

TOWN OF MILFORD

Office of Community Development

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



Administrative Review

Date: February 27, 2021

To: Jason Plourde, Chair, Zoning Board of Adjustment

From: Lincoln Daley, Community Development Director

Subject: **Case #2021-06 Wade Methe & Kyle Todd, Tax Map 26, Lot 9, 26 Amherst Street.** Variance Application for relief from the Milford Zoning Ordinance, Article V, Section 5.02 to allow the conversion of an existing single-family to a two-family residence in the Residential 'A' District.

The applicant is before the Board of Adjustment seeking a VARIANCE from the Milford Zoning Ordinance, Article V, Section 5.02 to allow the conversion of an existing single-family to a two-family residence in the Residential 'A' District. In reviewing the files for this property, I offer the following comments:

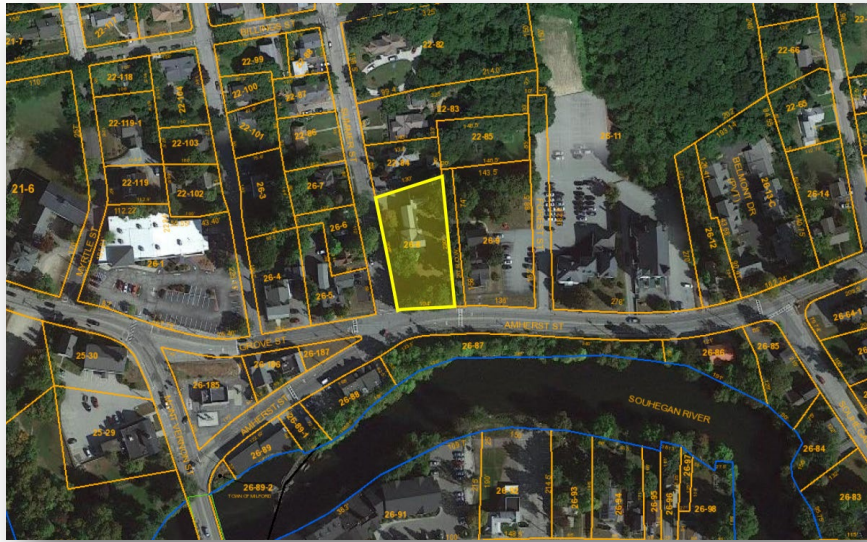
1. Existing Conditions:

- a. The subject property is approximately .77 acres (33,541 square feet) with more than 136 linear feet of frontage on Amherst Street and an additional 250 linear feet on Forest Street. The property is bounded by the Roman Catholic Bishop Church to the east a 3 unit multi-family residence to the west, single family homes to the north and the Souhegan River to the south. The surrounding neighborhood contains a mixture of single, two-family, and multi-family residences.
- b. The property is partially developed and contains a 6,885 gross square foot single-family residence and attached garage located on the southern portion of the property. The property also contains 20 space parking lot. The north portion of the property has remained forested and undeveloped.
- c. The property and building was formerly used by the previous owner, Roman Catholic Bishop Church, as their rectory.
- d. Access to the property is by way of curb cut on Forest Street.

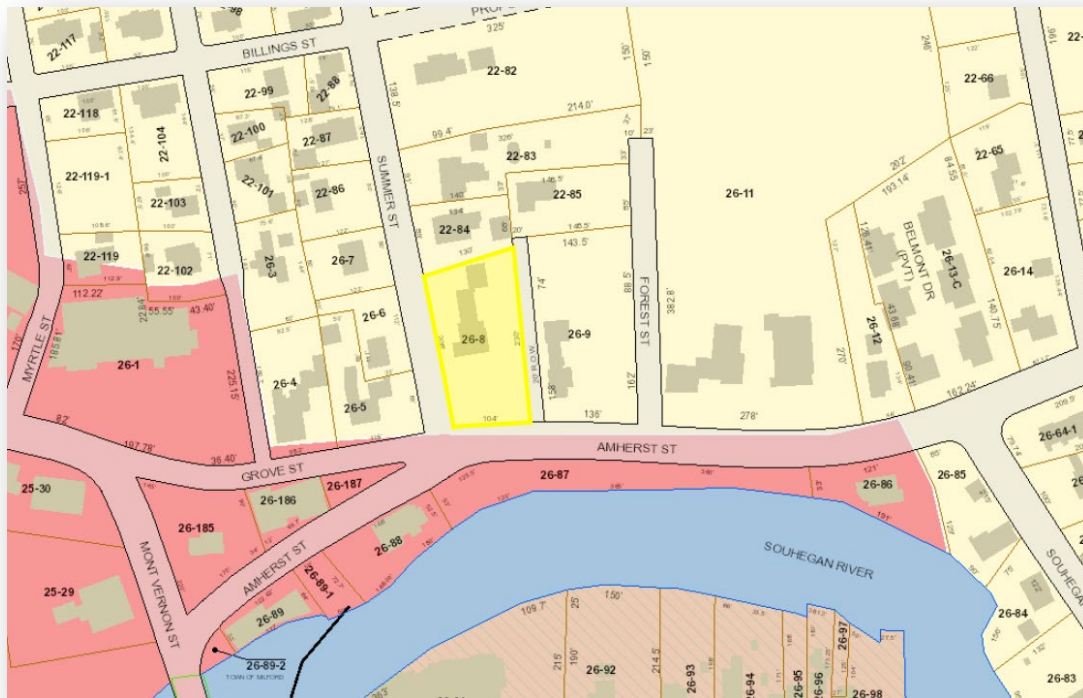
2. The applicant proposes to convert the existing single-family structure to a two-family residence. Minimal improvements are being proposed to the exterior of the residential building. The majority of changes (although also minimal) will be internal. As depicted in the Neighborhood Use Analysis tax map below, the subject property directly abuts or is in close proximity to a number of existing two- and multi-family residential uses.

3. Pursuant to Section 5.02 Residential A District a two-family residence is not a permitted use in the district. The intent of the Residence A District is to provide for low-density or low-intensity uses, primarily single-family residential on individual lots. The proposed use requires a Variance for relief from the referenced section of the Zoning Ordinance.

Aerial Photos of Subject Property:



Zoning Tax Map:



Zoning District

- Residential A Zoning District –
- Commercial Zoning District –



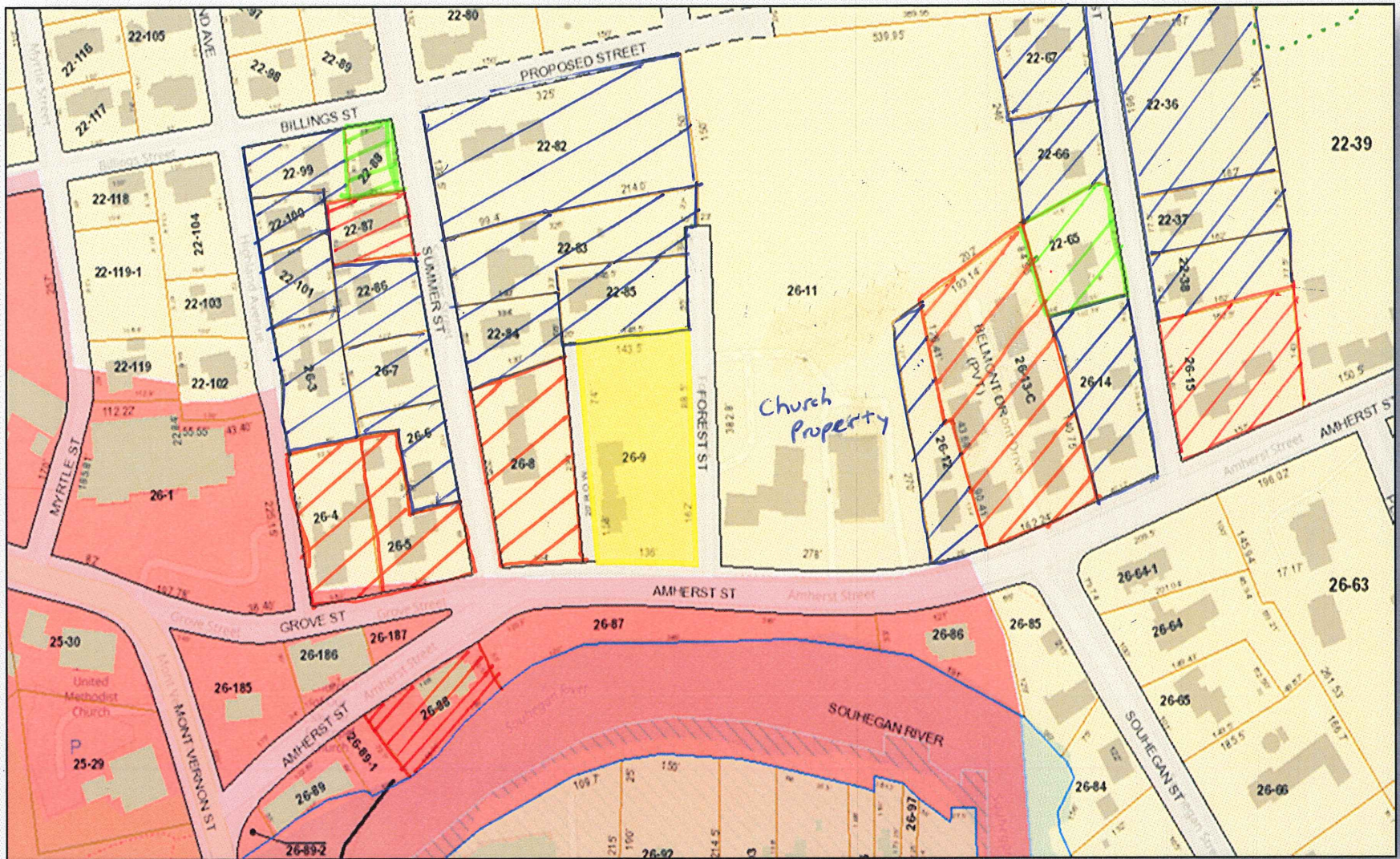
Street Photos of Subject Property



Street Photos of Subject Property (Continued)

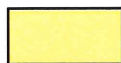


Neighborhood Use Analysis

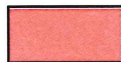


Zoning District

Residential A Zoning District –



Commercial Zoning District –



Land Use

Single-Family



Two-Family



Multi-family





ZBA Application

MILFORD ZONING BOARD OF ADJUSTMENT

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

PROPERTY INFORMATION

Street Address:

Tax Map / Parcel #:

Lot Size:

PROPERTY CURRENTLY USED AS

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

PROPERTY OWNER

Name:

Address:

City/State/Zip:

Phone: (603)

Email:

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:

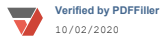
Email:

Phone: ()

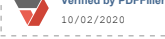
Cell: ()

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.

Property Owner's signature



Date:



Date Received: _____

Case Number: _____

Application Number: _____

Hearing Date: _____

Decision Date: _____

Decision: _____

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 _____

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 – Variance

MILFORD ZONING BOARD OF ADJUSTMENT

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

PROPERTY INFORMATION
Street Address: _____
Tax Map / Parcel #: _____
<i>A Variance is a use which is not permitted by the Zoning Ordinance. Approval from the Zoning Board of Adjustment is required to allow any use or deviation from the Zoning Ordinance. Please work with the Zoning Administrator to make sure your application is complete and you know what will be required of you at the hearing.</i>
What section of the Zoning Ordinance are you asking to be varied? Article _____ Section _____ Describe the variance you are requesting under the above section of the Ordinance. _____ _____ _____ _____

General Criteria Section 10.01

Explain how the proposal meets the following conditions per New Hampshire RSA 674:33.I

1. Granting the Variance would not be contrary to the public interest because:

2. If the Variance were granted, the spirit of the ordinance would be observed because:

3. Granting the Variance would do substantial justice because:

4. Granting the Variance would not diminish the value of surrounding properties because:

5. Unnecessary Hardship:
This section is the central portion of your argument and is the critical factor that the Zoning Board of Adjustment will need to determine what is unique to your property and not generally applicable to other properties in the area or in town.



ZBA Application – Variance

MILFORD ZONING BOARD OF ADJUSTMENT

A. Owing to special conditions of the property that distinguish it from other properties in the area; denial of the Variance would result in unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because :

AND

ii. The proposed use is a reasonable one because:

(B) Explain how, if the criteria in paragraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the Ordinance, and a Variance is therefore necessary to enable a reasonable use of it:

(C) Notwithstanding paragraph (B) above, a Variance may be granted without finding a hardship arising from the terms of the Zoning Ordinance when reasonable accommodations are necessary to allow a person or persons with a recognized **physical disability** to reside in or regularly use the premises, provided that:

1. The Variance requested under this paragraph shall be in harmony with the general purpose and intent of the Zoning Ordinance because:

In addition, Variances may have extra criteria that must be met. This includes, but is not limited to:

6.03.5 Floodplain Management: The criteria for evaluation is listed in 6.03.5:B General Conditions and the applicable conditions are listed in 6.03.5:C. If your project is covered by this regulation, include your answers to the required criteria as specified in the referenced Section of the Milford Zoning Ordinance as an attachment under Section 3 C. of this application.

ATTACHMENTS – additional information may be needed to help the Zoning Board of Adjustment fully understand your petition.

- A. A plan of the property and all buildings, drawn to scale, is required.
- B. A Building Permit Application as needed (to be determined by the building official.)
- C. Additional explanations, justification, abutters' statements, letters, etc.



40 foot Abutters List Report

Milford, NH
October 02, 2020

Subject Property:

Parcel Number: 026-009-000-000
CAMA Number: 026-009-000-000
Property Address: 26 AMHERST ST

Mailing Address: METHE, WADE TODD, KYLE
25 PARKER ST #3
MANCHESTER, M 03055

Abutters:

Parcel Number: 022-084-000-000
CAMA Number: 022-084-000-000
Property Address: 9 SUMMER ST

Mailing Address: BARNES, RICHARD J & REGINA A,
TRUSTEES BARNES FAMILY
REVOCABLE TRUST
9 SUMMER ST
MILFORD, NH 03055

Parcel Number: 022-085-000-000
CAMA Number: 022-085-000-000
Property Address: 14 FOREST ST

Mailing Address: REBIDUE, DOUGLAS R. TRSTEE
REBIDUE, DOUGLAS LIVING TRST
14 FOREST ST
MILFORD, NH 03055-3908

Parcel Number: 026-008-000-000
CAMA Number: 026-008-000-000
Property Address: 20 AMHERST ST

Mailing Address: REMSON, JOSEPH WILLIAM
3 FOX RUN RD
AMHERST, NH 03031-3116

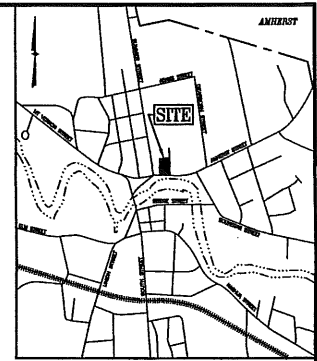
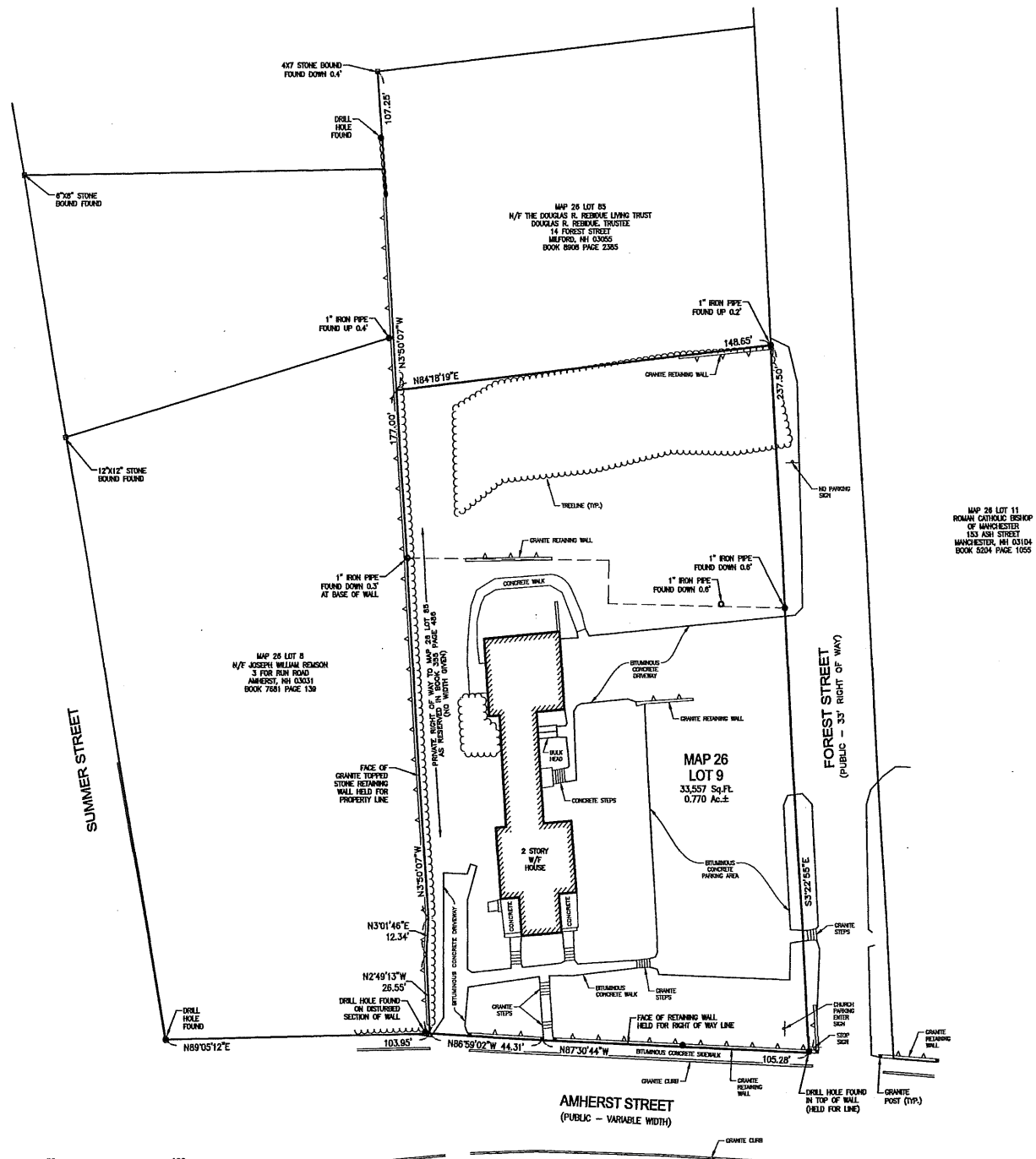
Parcel Number: 026-011-000-000
CAMA Number: 026-011-000-000
Property Address: 34 AMHERST ST

Mailing Address: ROMAN CATHOLIC BISHOP
153 ASH ST
MANCHESTER, NH 03104



www.cai-tech.com

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LOCATION MAP
(NOT TO SCALE)

NOTES:

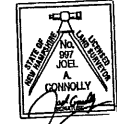
- 1) THE INTENT OF THE BOUNDARY LINES OF MAP 26 LOT 9.
- 2) THIS PLAN IS THE RESULT OF AN ON-THE-GROUND SURVEY BY THIS OFFICE ON JULY 15 & 16, 2020.
- 3) THE BEARING SHOWN HEREON ARE BASED ON GPS OBSERVATIONS BY THIS OFFICE ON JULY 15, 2020.
- 4) MAP 26 LOT 9 IS SUBJECT TO A RIGHT OF WAY ("AS NOW USED" ON JUNE 8, 1865) OVER THE WESTERLY PORTION OF SAID LOT AS RESERVED IN BOOK 355 PAGE 486 (NO WIDTH GIVEN).

PLAN REFERENCES:

- 1) HILLSBOROUGH COUNTY REGISTRY OF DEEDS (H.C.R.D.) PLAN 10230.

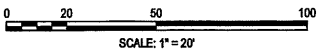
CERTIFICATION:

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.



7/21/2020
DATE

JOEL A. CONNOLLY, LLS 997			
NO. DESCRIPTION BY DATE			
REVISIONS			
BOUNDARY SURVEY			
ASSESSORS MAP 26 LOT 9 26 AMHERST STREET MILFORD, NEW HAMPSHIRE PREPARED FOR: DIOCESE OF MANCHESTER 153 ASH STREET MANCHESTER, NH 03104			
GPI 903.930.0720		Greenman-Pedersen, Inc. 44 Stiles Road Suite One Nash, NH 03079	
SCALE: 1"=20'	DATE: JULY 20, 2020	DRAWING NO. 20187 TMS.dwg	
DRAWN BY: JAC	CHECKED BY: JAC	PROJECT NO. NEX-2020187	SHEET NO. 1 OF 1



Plan # 40061 07/30/2020 01:18:08 PM
Page 1 of 1
Edward J. Scapellato
Register of Deeds, Hillsborough County
1201P HILLSBORO NH 03104

40651 DWG 1 fl