

TOWN OF MILFORD

Office of Community Development

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



Administrative Review

Date: August 26, 2021

To: Jason Plourde, Chair, Zoning Board of Adjustment

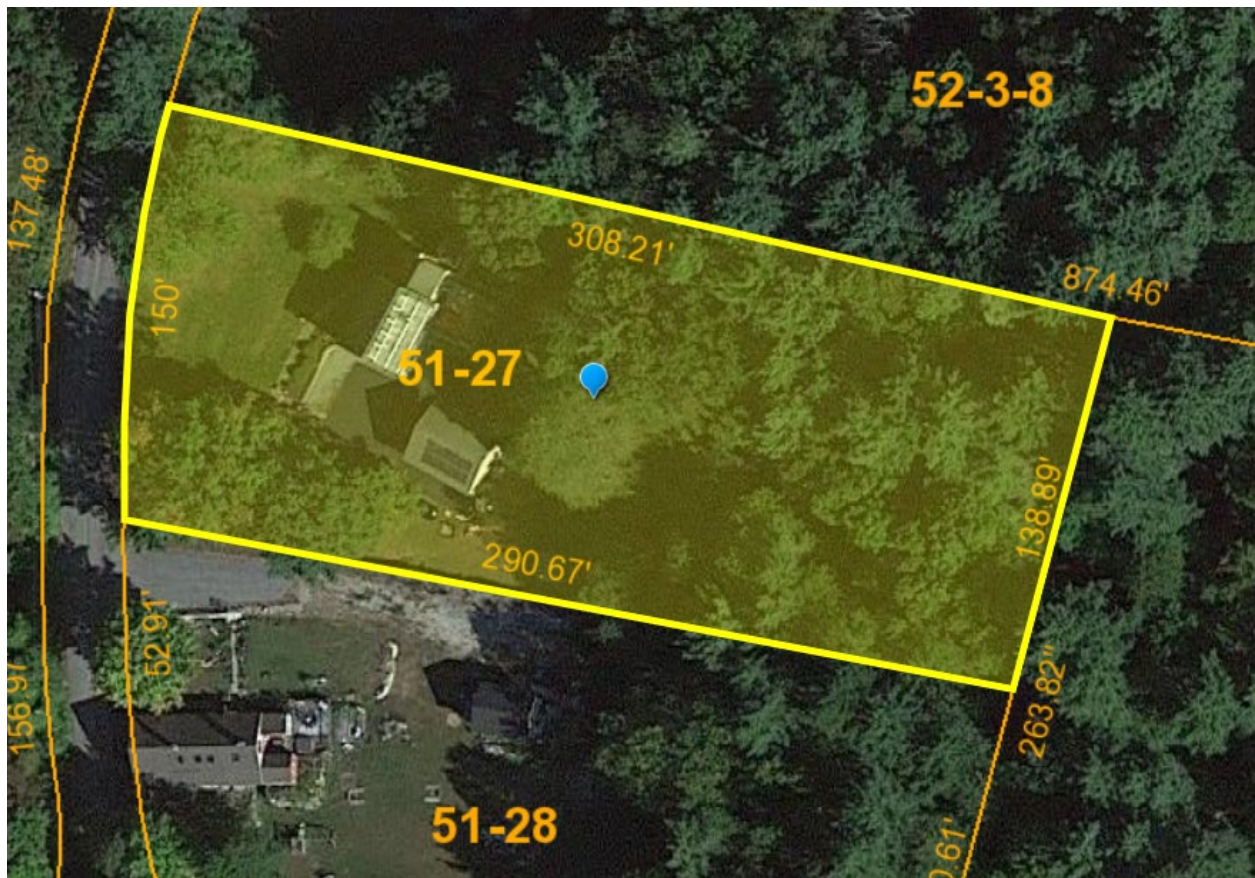
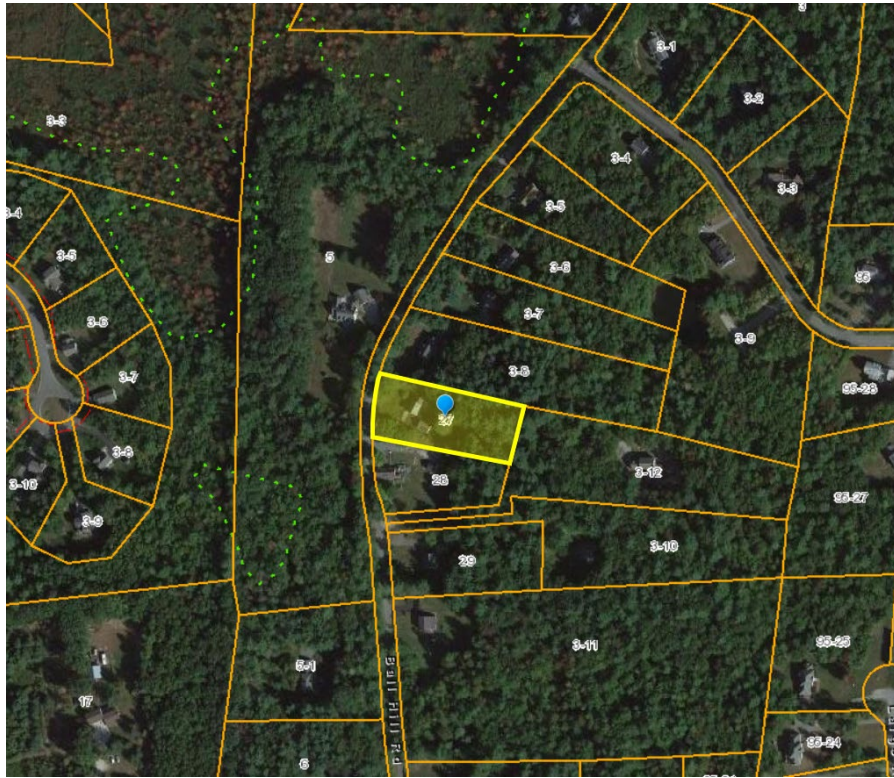
From: Lincoln Daley, Community Development Director

Subject: Case #2021-20: Thomas & Lisa Burnett, 130 Ball Hill Road, Milford Tax Map 51, Lot 27 – Special Exception Application, Accessory Dwelling Unit

The applicants are before the Board of Adjustment seeking a Special Exception from the Milford Zoning Ordinance, Article X, Sections, 10.2.1 and 10.2.6 to allow the construction of a 700 square foot, 3 room accessory dwelling unit in the basement of the existing single-family residence in the Residential 'R' district. In reviewing the files for this property, I offer the following comments:

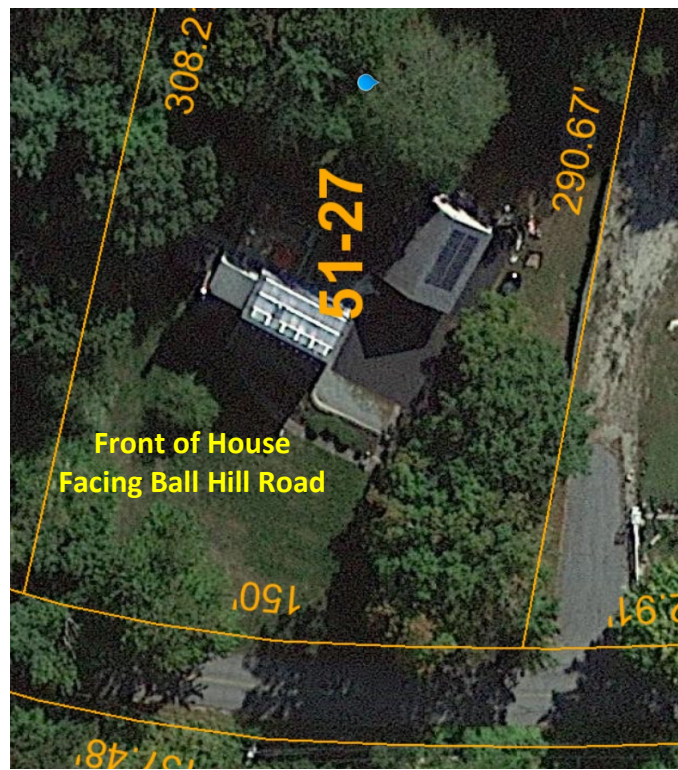
1. Existing Conditions:
 - a. The subject property is approximately 1acre in area (43,560 sf) with approximately 150 linear feet of frontage on Ball Hill Road.
 - b. The property consists of a 2-story, 4 bedroom, single-family residence and is serviced by municipal water and private septic system.
 - c. The subject property is situated in an established single-family residential area and directly abuts residential uses to the north, south, east, and west..
2. The proposal calls for converting approximately 700 square feet of the basement into a one bedroom accessory dwelling unit (three total rooms).
3. An ADU is a permitted use in the Residential 'R' zoning district through the issuance of a Special Exception pursuant to Zoning Ordinance, Article 5.04.2.A.14 and Article X, Section 10.2.6.
4. Upon review the application pursuant to the Section 10.02.6.A, the submittal meets the minimum requirements of the Zoning Ordinance.
 - a. The proposed maximum area for the ADU falls below the maximum permitted 750 square feet. The primary residence will be owned and occupied by the property owner.
 - b. The proposed architectural plans are consistent with the existing residence (all interior changes) and will not impact the character of the neighborhood. In addition, the proposed layout, access, and egress meet the minimum requirements of the ordinance.
 - c. The property appears to have sufficient parking to manage the single-family residence and the proposed addition of the accessory dwelling unit. No curb cuts are being added.
 - d. The applicant has demonstrated that adequate provisions have been provided for a water supply and sewerage disposal method for the ADU. The applicant has received written approval for alternative/replacement septic design for a 5-6 bedroom household. See attached.

Aerial Photos of Subject Property:

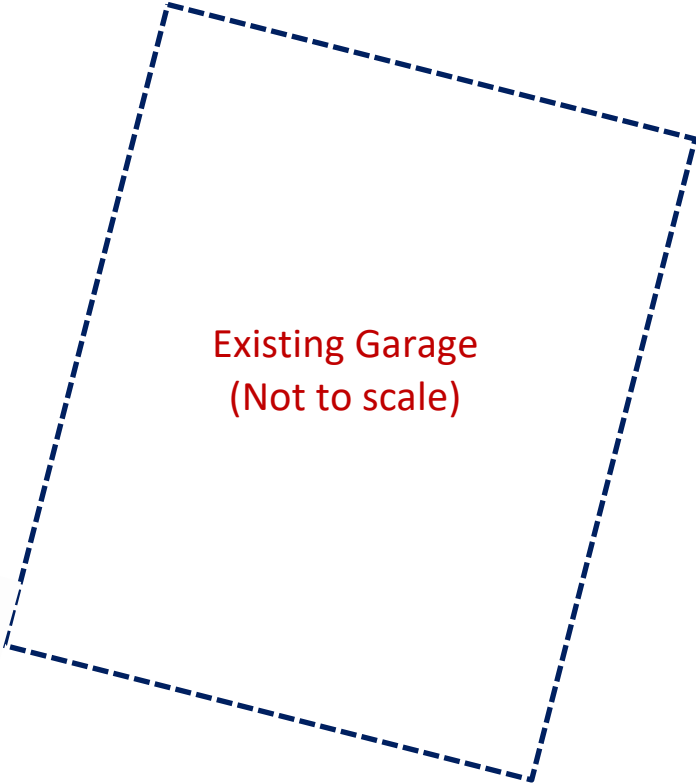


Street Photos of Subject Property:





**Proposed Basement ADU
130 Ball Hill Road
Layout/Orientation Plan**



Existing Driveway



ZBA Application

MILFORD ZONING BOARD OF ADJUSTMENT

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

TOWN OF MILFORD
RECEIVED
JUL 30 2021
PFB ZBA Office

Received: 7/30/21
 Case Number: 2021-20
 Date Complete: _____
 Hearing Date: 9-2-21
 Decision Date: _____
 Decision: 2021 1339

PROPERTY INFORMATION

Street Address: 130 Ball Hill Rd

Tax Map / Parcel #: 51/27 Lot Size: _____

PROPERTY CURRENTLY USED AS

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

PROPERTY OWNER

Name: Thomas + Lisa Burnett

Address: 130 Ball Hill Rd

City/State/Zip: Milford NH 03055

Phone: (603) 400-7808

Email: tburnett3211@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: _____

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.

[Signature]
Property Owner's signature

7/30/21
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>7</u>	<u>28.00</u>
Amount received:	<u>103.00</u>
Date Received:	<u>OK 1493</u>
Check <input checked="" type="checkbox"/> 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

OFFICE OF MILFORD
 RECEIVED
 JUL 30 2021
 ZBA Office

Received: 7/30/21
 Case Number: 2021-20
 Application #: _____
 Date Complete: _____
 Hearing Date: 9/2/21
 Decision Date: _____
 Decision: APP 20211339

PROPERTY INFORMATION

Street Address: 130 Ball Hill Rd

Tax Map / Parcel #: 51/27

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.

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

What section of the Zoning Ordinance are you applying under?
 Article _____ Section _____

Describe the use you are proposing under the above section of the Ordinance.
Additional In Law/ADU space in basement

- 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:
ADU in Basement of single family Home

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:
ADU is Permitted use
- B. The specific site is an appropriate location for the proposed use because:
Rural Area
- C. The use as developed will not adversely affect the adjacent area because:
Modifying Internal Space
- D. There will be no nuisance or serious hazard to vehicles or pedestrians because:
No Nuisance traffic
- E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:
Existing Space and septic Designs have been filed with state



ZBA Application – Special Exception

MILFORD ZONING BOARD OF ADJUSTMENT

HOME BUSINESS CRITERIA 7.12.6 (Continued)

1. Retail sales of goods incidental to Home Business are allowed. Please explain if there will be retail sales of goods incidental to Home Business.
2. 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.
3. 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.
4. 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.
5. 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
2. Has a Building Permit application been made? Copy of permit application attached?
Yes
3. Is the ADU developed in a manner which does not alter the character/appearance of the principal use as a single-family residence?
Yes
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?
No
6. Is there adequate off-street parking? How many spaces?
Yes 6
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

Section continued on next page.



ZBA Application - Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

ACCESSORY DWELLING UNITS 10.02.6 (Continued)

1. Is there adequate sewer/septic and water for the additional inhabitants? Please include septic/sewer approval.
Yes
2. Is there only one (1) ADU on the property?
Yes
3. Is the ADU no more than 750 square feet gross floor area? How many square feet is the ADU?
700 sqft
4. Does the ADU have no more than two (2) bedrooms? Please show on plans.
1 Bedroom
5. 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
6. If a connecting hall is proposed, is the hallway at least 36 inches wide? Please show on plans.
Yes
7. Has a Code Compliance inspection been conducted by the Building Inspector? Please include inspection report.
No
8. Is the ADU in compliance with Section 10.02.6:A of the Milford Zoning Ordinance? How so?
Yes
9. If no, has a Variance from Section 10.02.6:A been granted by the ZBA?

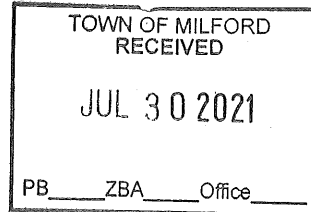
OFFICE IN THE RESIDENCE A AND B DISTRICTS 10.02.7

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: _____



100 foot Abutters List Report

Milford, NH
July 30, 2021



Subject Property:

Parcel Number: 051-027-000-000
CAMA Number: 051-027-000-000
Property Address: 130 BALL HILL RD

Mailing Address: BURNETT, THOMAS E & LISA M
130 BALL HILL RD
MILFORD, NH 03055

Abutters:

Parcel Number: 051-005-000-000
CAMA Number: 051-005-000-000
Property Address: 123 BALL HILL RD

Mailing Address: ANNAND, CHARLOTTE P TRSTEE
ANNAND, CHARLOTTE P RVCBL TRST
123 BALL HILL RD
MILFORD, NH 03055-3409

Parcel Number: 051-028-000-000
CAMA Number: 051-028-000-000
Property Address: 136 BALL HILL RD

Mailing Address: LANDRY, PAUL C & KATHLEEN A
136 BALL HILL RD
MILFORD, NH 03055-3407

Parcel Number: 052-003-008-000
CAMA Number: 052-003-008-000
Property Address: 120 BALL HILL RD

Mailing Address: HALL, JEFFREY C & BETHANIE L
120 BALL HILL RD
MILFORD, NH 03055-3407

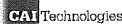
Parcel Number: 052-003-010-000
CAMA Number: 052-003-010-000
Property Address: 140 BALL HILL RD

Mailing Address: LOCKARD, DALE E & PAULA M
TRUSTEES LOCKARD REV TRUST /
2020
140 BALL HILL RD
MILFORD, NH 03055

Parcel Number: 052-003-012-000
CAMA Number: 052-003-012-000
Property Address: 138 BALL HILL RD

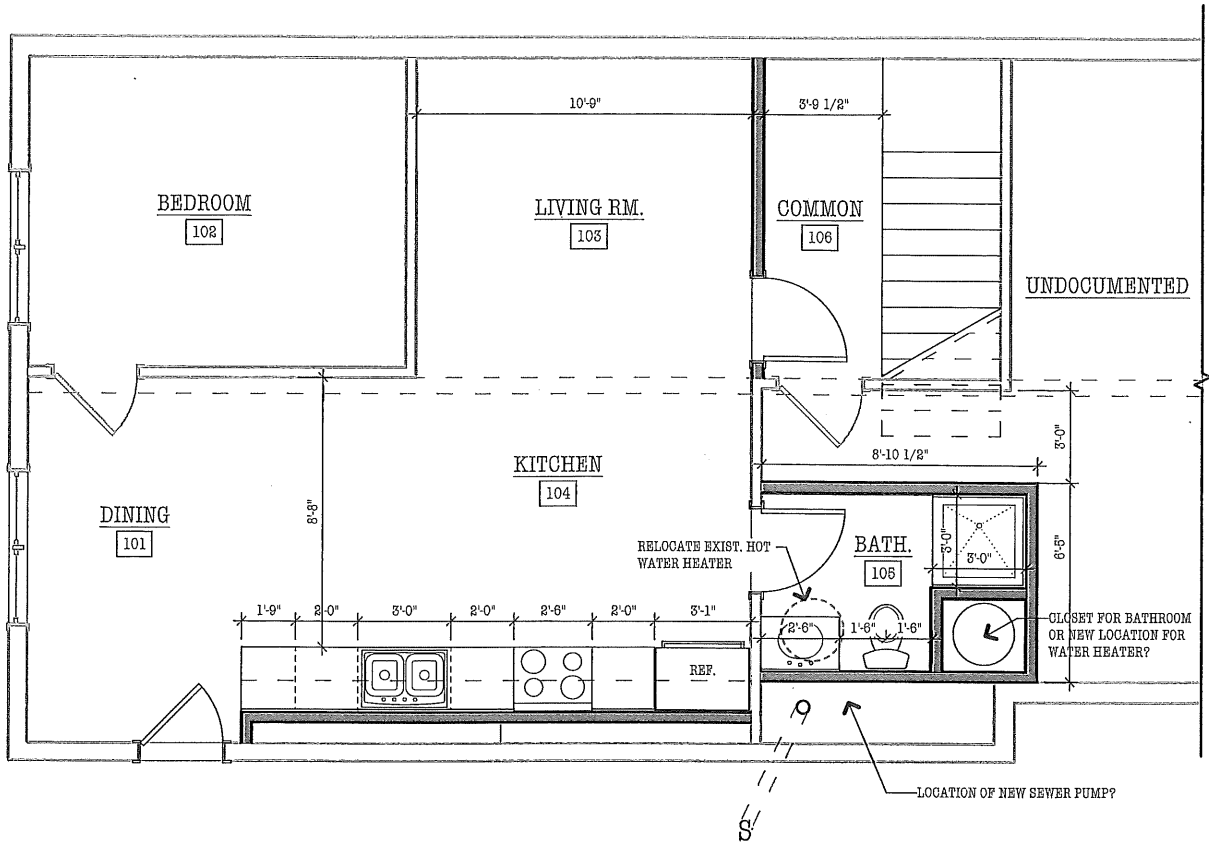
Mailing Address: RICHEY, RODNY M & FAYE D
138 BALL HILL RD
MILFORD, NH 03055-3407

Town
7 abutters



www.cai-tech.com

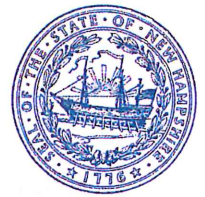
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1 MAIN FLOOR PLAN
 A1.1 Scale: 1/4" = 1'-0"



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

**APPROVAL FOR CONSTRUCTION
OF INDIVIDUAL SEWAGE DISPOSAL SYSTEM (ISDS)**

AS AUTHORIZED BY THE NH DEPARTMENT OF ENVIRONMENTAL SERVICES, WATER DIVISION PURSUANT TO RSA 485-A, WATER POLLUTION AND WASTE DISPOSAL AND ENV-WQ 1000, SUBDIVISION AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM DESIGN RULES.

APPLICATION APPROVAL DATE: 1/5/2021

APPROVAL NUMBER: eCA2021010501

I. PROPERTY INFORMATION

Address: 130 BALL HILL ROAD
MILFORD NH 03055
Subdivision Approval No.: 35707
Subdivision Name:
County: HILLSBOROUGH
Tax Map/Lot No.: 51/27

II. OWNER INFORMATION

Name: TOM BURNETT
Address: 130 BALL HILL ROAD
MILFORD NH 03055

III. APPLICANT INFORMATION

Name: CHRISTOPHER A GUIDA
Address: 231 OLD TEMPLE RD
LYNDEBOROUGH NH 03082

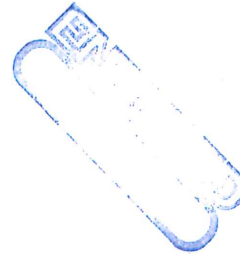
IV. DESIGNER INFORMATION

Name: CHRISTOPHER A GUIDA
Address: 231 OLD TEMPLE RD
LYNDEBOROUGH NH 03082
Permit No.: 01401

V. SPECIFIC TERMS AND CONDITIONS: Applicable to this Approval for Construction

- A. TYPE OF SYSTEM: STONE AND PIPE
- B. NO. OF BEDROOMS: 6
- C. APPROVED FLOW: 900 GPD
- D. OTHER CONDITIONS AND WAIVERS:

1. This approval is valid for 4 years from date of approval, per Env-Wq 1004.13.
2. This approval is based on complying with Env-Wq 1004.21 "When Installation of a replacement ISDS is Required" and obtaining an approval for operation for the ISDS prior to the approval expiration date.
3. The following waivers have been approved:
 - A. Rule: Env-Wq 1010 Section: 08 Pipe to Tank Connections



Eric J. Thomas
Subsurface Systems Bureau

VI. GENERAL TERMS AND CONDITIONS: Applicable to all Approvals for Construction

- A. This Approval for Construction is issued to construct the ISDS as identified on Page 1 of this Approval.
- B. This Approval is valid until 1/5/2025, unless an Approval for Operation has been granted.
- C. By exercising any rights under this approval, the parties have agreed to all terms and conditions.
- D. No liability is incurred by the State of New Hampshire by reason of any approval of any Approval for Construction. Approval by the Department of Environmental Services of sewage and waste disposal systems is based on plans and specifications supplied by the Applicant.
- E. The system must be constructed in strict accordance with the approved plans and specifications.
- F. The installed system must be left uncovered and cannot be used after construction until it is inspected and has received an Approval for Operation of Individual Sewage Disposal System (ISDS) by an authorized agent of the Department.
- G. This system must be installed by an installer holding a valid permit. An owner may install the system for his/primary domicile.
- H. This Approval for Construction does not supersede any equivalent or more stringent local ordinances or regulations. State standards are minimal and must be met statewide.

WORK NUMBER: 202006660-2
APPROVAL NUMBER: eCA2021010501
RECEIVED DATE: November 23, 2020
TYPE OF SYSTEM: STONE AND PIPE
NUMBER OF BEDROOMS: 6

