

TOWN OF MILFORD

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



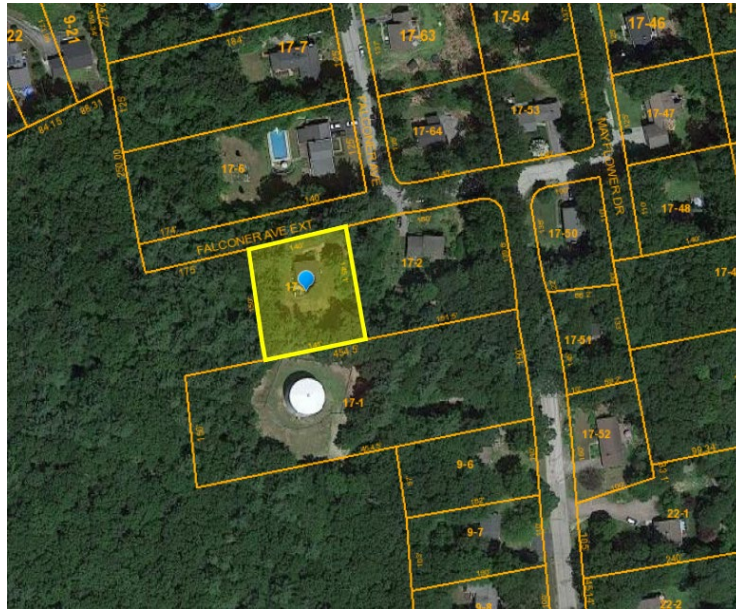
Administrative Review

Date: April 7, 2021
To: Jason Plourde, Chair, Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2021-09:** Michael and Michelle Sacco, 14 Falconer Avenue, Milford Tax Map 17, Lot 3 – Special Exception Application

The applicants are before the Board of Adjustment seeking a Special Exception from the Milford Zoning Ordinance, Article X, Section 10.2.6 to allow the construction of an attached accessory dwelling unit addition to the existing single-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 .47 acres in area with approximately 140 linear feet of frontage on Falconer Avenue.
 - b. The property consists of a 2-story, 3 bedroom, single-family residence and is serviced by municipal sewer and water.
 - c. The subject property is situated in an established single-family residential area and directly abuts Town conservation land. To the west of the subject property lies dedicated Town open space. The property is bounded to the north and east by residential uses. To the south of the subject property is the Town property.
2. The proposal calls for the construction of a 1,050 square foot addition to eastern side of the existing single-family residence. The proposed addition will include a 696 square foot accessory dwelling unit. Based on the aerial tax maps, the limits of the proposed residential expansion will exceed the 15 foot eastern dimensional setback.
3. The proposal will increase the total number of bedrooms in the residence. As stated earlier, the property is serviced by municipal water and waste water.
4. The proposed elevations are consistent with the existing residence and will not impact the character of the neighborhood.
5. The property appears to have sufficient parking to manage the single-family residence and the proposed addition of the accessory dwelling unit.
6. An ADU is a permitted use in the Residential 'A' zoning district through the issuance of a Special Exception pursuant to Zoning Ordinance, Article X, Section 10.2.6.
7. No survey is available/had been provided to determine the distance/location of the addition to the property line. The applicant should verify the approximate distance to the side setback.

Aerial Photos of Subject Property:





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

Date Received: 3-18-21
 Case Number: 2021-09
 Date Complete: 3/31/21
 Hearing Date: 4-15-21
 Decision Date: _____
 Decision: _____
2021 0684

| PROPERTY INFORMATION | |
|--|---------------------|
| Street Address: 14 Falconer Ave | |
| Tax Map / Parcel #: 017-003-000-000 | Lot Size: .47 acres |
| PROPERTY CURRENTLY USED AS | |
| Residential home | |
| <i>If the application involves multiple lots with different owners, attach additional copies of this page.</i> | |
| PROPERTY OWNER | |
| Name: Michael & Michelle Sacco | |
| Address: 14 Falconer Ave | |
| City/State/Zip: Milford, NH 03055 | |
| Phone: () 603-673-4063 | |
| Email: msacco0627@comcast.net | |
| <i>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.</i> | |
| APPLICANT/REPRESENTATIVE | |
| <input checked="" type="checkbox"/> 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. | |
| _____ <small>Property Owner's signature</small> | |
| <u>3-19-21</u> <small>Date:</small> | |

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>40.55</u> |
| Amount received: | <u>295.55</u> |
| Date Received: | <u>3-19-21</u> |
| Check <input checked="" type="checkbox"/> Cash _____ | CIC # 1092 |

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.

TOWN OF MILFORD
 RECEIVED
 MAR 19 2021
 PB _____ ZBA _____ Office _____

ZBA Application – Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

TOWN OF MILFORD
 RECEIVED
 MAR 18 2021

Date Received: 3-18-21
 Case Number: 2021-09
 Application #: 2021-0686
 Date Complete: _____
 Hearing Date: 4-15-21
 Decision Date: _____
 Decision: _____

| PROPERTY INFORMATION | |
|---|-----------------|
| Street Address: | 14 Falconer Ave |
| Tax Map / Parcel #: | 17/3 |
| <p>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.</p> <p>*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.</p> | |
| <p>What section of the Zoning Ordinance are you applying under?</p> <p>Article <u>10.2.6</u> Section _____</p> <p>Describe the <u>use</u> you are proposing under the above section of the Ordinance. Construction of a attached living space for the owner and primary occupant to live in _____</p> | |

**Application for
(check all that apply):**

- Change/Expansion of Non-conforming Use/Structure (2.03.1.C)
- Wetland Buffer Impact (6.02.6)
- Accessory Dwelling Unit (10.2.6)
- Office in Res-A & B (10.2.7)
- Home Business (7.12.6)
- Side/Rear Yard Setback Reduction (Zoning District Specific)
- Other

General Criteria Section 10.02.1

Describe the project you are requesting a Special Exception for:
 Construction of addition including a ADU, for a attached separate living space for son

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:
 Meets all requirements for a ADU and is designed to look like it was always part of the house, will be used by the same occupants that are in the current house
- B. The specific site is an appropriate location for the proposed use because:
 Is attached to the existing dwelling, and design to match, and not to encroach on any setbacks.
- C. The use as developed will not adversely affect the adjacent area because:
 Will be attached to the existing house, and design to look like it was already part of the existing residence. Proposed space above the garage will just look like rest of home.
- D. There will be no nuisance or serious hazard to vehicles or pedestrians because:
 No change of traffic follow to the house, parking will proposed garage.
- E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:

ZBA Application – Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

| ACCESSORY DWELLING UNITS 10.02.6 (Continued) |
|---|
| 9. Is there adequate sewer/septic and water for the additional inhabitants? Please include septic/sewer approval. yes |
| 10. Is there only one (1) ADU on the property? yes |
| 11. Is the ADU no more than 750 square feet gross floor area? How many square feet is the ADU? ADU space is 696. |
| 12. Does the ADU have no more than two (2) bedrooms? Please show on plans. Only 1 bedroom is proposed |
| 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. yes, opening is 36" wide |
| 14. If a connecting hall is proposed, is the hallway at least 36 inches wide? Please show on plans. |
| 15. For Existing Unpermitted ADUs common mudroom, laundry space proposed then entrance to ADU |
| 16. Has a Code Compliance inspection been conducted by the Building Inspector? Please include inspection report. No, permit in with the town for review now |
| 17. Is the ADU in compliance with Section 10.02.6:A of the Milford Zoning Ordinance? How so? yes, meets all requirements |
| 18. If no, has a Variance from Section 10.02.6:A been granted by the ZBA? |

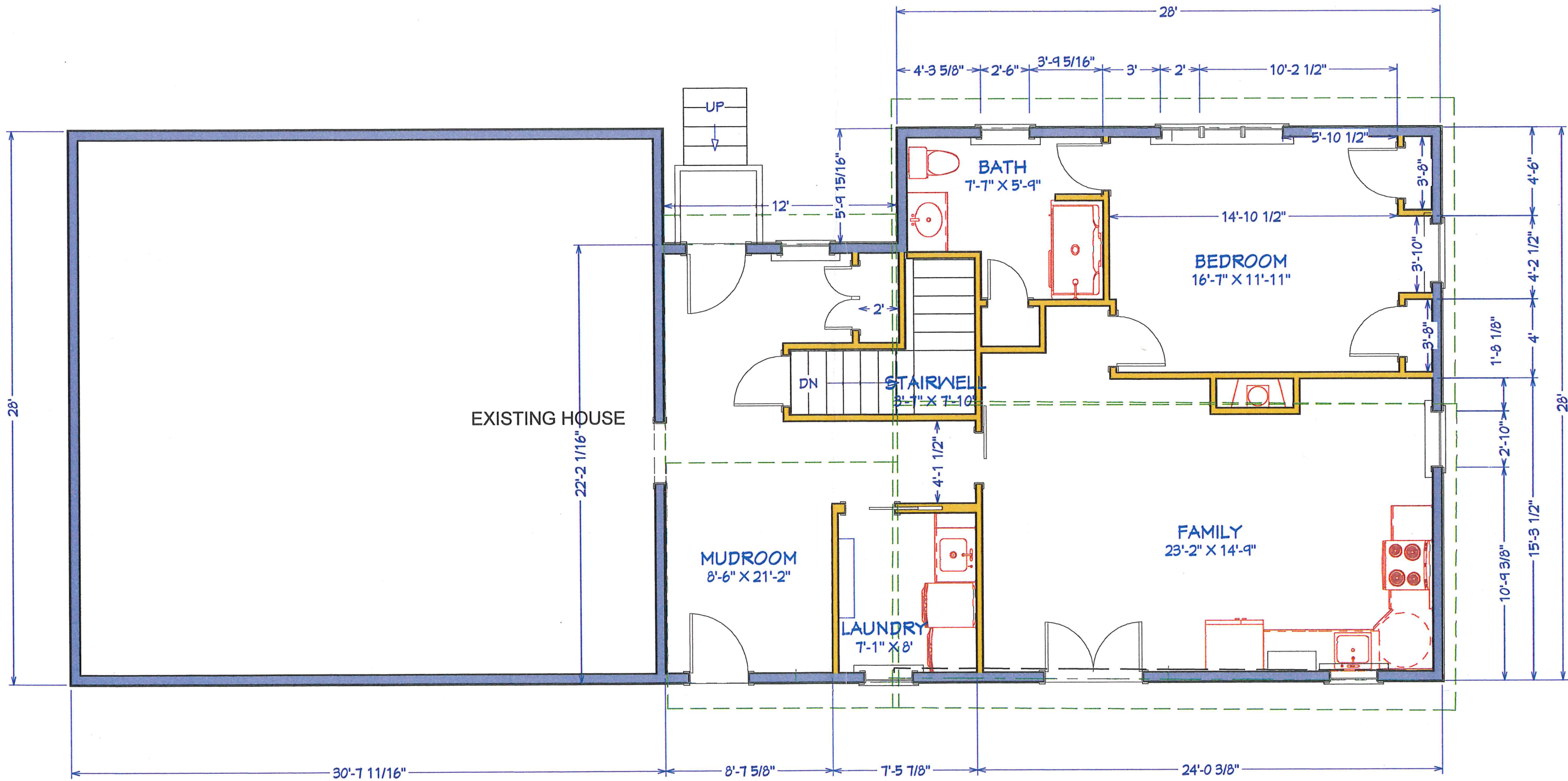
| OFFICE IN THE RESIDENCE A AND B DISTRICTS 10.02.7 |
|--|
| 1. Is the specific site of the proposed office use located in an existing building that is an appropriate location for the proposed use and ancillary to the Residential Use permitted by right? Please explain. |
| 2. Will the use as proposed 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. Has the applicant made a site plan application to the Planning Board (hearing subsequent to Zoning Board approval)? Yes ___ No ___ Date of hearing: _____ |

ZBA Application – Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

| HOME BUSINESS CRITERIA 7.12.6 (Continued) | |
|--|---|
| 6. | Retail sales of goods incidental to Home Business are allowed. Please explain if there will be retail sales of goods incidental to Home Business. |
| 7. | There shall be not more than sixteen (16) clients or deliveries per day. If applicable, please provide the anticipated number of clients or deliveries per day. |
| 8. | There shall be no parking of or deliveries by vehicles with more than two (2) axles. Only one (1) commercial vehicle may be parked on the property in conjunction with the Home Business. Please summarize the anticipated size of the delivery vehicles and number of commercial vehicles serving the Home Business. |
| 9. | A Home Business shall not be conducted in a way that is perceptible in external effects (such as but not limited to noise, odors, traffic) from beyond the lot line between the hours of 9:00 p.m. and 7:30 a.m. Please explain the hours of operation. |
| 10. | The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts commonly found in a dwelling. The use shall not involve the use or storage of toxic substances. If applicable, please explain if there will be the storage of hazardous, flammable or explosive, or toxic substances associated with the Home Business and its location on the property. |

| ACCESSORY DWELLING UNITS 10.02.6 | |
|---|---|
| 1. | Is the property going to be Owner Occupied? Yes own will be in princinal dwelling, owners son will be occupying ADU |
| 2. | Has a Building Permit application been made? Copy of permit application attached? Yes, appliation has been made and copy is attached with application. |
| 3. | Is the ADU developed in a manner which does not alter the character/appearance of the principal use as a single-family residence? Proposed space, is attached to existing house, inluded garage for both space below. |
| 4. | Is the ADU intended to be secondary and accessory to a principal single-family dwelling unit? Is designed to allow spare space to the principlan single family dwelling with allowing ability to have seperate own space. |
| 5. | Does the ADU impair the residential character of the premises or the reasonable use, enjoyment and value of neighborhood? Proposed addition is designed to match the existing home and look like it was always there. |
| 6. | Is there adequate off-street parking? How many spaces? two car garage is proposed, along with enough space in driveway for 2+ more cars. |
| 7. | Are any additional curb cuts being proposed? No |
| 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. Yes one enternce is through garage below, second exit, is through slider in back of house. |

Section continued on next page.



1st Floor

TOWN OF MILFORD
RECEIVED
MAR 11 2021
PB ZBA Office

| NO. | DESCRIPTION | BY | DATE |
|-----|-------------|----|------|
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SHEET TITLE: Floor plans

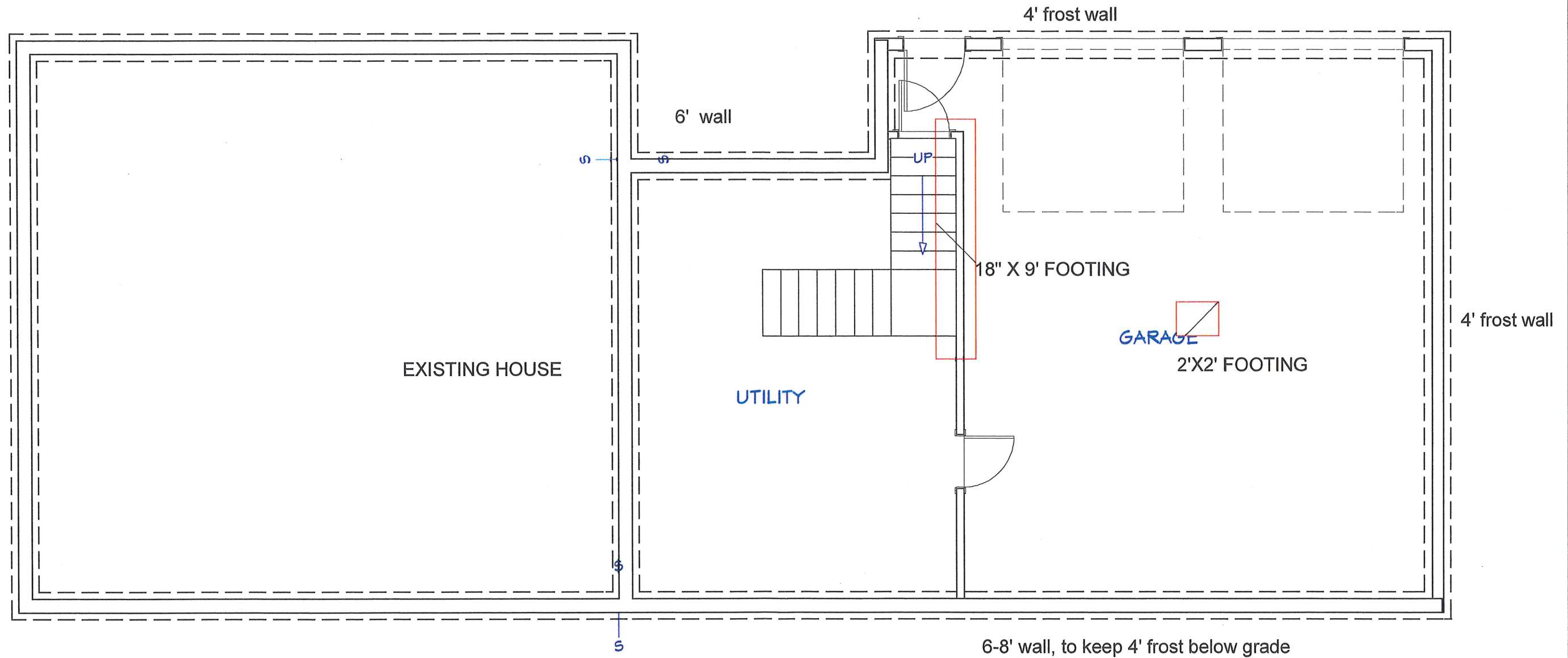
PROJECT DESCRIPTION: Sacco - Addition

DRAWINGS PROVIDED BY: 4B Construction

DATE: 2/21/21

SCALE: 3/16" - 1'

SHEET: A-1



Foundation

| NO. | DESCRIPTION | BY | DATE |
|-----|-------------|----|------|
| | | | |
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SHEET TITLE:
Floor plans

PROJECT DESCRIPTION:
Sacco - Addition

DRAWINGS PROVIDED BY:
4B Construction

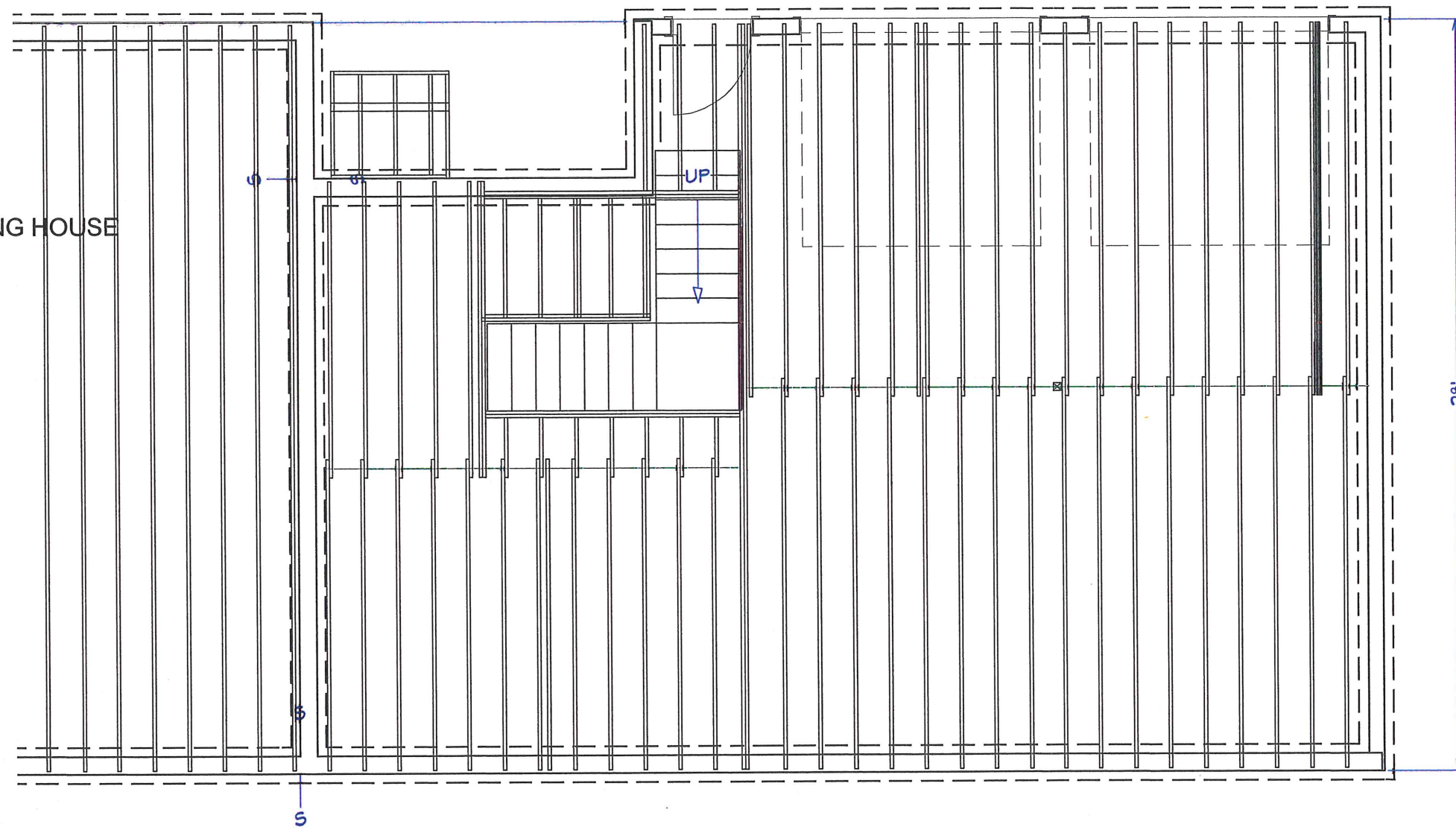
DATE:
 2/21/21

SCALE:
 3/16" - 1'

SHEET:

A-1.2

EXISTING HOUSE



2x10 floor joist - 16" O.C.
2x10 rim band
3/4" Adventech sheeting

Garage space - 3- 9-1/4" LVL beam - 1 lally column center
Storage space - 2 - 11-7/8" LVL beam

SHEET:
A-1.3

SCALE:
3/16" - 1'

DATE:
2/21/21

DRAWINGS PROVIDED BY:
4B Construction

PROJECT DESCRIPTION:
Sacco - Addition

SHEET TITLE:
Floor plans

| NO. | DESCRIPTION | BY | DATE |
|-----|-------------|----|------|
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6/12 ROOF PITCH



4' FROST WALL BELOW FINAL GRADED MIN.

6' WALL, TO GET ABOVE GRADE

EXISTING HOUSE

PROPOSED GRADE
RETAINING WALL NEAR GARAGE

| NO. | DESCRIPTION | BY | DATE |
|-----|-------------|----|------|
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SHEET TITLE:

Floor plans

PROJECT DESCRIPTION:

Sacco - Addition

DRAWINGS PROVIDED BY:

4B Construction

DATE:

2/21/21

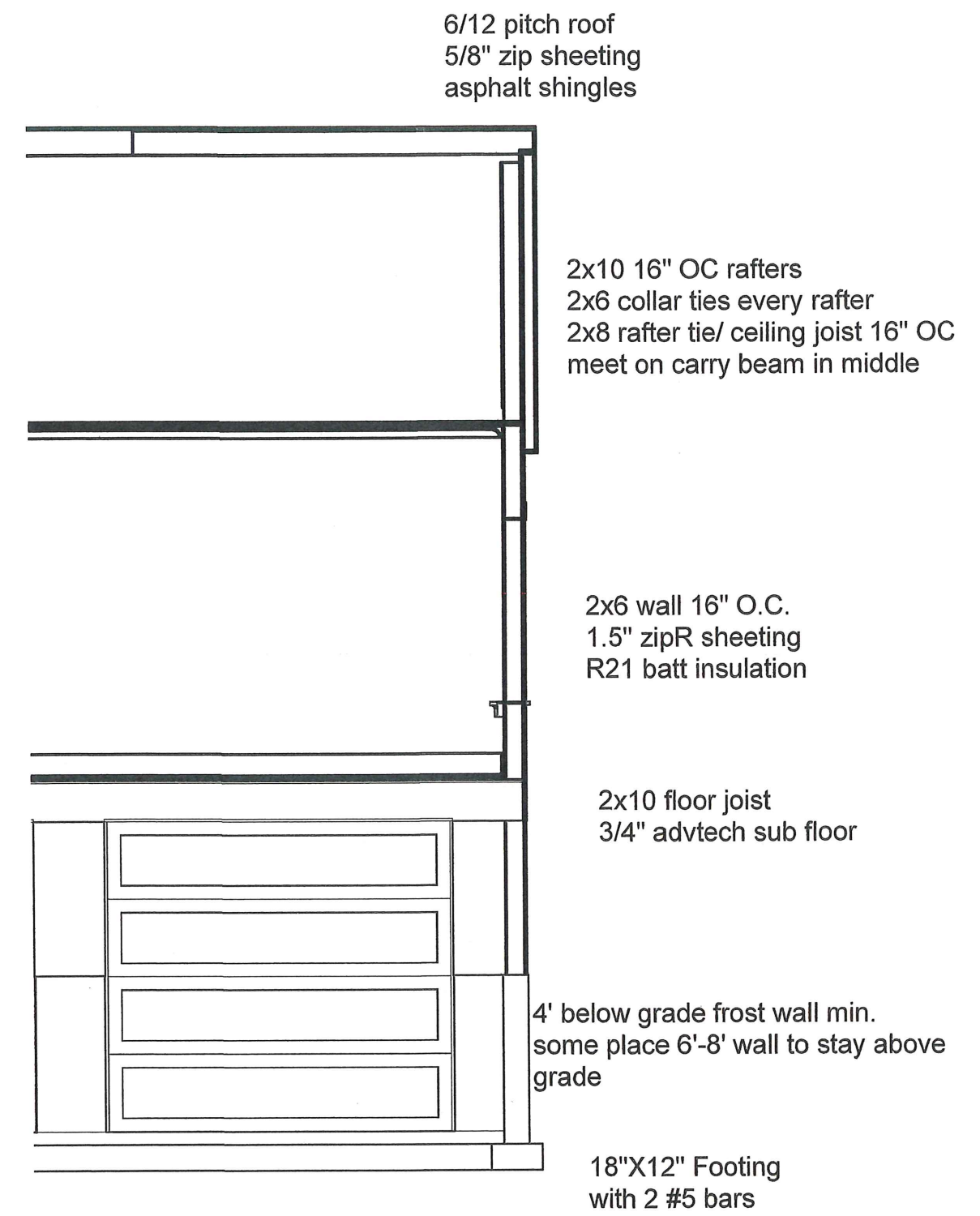
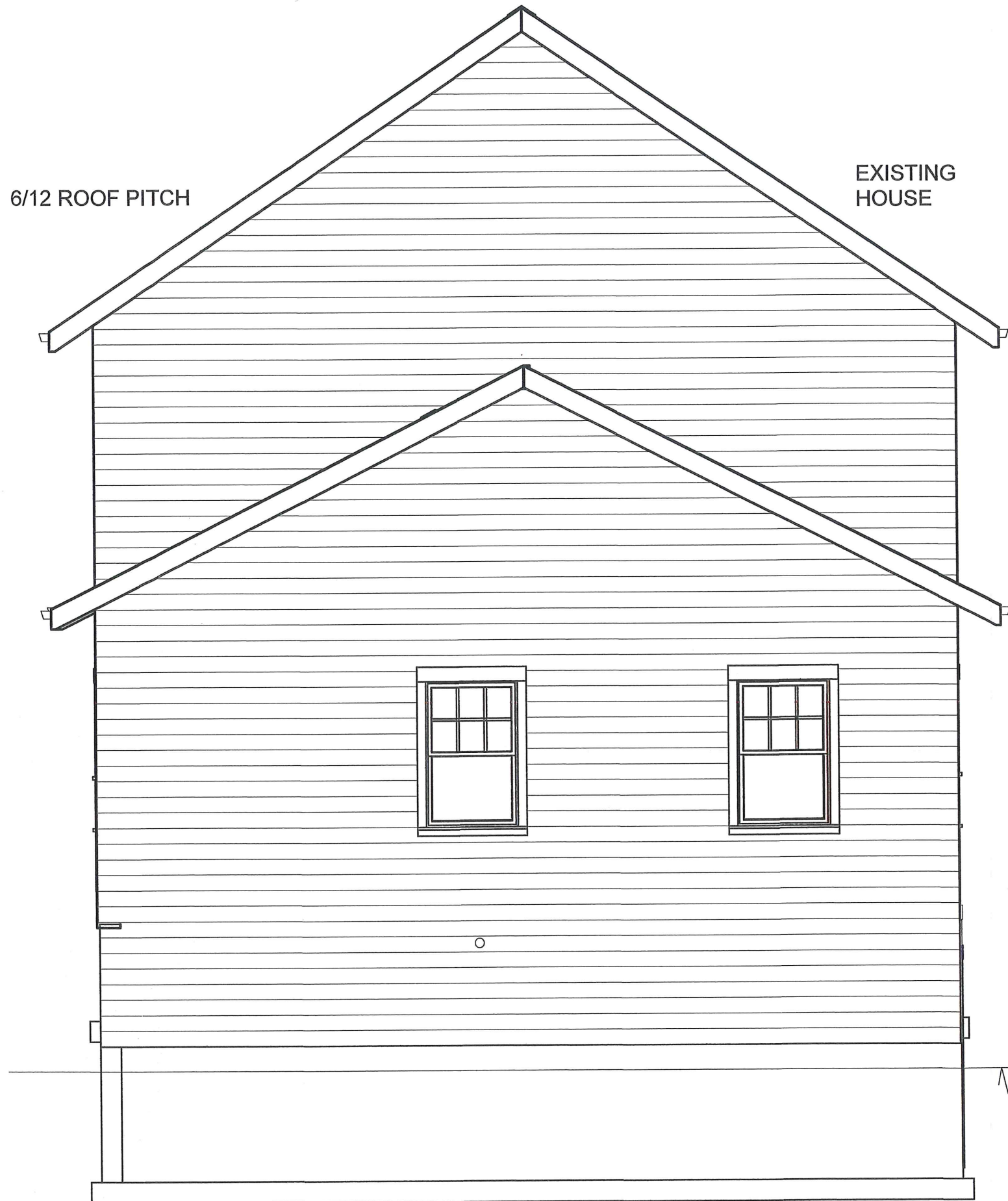
SCALE:

1/4" - 1'

SHEET:

A-2

Elevation 1



PROPOSED GRADE

| | | | | | |
|---------------------------------------|--|-------------|--|----|------|
| NO. | | DESCRIPTION | | BY | DATE |
| | | | | | |
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| | | | | | |
| | | | | | |
| SHEET TITLE: Elevation/ cross section | | | | | |
| PROJECT DESCRIPTION: Sacco - Addition | | | | | |
| DRAWINGS PROVIDED BY: 4B Construction | | | | | |
| DATE: 2/21/21 | | | | | |
| SCALE: 1/4" - 1' | | | | | |
| SHEET: A-3 | | | | | |