

TOWN OF MILFORD

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



Administrative Review

Date: June 10, 2021
To: Jason Plourde, Chair, Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2021-12 Vicki Bissonnette for the property located 25 Merrimack Street, Tax Map 27, Lot 24 – Special Exception Application for a Home Based Business**

The applicant is before the Board of Adjustment seeking a Special Exception from the Milford Zoning Ordinance, Articles V, VII, X, Sections 5.02.2.A.1, 7.12.6, and 10.02.1 to permit a Home Based Business, a dog training operation, within the first floor of the existing barn structure located within 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 1.5 acres (64,890 sf) in area with approximately 132 linear feet of frontage on Merrimack Street.
 - b. The property consists of a two-story, 3 bedroom, single-family residence, a detached one-story, 925 sf. barn (with loft), a 96 square foot shed, and 700 square foot above ground pool. The majority of the property is undeveloped and wooded.
 - c. The property is service my municipal water and a private septic system.
 - d. The subject property is situated in an established single-, two-, and multi-family residential area. To the east, west, and south, the subject property abuts the single-family residences. To the north, the property abuts single- and multi-family residences.
2. The applicant seeks to operate a small dog training facility entirely within the first floor of the detached barn. Operations are summarized as follows:
 - The operation would utilize approximately 350 sf. of the total 905 sf. area.
 - The business would consist of one employee (the applicant) who would run a maximum of 3 classes a day each with a maximum of 4 clients. Classes would be held Monday – Friday between the hours of 11am – 7pm and on Saturdays 11am to 2pm.
 - Off-street parking would be provided onsite in proximity to the barn presumably on the existing gravel area.
 - The business would include the sale of dog treats/treat bags, enrichment toys and related dog accessories within the 350 sf. area designated for the home business.
 - The proposed business would receive periodic deliveries from USPS, Amazon, etc.
 - The applicant is proposing two signs consisting of a 1'x4' wall sign and 14 inch x 3' sign located on the front fence of the property.
3. Pursuant to Section 5.02.2.A.1, a Home Based Business is permitted in the Residential 'A' Zoning District by Special Exception. The proposed dog training facility would fall under the classification of a Home Business

requiring a Special Exception from the Board of Adjustment and be subject to the requirements stated in Section 7.12.6.

4. Staff provides the following comments:
 - a. The application references possible outside operations within a fenced in area on the subject property with direct access to the indoor training facility. Pursuant to Section 7.12.6.A.1, the Home Business shall be conducted entirely within the dwelling or accessory structure. The applicant will need to clarify.
 - b. The combined floor area of all of the structure on the property (not including the pool) is approximately 2,400 sf. The applicant should identify the 350 sf. area within the barn to be used for the dog training business and the area within the residence utilized for the business office. Pursuant to Section 7.12.6.A.4, the Home Business (the combined office and dog training area) shall not exceed approximately 600 sf. (.25*2,400).
 - c. The applicant should be prepared to explain the proposed off-street parking to accommodate personal vehicles and clients/deliveries. There can be no on-street parking associated with residence and/or to service the proposed business. Given the location of the proposed client parking, the applicant should address how she intends to mitigate headlight spillover onto the abutting property Tax 27 Lot 25, 19 Merrimack Street.
 - d. Pursuant to Section 7.12.6.A.2, the ordinance allows for one sign for a home based business totaling six square feet. Said sign can be a wall sign or free standing sign. As stated above, the applicant is proposed two signs. It is recommended that Staff work with the applicant to resolve this matter in compliance with the Zoning Ordinance.
 - e. The applicant should be prepared to discuss the potential impacts to the abutting properties in relation to the sound generated by the dogs and proposed mitigation measures.

Aerial Photos of Subject Property:



Street Photos of Subject Property:



25 Merrimack Street Looking Southeast



25 Merrimack Street Looking Southeast



25 Merrimack Street Looking South

25 Merrimack Street Looking Southwest



Merrimack Street Looking East



Merrimack Street Looking West





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

Date Received: 5/17/21
 Case Number: 2021-12
 TOWN OF MILFORD
 RECEIVED
 Application Number: _____
 Hearing Date: MAY 17 2021 6/17/21
 Decision Date: _____
 Decision: _____
 PB: _____ ZBA _____ Office _____

PROPERTY INFORMATION

Street Address: 25 Merrimack STREET
 Tax Map / Parcel #: 027-024-000-000 Lot Size: 1.50 ACRES

PROPERTY CURRENTLY USED AS

Home Dwelling

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

PROPERTY OWNER

Name: Gary Blake Wurster Jr
 Address: 25 Merrimack St
 City/State/Zip: Milford NH 03055
 Phone: 603 661 9888
 Email: bnwflooring2016@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: Vicki BISSONNETTE
 Address: 25 Merrimack St
 City/State/Zip: Milford NH
 Email: 4pawzonthefloor@gmail.com
 Phone: () Cell: 603 661 8581

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.

Gary Wurster 5/13/21
 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>15</u>	<u>\$60.00</u>
Amount received:	<u>135.00</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: 5/17/21
 Case Number: 2021-12
 Application #: _____
 Date Complete: 5/26/21
 Hearing Date: 6/17/21
 Decision Date: _____
 Decision: _____

PROPERTY INFORMATION

Street Address: 25 MERRIMACK STREET

Tax Map / Parcel #: 27-24

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 V, VII, X Section 5.02.2.A.1, 7.12.6, 10.02.1

Describe the use you are proposing under the above section of the Ordinance.
To open an approx. 350 SF training room for dogs. These classes would be 3 to 4 clients at a time, offering Basics to Advanced, & Sport classes, as well as private sessions.

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: WE HAVE A BARN WHICH WE WANT TO TAKE THE DOWNSTAIRS (APPROX 350 SF) AND TURN IT INTO A SMALL DOG TRAINING FACILITY. ALL CLASSES WILL BE 4 OR LESS CLIENT(S) AT ANY GIVEN TIME.

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: To be honest, within Milford NH, besides Good Mojo (Great Facility!!!) There are no other registered dog training businesses listed other than that, because I will be a small in home, it doesn't change the residential feel.

B. The specific site is an appropriate location for the proposed use because: There will be 3 exits. Any outside work is done in a fenced 1+ Acres LOT that has direct access to & from the training room. The existing space in the barn can easily be converted to a center. And my neighbor Jane wants to sit and watch! lol

C. The use as developed will not adversely affect the adjacent area because: There will be no digging for any piping. There's already a water pipe that runs from the house water spicket. It's already on a very busy road. Training involves very little barking, as their busy working and 2 of my abusers have dogs

D. There will be no nuisance or serious hazard to vehicles or pedestrians because: This field doesn't attract trouble. No hazard materials, besides cleaning products, we have installed quite a bit of lighting, sensor lights and security cameras. With only 3 to 4 clients at any given time, it doesn't impact traffic.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because: WE WILL CARRY ALL APPROPRIATE INSURANCES UNDER THE LLC. VALUERS OF LIABILITIES WILL BE REQUIRED AND MAINTAINED. ALL PROPERTY SAFETY WILL BE MONITORED ON A CONTINUOUS BASIS



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. *There will be NO Environmental changes. ~~NO~~ Dog Feces are always picked up and disposed of properly.*
2. Is the plan proposed the least impactful to the wetlands, surface waters and/or associated buffers? Please explain. *yes there will be ~~NO~~ changes to the interior of the barn. Our yard Frogs will continue to enjoy their untouched 1/4 acre*
3. Has the impact on plants, fish and wildlife been addressed? Please explain. *yes. My holly berry bush is well protected by cut up pine logs, make dogs can't pee on it. I cannot control whether chipmunks & squirrels enter the yard or whether a dog will chase it. My dogs currently engage in this activity. Sorry*
4. Has the impact on the quality and quantity of surface and ground waters been addressed? Please explain. *There will be no alterations to any water piping ~~or~~ except the new gutter put on the barn*
5. Has the potential for increased flooding, erosion and sedimentation been addressed? Please explain. *We will be paving the driveway in the Fall*
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. *I don't believe any of the abutters, ~~we~~ will be doing any changes*
7. Has the impact of the values and function of the overall wetland and wetland complex been addressed? Please explain. *I believe so. We continuously do work to the property to keep its integrity*
8. Has a comment from the Milford Conservation Commission been solicited? Yes ___ No
 Date of Conservation Commission Meeting attended: _____

HOME BUSINESS CRITERIA 7.12.6

1. Is the Home Business located in the Residential 'A', Residential 'B', or Residential 'R' Zoning District?
Residential A
2. Please explain if the Home Business is conducted entirely within the dwelling or accessory structure. *Work is in ~~the~~ office is in the accessory structure (home, no client in there)*
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. *The sign will be above the entrance into facility. This will be 4 foot length and 1 foot wide. I will also be marking the mail box. 14" x 3" ~~front~~ fence*
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. *0 This is a solo job. IF a potential student comes along, I may offer a Mentor position*
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. *The barn is 925 SF Total. 230 SF will be used for business*

Section continued on next page.

Design is;
 4 on the Floor
 Dog Training, LLC



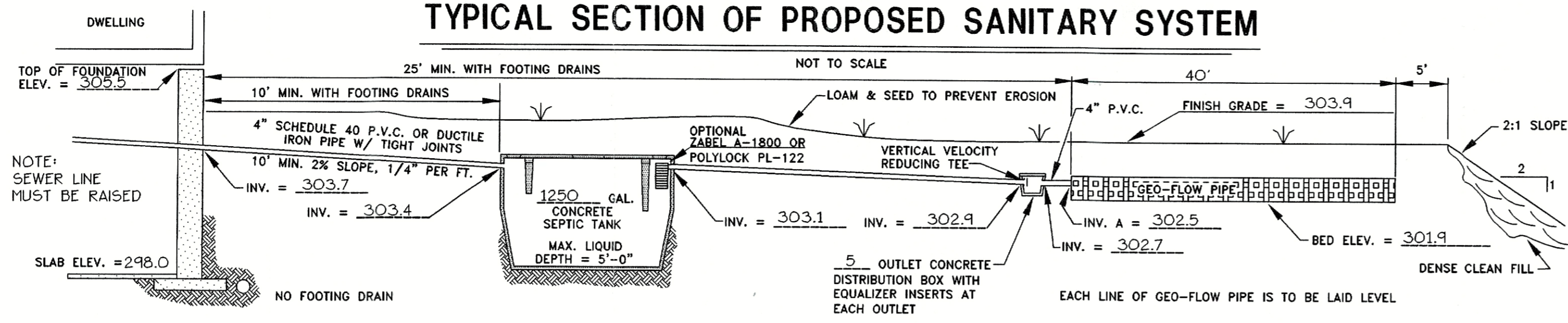
ZBA Application – Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

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.	Dog Treats, treat bags, enrichment toys, Leashes and harnesses
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.	9 clients a day. That's 3 classes per day, and a once a month Amazon & Chewy deliveries
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.	clients vehicles, amazon Van, UPS van
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.	Mon thru Fri, no classes start before 11 am, last class of the day ends 7 pm. Closed Sundays Puppy classes Saturdays 11 am last class ends 2 pm
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.	NONE. Regular cleaning solutions

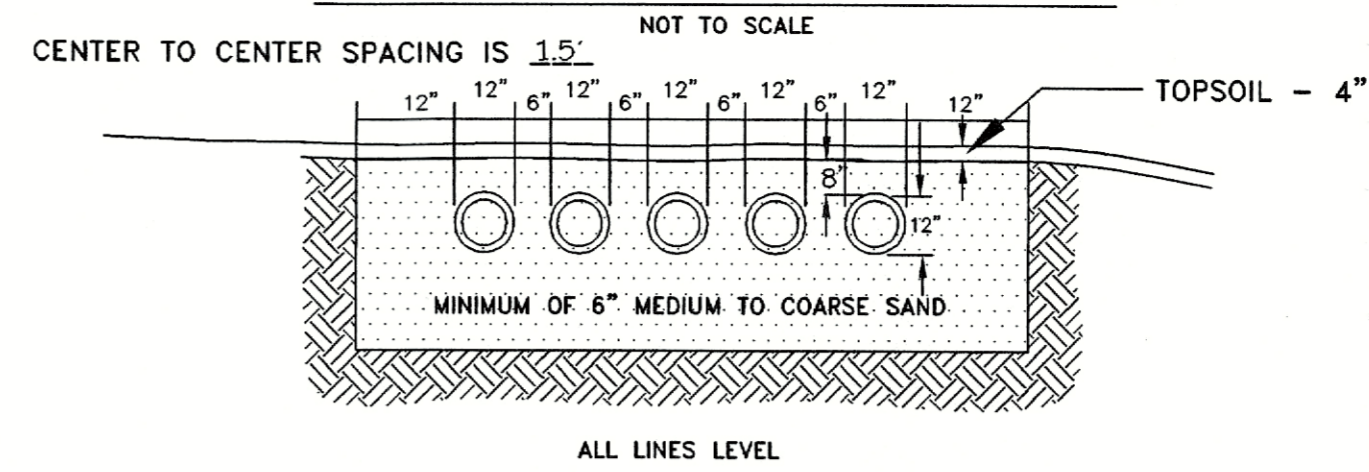
ACCESSORY DWELLING UNITS 10.02.6	
1. Is the property going to be Owner Occupied?	yes
2. Has a Building Permit application been made? Copy of permit application attached?	NOT building. EXISTING STRUCTURE
3. Is the ADU developed in a manner which does not alter the character/appearance of the principal use as a single-family residence?	Other than new windows and doors in the barn, there will be no changes in overall appearance
4. Is the ADU intended to be secondary and accessory to a principal single-family dwelling unit?	yes
5. Does the ADU impair the residential character of the premises or the reasonable use, enjoyment and value of neighborhood?	NONE I've spoken with all the neighbors about this
6. Is there adequate off-street parking? How many spaces?	6 spaces
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. ITS a long driveway barn at end And Entrances are side & rear

Section continued on next page.

TYPICAL SECTION OF PROPOSED SANITARY SYSTEM



TYPICAL CROSS SECTION

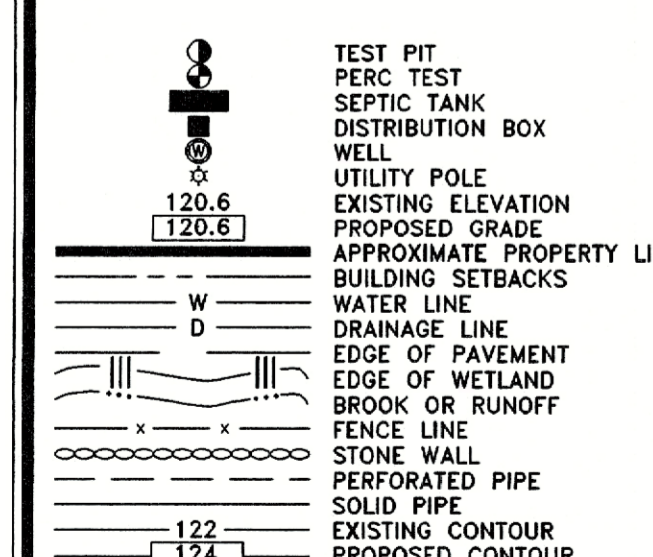
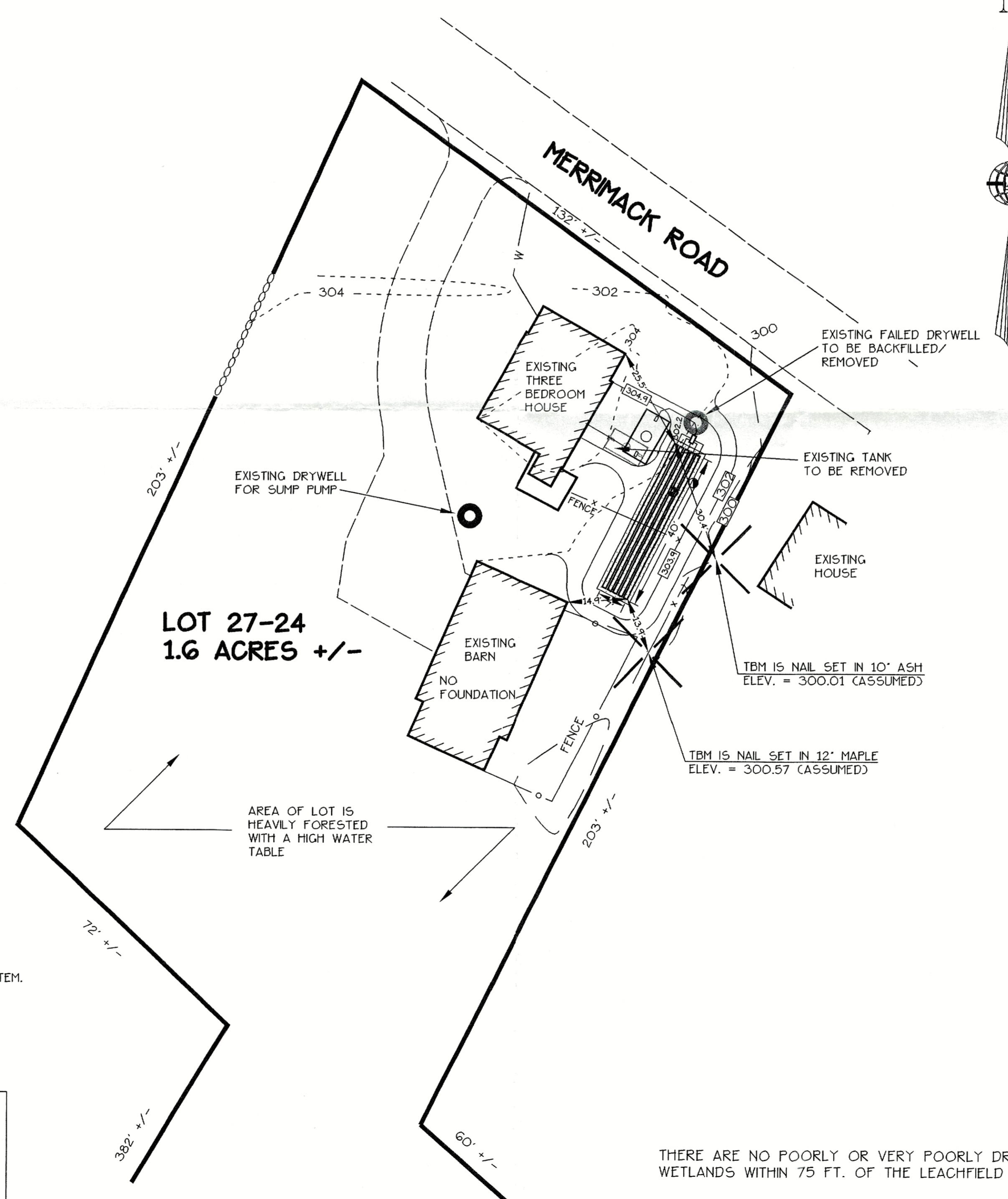
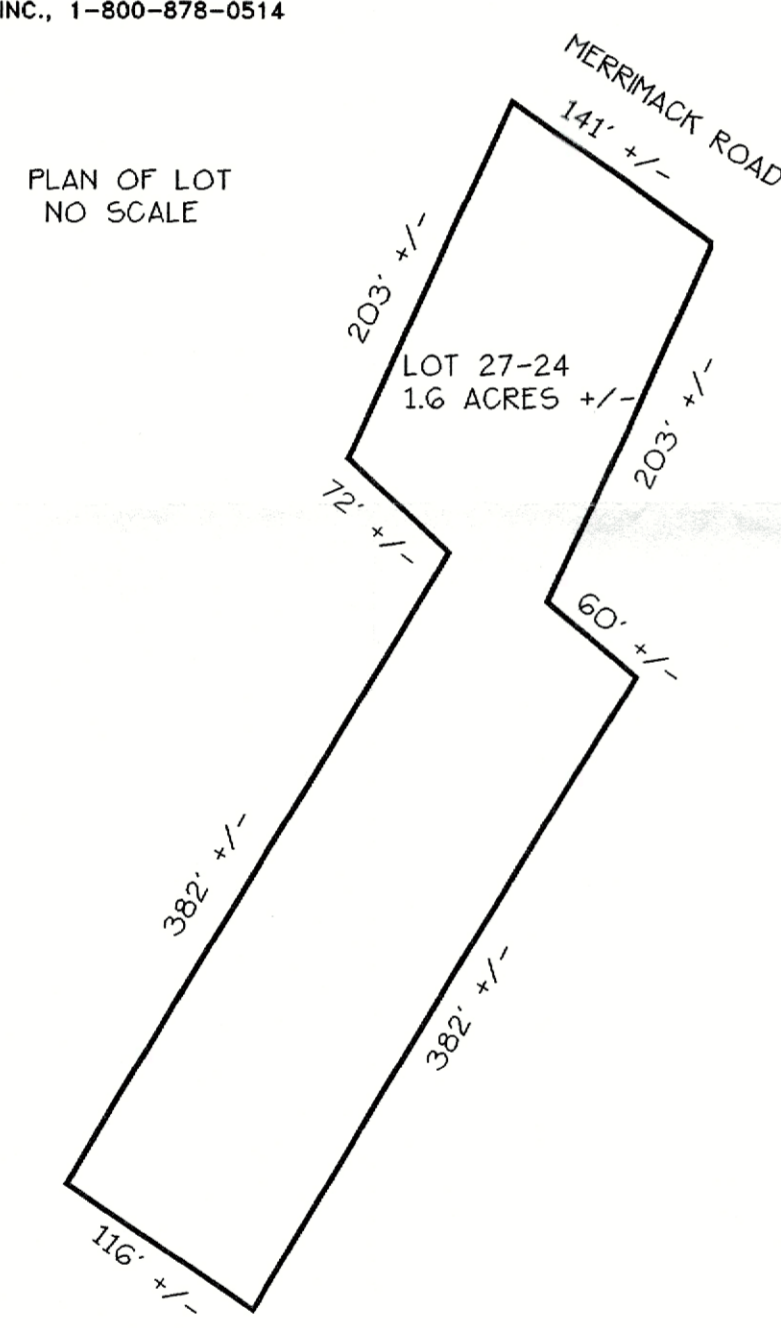


TEST PIT DATA

TP 1	7/10/02	NOT TO SCALE
10YR 3/3 DARK BROWN LOAM	12'	
10YR 5/6 YELLOWISH BROWN FINE SANDY LOAM GRANULAR, FRIABLE	19'	
2.5Y 5/6 LIGHT OLIVE BROWN FINE SANDY LOAM MASSIVE, FRIABLE	27'	
2.5Y 6/3 LIGHT YELLOWISH BROWN FINE SANDY LOAM MASSIVE, MOD. FIRM	72'	
ROOTS	36'	
LEDGE	NONE	
WATER	NONE	
S.H.W.T.	28"	
HARDPAN	NONE	
PERC. TEST	12 MIN./IN. AT 28"	
DATE	7/10/02	

SOIL DATA: CaB - CANTON FINE SANDY LOAM, 0-8% SLOPES
 DESIGN DATA: 3 BEDROOMS AT 12 MIN./IN. REQUIRES 165 LIN. FT.
 PROPOSED ARE 5 ROWS OF 40 LIN. FT. EACH OR 200 LIN. FT. TOTAL
 DESIGN INTENT: DUE TO SHWT AT 28" THE BOTTOM OF THE EFFLUENT DISPOSAL SYSTEM (EDS) SHALL BE CONSTRUCTED AT 301.9 ELEVATION. THIS IS APPROXIMATELY 0.3' ABOVE-BELOW ORIGINAL GROUND ON THE HIGH CONTOUR OF THE EFFLUENT DISPOSAL SYSTEM (EDS).
 LEACHFIELD IS TO BE REBUILT IN PLACE IF REPLACEMENT BECOMES NECESSARY.
 SUBDIVISION APPROVAL NO. PRE '67
 PREVIOUS CONST. APPROVAL NO. _____

- NOTES:
1. INLET AND OUTLET TO SEPTIC TANK ARE TO BE SEALED WITH A NON-SHRINK MORTAR.
 2. ALL INVERT ELEVATIONS AND GRADES ARE FROM T.B.M.
 3. SEPTIC TANK AND DISTRIBUTION BOX ARE TO BE SUPPLIED BY WILLIAM N. LAMARRE CONCRETE PRODUCTS, INC. GREENVILLE, NH - OR EQUAL.
 4. SEPTIC TANK SIZE DOES NOT ANTICIPATE THE USE OF A GARBAGE GRINDER IN THE SYSTEM. IF A GARBAGE GRINDER IS INSTALLED THE SEPTIC TANK SIZE SHALL BE INCREASED BY 50%.
 5. SEPTIC TANK IS TO BE PUMPED AND CLEANED A MINIMUM OF EVERY THREE YEARS OR AT MORE FREQUENT INTERVALS IF NEEDED.
 6. THIS SYSTEM IS NOT DESIGNED FOR DISCHARGES FROM WATER PURIFICATION SYSTEMS OR FLOOR DRAINS.
 7. GEO-FLOW PRODUCTS TO BE SUPPLIED BY WILLIAM LAMARRE CONCRETE PRODUCTS, INC., 1-800-878-0514

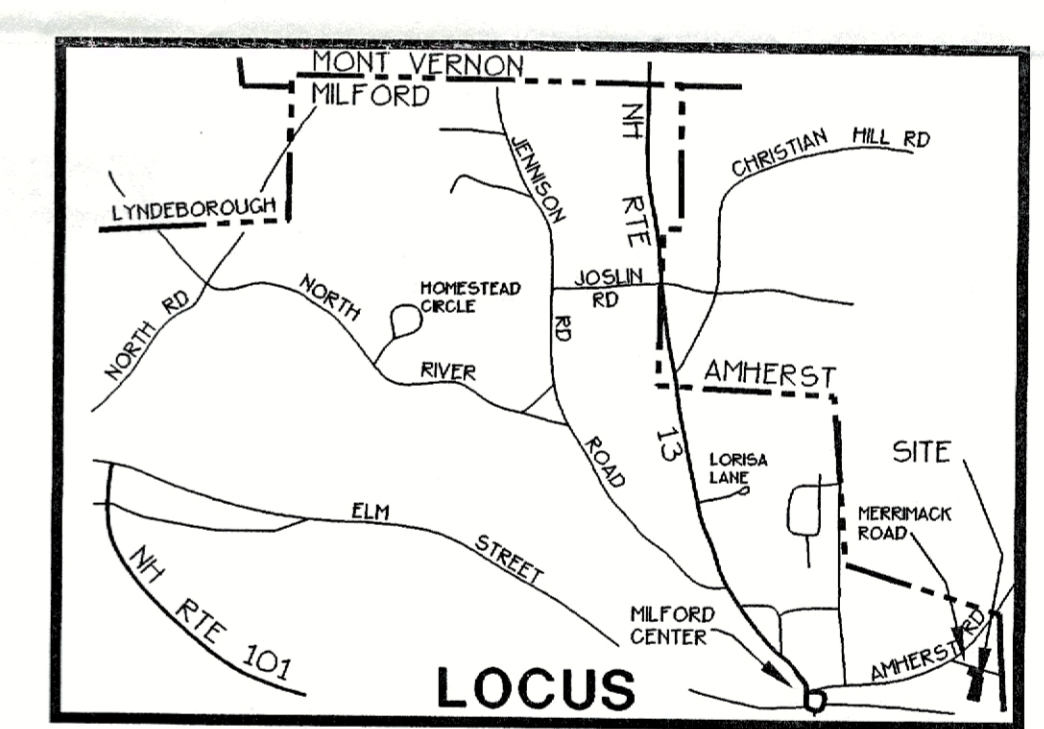


THE PURPOSE OF THIS PLAN IS TO REPLACE A FAILED SYSTEM.

NOTE: BOUNDARY INFORMATION IS APPROXIMATE AND BASED ENTIRELY ON THE TOWN OF MILFORD TAX MAP; THIS IS NOT THE RESULT OF A PRECISE SURVEY BY THIS OFFICE. BOUNDARY LINES SHOULD BE VERIFIED PRIOR TO CONSTRUCTION.

THIS PLAN HAS BEEN PREPARED FOR SEWAGE DISPOSAL SYSTEM DESIGN PURPOSES ONLY. IT IS NOT A BOUNDARY SURVEY. LOT LINE LOCATION SHOULD BE VERIFIED BY A LICENSED LAND SURVEYOR PRIOR TO CONSTRUCTION. ANY DISCREPANCIES, CHANGES, SUBSTITUTIONS OR DEVIATIONS FROM THIS PLAN REQUIRES NOTIFICATION OF THE DESIGNER. USE OF THIS PLAN FOR ANY PURPOSE OTHER THAN THE CONSTRUCTION OF THE SEWAGE DISPOSAL SYSTEM SHALL BE AT THE USER'S RISK.

THERE ARE NO POORLY OR VERY POORLY DRAINED WETLANDS WITHIN 75 FT. OF THE LEACHFIELD



PROPOSED SEWAGE DISPOSAL SYSTEM PLAN

LOT 27-24

MILFORD, NEW HAMPSHIRE

SCALE: 1"=20' AUGUST 1, 2002
 OWNER: ESTHER CAPES
 25 MERRIMACK ROAD, MILFORD, NH 03055

REV. DATE	DESCRIPTION	INIT.

NEW HAMPSHIRE
 Designer of
 Sewerage Disposal
 Systems

 Erik M. Skoglund
 No. 1449
 Supply & Pollution Control

MERIDIAN
 Land Services, Inc.
 31 OLD NASHUA ROAD, SUITE 2, AMHERST, NH 03055
 MAILING: PO BOX 188, MILFORD, NH 03055-0188
 TEL 603-673-1441 FAX 603-673-1584

DESIGNER'S STAMP
 PARCEL: 27-24 FIELD BOOK: S-71 PROJECT: 4773.00
 ENGINEERS - LAND SURVEYORS - SCIENTISTS - LAND PLANNERS