TOWN OF MILFORD

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

Administrative Review

- **Date:** November 26, 2021
- To: Jason Plourde, Chair, Zoning Board of Adjustment
- From: Lincoln Daley, Community Development Director
- Subject: Case #2021-26: John and Alexandra Baer, 115 Federal Hill Road, Milford Tax Map 48, Lot 20-1 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 750 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 7.51 acres in area (327,136 sf) with approximately 25 linear feet of frontage on Federal 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, and east. Abutting the property to the west is a materials processing and storage operation.
- 2. The proposal calls for construction of a new building addition containing a 750 square foot ground level one bedroom ADU. Access to the ADU will be through the proposed one bay garage and shared mudroom/laundry area. A separate exterior access has also been proposed for the ADU along the side of the residence.
- 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 is 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 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 from NHDES for a 6 bedroom household.



Aerial Photos of Subject Property:



Street Photos of Subject Property:





ZBA Application Milford zoning board of adjustment	Date Received: Case Number: <u>2021-26</u> Date Complete:
GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS	Hearing Date: 12/2/2/
PROPERTY INFORMATION	Decision Date: 2021 1.632
Street Address: 115 Federal Hill Rd	Decision:
Tax Map / Parcel #: 45/20-1 Lot Size:	TOWN OF MILTORD RECEIVED
PROPERTY CURRENTLY USED AS	OCT 272021 Zoning District (check one):
Residental home	PBZBAOffice
	Residence B Residence R
<i>If the application involves multiple lots with different owners, attach additional copies of this page.</i>	 Commercial Limited Commercial Industrial
PROPERTY OWNER	☐ Integrated Commercial-Industrial
Name: John and Alexandra Baer	Integrated Commercial-Industrial-2
Address: 115 Federal Hill Rd	· · · ·
City/State/Zip: Milford, NH 03055	Overlay District (check any that apply):
Phone: () 603-320-6715	🖵 West Elm Street Overlay
Email: Alex.baer@comcast.net	📮 Nashua/Elm Street Overlay
	Commerce & Community Overlay
	Open Space & Conservation
The applicant is the person who is making this proposal on behalf of themselves,	Wetlands Conservation
the owner or a third party. This is usually the same as the property owner, but	Groundwater Protection
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.	🖵 Floodplain Management
APPLICANT/REPRESENTATIVE	APPLICATION FEES
SAME AS OWNER	Application Fee: \$75.00
	Abutters Fee: \$4 x 18 33.3.89
Name: Builder - Stephin Budger 4B Construction Address: 395 Mile Slip Rd	Amount received: 408-84
City/State/Zip: Milford NH 03055	Date Received:
Email: Swbadge & 46 const. com	Check Cash
Phone: () Cell: (979) 5.69 - 5704	
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.	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.
Property Owner's signature Date:	
Property Owner's signature Date.	

Town Hall • 1 Union Sq, Milford, NH 03055 • Phone: 603-249-0620 • www.milford.nh.gov

ZBA Application – Special Exception MILFORD ZONING BOARD OF ADJUSTMENT PROPERTY INFORMATION	DIN TOWN OF MILFORD RECEIVED OCT 272021	Case Number: Application #: Date Complete: Heating Date:/2/2/2/
Street Address: 115 Federal Hill Rd		Decision Date:
1101	PBZBAOffice	Decision:
Tax Map / Parcel #: $\mathcal{A} \ \mathcal{S} \ \mathcal{O} \ \mathcal{O} \ \mathcal{O}$ A Special Exception is a use which is permitted by the Zon requires approval from the Zoning Board of Adjustment. I have a list of additional criteria that must be met in order the application. *Note that in addition to the specific criteria that may b special exception, all special exceptions are subject to the Section 10.02.1 of the Zoning Ordinance.	ing Ordinance, but Most special exceptions for the ZBA to approve e listed for a particular	Application for (check all that apply):
What section of the Zoning Ordinance are you applying under? Article 10.2.6 Describe the use you are proposing under the above section of the Ordinance. The ADU space would be used for a attached living space for owner parents to living in. Then sunroom above unit is for the clients direct use		 Change/Expansion of Non-conforming Use/Structure (2.03.1. 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 Crite	eria Section 10.02.1	
Describe the project you are requesting a Special Excepti Construction of addition including a ADU, for clients parts to live Explain how the proposal meets the general criteria as s	on for: in the ADU and then sunroom specified in Article X, Sectio	above for the client
Describe the project you are requesting a Special Excepti Construction of addition including a ADU, for clients parts to live Explain how the proposal meets the general criteria as s A. The proposed use is similar to those permitted in the distr Meets all requirments for a ADU and is designed to look like it w same occupants that are in the current house B. The specific site is an appropriate location for the propose	on for: in the ADU and then sunroom specified in Article X, Sectio ict because: as always part of the house, wi d use because:	above for the client
Describe the project you are requesting a Special Excepti Construction of addition including a ADU, for clients parts to live Explain how the proposal meets the general criteria as s A. The proposed use is similar to those permitted in the distr Meets all requirments for a ADU and is designed to look like it w same occupants that are in the current house B. The specific site is an appropriate location for the propose Is attahed to the existing dwelling, and design to match, and not C. The use as developed will not adversely affect the adjacen	on for: in the ADU and then sunroom pecified in Article X, Sectio ict because: as always part of the house, wi d use because: to encroach on any setbacks.	above for the client n 10.02.1 of the Zoning Ordinance Il be used by the
Describe the project you are requesting a Special Excepti Construction of addition including a ADU, for clients parts to live Explain how the proposal meets the general criteria as s A. The proposed use is similar to those permitted in the distr Meets all requirments for a ADU and is designed to look like it w same occupants that are in the current house B. The specific site is an appropriate location for the propose Is attahed to the existing dwelling, and design to match, and not	on for: in the ADU and then sunroom specified in Article X, Sectio ict because: as always part of the house, wi d use because: to encroach on any setbacks. It area because: was already part of the existing pedestrians because:	above for the client n 10.02.1 of the Zoning Ordinance Il be used by the

Town Hall • 1 Union Sq, Milford, NH 03055 • Phone: 603-249-0620 • www.milford.nh.gov



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.
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.
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.

- 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.
- 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.

ACCESSORY DWELLING UNITS 10.02.6

1. Is the property going to be Owner Occupied?

Yes own will be in princical dwelling, owners parents will be occuping ADU

2. Has a Building Permit application been made? Copy of permit application attached?

Yes, appliation has been made and copy is attached with application.

3. Is the ADU developed in a manner which does not alter the character/appearance of the principal use as a single-family residence?

Proposed space, is attached to existing house, and design to look as if always there.

4. Is the ADU intended to be secondary and accessory to a principal single-family dwelling unit?

Is designed to allow spare space to the principlan single family dwelling with allowing ablity to have seperate own space.

5. Does the ADU impair the residential character of the premises or the reasonable use, enjoyment and value of neighborhood?

Proposed addition is designed to match the existing home and look like it was always there.

6. Is there adequate off-street parking? How many spaces?

One car garage is proposed, along with enough space in driveway for 2+ more cars.

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 one enternce is through garage, second exit, is through slider in back of house.

Section continued on next page.

Town Hall • 1 Union Sq, Milford, NH 03055 • Phone: 603-249-0620 • www.milford.nh.gov



ZBA Application – Special Exception

MILFORD ZONING BOARD OF ADJUSTMENT

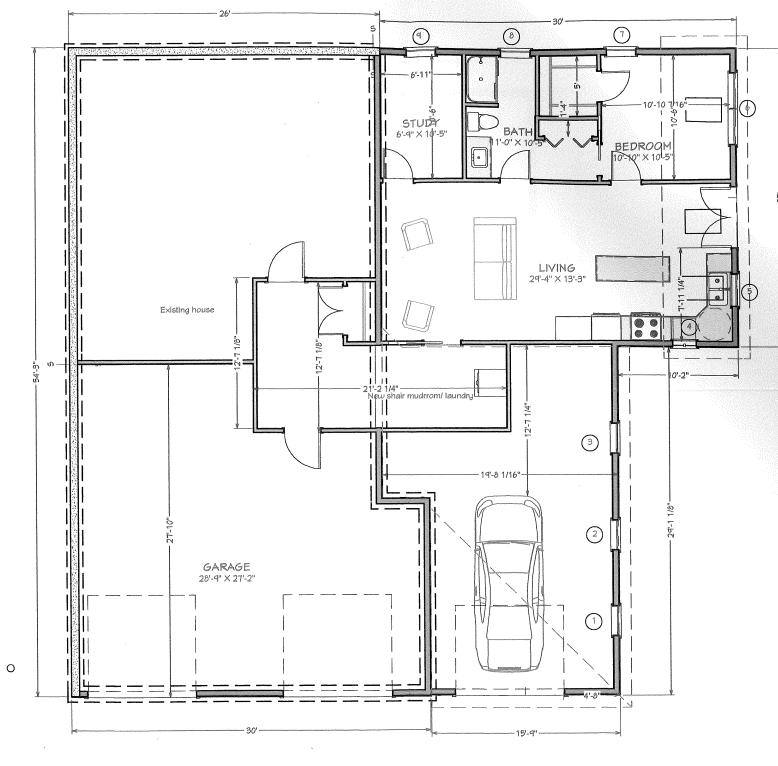
9. Is there adequate sewer/septic and water Yes, new approved septic system is being install.	r for the additional inhabitants? Please include septic/sewer approval.
10. Is there only one (1) ADU on the property yes	/?
11. Is the ADU no more than 750 square feet	gross floor area? How many square feet is the ADU?
ADU space is 750.	
12. Does the ADU have no more than two (2)	bedrooms? Please show on plans.
Only 1 bedroom is proposed	
13. If inside the existing dwelling, is there at Please show on plans. yes, opening is 36" wide	least one common wall with a door between the two spaces at least 32 inches wide?
14. If a connecting hall is proposed, is the ha	llway at least 36 inches wide? Please show on plans.
15. For Existing Unpermitted ADUs	common mudroom, laundry space proposed then entence to ADU
16. Has a Code Compliance inspection been	conducted by the Building Inspector? Please include inspection report.
No, permit in with the town for review now	
17. Is the ADU incompliance with Section 10.	02.6:A of the Milford Zoning Ordinance? How so?
yes, meets all requirrments	
18. If no, has a Variance from Section 10.02.6	5:A been granted by the ZBA?
OFFICE IN THE RESIDENCE A AND B DISTRICT	S 10.02.7
1. Is the specific site of the proposed office and ancillary to the Residential Use perm	use located in an existing building that is an appropriate location for the proposed unitted 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.

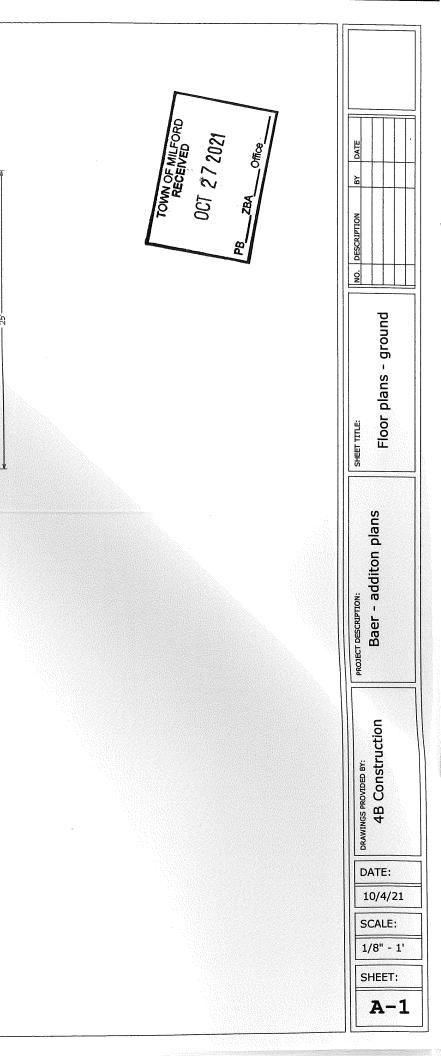
4. Will there be any outside storage? Please explain.

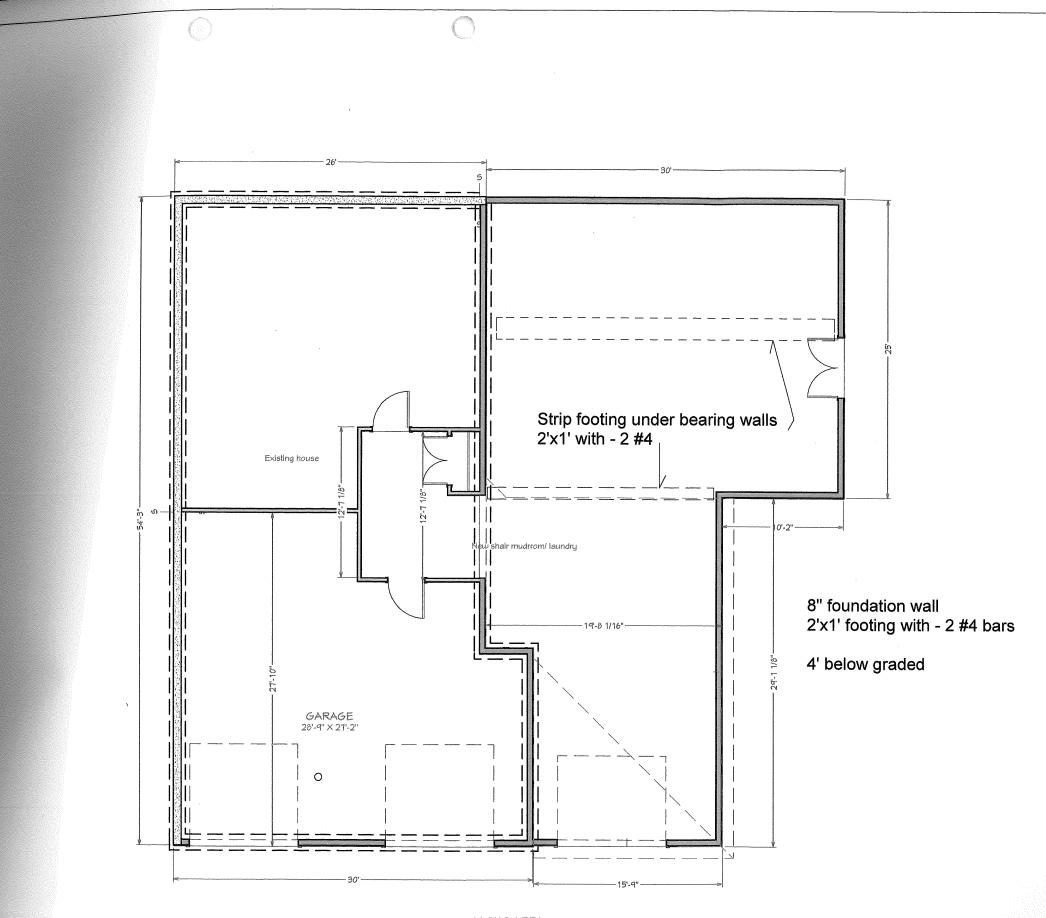
5. Has the applicant made a site plan application to the Planning Board (hearing subsequent to Zoning Board approval)? Yes ____ No ____ Date of hearing:______



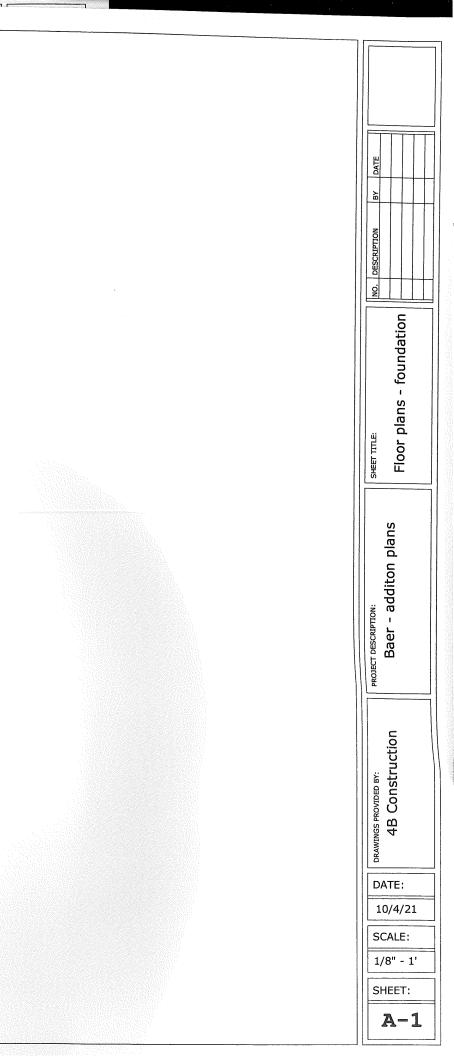
LIVING AREA 1365 SQ FT

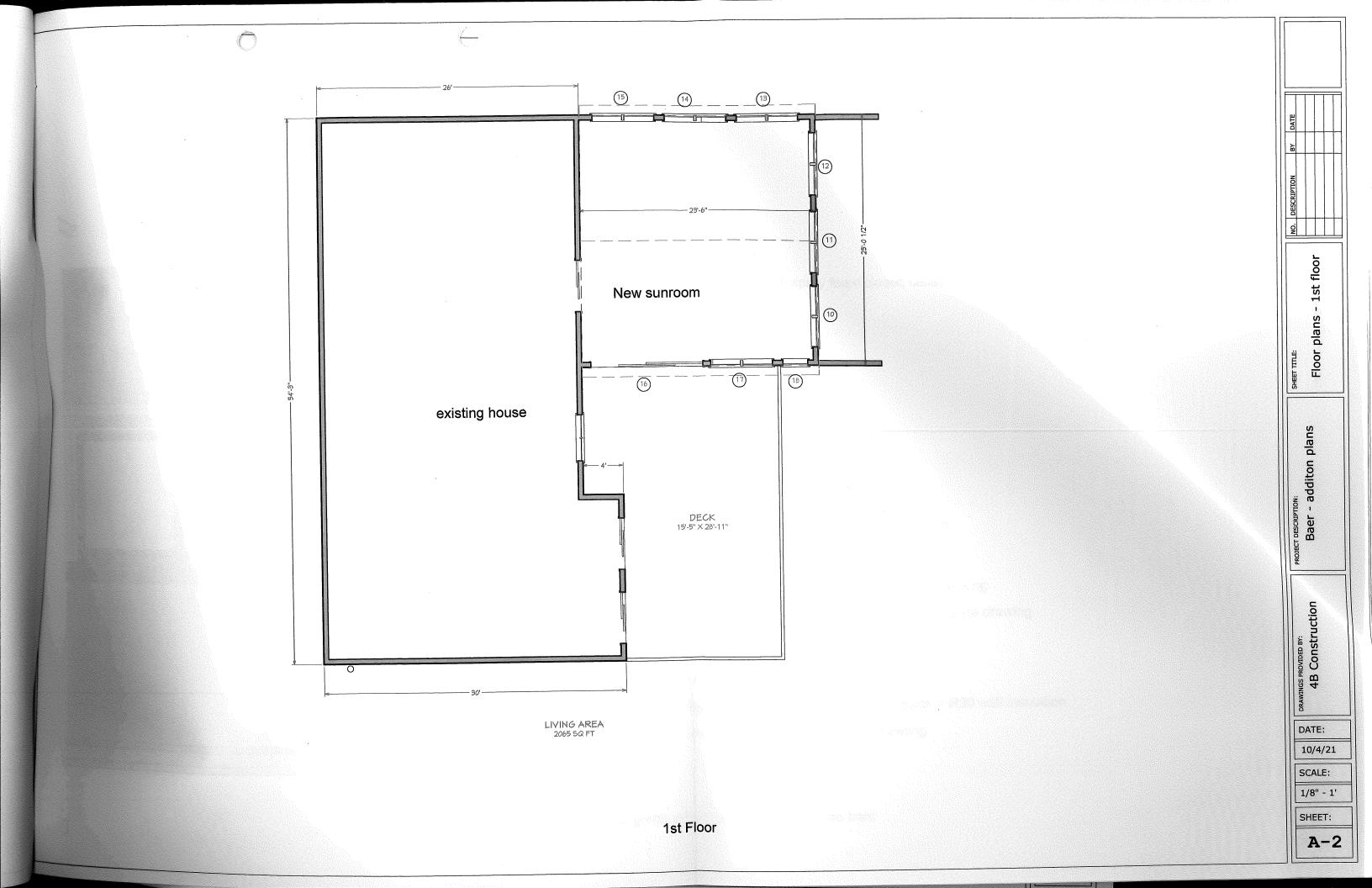
Foundation

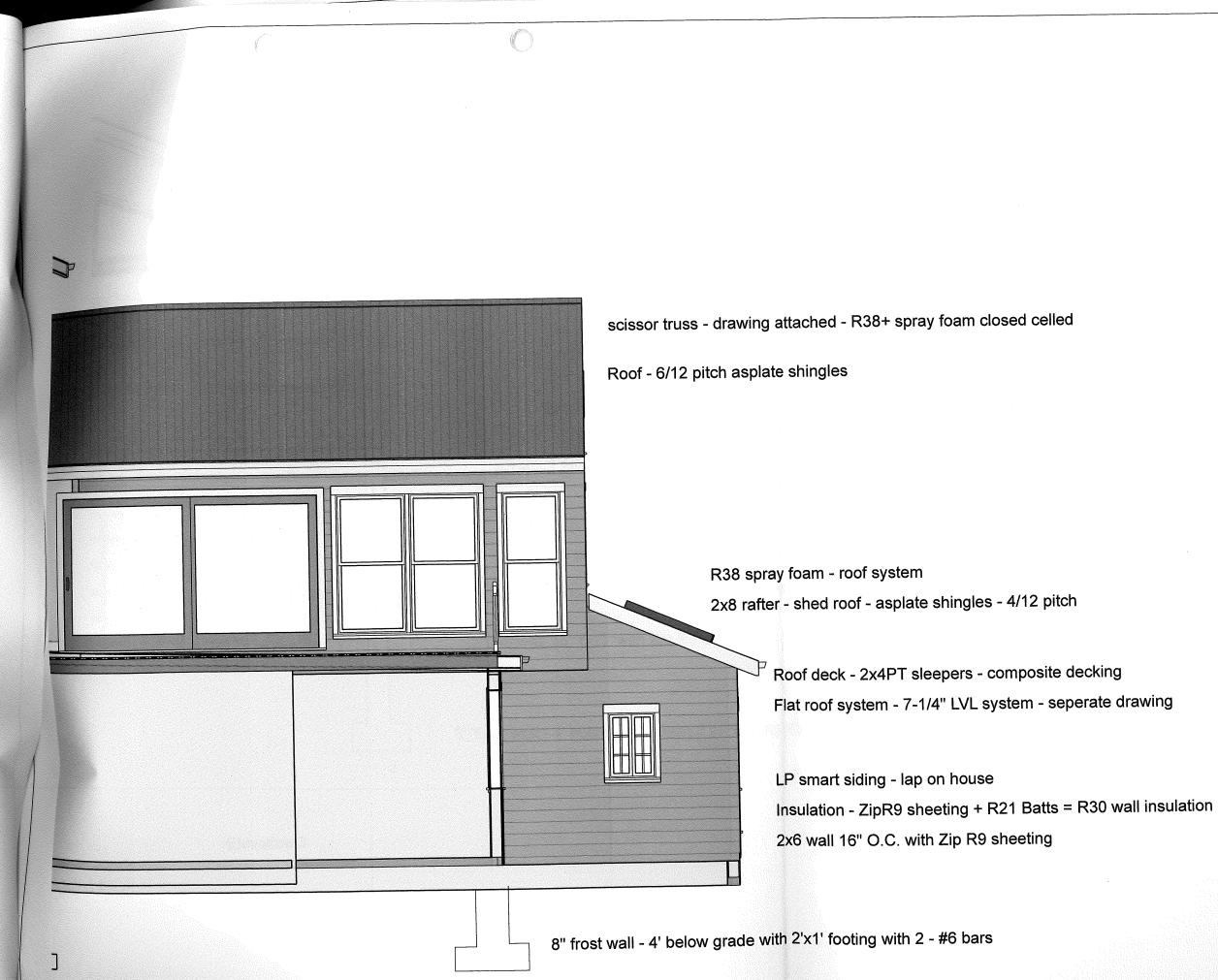


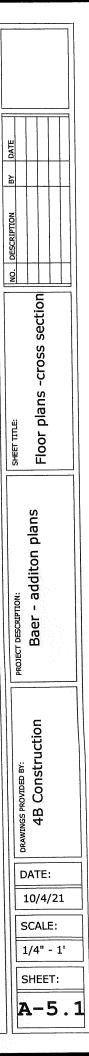


LIVING AREA 619 SQ FT

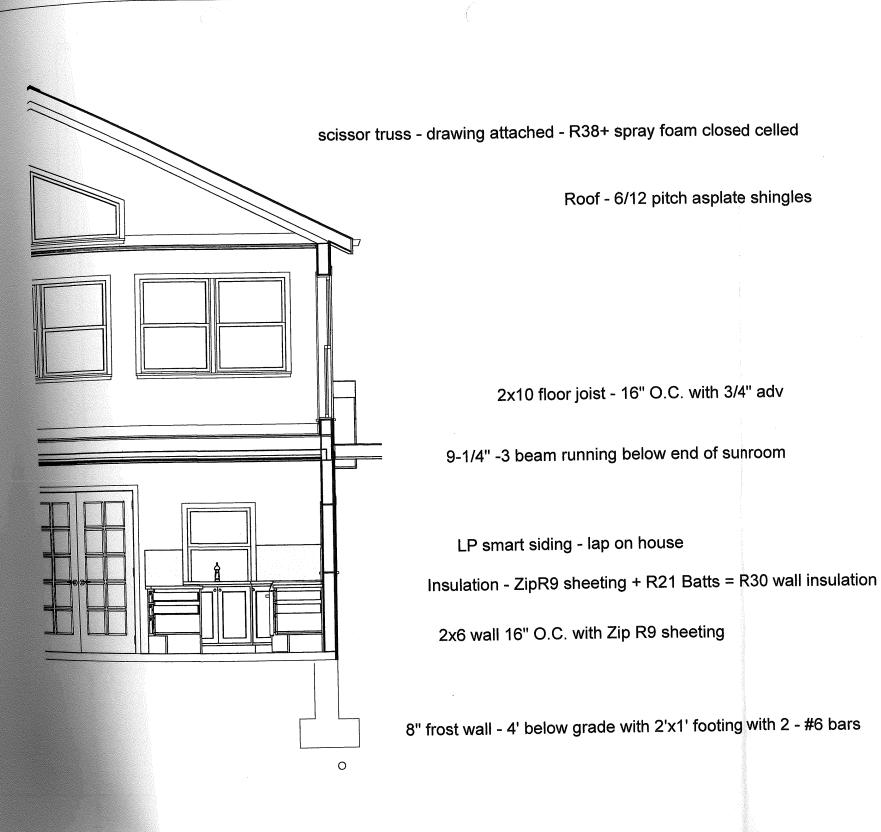




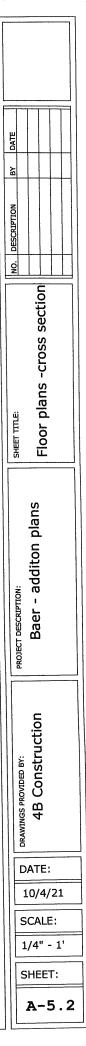




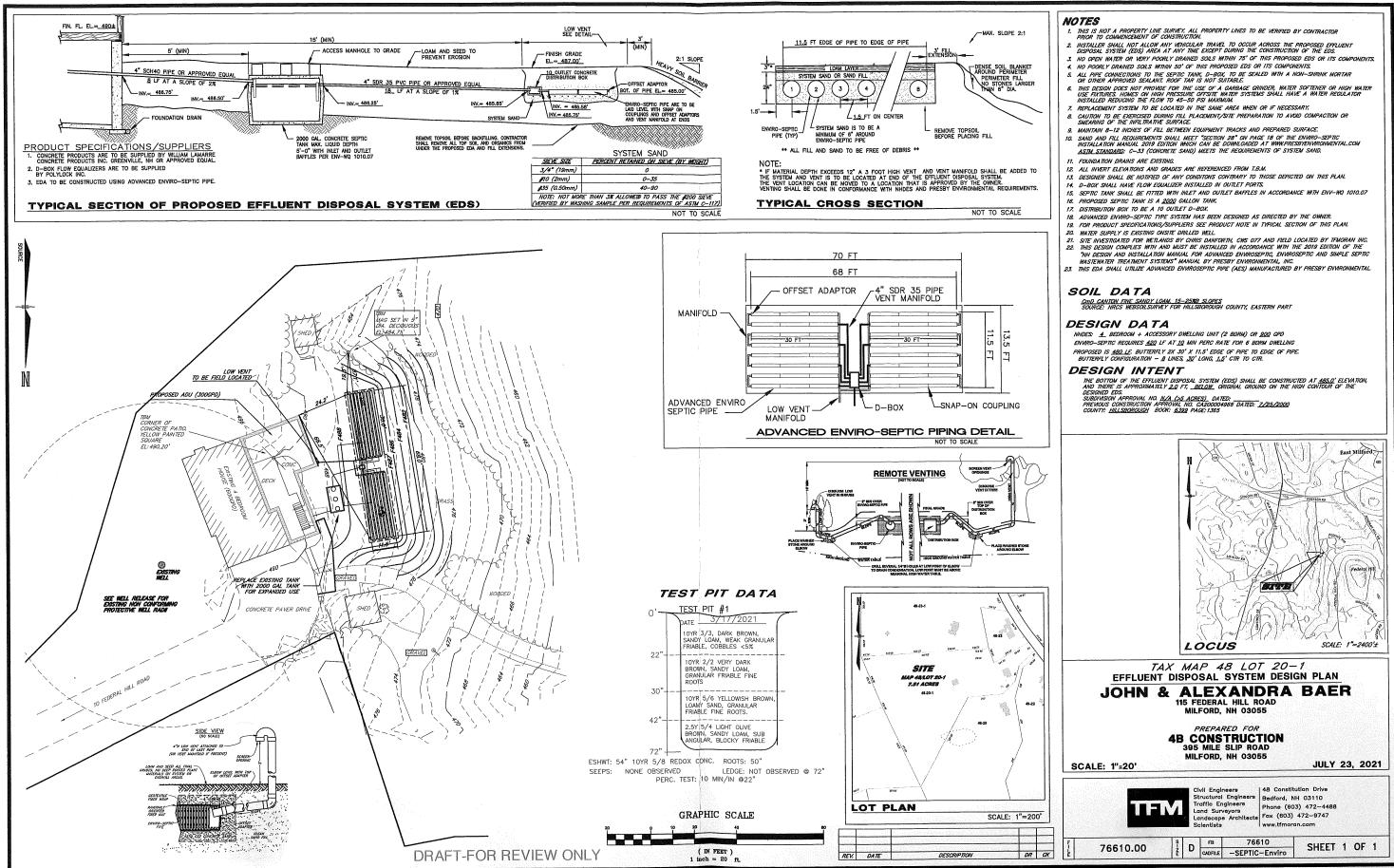
15 55 55 1555













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: 8/26/2021

I. PROPERTY INFORMATION Address: 115 FEDERAL HILL ROAD MILFORD NH 03055 Subdivision Approval No.: 5 PLUS ACRES Subdivision Name: County: HILLSBOROUGH Tax Map/Lot No.: 48/20-1

APPROVAL NUMBER: eCA2021082628

- III. APPLICANT INFORMATION Name: CHRISTOPHER K DANFORTH Address: 654 NEW BOSTON RD FRANCESTOWN NH 03043
- IV. DESIGNER INFORMATION Name: CHRISTOPHER K DANFORTH Address: 654 NEW BOSTON RD FRANCESTOWN NH 03043 Permit No.: 00879

II. OWNER INFORMATION

Name: JOHN AND ALEXANDRA BAER Address: 115 FEDERAL HILL ROAD MILFORD NH 03055

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

- A. TYPE OF SYSTEM: ADVANCED ENVIRO-SEPTIC
- 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. Approval for a four bedroom house and a two bedroom apartment.
 - 3. No waivers have been approved.

MILFORD

Eric J. Thomas Subsurface Systems Bureau

DES Web Site: www.des.nh.gov P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095 Telephone: (603) 271-3503 Fax: (603) 271-6683 TDD Access: Relay NH 1-800-735-2964