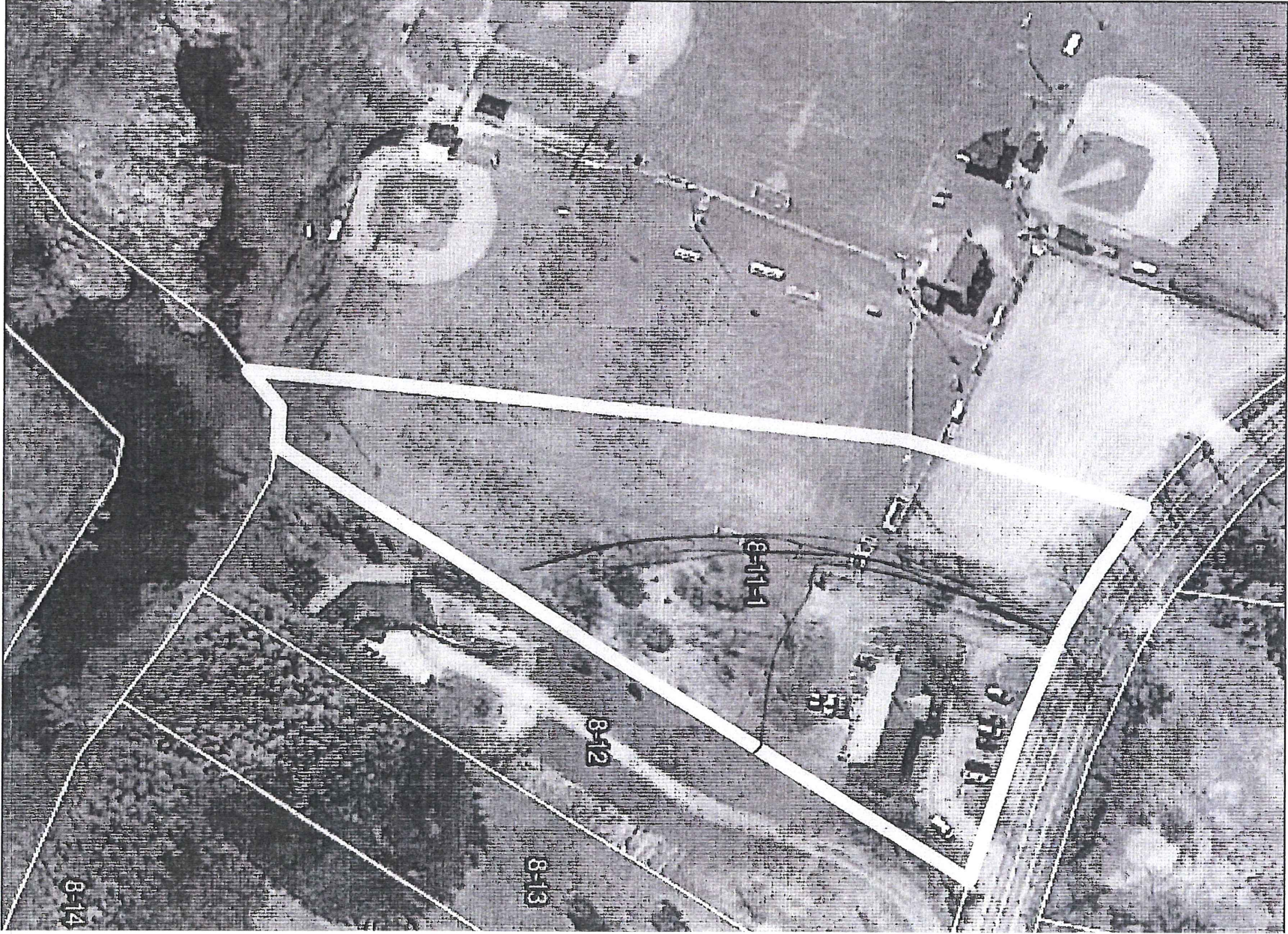
**AERIAL VIEW**

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**SITE PLAN**



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