

TOWN OF MILFORD

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



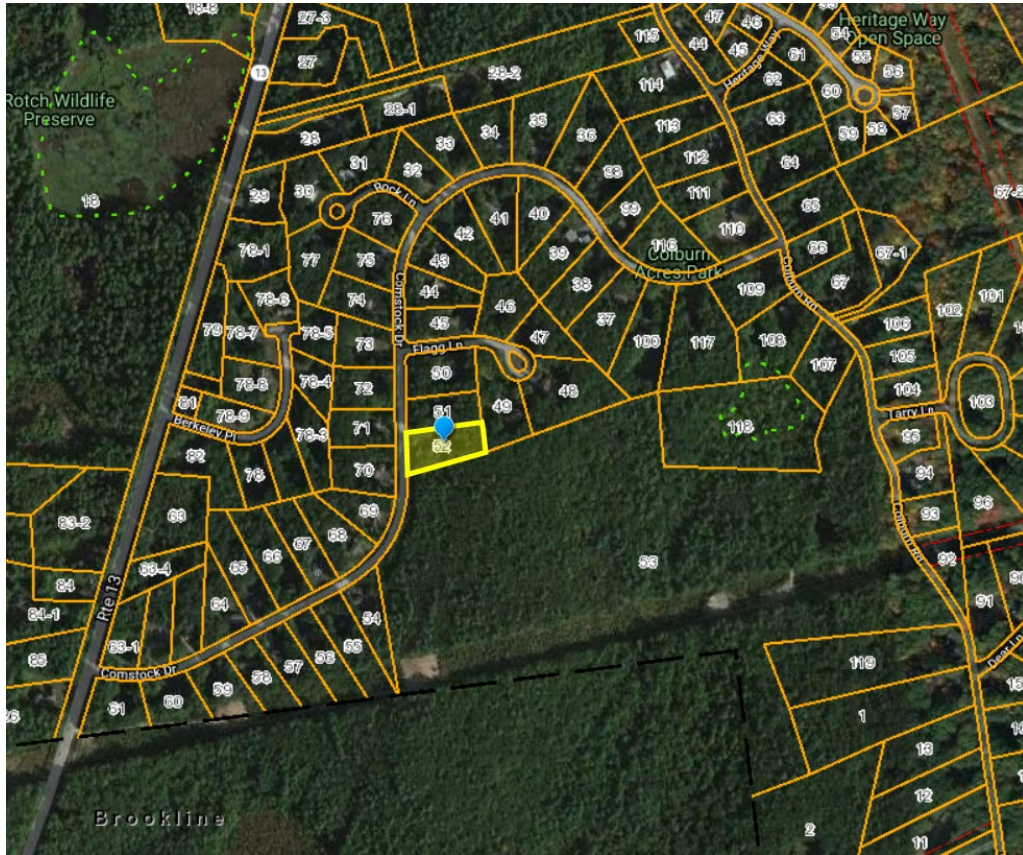
Administrative Review

Date: August 11, 2021
To: Jason Plourde, Chair, Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2021-18:** Francis Asselin, 79 Comstock Drive, Milford Tax Map 52, Lot 52 – Special Exception Application, Dimensional Setback. (*New Application*)

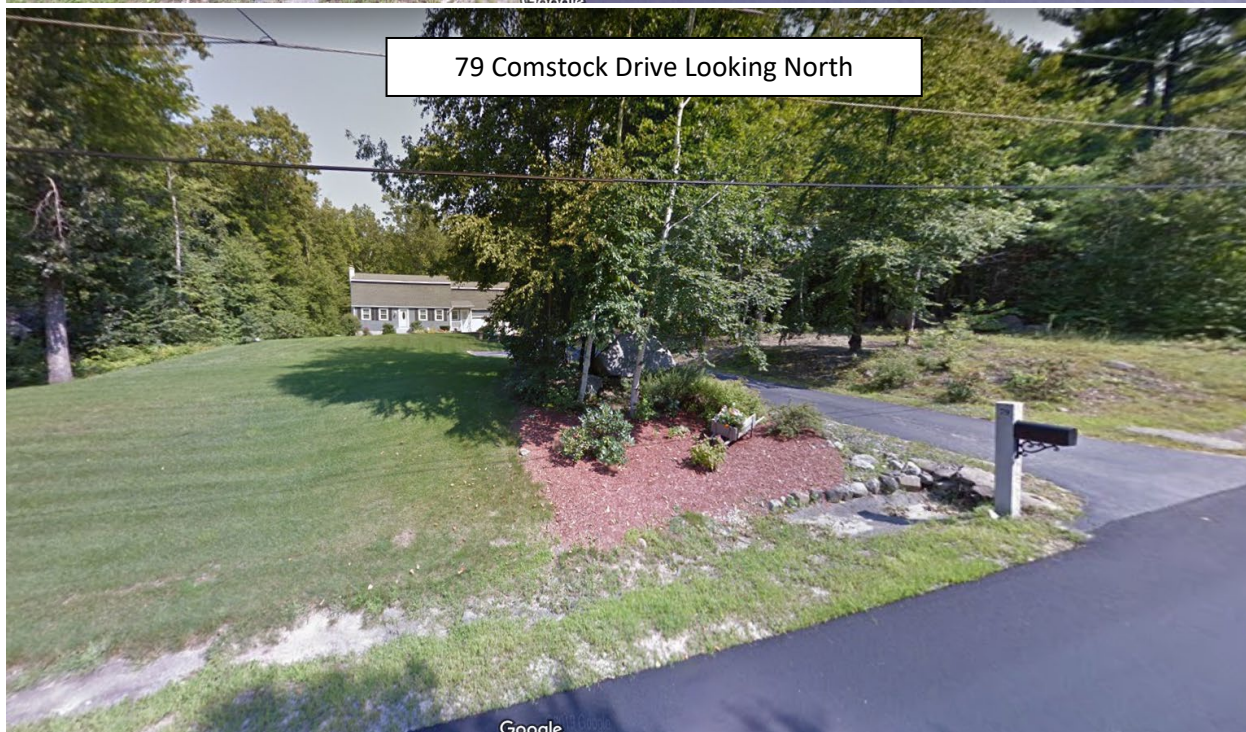
The applicant is before the Board of Adjustment seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.04.2.A.7 and Article X, Section 10.02.1 to allow the construction of a 24' x 24' detached garage (accessory structure) approximately four (4) feet from the southern side property line dimensional setback in the Residential 'R' Zoning District. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
 - a. The subject property is approximately 1.01 acres (43,996 square feet) with approximately 170 linear feet of frontage on Comstock Drive.
 - b. The property consists of a two-story, 3 bedroom, single-family residence and is serviced by private water and septic.
 - c. The subject property is situated in an established single-family residential neighborhood and bounded by residential homes to the north, east, and west and a 63 acre parcel (primarily undeveloped) to the south owned by Public Service Company to NH.
2. The proposal calls for the construction of a 24' x 24' sf (576 sf) detached garage four (4) feet from the southerly property boundary. The applicant is request eleven (11) feet of side setback relief where 15 feet is required. See attached survey plan.
3. The garage is categorized as an accessory structure and permitted within the Residential 'R' District. Pursuant to Section 5.04.2.A.7 and Article X, Section 10.02.1, a structure can be placed within the side (15') dimensional setback with the issuance of a Special Exception by the Board of Adjustment.
4. The applicant should be prepared to provide information regarding any/all alternative locations considered for the placement of the detached garage. The discussion should also include the proposed height and massing relative to abutting properties. The applicant will be submitting an elevation of the proposed garage prior to the meeting.
5. The applicant should explain if the setback relief includes a roof overhang or simply the foundation footprint. If yes, the relief being requested should be revised to reflect the correct distance from the property boundary.

Aerial Photos of Subject Property:



Street Photos of Subject Property:



79 Comstock Drive Looking North



Comstock Drive Looking South



Comstock Drive Looking North





ZBA Application

MILFORD ZONING BOARD OF ADJUSTMENT

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

PROPERTY INFORMATION

Street Address: 79 Comstock DR

Tax Map / Parcel #: 52 Lot 52 Lot Size: 1.01 ACAP

PROPERTY CURRENTLY USED AS

Residence

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

PROPERTY OWNER

Name: Francis J Asselin

Address: 79 Comstock DR

City/State/Zip: Milford NH 03055

Phone: (603) 673-0480 cell 603-494-6494

Email: FJASSELIN@Hotmail.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.

Francis J Asselin 7/23/21
Property Owner's signature Date:

Received: 7/23/21

Case Number: TOWN OF MILFORD RECEIVED

Date Complete:

Hearing Date: JUL 23 2021

Decision Date:

Decision: 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>7</u>	<u>28.00</u>
Amount received:	<u>103.00</u>
Date Received:	<u>7/23/21</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.



ZBA Application - Special Exception

MILFORD ZONING BOARD OF ADJUSTMENT

Received: _____

Case Number: _____

Application #: **TOWN OF MILFORD RECEIVED**

Date Completed: **JUL 23 2021**

Hearing Date: _____

Decision Date: _____

ZBA Office: _____

Decision: _____

PROPERTY INFORMATION

Street Address: 79 Comstock DR Milford NH

Tax Map / Parcel #: 52 lot 52

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 10 Section 02.1

Describe the use you are proposing under the above section of the Ordinance.

Applicant proposes to construct a garage for his personal use within 4 feet of an abutting property line. The abutting property is a vacant lot owned by Public Service Company of New Hampshire.

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:

Applicant proposes to build a 24' x 24' garage for his personal use.

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:

Private garages are allowed in the Residence R zone.
confirm

B. The specific site is an appropriate location for the proposed use because:

Due to the location of the driveway and existing structure on the subject lot, the proposed location is the only realistic location for the garage.

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

The adjacent area is a vacant lot owned by a public utility.

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:

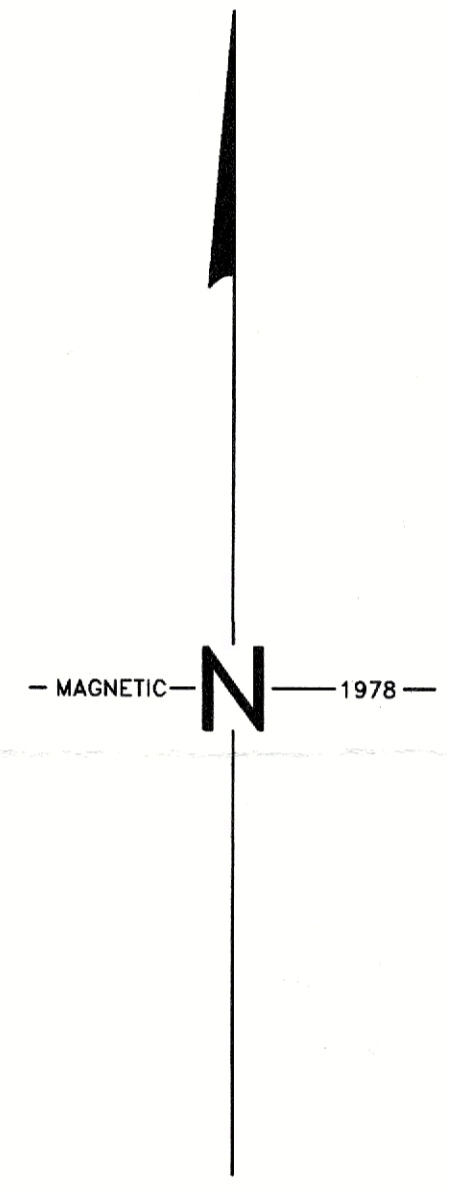
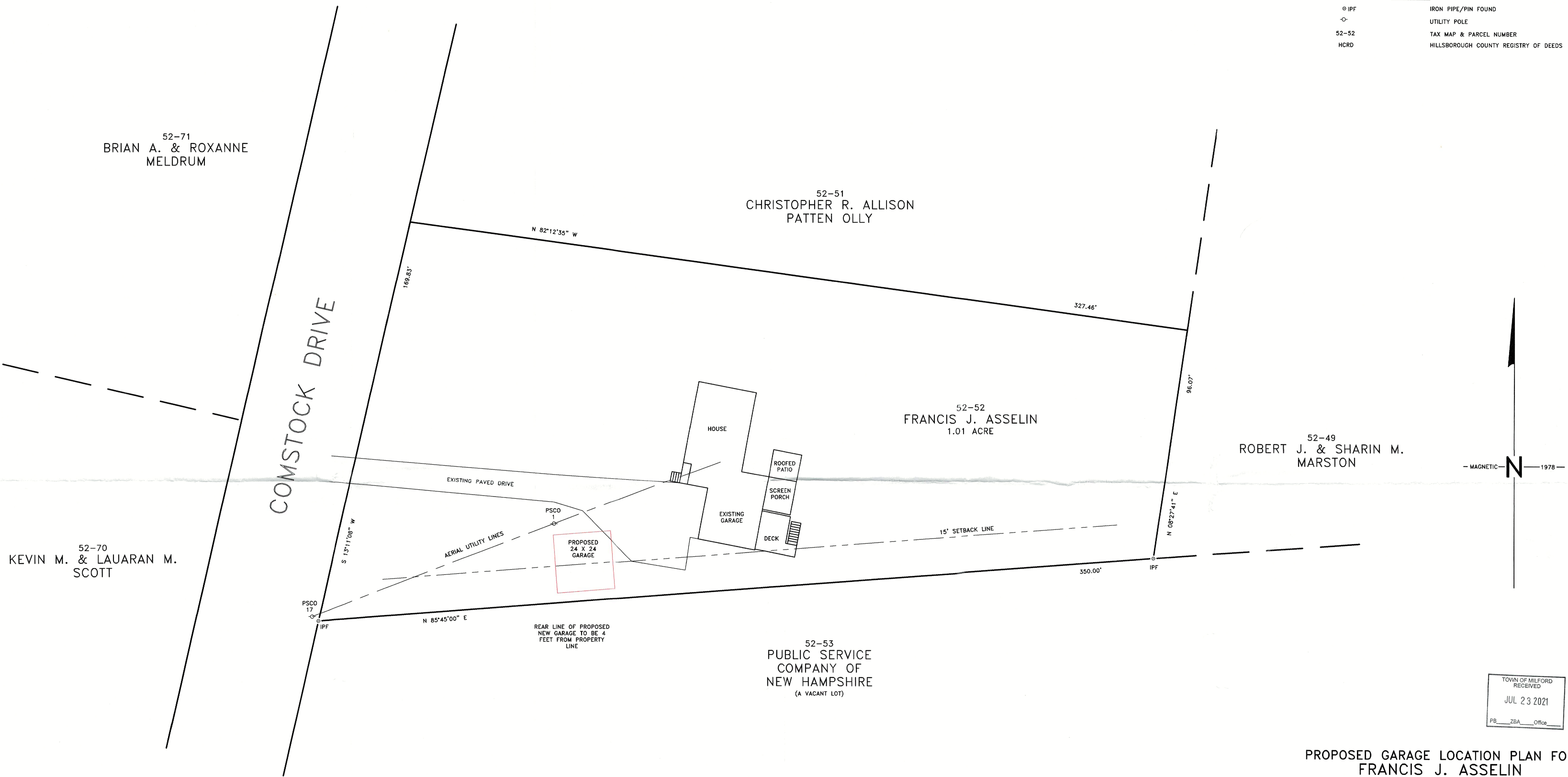
The proposed garage will be located approximately 94 feet from Comstock Drive, therefore not affecting either vehicular or pedestrian use.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:

A paved driveway already exists that will service the proposed garage location.

LEGEND

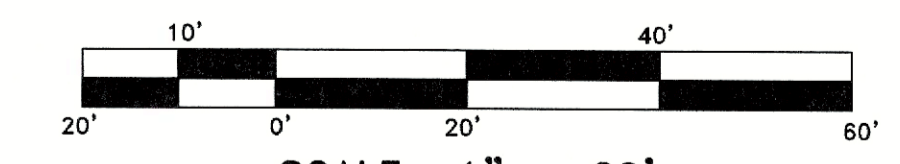
- ⊙ IPF IRON PIPE/PIN FOUND
- UTILITY POLE
- 52-52 TAX MAP & PARCEL NUMBER
- HCRD HILLSBOROUGH COUNTY REGISTRY OF DEEDS



TOWN OF MILFORD
RECEIVED
JUL 23 2021
PB_ZBA_Office

PROPOSED GARAGE LOCATION PLAN FOR
FRANCIS J. ASSELIN
OF TAX LOT 52-52
IN THE TOWN OF
MILFORD, NH
PREPARED JULY 2021 BY

SABOURN & TOWER
SURVEYING AND SEPTIC DESIGN, PLLC
1022 Daniel Webster Highway
North Woodstock, NH 03262
Telephone: (603) 745-3424



SCALE 1" = 20'
ZONE: RESIDENCE A

DRAWING: ASSELIN20.dwg JOB: 724

NOTES & REFERENCES

- 1) OWNERS: FRANCIS J. & DONNA ASSELIN
79 COMSTOCK DRIVE
MILFORD, NH 03055
- 2) SUBJECT PROPERTY: MILFORD TAX MAP 52 PARCEL 52
- 3) ASSELIN TITLE REFERENCE: H.C.R.D. BOOK 8341 PAGE 2004
- 4) PLAN PURPOSE: TO ILLUSTRATE EXISTING CONDITIONS AND A PROPOSED GARAGE LOCATION TO SUPPORT A ZBA APPLICATION FOR A SPECIAL EXCEPTION RELATIVE TO A REQUEST TO RELAX SETBACK REQUIREMENTS FOR THE PROPOSED STRUCTURE
- 5) BOUNDARY INFORMATION FROM HCRD PLAN NO. 11607
- 6) THIS PLAN DOES NOT REPRESENT AN INSTRUMENT SURVEY

52-71
BRIAN A. & ROXANNE
MELDRUM

52-51
CHRISTOPHER R. ALLISON
PATTEN OLLY

52-52
FRANCIS J. ASSELIN
1.01 ACRE

52-49
ROBERT J. & SHARIN M.
MARSTON

52-70
KEVIN M. & LAUARAN M.
SCOTT

52-53
PUBLIC SERVICE
COMPANY OF
NEW HAMPSHIRE
(A VACANT LOT)

COMSTOCK DRIVE