

# TOWN OF MILFORD

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



## Administrative Review

**Date:** June 7, 2021  
**To:** Jason Plourde, Chair, Zoning Board of Adjustment  
**From:** Lincoln Daley, Community Development Director  
**Subject:** **Case #2021-11 Hannah and Kenneth Wiggins for the property located at 14 Dearborn Street, Tax Map 22, Lot 66** – Special Exception Application for Dimensional Setbacks

The applicant is before the Board of Adjustment seeking a Special Exception from the Milford Zoning Ordinance, Article V, Sections 5.02.2 and 5.02.5.B to allow the construction of a 26' x 36' accessory structure (detached garage) 13 feet within the 15 foot side dimensional setbacks in the Residential 'A' Zoning District. In reviewing the files for this property, I offer the following comments:

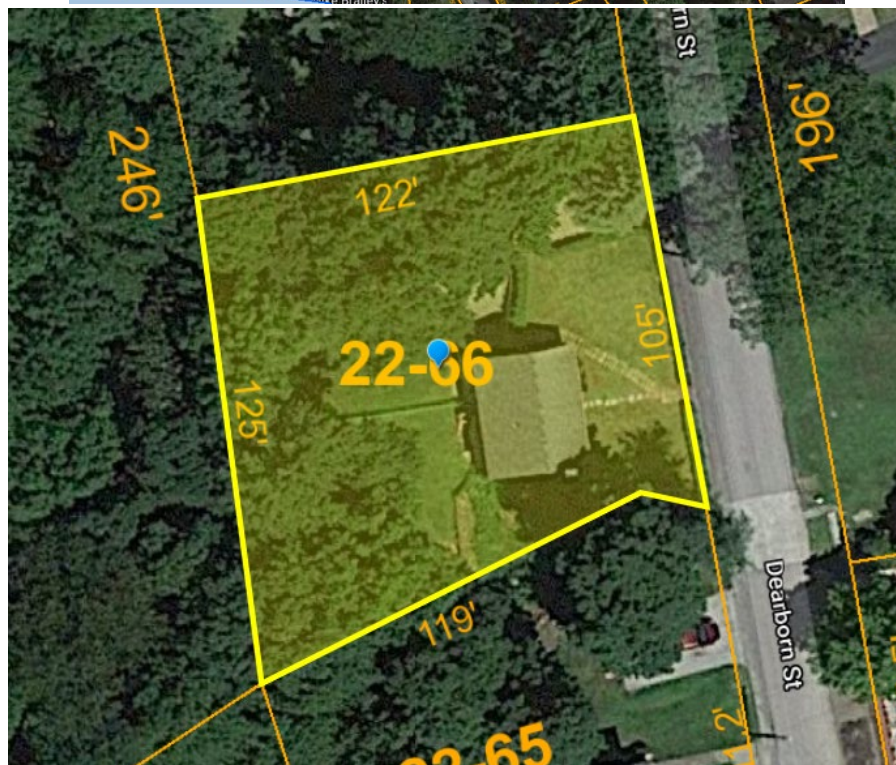
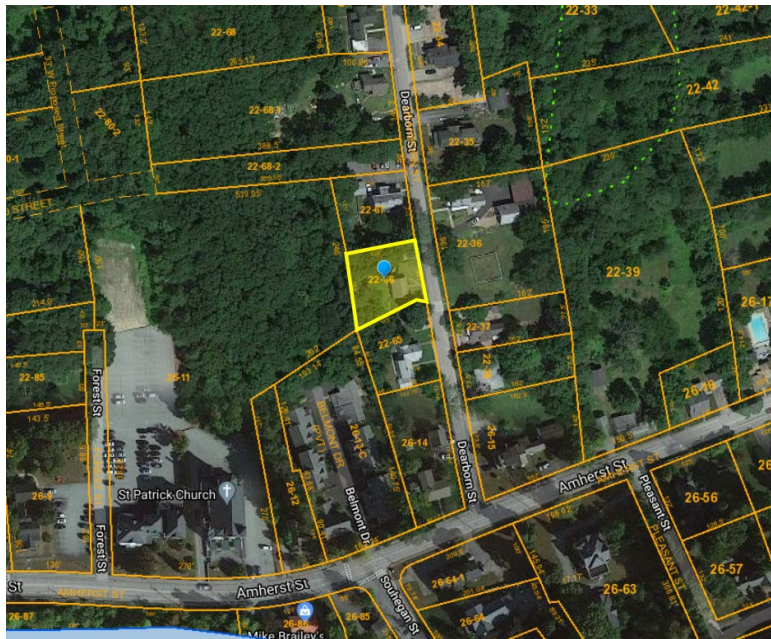
1. Existing Conditions:
  - a. The subject property is approximately .32 acres (13,939 sf) in area with approximately 105 linear feet of frontage on Dearborn Street.
  - b. The property consists of a single-story, 2 bedroom, single-family residence and is serviced by municipal water and waste water.
  - c. The subject property is situated in an established single-, two-, and multi-family residential area. To the west, the subject property abuts the Roman Catholic Church. To the north, south, and east, the property abuts single-, two-, and multi-family residences.
2. The proposal calls for the construction of a 26' x 36' square foot (936 sf), 15 foot high detached garage along the northerly portion of the subject property. The proposed garage is located approximately 2 foot from the northerly property line. The minimum side dimensional setback is 15 feet within the Residential 'A' Zoning District. The detached garage is categorized as an accessory structure and permitted within the Residential 'R' District. Pursuant to Sections 5.02.2 and 5.02.5.B, a structure can be placed within the side (15') dimensional setbacks with the issuance of a Special Exception by the Board of Adjustment.
3. Elevations of the detached garage have been provided along with a survey plan. The proposed detached garage contains two bay doors and a covered overhang/lean to. The 15' high peak and overhang area will face the abutting property, Tax Map 22, Lot 67 and line up with the existing driveway.

According to the Town's GIS information (not survey), the grade change within area of the proposed garage structure declines approximately 4 feet running east to west towards the rear of the property. In addition, upon a cursory review of the surrounding neighborhood properties, a number of the properties contain existing building encroachment within the front and side dimensional setbacks.

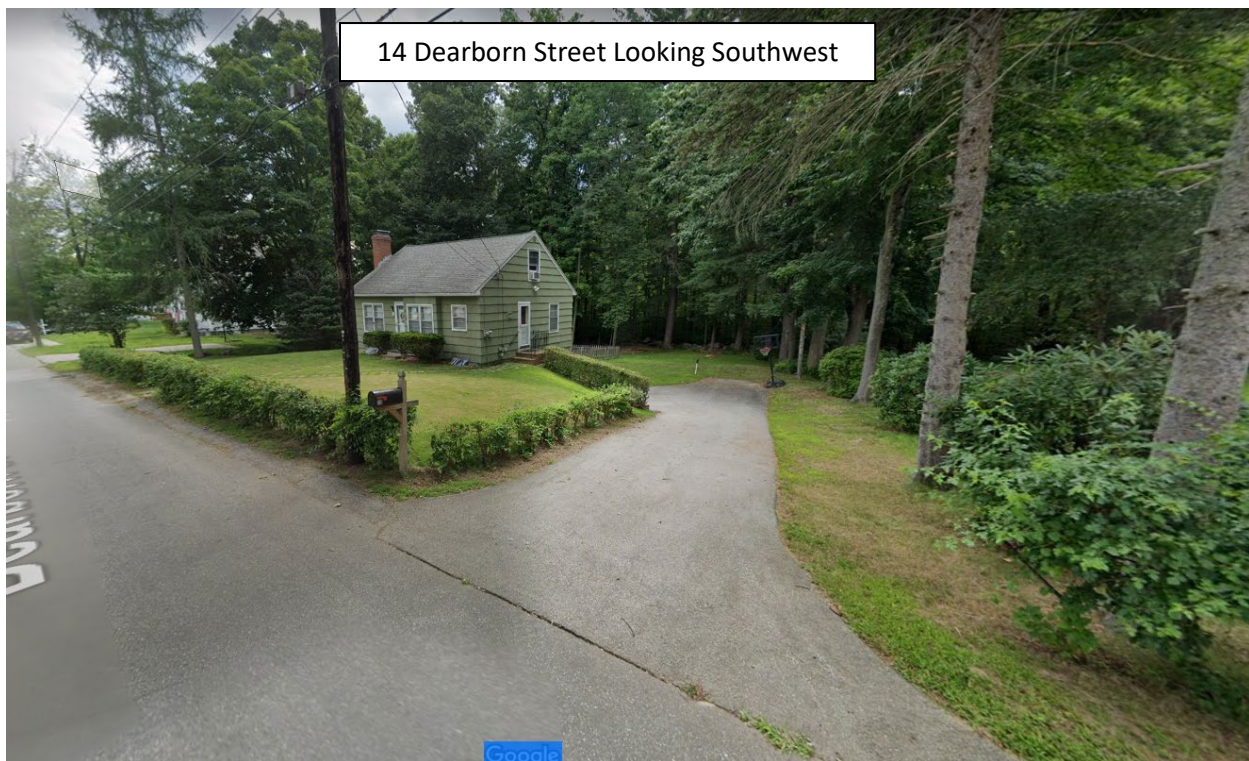
In order to better understand the scale and potential visual presence/impact to abutting properties, the applicant will need to review the proposed elevations with the Board and discuss any/all alternative locations considered for the placement/orientation of the detached garage.

- The survey of the property provided shows a small shed accessory structure in the northwest corner of the property. According to said survey, the shed extends over rear property line onto the abutting property, Tax Map 26, Lot 11. The accessory structure is not in compliance with Milford Zoning Ordinance, Article V, Sections 5.02.2 and 5.02.5.B and will either (1) need to be removed or (2) require a Special Exception from the Board of Adjustment and an easement from the abutter to maintain/access said shed.

**Aerial Photos of Subject Property:**



**Street Photos of Subject Property:**



14 Dearborn Street Looking West



14 Dearborn Street Looking Northwest



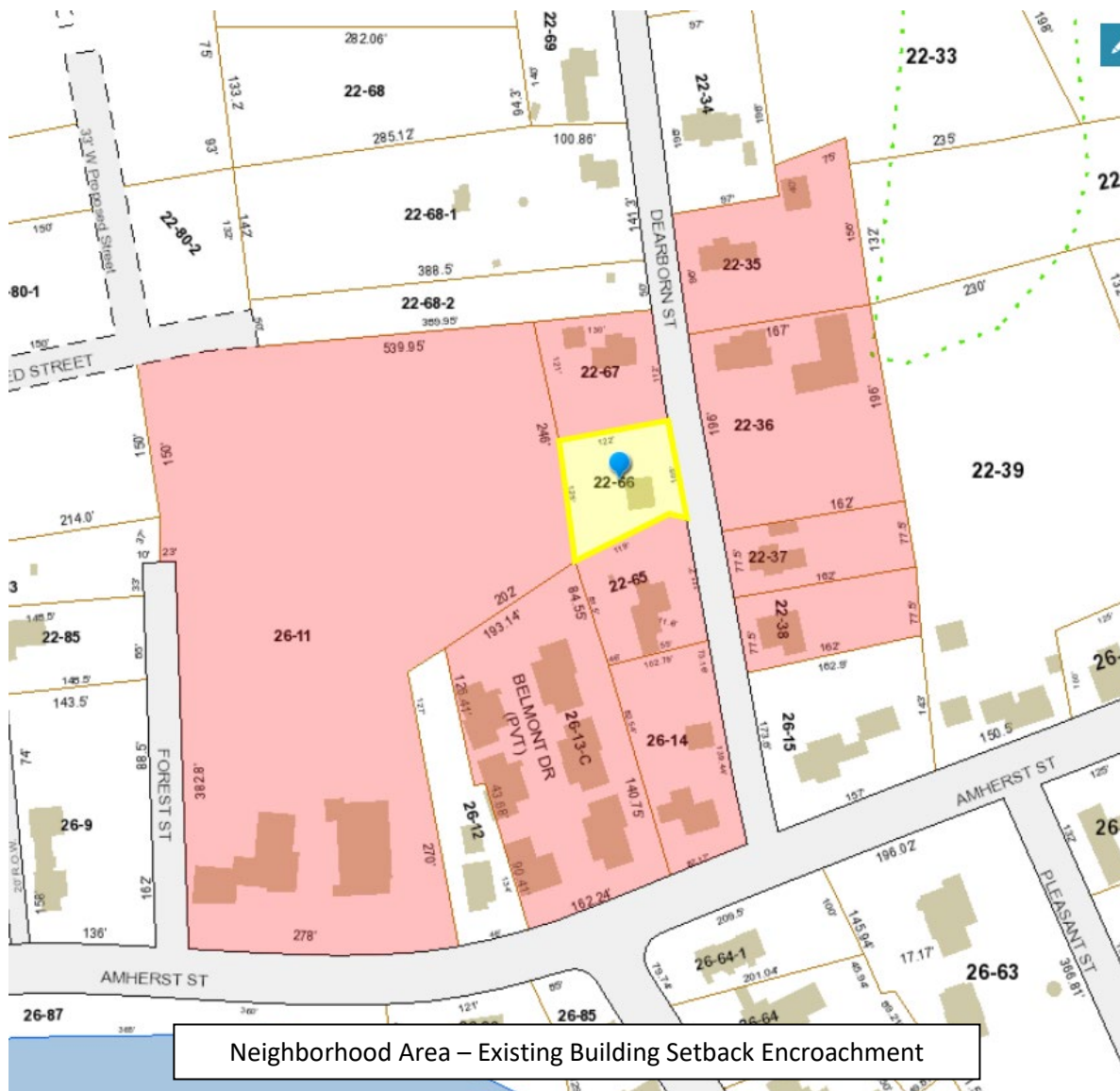
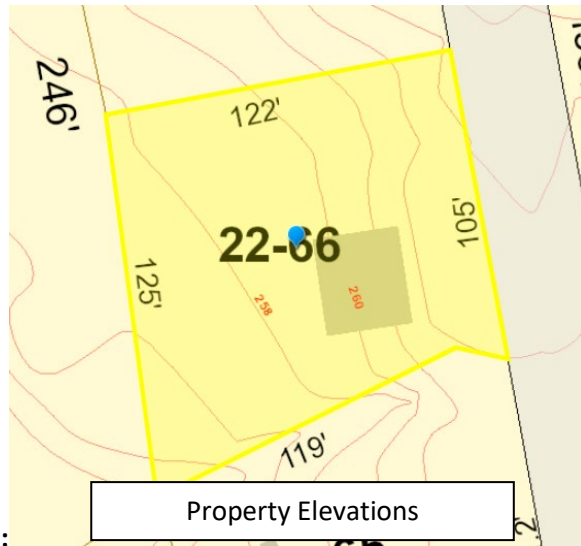
Dearborn Street Looking North



Dearborn Street Looking South



# Tax Map of Subject Property





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

Date Received: \_\_\_\_\_  
 Case Number: \_\_\_\_\_  
 Application #: \_\_\_\_\_  
 Date Complete: **TOWN OF MILFORD RECEIVED**  
 Hearing Date: **MAY 20 2021**  
 Decision Date: \_\_\_\_\_  
 Decision: **PB** ZBA Office

**PROPERTY INFORMATION**

Street Address: 14 Dearborn Street, Milford NH 03055

Tax Map / Parcel #: 22-66

*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 5.02.5 Section B  
 Describe the use you are proposing under the above section of the Ordinance.  
 Requesting side property setback special exception for construction of  
residential garage for storage of vehicles and lawn/gardening equipment

**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:  
 A 24x36' residential garage that includes a two car garage and covered carport

**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:  
 There are several neighboring detached garages both with and without carports

B. The specific site is an appropriate location for the proposed use because:  
 The site designated is directly in line with the existing driveway.

C. The use as developed will not adversely affect the adjacent area because:  
 Allowance will not negatively affect the neighborhood.

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:  
 The construction site is at the rear of the property.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:  
 Yes. There will be two cars stored inside the two car garage. And one trailer parked under the carport.



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

**GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS**

**PROPERTY INFORMATION**

Street Address: 14 Dearborn Street

Tax Map / Parcel #: 22-66

Lot Size: 0.32 acres

**PROPERTY CURRENTLY USED AS**

Primary residence

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

**PROPERTY OWNER**

Name: Hannah (Miller) Wiggins

Address: 14 Dearborn Street

City/State/Zip: Milford, NH 03055

Phone: ( ) 603.858.9894

Email:

hannahvwiggins@gmail.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: Kenneth Wiggins

Address: 14 Dearborn Street

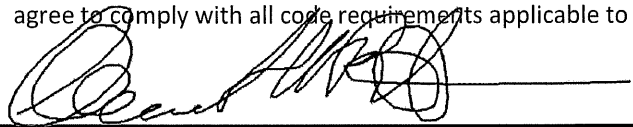
City/State/Zip: Milford, NH 03055

Email: kennethrwiggins2@gmail.com

Phone: ( )

Cell: ( ) 603.858.9894

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.



April 29, 2021

Property Owner's signature

Date:

Date Received: \_\_\_\_\_

Case Number: \_\_\_\_\_

Application Number: 20210984

Hearing Date: TOWN OF MILFORD RECEIVED

Decision Date: \_\_\_\_\_

Decision: APR 30 2021

PB ZBA Office

**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**

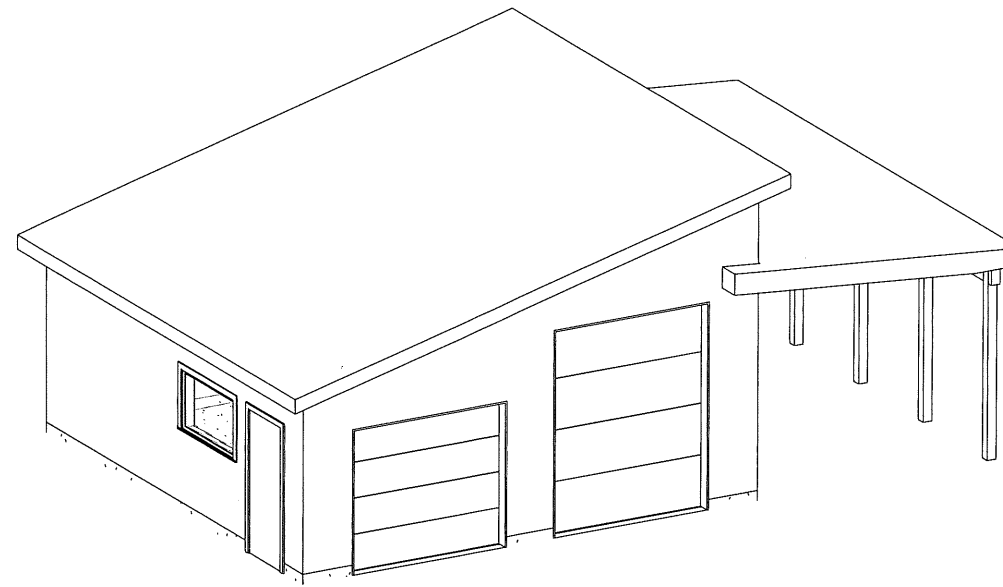
Application Fee:	\$75.00
Abutters Fee: \$4 x <u>18</u>	\$72
Amount received:	<u>147.00</u>
Date Received:	<u>4/30/2021</u>
Check _____ Cash <input checked="" type="checkbox"/>	

*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.*



**Table of Contents**

1	-----	Title Page
2	-----	Front Elevation
3	-----	Left Elevation
4	-----	Rear Elevation
5	-----	Right Elevation
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7	-----	Stem Wall Layout
8	-----	Right Wall Detail
9	-----	Left Wall Detail
10	-----	Front Wall Detail
11	-----	Rear Wall Detail
12	-----	Carport Detail
13	-----	Wall Section Detail
14	-----	Sheathing Layout
15	-----	Lot Survey
16	-----	Proposed Site Plan



<u>Project Name</u>	Garage
<u>Owner</u>	H. and K. Wiggins
<u>Address</u>	14 Dearborn St
<u>Sheet Name</u>	Title Page
<u>Sheet #</u>	1

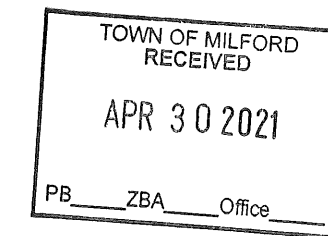
**Design Criteria (Per IBC 2015)**

Ground Snow Load	= 70 lbs/sqft
Basic Wind Speed	= 110 mph
Seismic Design Category	= D <sub>0</sub>
Weathering	= Severe
Frost Line Depth	= 4'
Termite	= Slight to Moderate

- Code Notes**
- Chapter 3 - Building Planning
- Garage floor surface shall comply with R309.1.
  - Carport shall comply with R309.2.
  - Automatic garage door openers shall comply with R309.4.
  - Framing members shall be protected from decay per section R317.
- Chapter 4 - Foundation
- Soil load bearing pressure of 1,500 lbs/sqft per R401.4.1.
  - Footings shall be 12" wide and 6" thick per R403.1(1).
  - Footing and stem walls shall be reinforced with steel per R403.1.3.3.7.
  - Concrete shall comply with R404.1.3.3.
  - Concrete walls shall extend 6" above finished grade per R404.1.6.
  - Sill plates shall be anchored according to R403.1.6.
  - Concrete slab shall comply with section R506.
- Chapter 6 - Wall Construction
- Header size and span shall comply with R602.7(1).
  - Wall studs shall be 2x4 at 16" per R602.3.
  - Lateral bracing shall comply with R602.10.

**Construction Notes**

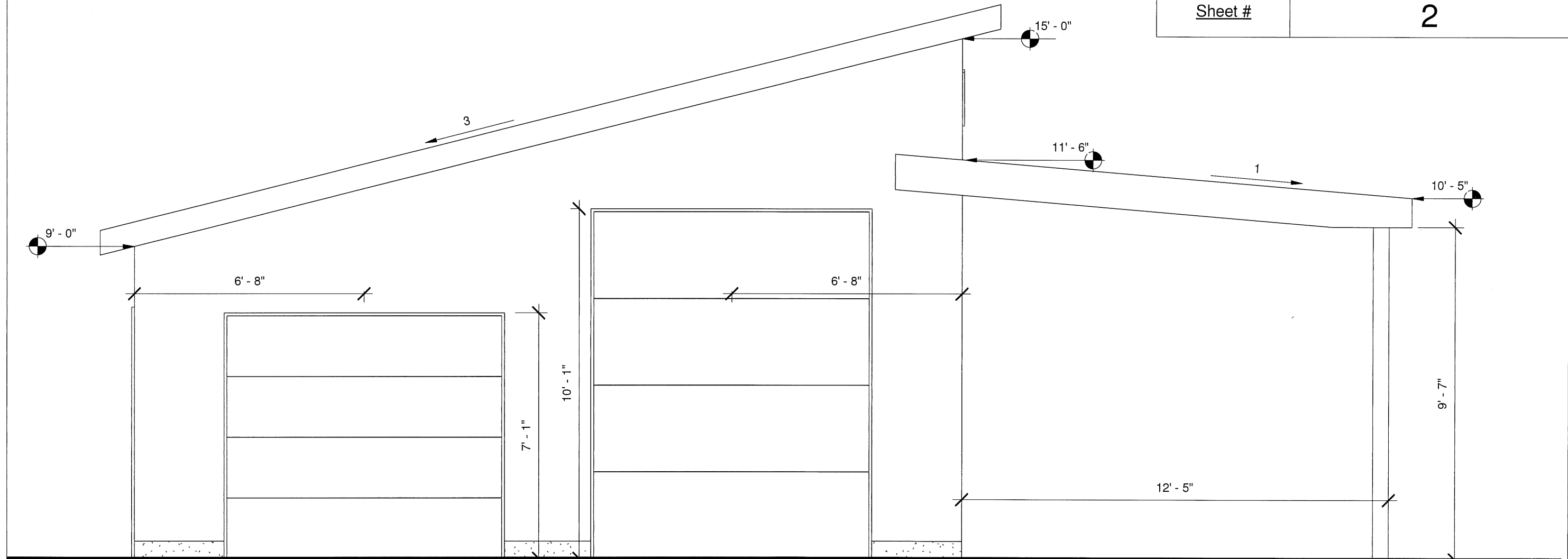
- Peripheral construction methods not covered by the 2015 IBC shall comply with manufacturer specifications, local building code and/or engineered design.



<u>Revision</u>	<u>Issue Date</u>

① North  
3/8" = 1'-0"

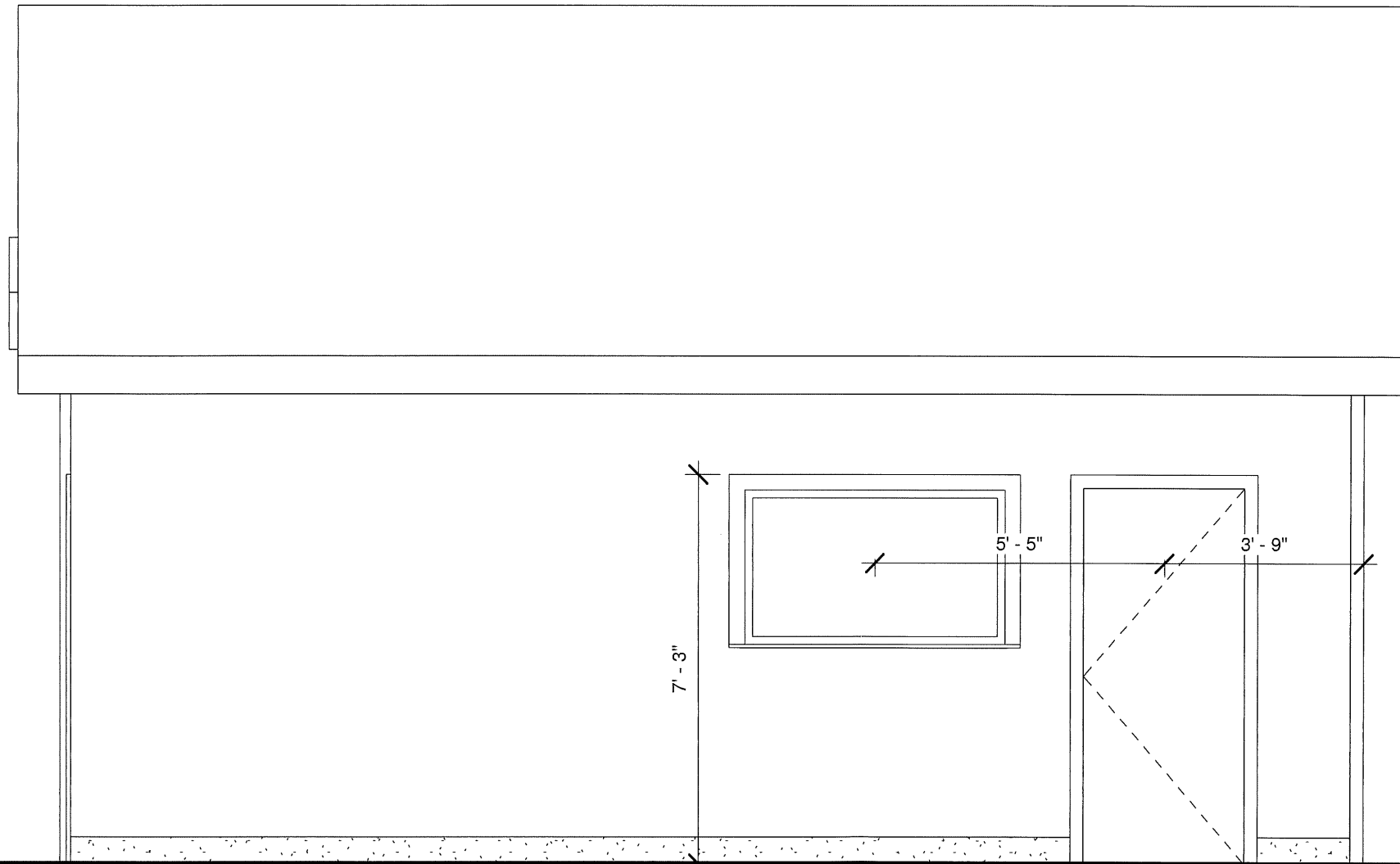
<u>Project Name</u>	Garage
<u>Owner</u>	H. and K. Wiggins
<u>Address</u>	14 Dearborn St
<u>Sheet Name</u>	Front Elevation
<u>Sheet #</u>	2



Revision		Issue Date	

① East  
3/8" = 1'-0"

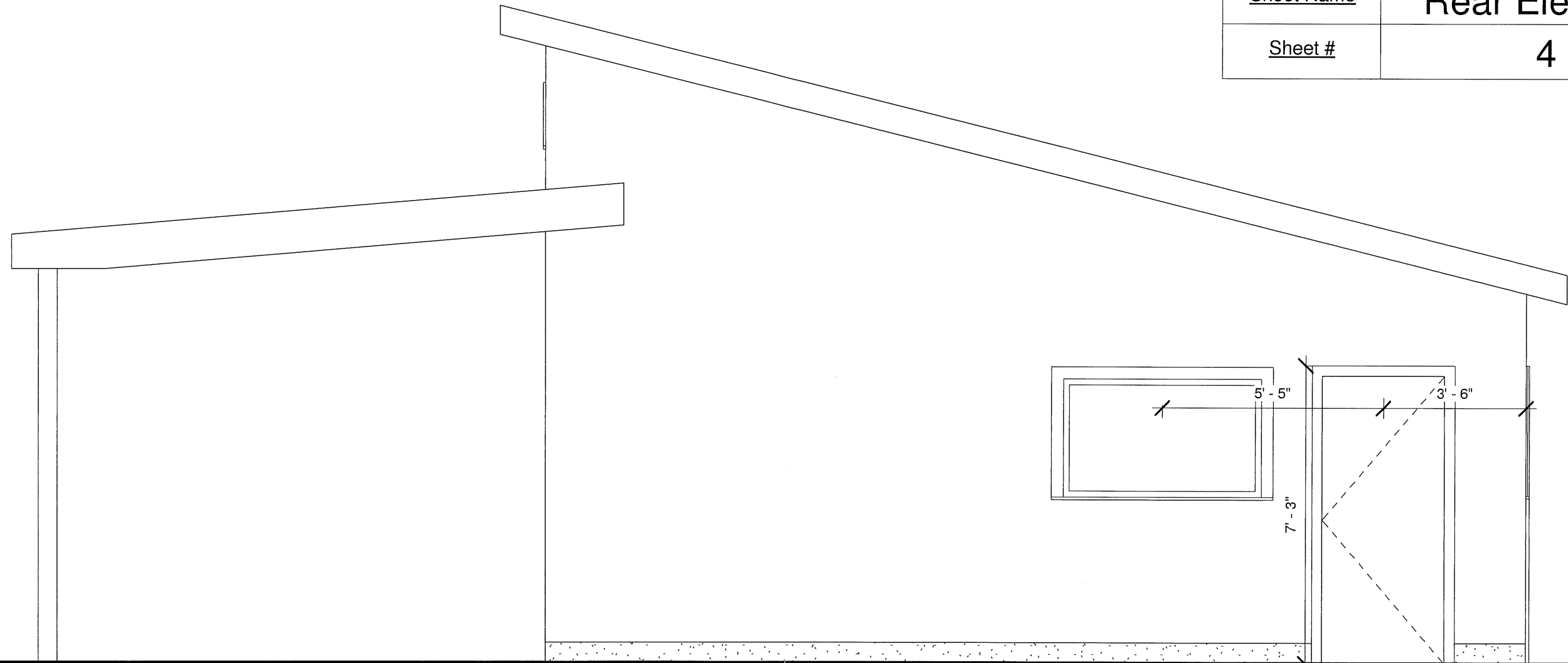
<u>Project Name</u>	Garage
<u>Owner</u>	H. and K. Wiggins
<u>Address</u>	14 Dearborn St
<u>Sheet Name</u>	Left Elevation
<u>Sheet #</u>	3



Revision		Issue Date	

① South  
3/8" = 1'-0"

<u>Project Name</u>	Garage
<u>Owner</u>	H. and K. Wiggins
<u>Address</u>	14 Dearborn St
<u>Sheet Name</u>	Rear Elevation
<u>Sheet #</u>	4



<u>Revision</u>	<u>Issue Date</u>

① West  
3/8" = 1'-0"

Project Name

Garage

Owner

H. and K. Wiggins

Address

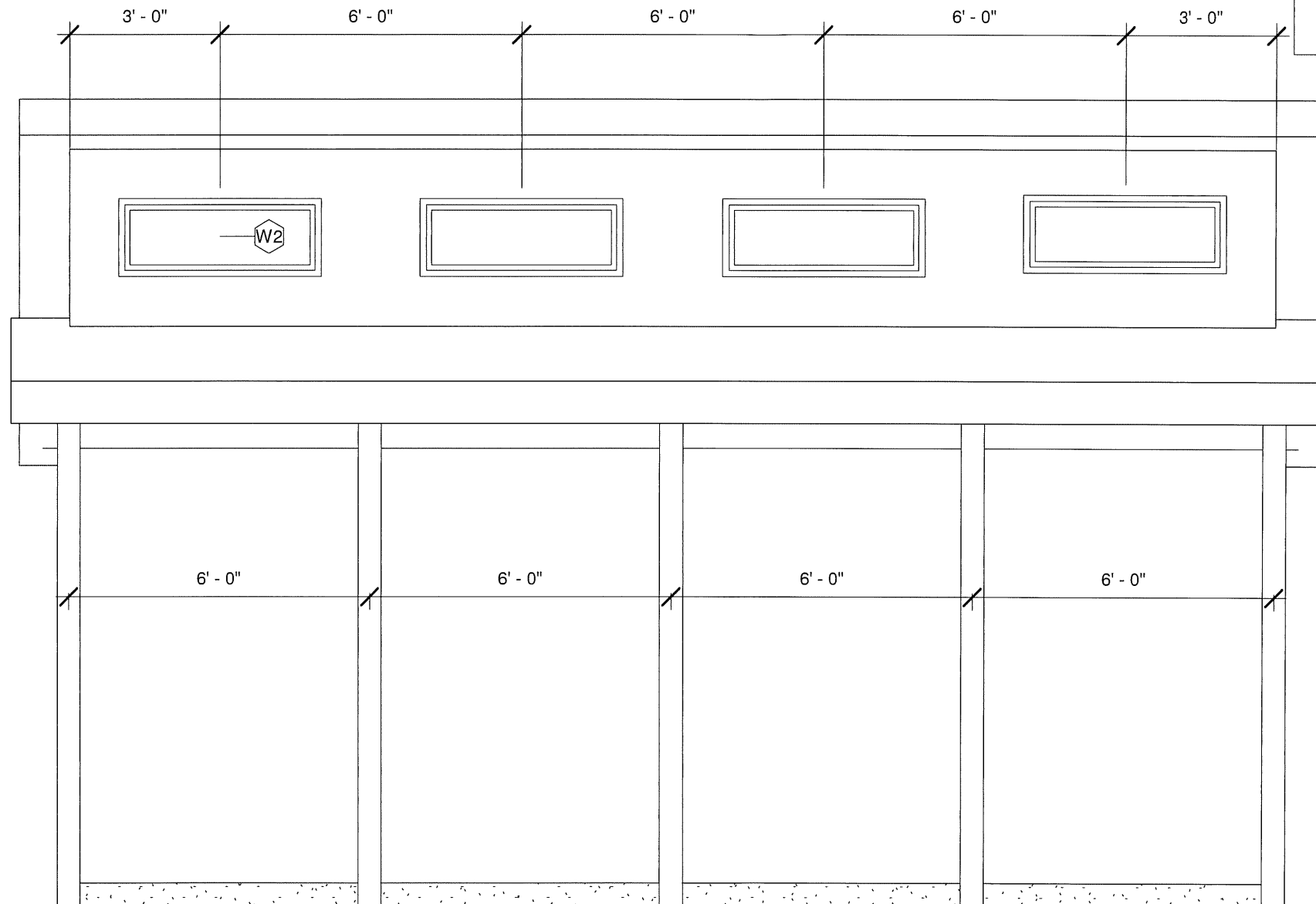
14 Dearborn St

Sheet Name

Right Elevation

Sheet #

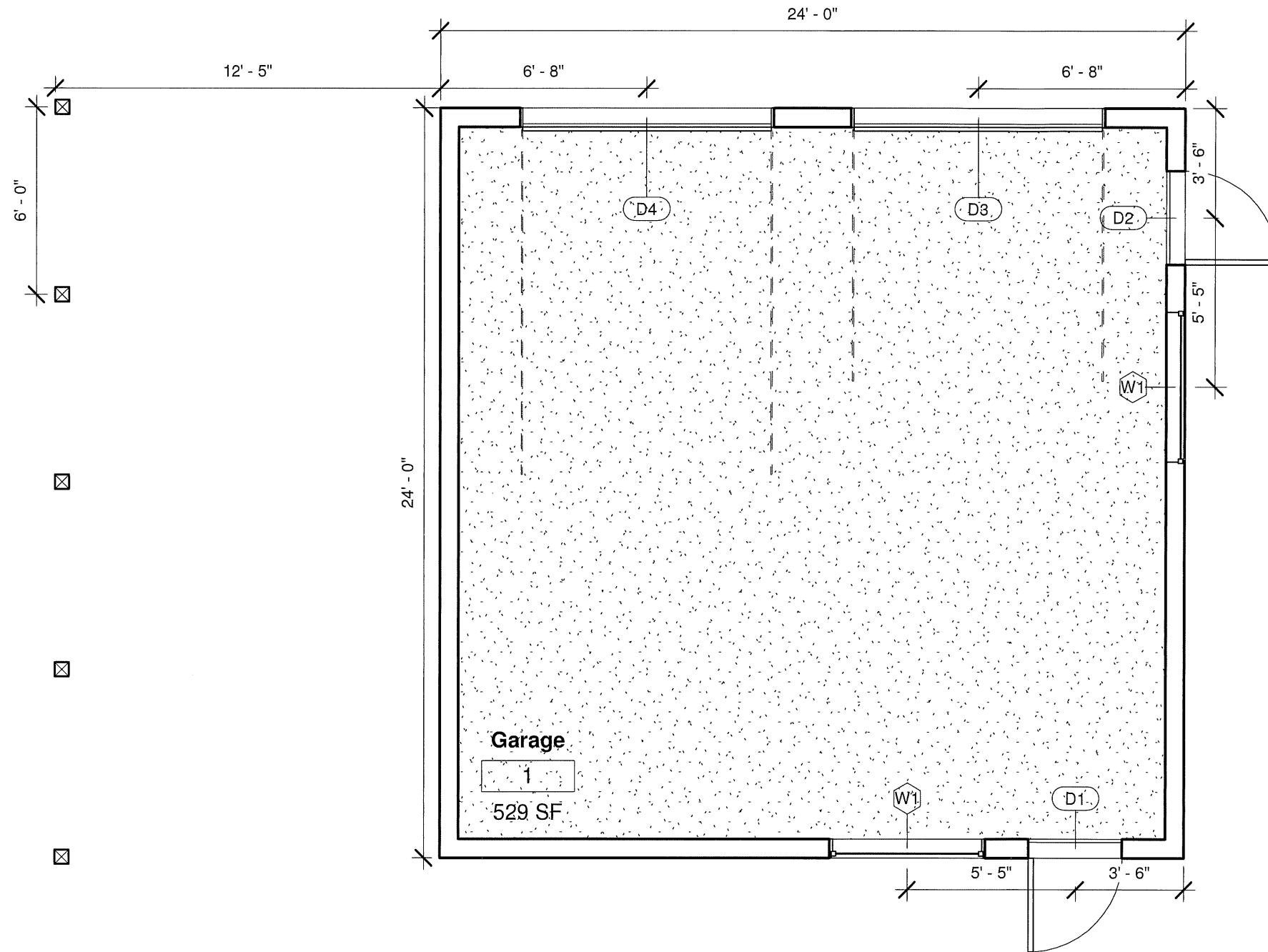
5



Revision

Issue Date

① First Floor  
1/4" = 1'-0"



<u>Project Name</u>	Garage
<u>Owner</u>	H. and K. Wiggins
<u>Address</u>	14 Dearborn St
<u>Sheet Name</u>	Floor Plan
<u>Sheet #</u>	6

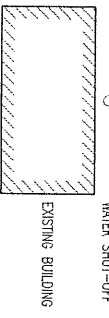
Window Schedule				
Type Mark	Rough Opening	Width	Rough Height	Rough Width
	Height			
W1	3' - 0"	5' - 0"	3' - 0 1/2"	5' - 0 1/2"
W2	1' - 6"	4' - 0"	1' - 6 1/2"	4' - 0 1/2"

Door Schedule		
Door Number	Rough Height	Rough Width
D1	6' - 10 1/4"	3' - 2 1/2"
D2	6' - 10 1/4"	3' - 2 1/2"
D3	7' - 1"	8' - 2"
D4	10' - 1"	8' - 2"

<u>Revision</u>	<u>Issue Date</u>

REV.	DATE	DESCRIPTION	C/O	DR	CK

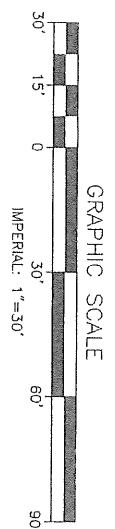
- LOT**
- TAX MAP & LOT NUMBER
  - ORNAMENTAL TREES
  - EDGE OF TREE LINE
  - OVERHEAD UTILITY LINE
  - CULVERT
  - STONE WALL
  - EDGE OF PAVED ROAD
  - 25' WETLAND BUFFER
  - BUILDING SETBACK LINE
  - ABUTTING LOT LINE
  - BOUNDARY LINE
  - RIGHT-OF-WAY LINE



Surveying + Engineering + Land Planning + Permitting + Septic Designs

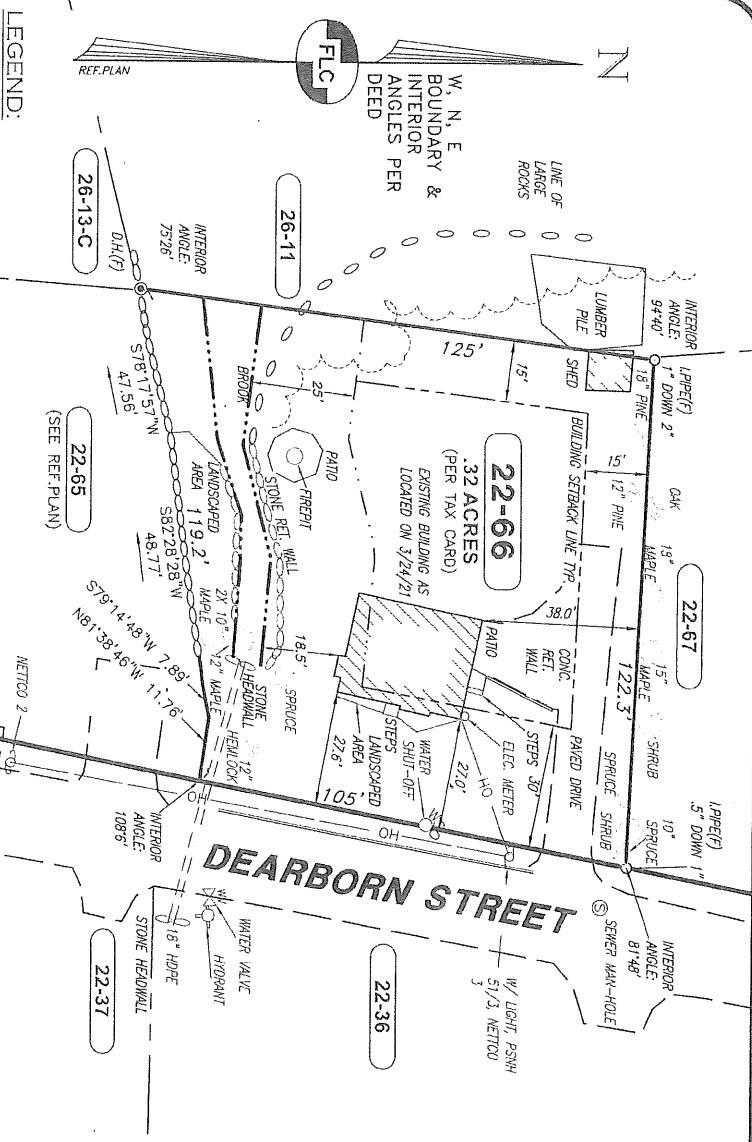
**FIELDSTONE**  
LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055  
Phone: (603) 672-5436 Fax: (603) 413-5436  
www.fieldstonelandconsultants.com



SCALE: 1" = 30'  
APRIL 8, 2021  
FILE: 2849CP00.dwg PROJ. NO. 2849.00 SHEET NO. 1 OF 1

**PROPOSED CONSTRUCTION PLOT PLAN  
PREPARED FOR:  
KEN & HANNAH V.  
WIGGINS  
TAX MAP PARCEL 22-66  
(14 DEARBORN STREET)  
MILFORD, NEW HAMPSHIRE**

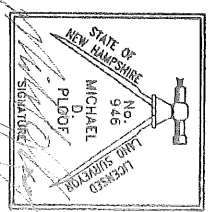


**LEGEND:**

- S.B.(f) STONE BOUND FOUND
- (P) IRON PIN FOUND
- (P) IRON PIPE FOUND
- UTILITY POLE, CUY & LIGHT
- ⊙ WELL
- ⊙ SEWER MAN-HOLE
- ⊙ WATER HYDRANT
- ⊙ WATER VALVE
- ⊙ WATER SHUT-OFF

**CERTIFICATION:**  
I HEREBY CERTIFY THAT THE EXISTING IMPROVEMENTS ARE LOCATED AS SHOWN, RELATIVE TO THE LOT LINES PER THE PLAN REFERENCED AND PHYSICAL EVIDENCE FOUND.

4/22/21



- NOTES:**
1. THE OWNER OF RECORD FOR TAX MAP PARCEL 22-66 IS HANNAH V. MILLER - 14 DEARBORN STREET, MILFORD, NH 03055. DEED REFERENCE TO PARCEL IS BK: 9305 PG 2117 DATED JUNE 11, 2020 IN THE H.C.R.D.
  2. THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING IMPROVEMENTS AS SHOWN.
  3. ZONING FOR THE PARCEL IS "RESIDENCE A." BUILDING SETBACKS ARE: FRONT 30 FEET, 15 FEET SIDE AND REAR. WETLAND BUFFER IS 25 FEET.
  4. THE EXISTING BUILDING, MONUMENTS AND LINES OF OCCUPATION SHOWN ARE THE RESULTS OF AN ON-SITE FIELD SURVEY PERFORMED BY THIS OFFICE ON MARCH 24, 2021
  5. PERIMETER INFORMATION SHOWN WAS COMPLETED ENTIRELY FROM THE REFERENCE PLAN AND THE RECORD DEED AND IS NOT THE RESULT OF A PRECISE BOUNDARY SURVEY BY THIS OFFICE.

**REFERENCE PLAN:**

"PLAT OF JOSEF ZUND LAND - MILFORD, N.H.," SCALE 1"=10', DATED MAY 17, 1978, BY ROBERT B. TODD R.L.S. 2003 RECORDED IN THE H.C.R.D. AS PLAN #11329.

