

# TOWN OF MILFORD

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



## Administrative Review

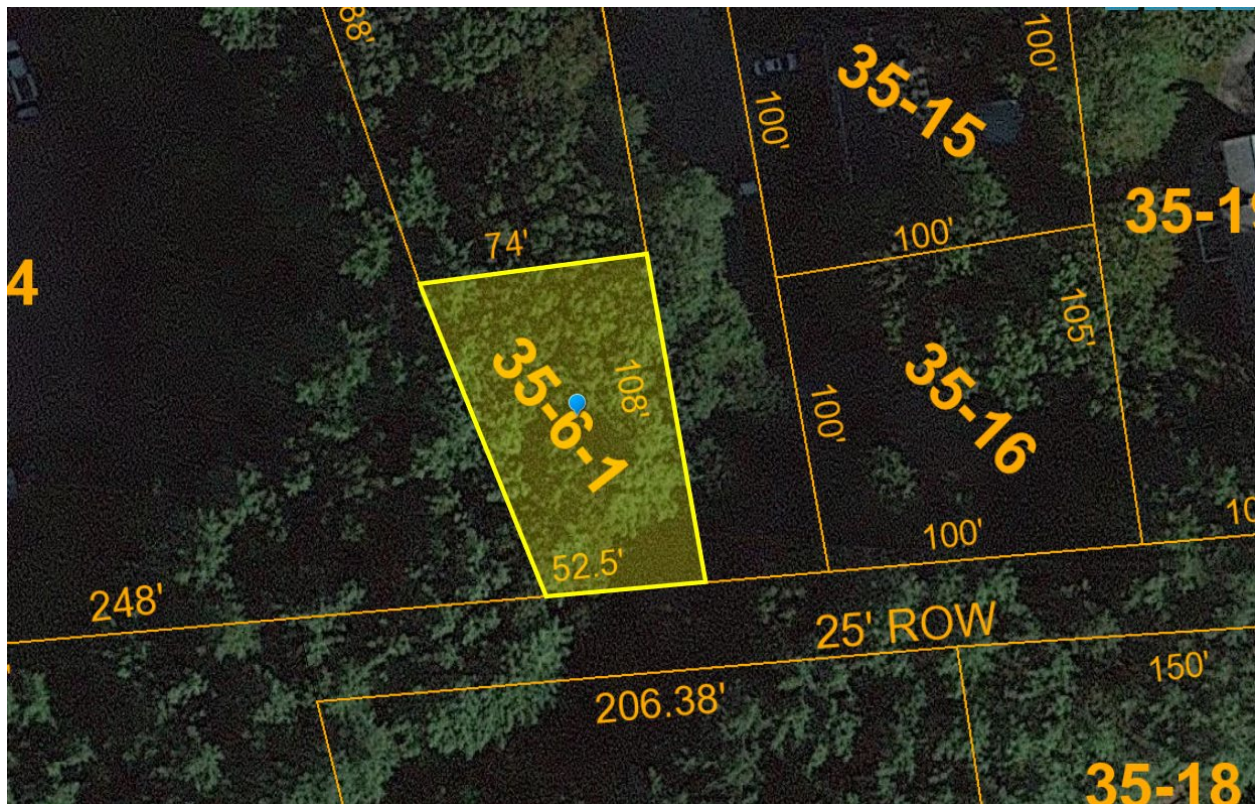
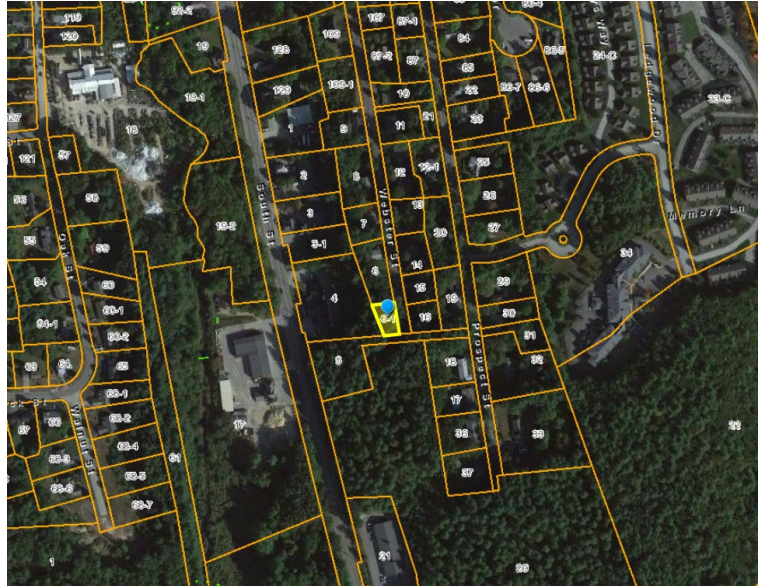
**Date:** June 10, 2021  
**To:** Jason Plourde, Chair, Zoning Board of Adjustment  
**From:** Lincoln Daley, Community Development Director  
**Subject:** **Case #2021-13 Collen Johnson for the property located at 103 Webster Street, Tax Map 35, Lot 6-1 – Special Exception Application for Dimensional 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 single family residence and accessory structure (pool) within the 15 foot side and 30 foot 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 .16 acres (6,970 sf) in area with 108 linear feet of frontage on Webster Street. The property is entirely undeveloped.
  - b. The property is a pre-existing, non-conforming lot (less than 15,000 square feet) whose creation predates the adoption of the Milford Zoning Ordinance.
  - c. The subject property is situated at the terminus of Webster Street within an established single-family residential area that directly abuts commercial operations/zoned properties. To the west, the subject property abuts the Brennan & Mackay Appliance. To the north and east, the property abuts single-family residences. Lastly, to the south, the property abuts undeveloped commercially zoned properties.
2. The proposal calls for the construction of a 42' x 35' square foot single-family dwelling 10 feet from the front and rear property lines. The proposal also includes the construction of an 8' x 15' pool within 12 feet of the side dimensional setback. In accordance with Section 5.02.5.B, within the Residential 'A' Zoning District, the minimum front setback is 30 feet and the rear/side dimensional setback is 15 feet. Pursuant to Section 5.02.2.A.8, a structure can be placed within the 30 foot front and 15 foot dimensional setbacks with the issuance of a Special Exception by the Board of Adjustment.
3. Staff Comments:
  - a. According to the Town's GIS information (not survey), the grade change within area of the proposed house and pool decrease approximately 16 feet (from 332ft to 316 ft) running east to west towards the rear of the property. Due the substantial grade change and area of disturbance, the project will require a stormwater management permit to properly manage the stormwater onsite and minimize impact to abutters.
  - b. The applicant has provided a sketch drawing representing the property boundaries based on the property deed and verified property bounds. A survey of the property and structural foundation survey will be required as part of the building permit process.

- c. 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 home and pool.

**Aerial Photos of Subject Property:**





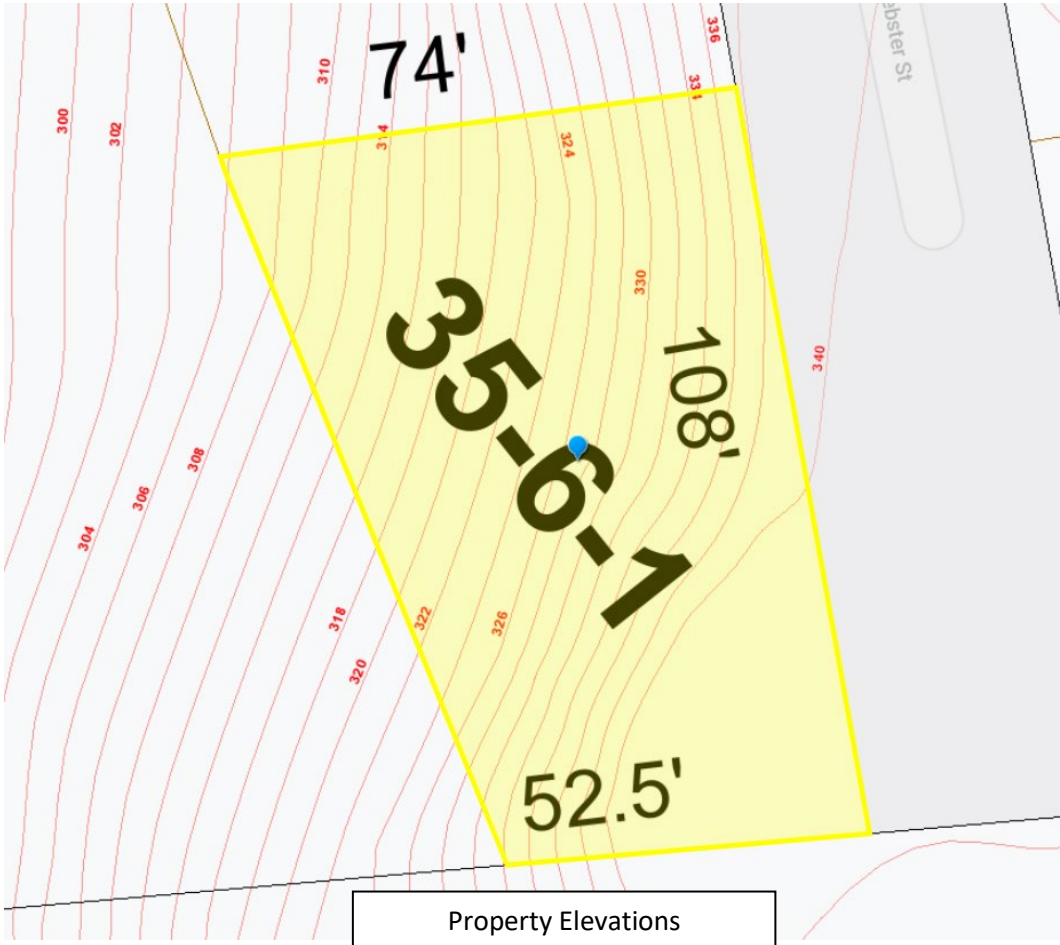
Street Photos of Subject Property:







Tax Map of Subject Property





TOWN OF MILFORD  
RECEIVED

MAY 18 2021

PB \_\_\_\_\_ ZBA \_\_\_\_\_ Office \_\_\_\_\_



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

Date Received: 5-17-21  
Case Number: 2021-13  
Application Number: 20211044  
Hearing Date: 6-17-21  
Decision Date: \_\_\_\_\_  
Decision: \_\_\_\_\_

**PROPERTY INFORMATION**

Street Address: 103 WEBSTER ST

Tax Map / Parcel #: F5/35-6-1 Lot Size: 0.16 ACRES

**PROPERTY CURRENTLY USED AS**

NO CURRENT USE  
VACANT

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

**PROPERTY OWNER**

Name: COLLEEN JOHNSON

Address: 100 WEBSTER ST

City/State/Zip: MILFORD NH

Phone: (603) (603)345-2601

Email: collkeith@yhoo.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: \_\_\_\_\_

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.

Colleen Johnson  
dotloop verified  
05/17/21 8:25 AM  
EDT  
21JH-6ZD4-FUIL-TMSC

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>5</u>	<u>20</u>
Amount received:	<u>95</u>
Date Received:	<u>ck# 137</u>
Check <input checked="" type="checkbox"/> Cash _____	<u>137</u>

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**

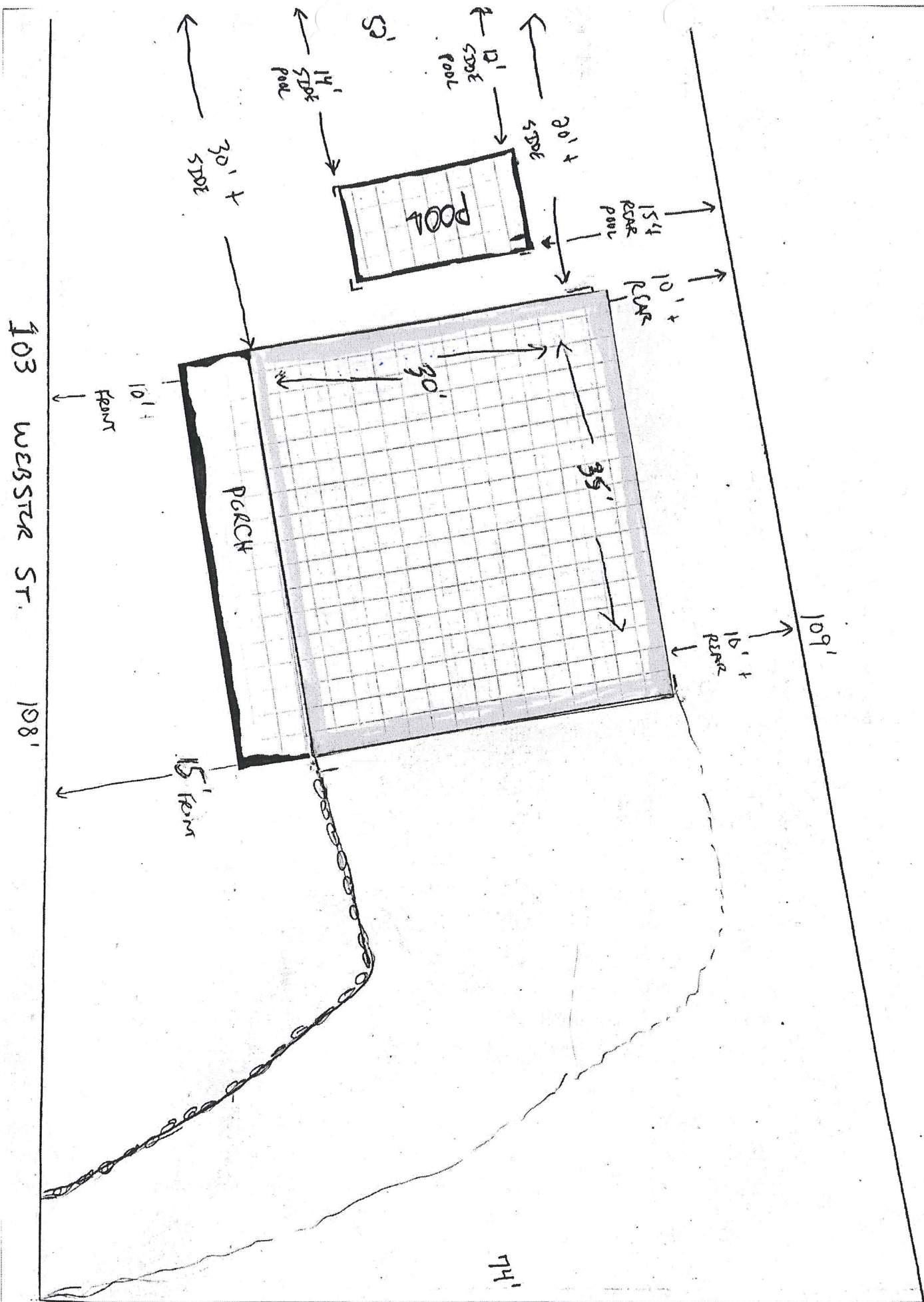
Date Received: \_\_\_\_\_  
 Case Number: \_\_\_\_\_  
 Application #: \_\_\_\_\_  
 Date Complete: \_\_\_\_\_  
 Hearing Date: \_\_\_\_\_  
 Decision Date: \_\_\_\_\_  
 Decision: \_\_\_\_\_

PROPERTY INFORMATION
Street Address: <u>103 WEBSTER ST</u>
Tax Map / Parcel #: <u>F5 / 35-6-1</u>
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 <u>5</u> Section <u>5.025</u> Describe the <u>use</u> you are proposing under the above section of the Ordinance. <u>SINGLE FAMILY RESIDENTIAL 1310 RESACUMPO</u>

**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: <u>CONSTRUCTION OF SINGLE FAMILY RESIDENTIAL STRUCTURE WITH SMALL POOL.</u>
<b>Explain how the proposal meets the general criteria as specified in Article X, Section 10.02.1 of the Zoning Ordinance:</b>
A. The proposed use is similar to those permitted in the district because: <u>IT IS A RESIDENTIAL DISTRICT MADE UP PRIMARILY OF SINGLE FAMILY HOMES.</u>
B. The specific site is an appropriate location for the proposed use because: <u>IT IS IN A NEIGHBORHOOD OF SINGLE FAMILY RESIDENTIAL HOMES.</u>
C. The use as developed will not adversely affect the adjacent area because: <u>THE ADJACENT AREA IS PRIMARILY SINGLE FAMILY RESIDENTIAL HOMES.</u>
D. There will be no nuisance or serious hazard to vehicles or pedestrians because: <u>IT IS A SINGLE FAMILY RESIDENTIAL HOME IN A NEIGHBORHOOD OF SAME.</u>
E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because: <u>BOTH WATER AND SEWER EXIT IN FRONT OF LOT, ALONG WITH ELECTRICITY.</u>





# FOUGERE PLANNING & DEVELOPMENT, Inc.

**Mark J. Fougere, AICP**

phone: 603-315-1288 email: Fougereplanning@comcast.net

June 11, 2021

Mr. Lincoln Daley  
Planning Director  
Town of Milford  
One Union Square  
Milford, NH 03055

RE: Special Exception Front Setback  
103 Webster Street: Map 35 Lot 6-1  
ZBA Case 2021-13 Johnson

Dear Mr. Daley,

Please find attached an AutoCAD drawing of the existing lot of record at 103 Webster Street. Three of the property's four lot corner bounds were found, including those adjacent to the existing home located to the north at 97 Webster Street.

The subject site is very steep on the north side of the lot and flattens as it moves south; the proposed home is located on the southern side of the property to take advantage of the flatter terrain. The required setbacks for this RA District are 30 feet front and 15 feet side and rear. The proposed home will be 10 – 15 feet from the front lot line, adheres to the side setback and is 10 feet off the rear lot line. In addition, a proposed pool will be located within 12 – 14 feet from the southern side lot line.

The proposed Special Exception setback relief request is reasonable given the existing neighborhood in which many of the existing homes do not meet zoning setback requirements. This property will not be out of character with the neighborhood context, nor crowd the street. The adjoining home (97 Webster Street) lies 158 feet north of the subject site's northern property line. This site has very steep grades, so locating the proposed home closer to the street will allow for a reasonable use of the property. In addition, a commercial property lies to the west and as such, impacts upon this property will be minimal.

Given these facts, the proposed request is reasonable and I ask the ZBA to support this application.

Sincerely,

*Mark J. Fougere*

Mark J. Fougere, AICP



