

TOWN OF MILFORD

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



Administrative Review

Date: December 28, 2020
To: Jason Plourde, Chair - Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2021-01: Dana Lorden and Rory Brook, Tax Map 29, Lot 19-1, 25 Park Street Special Exception Application**

The applicant is before the Board of Adjustment seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Section 5.02.02.A.8 to allow a portion of the newly constructed single-family residence located at 25 Park Street approximately 9.6 inches within the 30 foot front dimensional setback in the Residential 'A' District. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
 - a. The subject property is approximately .34 acres (14,810.4 sq. ft.) and is partially developed. The property contains a newly constructed (unoccupied) single-family residence.
 - b. The attached garage is located 9.6 inches within the 30 foot front dimensional setback.
 - c. Property contains approximately 150 feet of linear frontage on Park Street and is serviced by municipal water and sewer.
 - d. The subject property falls within the Residential 'A' Zoning district and is situated among an established residential neighborhood within the Park Street cul-de-sac.
2. Upon completion of the as-built plan for the single-family residence, it was discovered by the applicants that a front portion of the attached garage fell 9.6 inches within the 30 foot front setback. The applicant submitted the as-built to the Town Building Department as required by the building permit process. Upon receipt, the Building and Zoning Code Enforcement Staff informed the applicant that they would require a Special Exception for the setback encroachment.
3. Pursuant to Section 5.02.2.A.8, locating a structure within the front dimensional setback is permitted by way of Special Exception.
4. As part of the Board deliberation, the applicant should be prepared to discuss the following:
 - a. Explanation /summary on why the setback incursion occurred.
 - b. Impact to abutting properties and comparative analysis of building/structure locations on abutting/neighborhood lots.

Street Photo(s) of Subject Property:



Subject property looking north on Park Street



Subject property looking South on Park Street



ZBA Application
MILFORD ZONING BOARD OF ADJUSTMENT

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

Date Received: 12-10-2020
 Case Number: 2021-01
 Application Number: 2020 1543
 Hearing Date: 1-7-2021
 Decision Date: _____
 Decision: _____

PROPERTY INFORMATION

Street Address: 35 Park Street
 Tax Map / Parcel #: 29-19-1 Lot Size: 14,703'

PROPERTY CURRENTLY USED AS

Built - new single family home.

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

PROPERTY OWNER

Name: Rory Burk
 Address: 1003 Suncook Valley Highway
 City/State/Zip: Epsom N.H. 03234
 Phone: (603) 801-9590
 Email: dana.lorden1@aol.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: Dana Lorden
 Address: 29 Southgate Rd.
 City/State/Zip: Hollis, N.H. 03049
 Email: dana.lorden1@aol.com
 Phone: () Cell: (603) 801-9590

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.

Rory Burk 12-4-20
 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 <u>6</u>	<u>24.-</u>
Amount received:	<u>99.-</u>
Date Received:	

Check Cash

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: 12/16/20
 Case Number: 2021-08
 Application #: 2020 1543
 Date Complete: 1/23/20
 Hearing Date: 1/7/20
 Decision Date: _____
 Decision: _____

PROPERTY INFORMATION

Street Address: 25 Park Street

Tax Map / Parcel #: 29-19-1

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 5 Section 5.02.2, A, 8

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

Seeking a special exception for the front of the garage encroaching .8' into the front building setback.

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 front of the garage is encroaching .8' into the front 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:
Single family use - residential "A" district.

B. The specific site is an appropriate location for the proposed use because:
Newly constructed single family house, which is allowable in Res. "A"

C. The use as developed will not adversely affect the adjacent area because:
Several other homes/properties on the street are encroaching within the front setback.

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:
The only part of the building encroachment is the front of the garage and cars will be parked inside.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:
The property is serviced by town water & sewer.

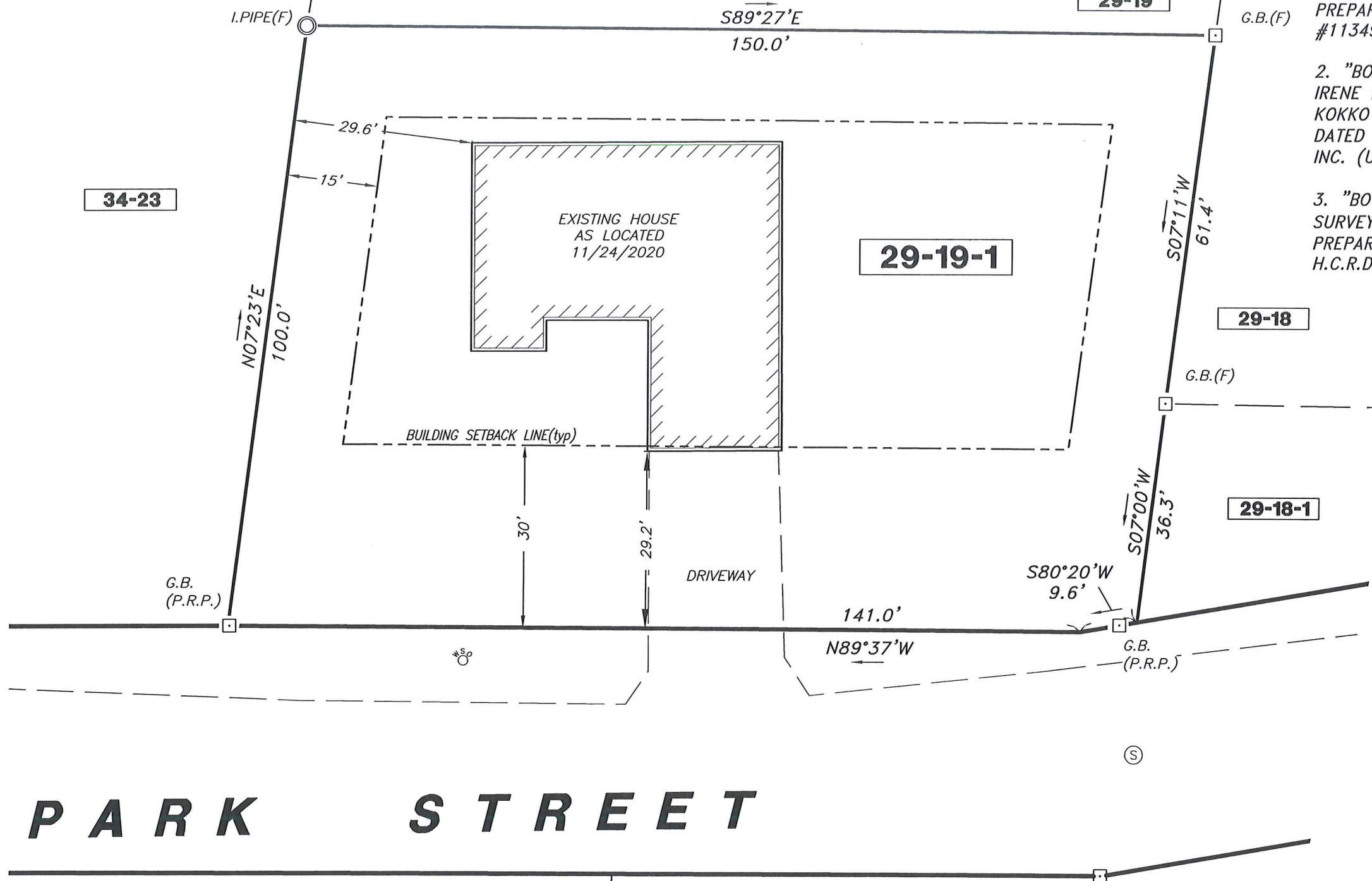


NOTES:

1. APPROXIMATE BOUNDARY INFORMATION SHOWN IS BASED UPON RECORD DEED DESCRIPTIONS, REFERENCE PLANS NOTED HEREON AND PHYSICAL EVIDENCE RECOVERED.
2. NO UNDERGROUND UTILITY INVESTIGATION WAS PERFORMED BY THIS OFFICE AT THIS TIME.

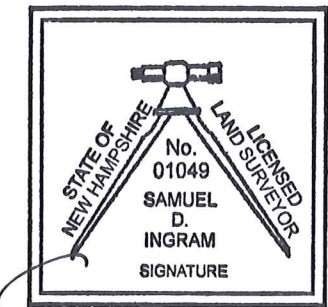
REFERENCE PLANS:

1. "TOWN OF MILFORD - PARK STREET LAYOUT - JUNE 1978 - DRAWN FROM TOWN RECORDS AND - S.P. GRASSO PLAN 1954" PREPARED BY E.F. BENT AND RECORDED AT H.C.R.D. AS PLAN #11349.
2. "BOUNDARY PLAN OF LAND - LOTS 34-23 & 29-19-1 - THE IRENE M. KOKKO REVOCABLE TRUST - AND - LOT 29-18-1 - KOKKO BUILDERS - MILFORD, NEW HAMPSHIRE" (PRELIMINARY) DATED NOVEMBER 20, 2008. PREPARED BY MONADNOCK SURVEY, INC. (UNRECORDED).
3. "BOUNDARY PLAN OF LOTS - PARK STREET - MILFORD, N.H. - SURVEYED FOR - NATHAN LORD CORP." DATED APRIL 1982. PREPARED BY W. ROBERT NOLTER & ASSOC. AND RECORDED AT H.C.R.D. AS PLAN #14991.



CERTIFICATION:

"I HEREBY CERTIFY THAT THE EXISTING HOUSE AS SHOWN IS THE RESULT OF A FIELD SURVEY PERFORMED BY THIS OFFICE ON NOVEMBER 24, 2020".



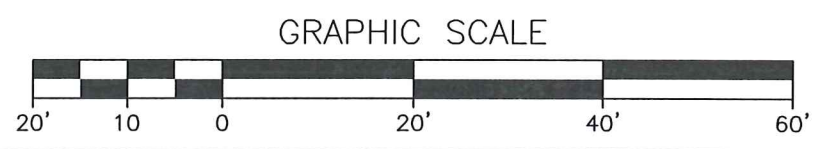
Samuel D. Ingram 12/30/2020

PROPERTY EXHIBIT
PREPARED FOR:

DANA LORDEN
TAX MAP 29 LOT 19-1
MILFORD, NEW HAMPSHIRE

SCALE: 1" = 20' DECEMBER 30, 2020

P A R K S T R E E T



MERIDIAN
LAND SERVICES, INC.
ENGINEERING | SURVEYING | PERMITTING
SOIL & WETLAND MAPPING | SEPTIC DESIGN
31 OLD NASHUA ROAD, AMHERST, NH 03031 TEL. 603-673-1441
MERIDIANLANDSERVICES.COM FAX 603-673-1584

REV.	DATE	DESCRIPTION	C/O	DR	CK
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A	--	--	--	--	--

Plotted: 12/30/2020 10:52 AM By: SDI
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