

# 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 #2021-03: Michael Seraikas and Badger Hill Properties, LLC for the property located at Milford Tax 51, Lot 26-78. Special Exception Application – Wetland Buffer Impact**

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 450 square feet within the 25 foot wetland buffer area and allow the construction of a residential home and related site improvements in 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 .82 acres (35,719.2 sf.) and is undeveloped.
  - b. No current utilities on the subject property. Property would be serviced by individual septic and community water.
  - c. The property contains linear frontage on Timber Ridge Drive which will serve as the access to the subject property.
  - d. The property is located in the Residential 'R' Zoning District and is situated in an established residential neighborhood with similar built and single-family residences under construction.
2. The proposal calls for the construction of a 3 bedroom, single-family residence and related site improvements. Due to the constraints of the property (eg. steep slopes and 10% maximum driveway grade), the house will be located at the front setback with a near level driveway. The topography towards the rear of the house required the construction of a retaining wall from what we understand, has been completed. Said wall impacts approximately 450 square feet of delineated wetland buffer area.
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 application was heard by the Conservation Commission on December 10<sup>th</sup>. A site visit was subsequently conducted by Commission members to ascertain the extent of construction/development of the property and the location of wetland and wetland buffer. Staff is awaiting comments and input from the Conservation Commission.
5. The Board should ask the applicant to respond the following:
  - a. Summary of the events that led to the construction of the retaining wall.
  - b. Alternative locations considered to eliminate/minimize impact the wetland buffer area.
  - c. Need for planting and vegetation to mitigate the impacts to and demarcate the boundaries of the buffer area and wetlands.

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



**Street View of Subject Property:**



**View looking Southeast Badger Hill Drive**



**View looking Northeast on Badger Hill Drive**



**View looking Northwest on Badger Hill Drive**



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

Date Received: 12-18-20  
 Case Number: \_\_\_\_\_  
 Application Number: 2021-03  
 Hearing Date: 1-7-2021  
 Decision Date: \_\_\_\_\_  
 Decision: \_\_\_\_\_

**PROPERTY INFORMATION**  
 Street Address: 0 BADGER HILL ROAD  
 Tax Map / Parcel #: 51/26/78 Lot Size: 0.82 ACRES

**PROPERTY CURRENTLY USED AS**  
 THIS IS A TOWN APPROVED BUILDING LOT WHICH IS CURRENTLY VACANT. IN 2015 THE LOT WAS CLEARED AND ROUGH GRADED, WETLANDS WERE MAPPED A SEPTIC DESIGN PREPARED AND A RETAINING WALL CONSTRUCTED.  
 If the application involves multiple lots with different owners, attach additional copies of this page.

**PROPERTY OWNER**  
 Name: BADGER HILL PROPERTIES, LLC  
 Address: 172 ROUTE 101, UNIT 25C  
 City/State/Zip: BEDFORD, NH 03110  
 Phone: (603)235-3576 or 603-472-6009  
 Email: \_\_\_\_\_  
NHBUILD@YAHOO.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: MICHAEL SERAIKAS, CWS  
 Address: PO BOX 2272  
 City/State/Zip: CONCORD, NH 03302-2272  
 Email: BEAVERBROOKPANDD@GMAIL.COM  
 Phone: ( ) Cell: ( ) 496-9097

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.  
Michael Serikas, CWS 12/8/20  
 Property Owner's signature Date:  
Badger Hill Properties, LLC

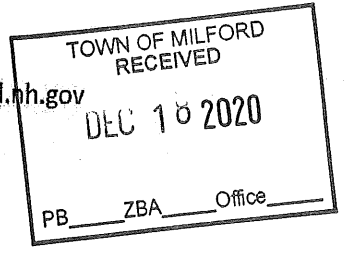
**Zoning District (check one):**  
 Residence A  
 Residence B  Residence R  
 Commercial  
 Limited Commercial  
 Industrial  
 Integrated Commercial-Industrial  
 Integrated Commercial-Industrial-2

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

**PROPERTY INFORMATION**

Street Address: 0 BADGER HILL DRIVE

Tax Map / Parcel #: 51/26/78

*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 6.02.0 Section 6.02.6B

Describe the **use** you are proposing under the above section of the Ordinance.  
 THE PROPOSAL IS TO CONSTRUCT A SINGLE FAMILY RESIDENCE ON AN APPROVED LOT OF RECORD. IN 2015 THE LOT WAS CLEARED, A SEPTIC DESIGN PREPARED, AND THE SITE ROUGH GRADED TO CONSTRUCT A HOUSE. AS PART OF THE WORK A RETAINING WALL WAS CONSTRUCTED WITHIN A WETLAND BUFFER.

**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:  
THIS LOT IS LOCATED IN A SUBDIVISION THAT WAS APPROVED IN THE LATE 80'S AND HAS BEEN REVISED SEVERAL TIMES OVER THE YEARS. THE CURRENT PROPOSAL IS TO CONSTRUCT A SINGLE FAMILY HOUSE ON THIS LOT. DUE TO THE STEEP SLOPE OF THE LOT AND TO MAINTAIN A DRIVEWAY GRADE OF LESS THAN 10% (MILFORD), THE HOUSE WILL BE CONSTRUCTED ALONG THE FRONT BUILDING SETBACK. PLACING THE HOUSE IN THIS LOCATION REQUIRED THAT A RETAINING WALL BE CONSTRUCTED OFF THE SIDE OF THE HOUSE TOWARDS LOT 74. BUFFER IMPACT IS 450 SF.

**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 HOUSE IS LOCATED IN THE RESIDENTIAL ZONE AND THE PROPOSED USE IS CONSISTENT WITH THE ORDINANCE**

B. The specific site is an appropriate location for the proposed use because:  
**THE PROPOSED HOUSE LOCATION WAS SELECTED IN ORDER TO MAINTAIN THE TOWN OF MILFORD MAXIMUM DRIVEWAY GRADE OF 10%. IF THE HOUSE WERE TO BE LOCATED FURTHER DOWNSLOPE THE DRIVEWAY GRADE WOULD HAVE TO EXCEED 10%**

C. The use as developed will not adversely affect the adjacent area because:  
**THE PROPOSED HOUSE WILL BE SIMILAR TO THE HOUSES ON ADJACENT LOTS AND OF THE SAME VALUE.**

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:  
**THE USE IS CONSISTENT WITH THE ADJACENT PROPERTIES IN THAT IT IS A SINGLE FAMILY RESIDENCE WITH OFF STREET PARKING.**

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:  
**THE PROPOSED HOUSE WILL HAVE AN NHDES APPROVED SEPTIC SYSTEM, WILL TIE INTO THE PRIVATE WATER SYSTEM AND HAVE A LEVEL DRIVEWAY. THERE WILL BE NO ADDITIONAL IMPACTS TO THE WETLAND BUFFER OTHER THAN WHAT WAS DONE IN 2015**



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

**Explain how the proposal meets the specific criteria of the Zoning Ordinance for each section:**

**WETLAND AND WETLAND BUFFER IMPACT 6.02.6**

1. Has the need for the project been addressed? Please explain.  
*See Attached*
2. Is the plan proposed the least impactful to the wetlands, surface waters and/or associated buffers? Please explain.  
*See Attached*
3. Has the impact on plants, fish and wildlife been addressed? Please explain.  
*See Attached*
4. Has the impact on the quality and quantity of surface and ground waters been addressed? Please explain.  
*See Attached*
5. Has the potential for increased flooding, erosion and sedimentation been addressed? Please explain.  
*See Attached*
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.  
*See Attached*
7. Has the impact of the values and function of the overall wetland and wetland complex been addressed? Please explain.  
*See Attached*
8. Has a comment from the Milford Conservation Commission been solicited? Yes  No   
Date of Conservation Commission Meeting attended: 12/10/20 meeting was held to discuss application.

**HOME BUSINESS CRITERIA 7.12.6**

1. Is the Home Business located in the Residential 'A', Residential 'B', or Residential 'R' Zoning District?
2. Please explain if the Home Business is conducted entirely within the dwelling or accessory structure.
3. A sign of not more than six (6) square feet is allowed and shall not advertise in such a way that would encourage customers or salespersons to come to the property without an appointment. Please provide the dimensions, design, and approximate location of the sign.
4. There shall be no more than two (2) non-resident employees of the Home Business. Please provide the total number of non-resident employees.
5. The Home Business shall not be more than 25% of the combined floor area of all structures on the property. Please detail the total combined floor area of all structures on the property used for Home Business.

*Section continued on next page.*

December 30, 2020

Lincoln Daley  
Director of Community Development  
Milford, NH

RE: Lot 78 Badger Hill  
Response to 6.02.6

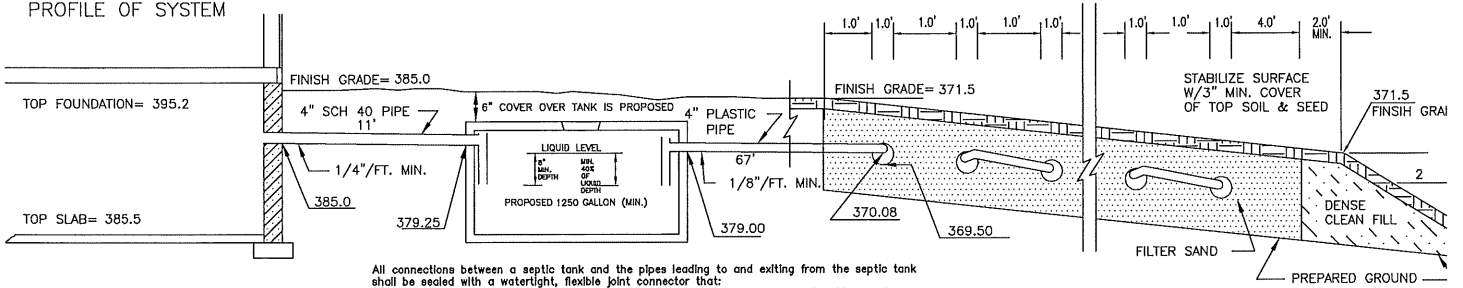
Dear Mr Daley,

Attached are my responses to the questions asked on the Milford Zoning Board of Adjustment Special Exception Application - Section 6.02.6.

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- 1) The lot has received subdivision approval from both the Town of Milford and NHDES. Due to constraints on the lot, most notably the steep slopes and the town's maximum driveway grade of 10%, this was the most reasonable option. This design has the house constructed at the front building setback with a near level driveway. The retaining wall was constructed to create the platform for the house.
- 2) There are no impacts to wetlands or surface waters. The buffer was impacted when the retaining wall was built about 5 years ago. Again, due to the town's maximum driveway grade options were limited.
- 3) It was not due to the extensive development in this area, There is no suitable habitat present for fish and any habitat that existed for wildlife has been fragmented. In my years of working on this site I have not noted any threatened plant species.
- 4) The runoff from this lot drains onto lot 74, which is not developed, and drains off of lot 74 through a man made swale .
- 5) Due to the slope on this lot, flooding is not an issue. The builder will install, prior to construction, sediment/erosion control barriers along the down slope portions of the site. The site will be vegetated as construction progresses and the barriers will remain in place until the vegetation has stabilized the site.
- 6) This is one of the last available lots in a large subdivision. There were not a lot of jurisdictional wetlands within the developed area. As part of this overall project many areas of both wetland and upland were left undisturbed and are precluded from development,

PROFILE OF SYSTEM



All connections between a septic tank and the pipes leading to and exiting from the septic tank shall be sealed with a watertight, flexible joint connector that:  
 (1) Will accommodate normal movement of the septic tank without leaking or breaking; and  
 (2) Has been certified by its manufacturer or distributor as meeting or exceeding the applicable standard in ASTM C 1644-06, section 7.

NO EXCAVATION WITHIN 25 FEET OF A CEMETERY IS PERMITTED  
 PER NHDES SUBSURFACE RULE 1003.13(A)(3)

LINE NO.	1
BOTTOM ELEV.	369.50
FINISH GRADE	371.5
DESIGN SLOPE =	0
PROPOSED FIELD SIZE:	
	10' X 30' (ENVIRO-SEPTIC)
	12' X 32' (SEPTIC SAND BE)

