

TOWN OF MILFORD

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



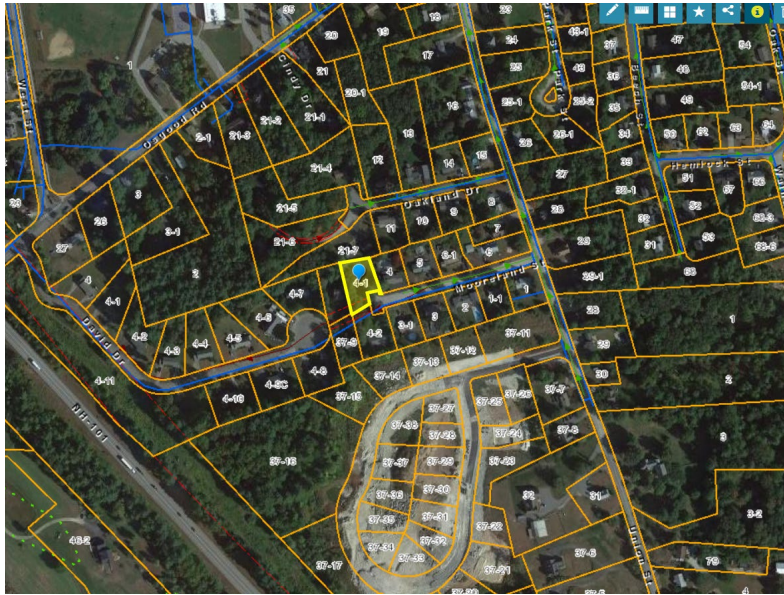
Administrative Review

Date: September 28, 2021
To: Jason Plourde, Chair, Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2021-23:** Edward and Elaine Farrington, 23 Mooreland Street, Milford Tax Map 34, Lot 4-1 – Special Exception Application, Dimensional Setback. (*New Application*)

The applicant is before the Board of Adjustment seeking a Special Exception from Milford Zoning Ordinance, Article V, Sections 5.02.2.A.8 and 5.02.5 to allow the construction of a 120 square foot accessory structure (shed) four feet from the side property boundary where a fifteen foot side dimensional setback is required 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 .34 acres (14,810 square feet) with approximately 84.5 linear feet of frontage on Mooreland Street.
 - b. The property consists of a newly constructed single story, 1 bedroom, single-family residence and is serviced by municipal water and waste water.
 - c. The subject property is situated in an established single-family residential neighborhood and bounded by residential homes on all sides. As shown in the attached photos, a vegetated deciduous buffer consisting of mature and younger trees and woody vegetation exists four feet from the property line and abutting property.
2. The proposal calls for the construction of a 12'x10' (120 sf) shed four (4) feet from the westerly property boundary abutting 54 David Drive (Tax Map 42, Lot 37-39). The applicant is request eleven (11) feet of side setback relief where 15 feet is required. See attached survey plan.
3. The shed is categorized as an accessory structure and permitted within the Residential 'A' District. Pursuant to Article V, Sections 5.02.2.A.8 and 5.02.5, 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 shed. The discussion should also include the proposed height and massing relative to abutting properties. The applicant provided elevations of the proposed shed. See attached.
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 or shed slightly adjusted (moved

Aerial Photos of Subject Property:



Street Photos of Subject Property:





ZBA Application

MILFORD ZONING BOARD OF ADJUSTMENT

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

PROPERTY INFORMATION

Street Address: 23 Mooreland St

Tax Map / Parcel #: 34-4-1

Lot Size: 14,860.39s/f or 0.3411 Acres

PROPERTY CURRENTLY USED AS

New Construction - Single Residential Home (Completion date: 9/30/21)

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

PROPERTY OWNER

Name: Edward & Elaine Farrington

Address: 21 Mooreland St.

City/State/Zip: Milford, NH 03055

Phone: () Ed's Cell: (603) 801-0095 Elaine's Cell: (603) 801-3159

Email:

Ed's email: ed.farrington@hotmail.com Elaine's email: farringtone@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.

Edward Farrington
Elaine R. Farrington

Property Owner's signature

8/26/21

8/26/21

Date:

Date Received: 8/31/21
Case Number: 2021-23
Application Number: 2021 1436
TOWN OF MILFORD
Hearing Date: RECEIVED 10/7/21
Decision Date: AUG 31 2021
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 ¹⁰	40.00
Amount received:	115.00
Date Received:	8/31/21

Check Cash OK # 4168

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: **23 Mooreland St.**

Tax Map / Parcel #: 34-4-1

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 Resident A District Section 5.02.5
 Describe the **use** you are proposing under the above section of the Ordinance.
5.02.5 YARD REQUIREMENTS - Each structure shall be at least fifteen (15) feet from the side and rear property lines.
Request for a Special Exception to construct a 12' x 10' shed to be located approx. four (4') feet from the property boundary line that abuts Lot 42-37-39 (Gregory & Kelli Dube.
The reason for the exception is due to a fifty (50)' "Right of Way" easement for public sewer & water to David Dr. The only place where the 12' x 10' shed meets the set-back of 15' requirement is the front of house which would not be on level ground and/or curb appeal to the surrounding homes in the area.

**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: **Construct a 12' x 10' shed to be located approx. four (4') feet from the property boundary line that abuts Lot 42-37-39 (Gregory & Kelli Dube. See diagram**

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: **Easements & set-back requirements**
- B. The specific site is an appropriate location for the proposed use because: **Level ground area on the side of the house, doesn't block or interfere with sight due to wood line and located toward the back of the property. See diagram**
- C. The use as developed will not adversely affect the adjacent area because: **The shed will abut approximately 4' ft from boundary line to trees/shrubs growth (wood line) providing limited sight of the shed to the abutter.**

D. There will be no nuisance or serious hazard to vehicles or pedestrians because: **The 12' x 12' shed will only be used for storage of lawn equipment such as Ride-on mower, push mower, weed Wacker, shovels, rakes and other non-conditioned space items.**

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because: **The proposed area is flat and level and out of the way of access to the back area of the yard behind the home.**

August 26, 2021

Milford Zoning Board of Adjustment
Town Hall
1 Union Square
Milford, NH 03055-4240

Dear Members of the Milford Zoning Board of Adjustment,

Enclosed is the ZBA Application – General Property Information and the ZBA Application – Special Exception Forms and information as required.

Overview of Tax Map/Parcel # 34-4-1:

We purchased this parcel of land from Arthur Morell on August 20, 1998. The parcel has a 50' "Right of Way" easement for water/sewer per court settlement 1/85 Docket # E-84-581 and BK. 2325 PG. 227 for water/sewer to David Dr.

We purchased this parcel with the intent to build a smaller home in the future when our children left the nest. We currently live in a 2 story, 4-bedroom Colonial home next door located at 21 Mooreland St.



The new house being built is almost completed and expect to be in by Sept. 30th.

We are asking for a Special Exception to construct a 12' x 10' shed that does not meet the required set-back of 15' from the boundary line located next to parcel 42-37-39 (Gregory E. & Kelli A. Dube). See information enclosed. The only place on the property that would satisfy the set-back requirements would be to place it in the front of my house which I would need to level extensively and be out of character having a shed in the front yard close to the house. The proposed shed could not be located further away due to the "Right of Way" easement.

I am requesting a "Special Exception" to locate the shed on the side of the house (see info) located 4' from the boundary line toward the back corner of the property where it is level & flat. Keeping 4' from the boundary line allows me to be able to maintain the grounds around the shed. The shed would be constructed on top of 3-6" of ¾" stone and cement blocks. There are no wetlands located on the property.

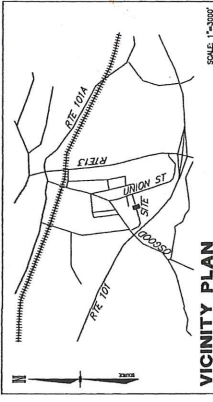
Please consider granting us a Special Exception for the Shed.

Sincerely,

Edward & Elaine Farrington

21 Mooreland St.
Milford, NH 03055



VICINITY PLAN

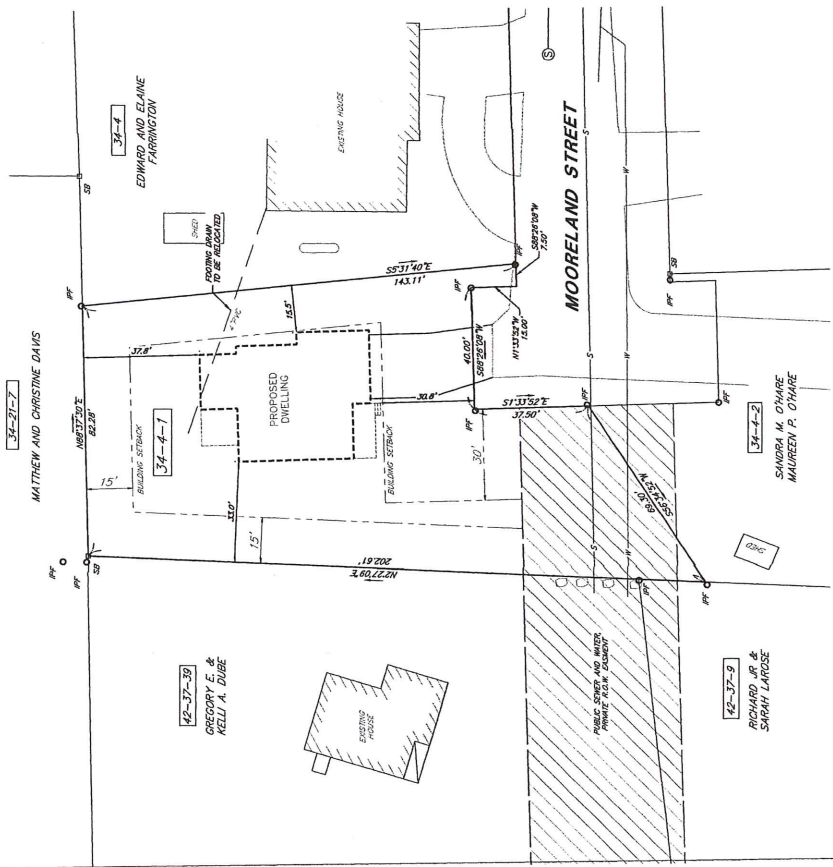
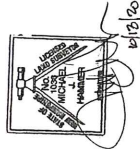
SCALE: 1"=100'

REFERENCE PLANS

1. LOT LINE ADJUSTMENT AND SUBDIVISION PLAN PHASE 1, MAP 42, LOT 37 AND MAP 33 LOTS 1544 BY ELIZABETH STREET, MILFORD, NEW HAMPSHIRE SCALE 1"=100' DATE APRIL 18, 1944
2. SUBDIVISION PLAN OF LAND PREPARED FOR MERRILL & MERRILL F. WARELL METERS, INC. SCALE 1"=20' DATE: AUGUST 7, 1946 BY THOMAS F. MORAN INC. MOBILE PLAN 26429
3. DAVIS BOND SUBDIVISION PLAN OF LAND MORTGAGE NO. OWNED BY JAMES B. MORTGAGE PLAN 19252, 1935 SCALE: 1"=50' BY AMERSON SURVEY ASSOCIATES INC.
4. LOT CONSOLIDATION AND SUBDIVISION PLAN OF LAND MARY B. COVILL MORTGAGE NEW HAMPSHIRE PLAN 19253
5. TAX MAP 42, LOT 37-3 SUBDIVISION PLAN MORTGAGE INTERESTS, LLC DAVID BOND, MORTGAGE NO. OWNED BY MORTGAGE INTERESTS, LLC APRIL 1, 2009 AND REVISED 6/2/09 BY THOMAS F. MORAN, MOBILE PLAN 26429

NOTES

1. RECORD OF MAP 34, LOT 4-1; EDWARD AND ELAINE FARRINGTON, 1500 MOORELAND STREET, MILFORD, NEW HAMPSHIRE. AREA OF PARCEL: 4.4603 AC. OF 0.3411 ACRES.
2. 34-4-1 INDICATES TAX MAP AND LOT NUMBER.
3. FOR THE TOWN OF MILFORD, THE CURRENT ZONING IS RESIDENTIAL "R". ZONING DISTRICT: 37000 ARE. 30' FRONT YARD, 15' SIDE AND REAR YARD.
4. EXAMINATION OF THE FLOOD INSURANCE RATE MAP FOR HILLSBOROUGH COUNTY, NEW HAMPSHIRE, DATED 11/11/03, INDICATES THAT THE SUBJECT PARCELS IS NOT LOCATED WITHIN A FLOOD HAZARD AREA.
5. BOUNDARY INFORMATION REPORTED ON THIS PLAN IS FROM A FIELD SURVEY OF THIS OFFICE IN MARCH OF 2009 AND JUNE 2010.
6. THE PROPOSED DWELLING WILL BE SERVED BY MUNICIPAL WATER AND SEWER.
7. FOUND UTILITY MARKERS AND RECORDS OF THE ADJACENT PROPERTY TO THE PROPERTY OF SANDRA M. O'HARE AND MAUREEN P. O'HARE. ALSO EXISTENTIAL MAP DATED WHICH A TITLE EXAMINATION OF SANDRA M. O'HARE AND MAUREEN P. O'HARE.
8. A 50' WIDE PRIVATE RIGHT OF WAY TO DRAIN AND SEWERING OVER LOT 34-4-1 TO BOND LOT 42-37-3 IN 2009 TO 2010.
9. SEWER AND WATER EXHIBIT FOR COURT SETTLEMENT (VAN DORST) # L-04-081 AND 10. NO PORTION OF THE LANDS WERE OBSERVED ON SITE DURING THE SURVEY.
11. THE CORNER OF THE LANDS WERE OBSERVED ON SITE DURING THE SURVEY. PLANS FILED "MILFORD TOWN" DATED 6/24/2010 PREPARED BY AMERSON SURVEY ASSOCIATES.



LEGEND

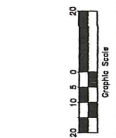
○ 30"	UTILITY POLE
○ 36"	HYDRANT
○ 42"	UTILITY POLE
○ 48"	HYDRANT
○ 54"	UTILITY POLE
○ 60"	HYDRANT
○ 66"	UTILITY POLE
○ 72"	HYDRANT
○ 78"	UTILITY POLE
○ 84"	HYDRANT
○ 90"	UTILITY POLE
○ 96"	HYDRANT
○ 102"	UTILITY POLE
○ 108"	HYDRANT
○ 114"	UTILITY POLE
○ 120"	HYDRANT
○ 126"	UTILITY POLE
○ 132"	HYDRANT
○ 138"	UTILITY POLE
○ 144"	HYDRANT
○ 150"	UTILITY POLE
○ 156"	HYDRANT
○ 162"	UTILITY POLE
○ 168"	HYDRANT
○ 174"	UTILITY POLE
○ 180"	HYDRANT
○ 186"	UTILITY POLE
○ 192"	HYDRANT
○ 198"	UTILITY POLE
○ 204"	HYDRANT
○ 210"	UTILITY POLE
○ 216"	HYDRANT
○ 222"	UTILITY POLE
○ 228"	HYDRANT
○ 234"	UTILITY POLE
○ 240"	HYDRANT
○ 246"	UTILITY POLE
○ 252"	HYDRANT
○ 258"	UTILITY POLE
○ 264"	HYDRANT
○ 270"	UTILITY POLE
○ 276"	HYDRANT
○ 282"	UTILITY POLE
○ 288"	HYDRANT
○ 294"	UTILITY POLE
○ 300"	HYDRANT

TAX MAP 34, LOT 4-1
PROPOSED CONSTRUCTION PLOT PLAN
EDWARD & ELAINE FARRINGTON
23 MOORELAND STREET
MILFORD, NEW HAMPSHIRE
 OWNED BY
EDWARD & ELAINE FARRINGTON
 SCALE: 1"=20' OCTOBER 18, 2010

TFM
 TFM ENGINEERS
 48 Constitution Drive
 Dover, NH 03820
 Phone (603) 472-4488
 Fax (603) 472-4947
 www.tfm.com

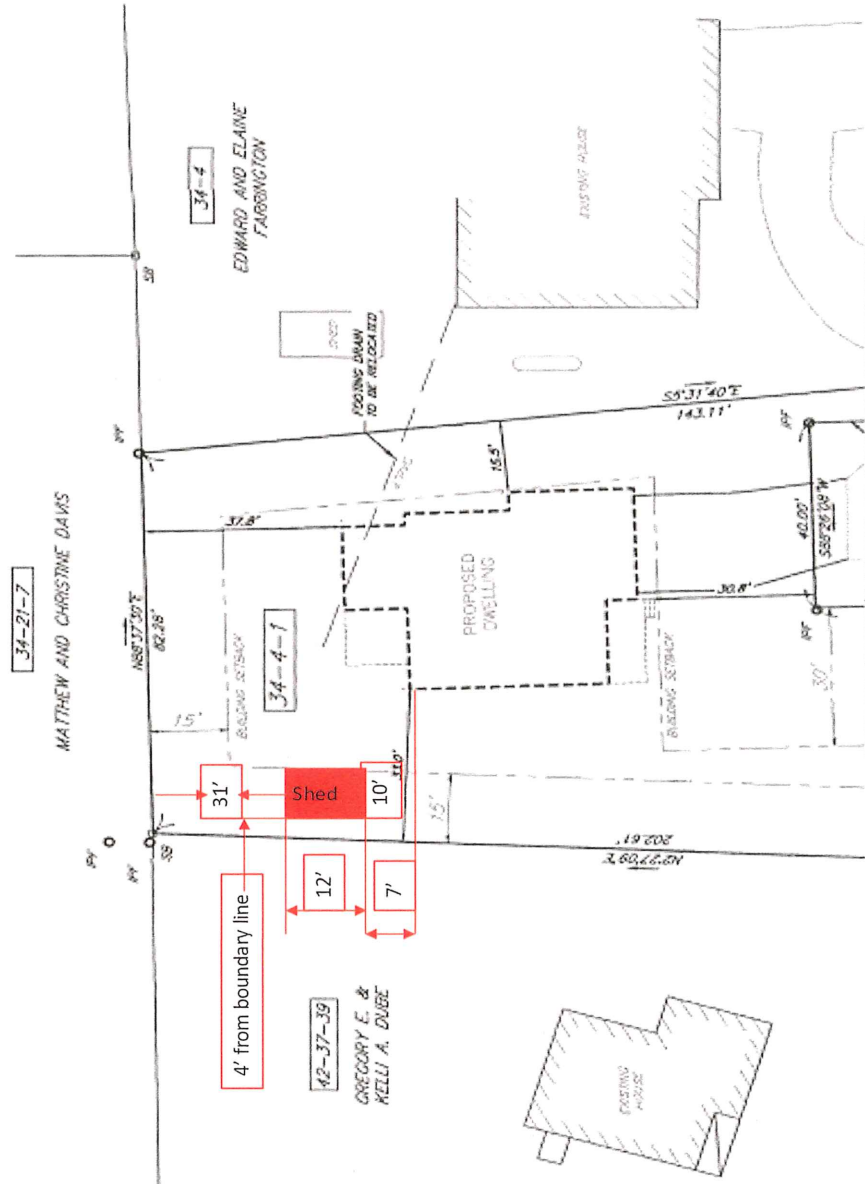
DATE: 10/18/10
 DRAWN BY: J. MORAN
 CHECKED BY: J. MORAN
 SCALE: 1"=20'
 SHEET 1 OF 1

NO.	DATE	DESCRIPTION	BY	CHK
1	10/18/10	ISSUED FOR PERMIT	J. MORAN	J. MORAN
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				

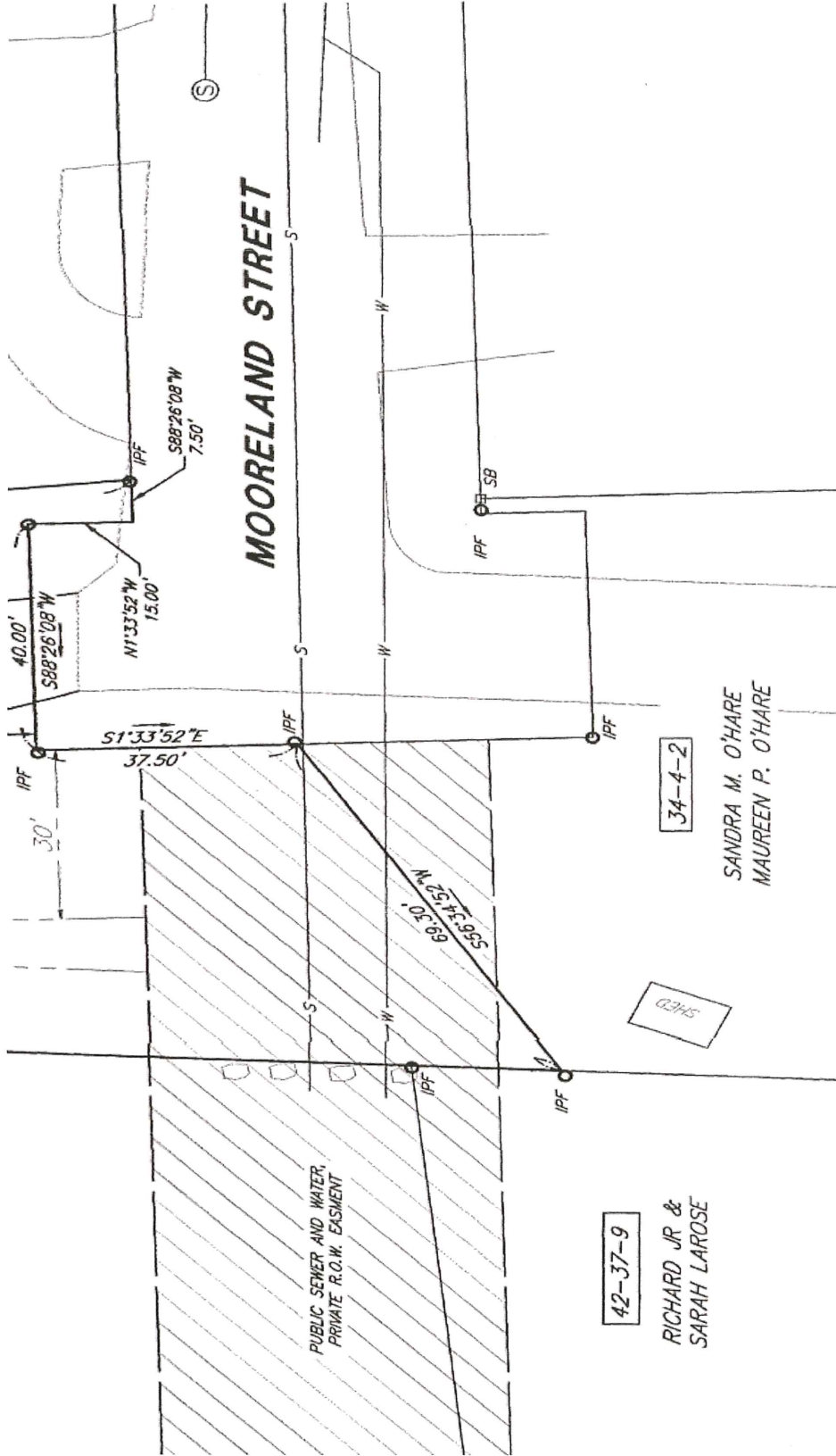


Copyright 2010 Thomas F. Moran, Inc.
 All rights reserved. These plans and exhibits may not be copied, duplicated, published or otherwise reproduced in any form whatsoever without the prior written permission of Thomas F. Moran, Inc.
 The use of these plans and exhibits is limited to the project and site specified on these plans and exhibits.
 Thomas F. Moran, Inc.

Edward & Elaine Farrington ZBA Application – Special Exception 12' x 10' Shed Location



Easement Plan



34-4-2

SANDRA M. O'HARE
MAUREEN P. O'HARE

42-37-9

RICHARD JR &
SARAH LAROSE

G2H5

Proposed Shed



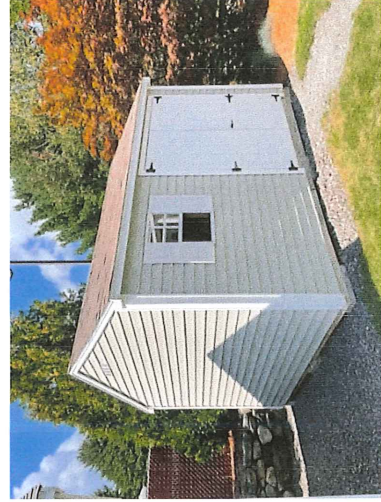
American Classic

Standard Features

- 2x6 pressure treated floor joists, 16" on center
- 2x4 framing, studs 16" on center
- 3/4" exterior-grade plywood floor
- 25-year asphalt roof shingles, available in 8 colors
- Cedar T&G, DuraTemp®, vinyl or cedar clapboard, vinyl or cedar shake siding
- 2x6 engineered roof truss with 1/2" exterior grade plywood sheathing
- Interlocked double top plate for added wall strength
- Full coverage aluminum drip-edge
- Aluminum louver vents with screens
- Maintenance free 6 panel fiberglass doors
- Heavy-duty door hardware with door lock with key
- Aluminum framed single-hung windows, with locks and removable screens
- Decorative shutters in choice of 10 colors

Available Options

- Added wall height
- PVC window flower boxes in choice of 10 colors
- PVC cottage style vents
- Pressure treated ramp
- Steel door sill plate
- 30-year architectural roof shingles
- 2x7 work bench all 2x4 construction
- Battery powered interior/exterior lights
- Door style upgrades
- Extra doors and windows
- Floor upgrades for extra heavy duty storage
- Roof top cupola
- Weathervanes
- Shelving units and tool organization systems
- Bottom frieze board trim



Proposed Shed Location

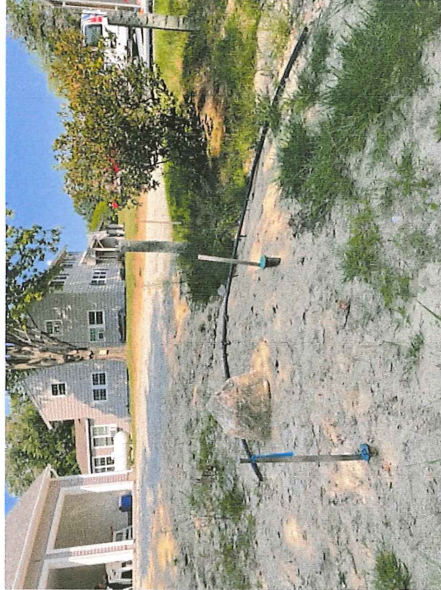


Elevations Around the Site Dwelling

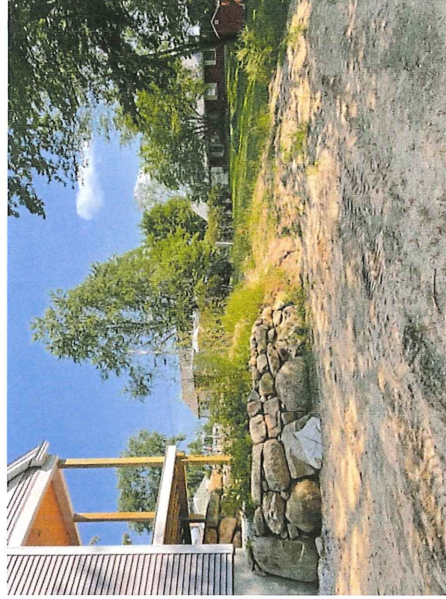


Front view from Easement

Front view from Easement



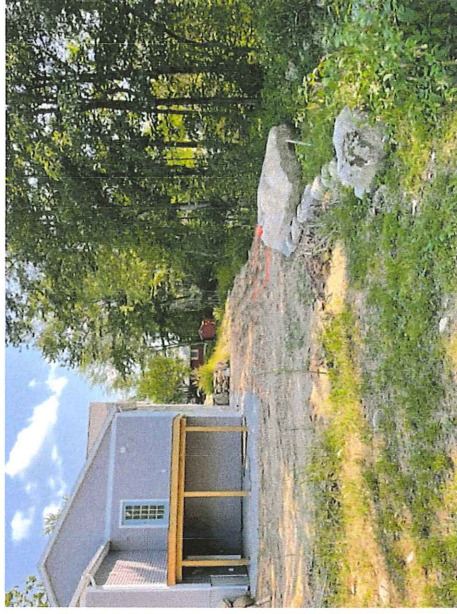
Water/Sewer Valves



Front corner/side view



Back of Dwelling view



Back & Side View



Back & left side View



Back & left side View