

TOWN OF MILFORD

Office of Community Development

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



Administrative Review

Date: January 29, 2022

To: Jason Plourde, Chair, Zoning Board of Adjustment

From: Lincoln Daley, Community Development Director

Subject: **Case #2021-30:** Chris Moore, 10 Oakwood Circle, Milford Tax Map 26, Lot 29 Special Exception Application, Accessory Dwelling Unit

The applicants are before the Board of Adjustment seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.02.2.A.13 and Article X, Section 10.02 to allow the construction of a 744 square foot accessory dwelling within an attached building addition to an existing single-family residence located 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 in area (14,810.4 sf) with approximately 148 linear feet of frontage on Oakwood Circle.
 - b. The property consists of a 1-story, 3 bedroom, single-family residence and is serviced by municipal water and sewer.
 - c. The subject property is situated in an established single-family residential area and directly abuts residential uses to the north, south, and east.
2. The proposal calls for construction of a new two story garage addition containing a 744 square foot second level one bedroom ADU. Access to the ADU will be through the proposed two bay garage and doorways into existing home.
3. An ADU is a permitted use in the Residential 'A' zoning district through the issuance of a Special Exception pursuant to Zoning Ordinance, Article 5.02.2.A.13 and Article X, Section 10.2.6.
4. Upon review the application pursuant to the Section 10.02.6.A, the submittal generally meets the minimum requirements of the Zoning Ordinance.
 - a. The proposed maximum area for the ADU is 744 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 property is currently serviced by town water and sewer.
 - e. One of the entrances to the second story ADU is through the garage structure. Said entrance is located on the front of the structure. Pursuant to 10.2.6.A.e., any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible. The applicant should provide further information to explain the need to locate the doorway/entrance on the front side of the residence.

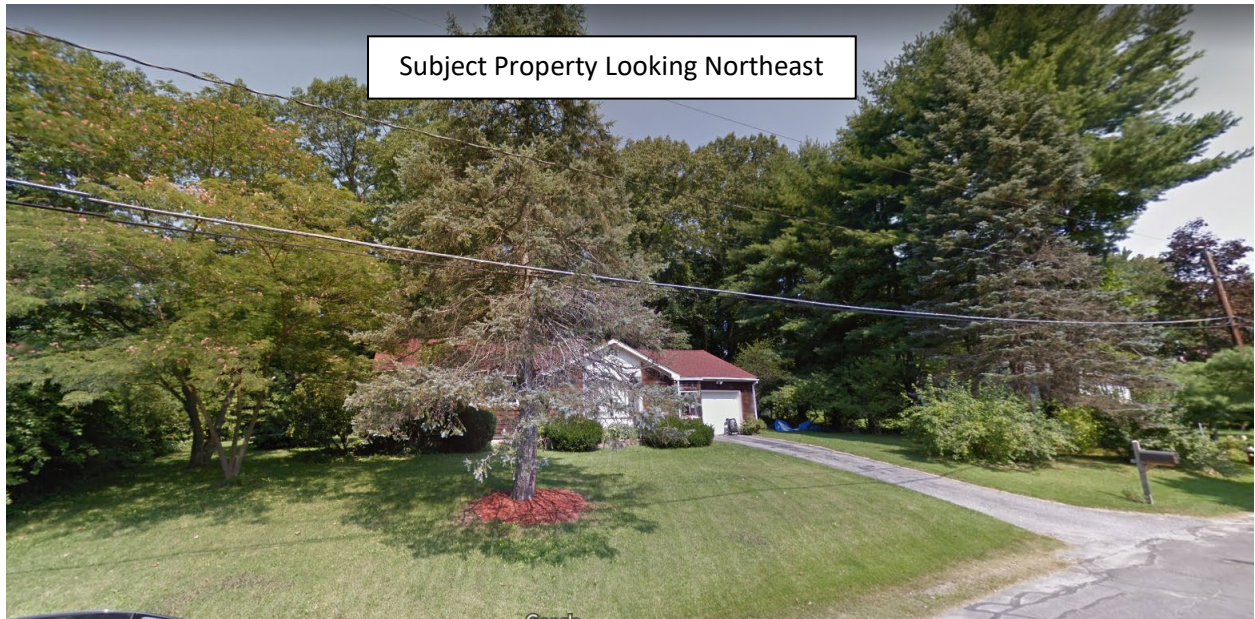
Aerial Photos of Subject Property:



Street Photos of Subject Property:



Subject Property Looking North



Subject Property Looking Northeast

Oakwood Circle Looking East



Oakwood Circle Looking West





ZBA Application

MILFORD ZONING BOARD OF ADJUSTMENT

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

1/20/22

| | |
|-----------------|--------------------------|
| Received: | TOWN OF MILFORD RECEIVED |
| Case Number: | 2021-30 |
| Date Completed: | DEC 22 2021 |
| Hearing Date: | |
| Decision Date: | ZBA Office |
| Decision: | 2021 1732 |

PROPERTY INFORMATION

Street Address: 10 Oakwood Circle
 Tax Map / Parcel #: 26-29 Lot Size:

PROPERTY CURRENTLY USED AS

House lot

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

PROPERTY OWNER

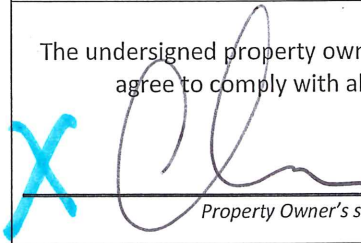
Name: Chris Moore
 Address: 10 Oakwood Circle
 City/State/Zip: Milford, NH 03055
 Phone: ()
 Email:

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: Stephen J Gaspar
 Address: 123 Ridgefield Dr.
 City/State/Zip: Milford, NH 03055
 Email: SJGasparCarpentry@yahoo.com
 Phone: () Cell: (603) 801-7191

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.

 Date: 12-21-21

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 11 | 47.08 |
| Amount received: | |
| Date Received: | 12-28-21 |
| Check <input checked="" type="checkbox"/> Cash <input type="checkbox"/> | CH# 2203 |

Ⓢ 4.28/ea
 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.

RECEIVED
JAN 10 1981

1/30/81

1/30/81

TO: [illegible]

FROM: [illegible]

SUBJECT: [illegible]

DATE: [illegible]

① 1/30/81

[Faint, mostly illegible text covering the main body of the document]

X



ZBA Application – General Information

MILFORD ZONING BOARD OF ADJUSTMENT

Preparing an Abutters List

1. Here are some guidelines to help you prepare an abutters list.
 - a. Find the lot(s) you are interested in and their abutting lots from the tax maps in the Community Development or Assessors Offices.
 - b. Go to the Milford Assessors Office to check whether the town has a record of any of the abutting lots having been sold more recently than the records available online through the Milford GIS or Vision software.
 - c. Check whether there is any conservation, preservation, or agricultural preservation parcels that are adjacent to your lot. Make sure you get the correct mailing address for the entity that holds the title to this type of lot. It may be a home owners association, a conservation group or the Town of Milford.
2. For the purpose of notification by the Town of Milford Zoning Board of Adjustment, any property being,
 - a. Under a condominium or other collective ownership, the term “abutter” means the officers of the collective or association, as defined in RSA 356-B:3XXIII
 - b. Under a manufactured housing park form of ownership defined in RSA 205-A:1, the term “abutter” includes the manufactured housing park owner and tenants who own manufactured housing which adjoins or is directly across the street, stream, or active railroad from the land under consideration by the Zoning Board of Adjustment.
 - c. An active railroad property, the owner of which shall be notified.

In cases where the applicant is different from the owner of the land under consideration by the Zoning Board of Adjustment, the term “abutter” shall include the owner AND the applicant.

For the purpose of receiving testimony only, and not for the purpose of notification, the term “abutter” shall include any person who is able to demonstrate that their land will be directly affected by the proposal under consideration by the Zoning Board of Adjustment.

Addition information

1. The Town of Milford only has lot and owner information for properties located within the Town of Milford. If the lot under consideration abuts an adjoining town you will need to go to that municipality for abutter information.

Burden of Proof

The applicant shall have the burden of proving any historical facts relevant to a case before the Zoning Board. Such relevant facts include, but are not limited to, the date on which a lot, structure, or use came into existence, violation history, open permits or applications.

The existence of a structure or use on a particular date may be established by testimony or by documentary evidence.

Supporting Documents

The following information may be required to deem your application “complete.”

1. Floor Plans
2. Plot Plans
3. Conservation Commission Report
4. Septic system analysis
5. Any additional information that supports your application



ZBA Application – General Information **MILFORD ZONING BOARD OF ADJUSTMENT**

This application must be complete and filed in the Milford Office of Community Development, along with an abutter list, and with all fees paid, on the official submittal date for the meeting at which the application is to be considered. An application shall not be deemed complete unless all materials have been submitted and necessary fees have been paid.

If you have any questions about how to complete this application, please contact the Office of Community Development. We will be happy to help you understand the Zoning Board application process and legal requirements, but we cannot give you legal advice. If you are uncertain about how the zoning laws apply to your case, we recommend that you obtain professional advice.

General Instructions

Use this form for all applications to the Milford Zoning Board of Adjustment, except:

- If the Selectmen, Planning Board, Building Inspector, or any other town board or official has made a decision to allow someone else to do something that you do not think they should be allowed to do. In that case, use the ***Third-Party Appeal of Administrative Decision*** form.
- To ask the Zoning Board to hold a new hearing to reconsider a decision that was made at a previous meeting, use the ***Request for Rehearing*** form.

Contents of an Application

Your application must include the “General Information” section and at least one application for a special exception, variance, equitable waiver, or appeal of administrative decision.

You may include more than one application section, as long as they are all for the same proposed use.

For example, you might appeal an administrative decision, and also apply for a variance that would permit the same use, in case the appeal is denied; or you might have a proposed use that would require several variances and special exceptions.

Please work with the Office of Community Development to help you determine what you are applying for or asking relief from.

Fee

The fee is \$75 for the application, plus \$4 for each abutter.

Abutter List

The abutter list must include the name and mailing address of:

- the applicant,
- the property owner or owners,
- every person who owns property which touches any lot involved in the application (even at a corner) or is directly or diagonally across a road, stream, river, or railway right-of-way from a lot involved in the application, ***and***
- the holders of any conservation, preservation, or agricultural preservation restrictions on any of the lots involved in the application.

It is your responsibility to provide an accurate abutter list. A Zoning Board decision that is made without notifying all abutters may not be valid and an abutter who was not properly notified may be able to have the decision overturned.



ZBA Application - Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

Date Received: 2021-30
 Case Number: _____
 Application #: **TOWN OF MILFORD RECEIVED**
 Date Complete: **DEC 22 2021**
 Hearing Date: _____
 Decision Date: PB ZBA Office _____
 Decision: _____

PROPERTY INFORMATION

Street Address: 10 Oakwood Circle
 Tax Map / Parcel #: 26-29

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 2.10

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

**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:
Adding on garage with second floor apartment for mother in law.

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:
~~other two families~~ mother is moving in.
adding for

B. The specific site is an appropriate location for the proposed use because:
~~it is large enough~~ it's located to the side, inside setback.

C. The use as developed will not adversely affect the adjacent area because:
~~it is not~~ ~~it will be~~ it's an inlay for family member.

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:
it adds only one other car + person.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:
town water + sewer on site kitchen + Bath.



ZBA Application - Special Exception

MILFORD ZONING BOARD OF ADJUSTMENT

Explain how the proposal meets the specific criteria of the Zoning Ordinance for each section:

WETLAND AND WETLAND BUFFER IMPACT 6.02.6

1. Has the need for the project been addressed? Please explain.
2. Is the plan proposed the least impactful to the wetlands, surface waters and/or associated buffers? Please explain.
3. Has the impact on plants, fish and wildlife been addressed? Please explain.
4. Has the impact on the quality and quantity of surface and ground waters been addressed? Please explain.
5. Has the potential for increased flooding, erosion and sedimentation been addressed? Please explain.
6. Has the cumulative impact if all parties owning or abutting the affected wetland were allowed to alter or impact the wetland or buffer area in the same way? Please explain.
7. Has the impact of the values and function of the overall wetland and wetland complex been addressed? Please explain.
8. Has a comment from the Milford Conservation Commission been solicited? Yes___ No___
Date of Conservation Commission Meeting attended: _____

HOME BUSINESS CRITERIA 7.12.6

1. Is the Home Business located in the Residential 'A', Residential 'B', or Residential 'R' Zoning District?
2. Please explain if the Home Business is conducted entirely within the dwelling or accessory structure.
3. A sign of not more than six (6) square feet is allowed and shall not advertise in such a way that would encourage customers or salespersons to come to the property without an appointment. Please provide the dimensions, design, and approximate location of the sign.
4. There shall be no more than two (2) non-resident employees of the Home Business. Please provide the total number of non-resident employees.
5. The Home Business shall not be more than 25% of the combined floor area of all structures on the property. Please detail the total combined floor area of all structures on the property used for Home Business.

Section continued on next page.



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? <i>Yes</i> |
| 2. | Has a Building Permit application been made? Copy of permit application attached? <i>Yes</i> |
| 3. | Is the ADU developed in a manner which does not alter the character/appearance of the principal use as a single-family residence? <i>Yes</i> |
| 4. | Is the ADU intended to be secondary and accessory to a principal single-family dwelling unit? <i>Yes</i> |
| 5. | Does the ADU impair the residential character of the premises or the reasonable use, enjoyment and value of neighborhood? <i>NO</i> |
| 6. | Is there adequate off-street parking? How many spaces? <i>Yes</i> <i>4</i> |
| 7. | Are any additional curb cuts being proposed? <i>NO</i> |
| 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. <i>Yes</i> |

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. <i>Yes</i> |
| 2. | Is there only one (1) ADU on the property? <i>Yes</i> |
| 3. | Is the ADU no more than 750 square feet gross floor area? How many square feet is the ADU? <i>744</i> |
| 4. | Does the ADU have no more than two (2) bedrooms? Please show on plans. <i>Yes</i> |
| 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? <input checked="" type="checkbox"/> Please show on plans. |
| 6. | If a connecting hall is proposed, is the hallway at least 36 inches wide? Please show on plans. <i>_____</i> |
| 7. | Has a Code Compliance inspection been conducted by the Building Inspector? Please include inspection report. <i>Yes</i> |
| 8. | Is the ADU in compliance with Section 10.02.6:A of the Milford Zoning Ordinance? How so? <i>Yes</i> |
| 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: _____ |



Building Permit Application
TOWN OF MILFORD, BUILDING SAFETY DEPARTMENT

20211733

TOWN OF MILFORD
RECEIVED
DEC 20 2021
PB ZBA Office

JOB SITE INFORMATION AND LOCATION

Street Address: 10 Oakwood Circle - Lot # 26-29 -
Tax Map / Parcel # 26-29-10

Application # _____

DESCRIPTION OF WORK

Addition to house with second floor.

TYPE OF WORK

- New Construction
- Alteration/Addition/Replacement
- Demolition

Valuation of work: \$ 124,000.00

PROPERTY OWNER TENANT

Name: Chris Moore
Address: 10 Oakwood Circle
City/State/Zip: Milford NH 03055
Phone: () Cell: ()

CONSTRUCTION CATEGORY

- One & Two Family Dwelling
- Condominium
- Commercial/Industrial
- Multi-family Dwelling
- Accessory Structure
- ADU
- MH
- Tenant Change
- Other: _____

Email: _____

APPLICANT CONTACT PERSON

Business Name: Stephen J Gaspar Construction
Contact Name: Stephen Gaspar
Address: 123 Ridgefield Dr.
City/State/Zip: Milford NH 03055
Phone: () Cell: (603) 801 7191

Email: SJ Gaspar Carpentry@yahoo.com

BUILDING PERMIT FEES*

Please refer to the Fee Schedule
(approved by the BOS on 5/8/17)

Due upon application \$50.00
Amount received: \$
Date received: _____
Check ___ Cash ___

CONTRACTOR

Business Name: Same
Address: _____
City/State/Zip: _____
Phone: () Cell: ()
Email: _____

THIS PERMIT APPLICATION EXPIRES IF A PERMIT IS NOT OBTAINED WITHIN 180 DAYS FROM ACCEPTED AS COMPLETE.

NO CHANGE FROM THE INFORMATION IN THIS APPLICATION WILL BE MADE WITHOUT APPROVAL OF THE BUILDING OFFICIAL.

NO WORK SHALL BE PERFORMED BEFORE THE ISSUANCE OF A PERMIT.

I CERTIFY THAT THE INFORMATION GIVEN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Stephen J Gaspar 12-20-21
Authorized signature Date:

Permit # 20210314

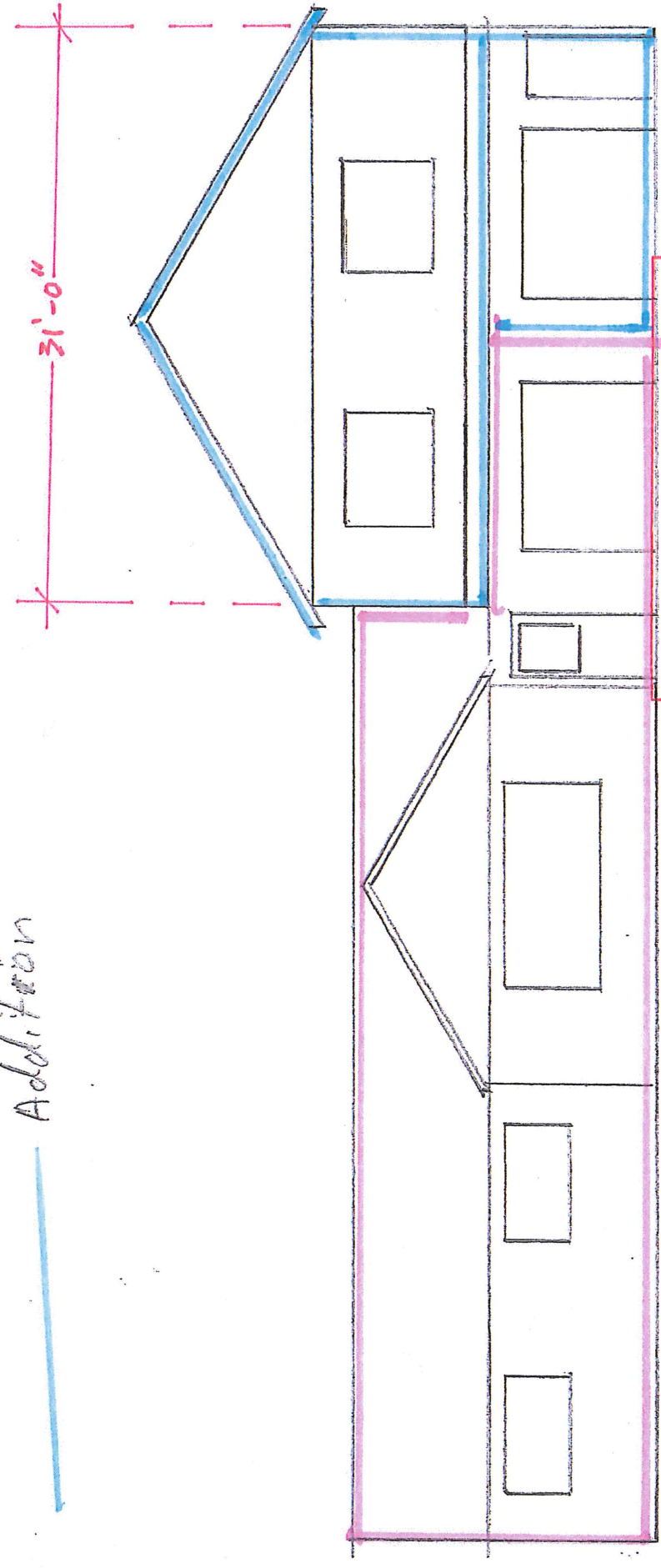
12-23-21

existing

Addition

Stephen J Gaspar Construction
603 801 7191

Chris Maere
Job: 10 Oakwood Circle

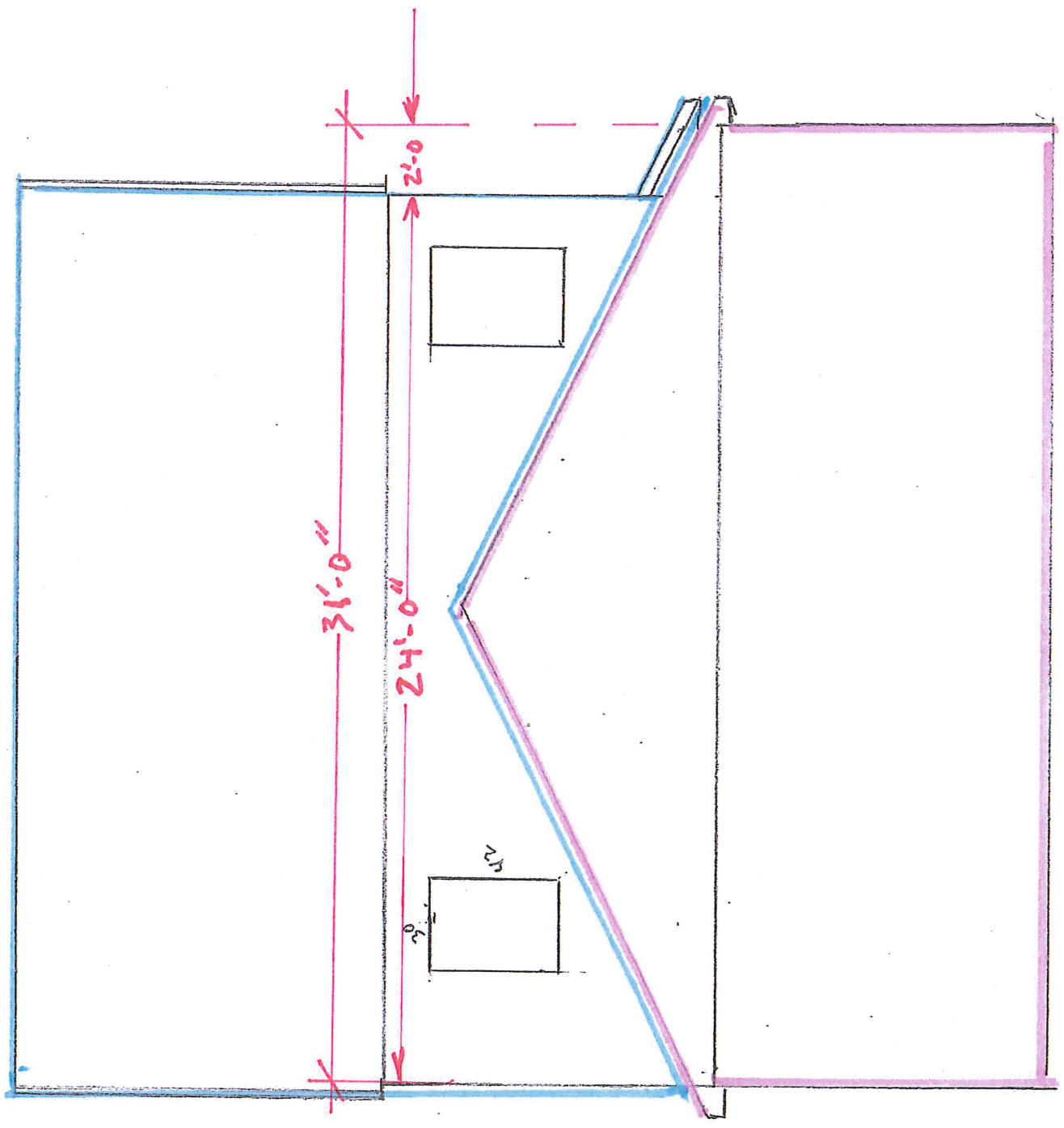


MILEORD BUILDING SAFETY
OFFICE COPY
 Approved: *[Signature]*
 Approved 12/22/2021 w/ Review
 Returns on Contractor
 Copy also

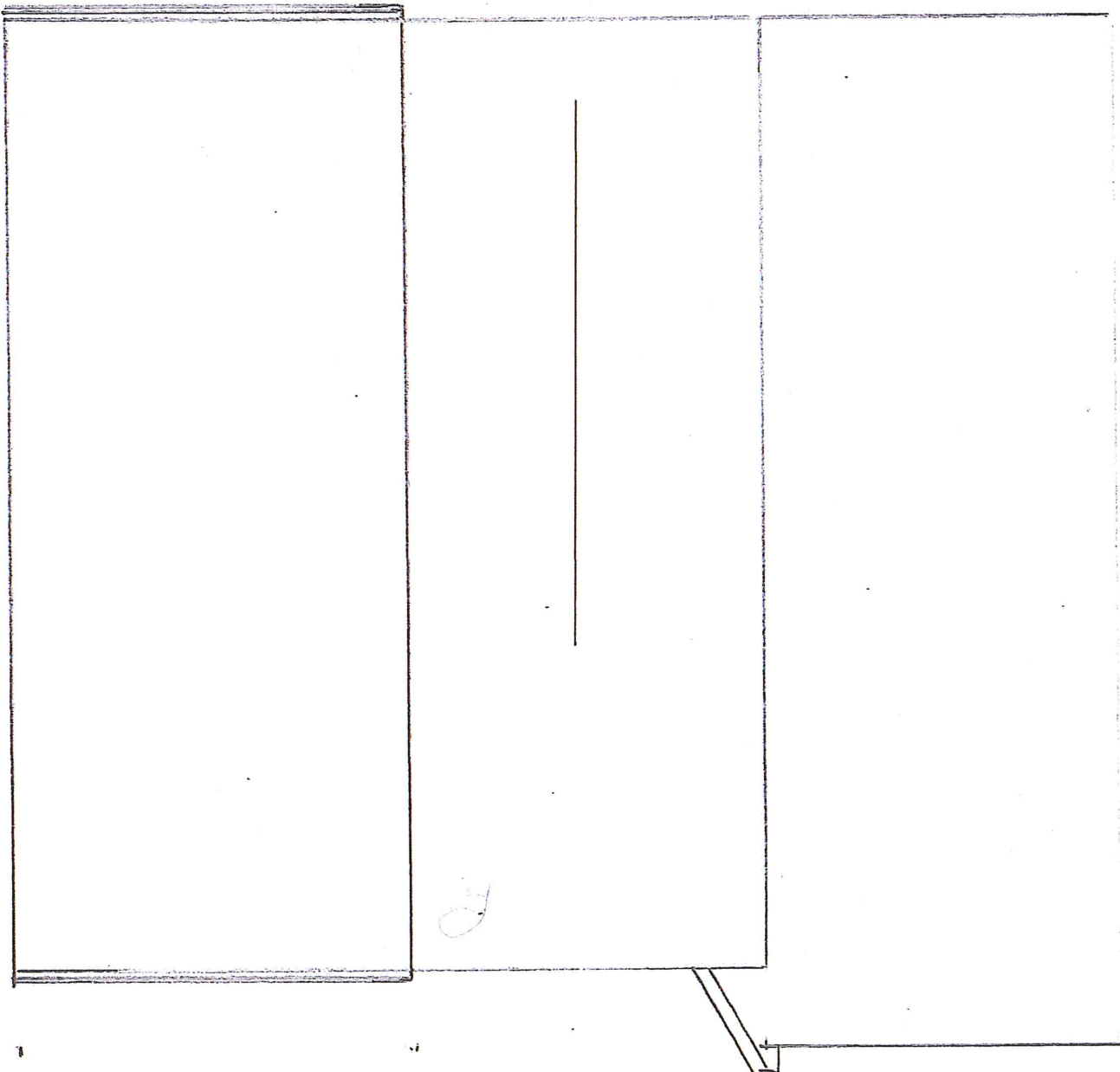
1/8" = 1'

10 Oakwood Circle

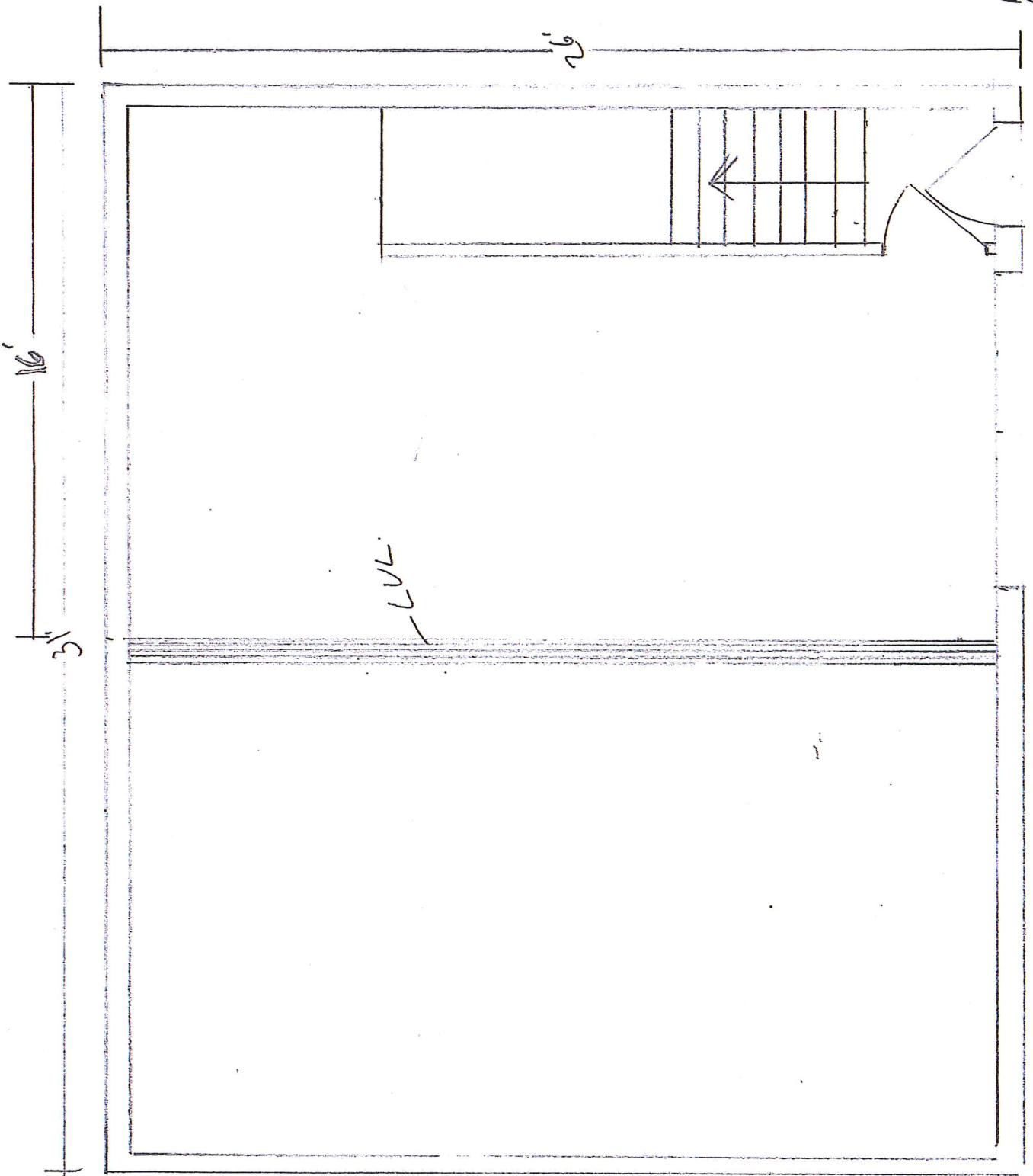
1/4" = 1'



1/4" = 1'



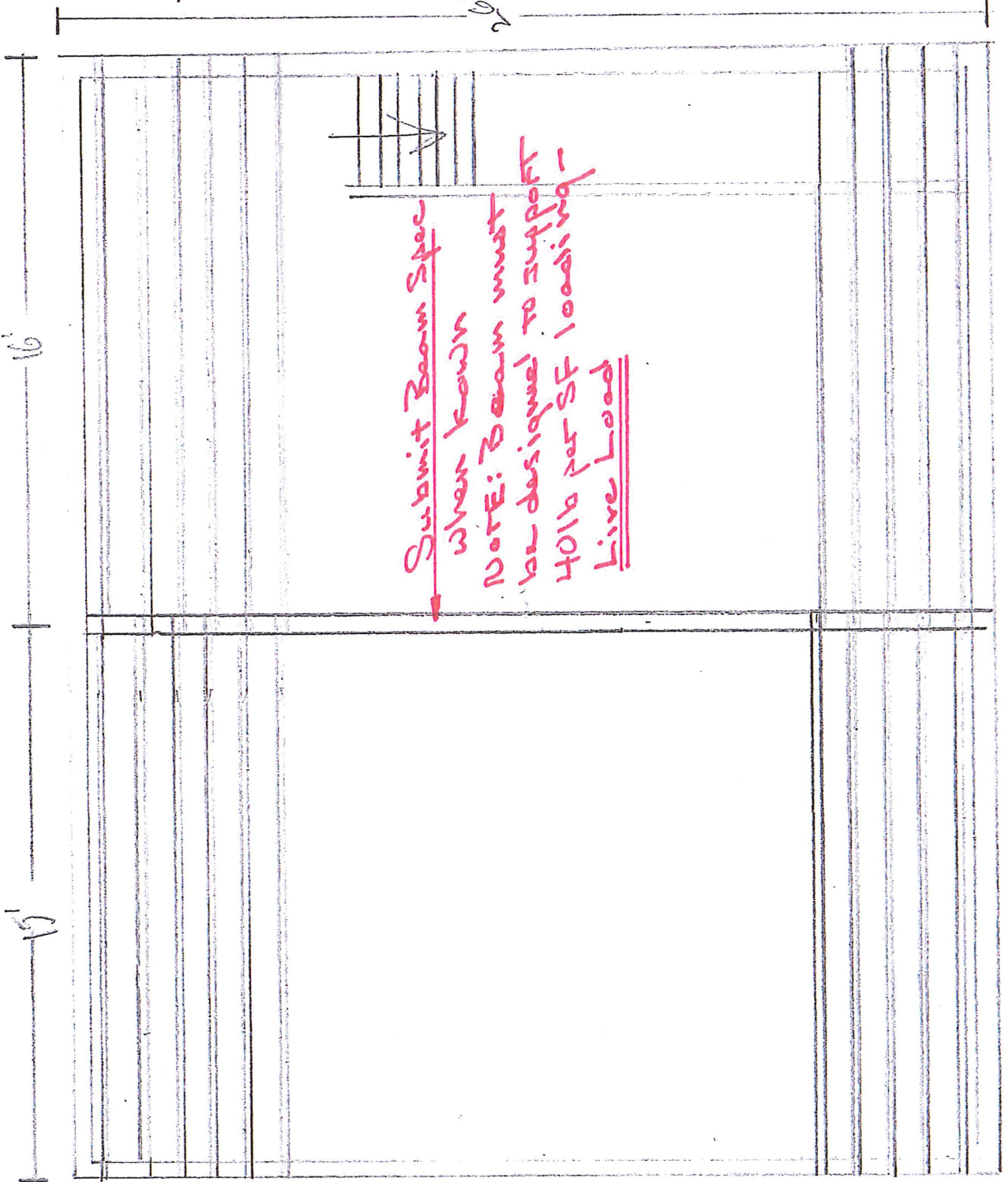
1/4" = 1'



6'

LVL

Gaspar 801 7191



OK - Meets
Spec. for 40lb
per SF for
residential
living areas

Joist 1' on center
2x10x16=floor

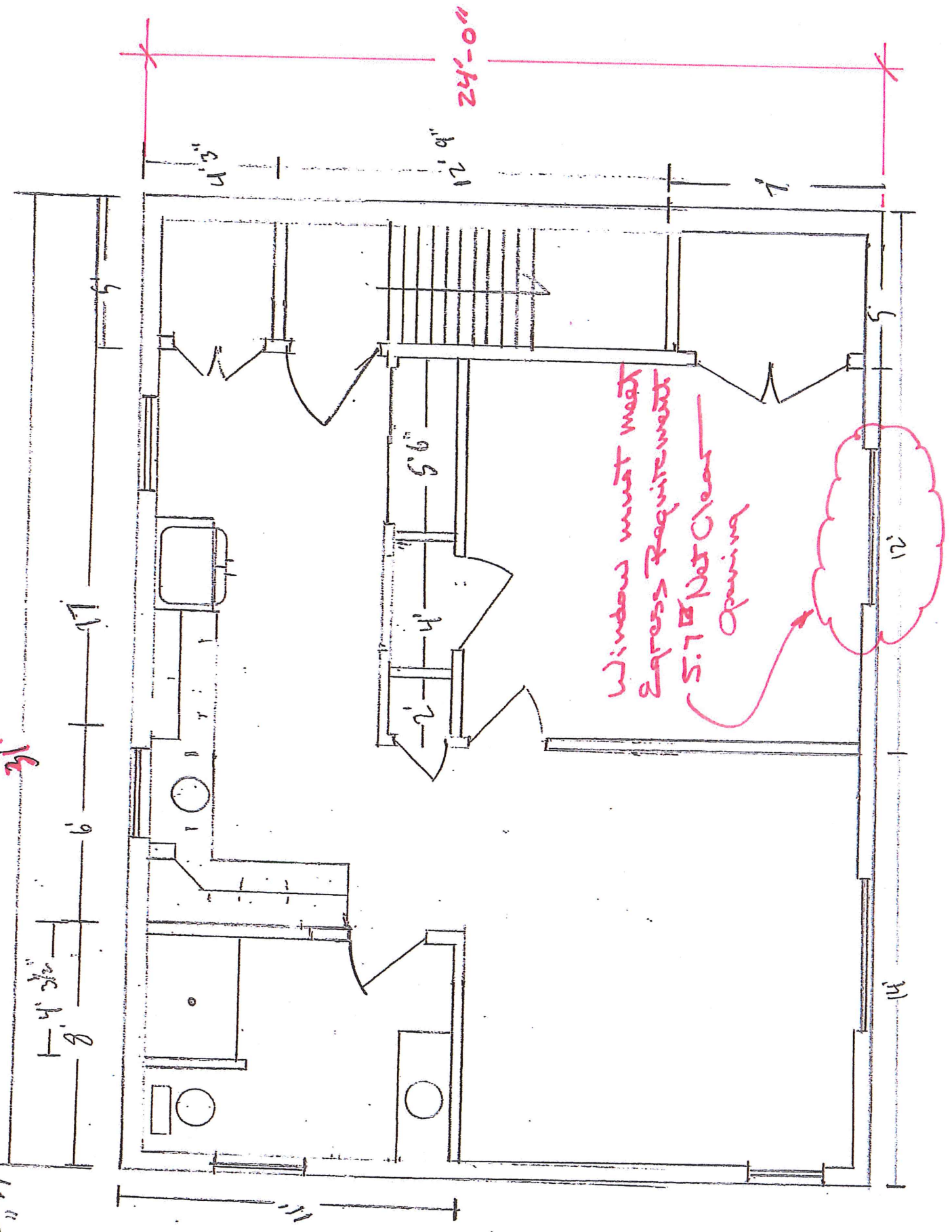
Submit Beam Spec
when known
NOTE: Beam must
be designed to support
40lb per SF loading -
Live Load

1/4" = 1'

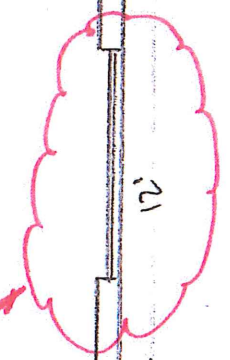
14' 11" = 1

31'

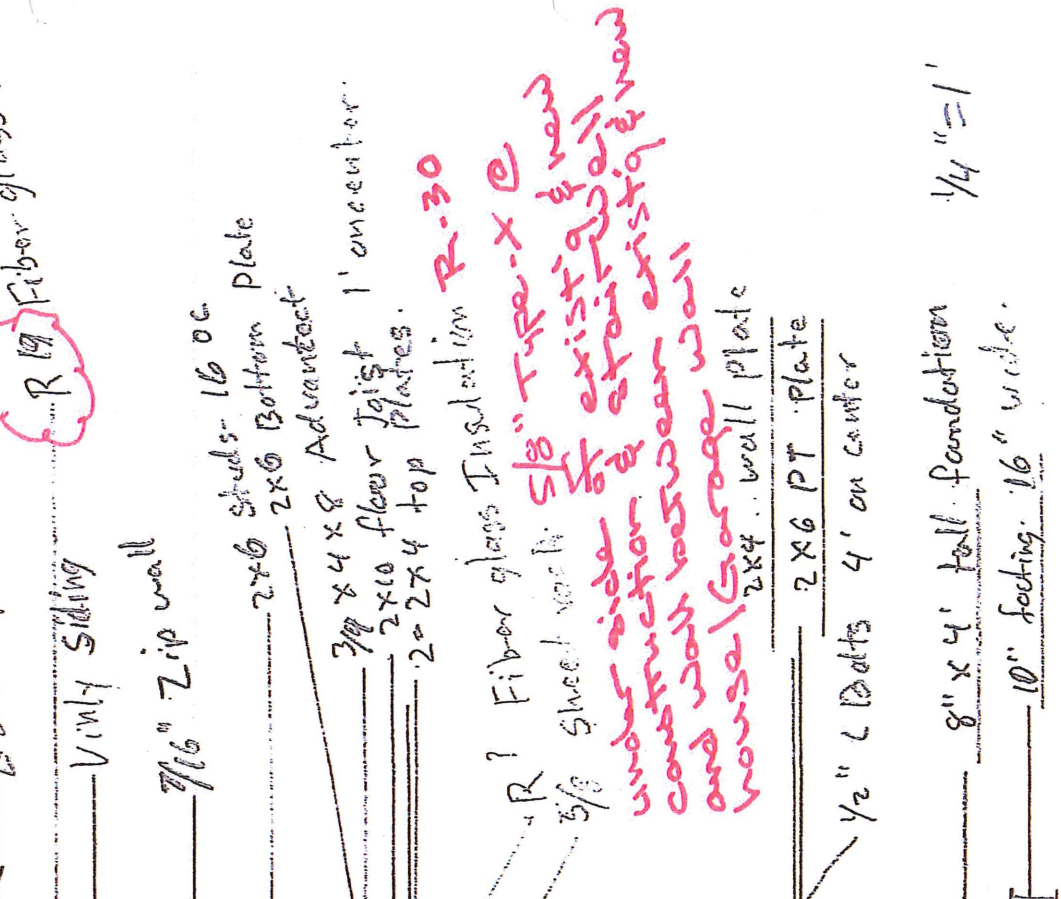
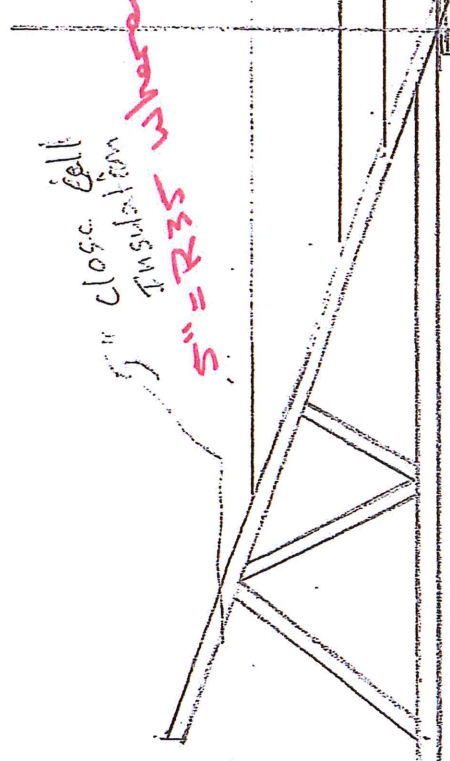
24'-0" = 2



Windows must meet
 egress require with
 5.7 sq Net Clear
 Opening



5" = R-35 where
5 1/2" = R-38 is REQUIRED
 Under 104 Energy Code EC-1
 Shingles AND 2-21 walls



R-19 Fiber glass Insul. JWSU

Heat Detectors (1 @ each Gas Bay) are recommended w/ living space above

#4 - 1/2" rebar 2 rows (top & bottom) w/ new foot walls pinned to existing tie rebar & connect both ends w/ lapped bars

1/4" = 1'

8" x 4' tall foundation 10" footing 16" wide

R-7 Fiber glass Insulation R-30
 5/8" Sheet rock 5/8" Type-X @ under side of existing wall construction & staining & new construction between wall and wall between wall
 2x4 wall plate
 2x6 PT plate
 1/2" L Bolts 4' on center

Vinyl Siding
 7/16" Zip wall

2x6 studs 16 OC
 2x6 Bottom Plate
 2x6 Advantac
 3/4" x 4 x 8 Joist 1' on center
 2x10 floor Joist
 2-2x4 top plates

5/8" Zip roof
 2' OSB
 2x6 top Plate

26-26-3

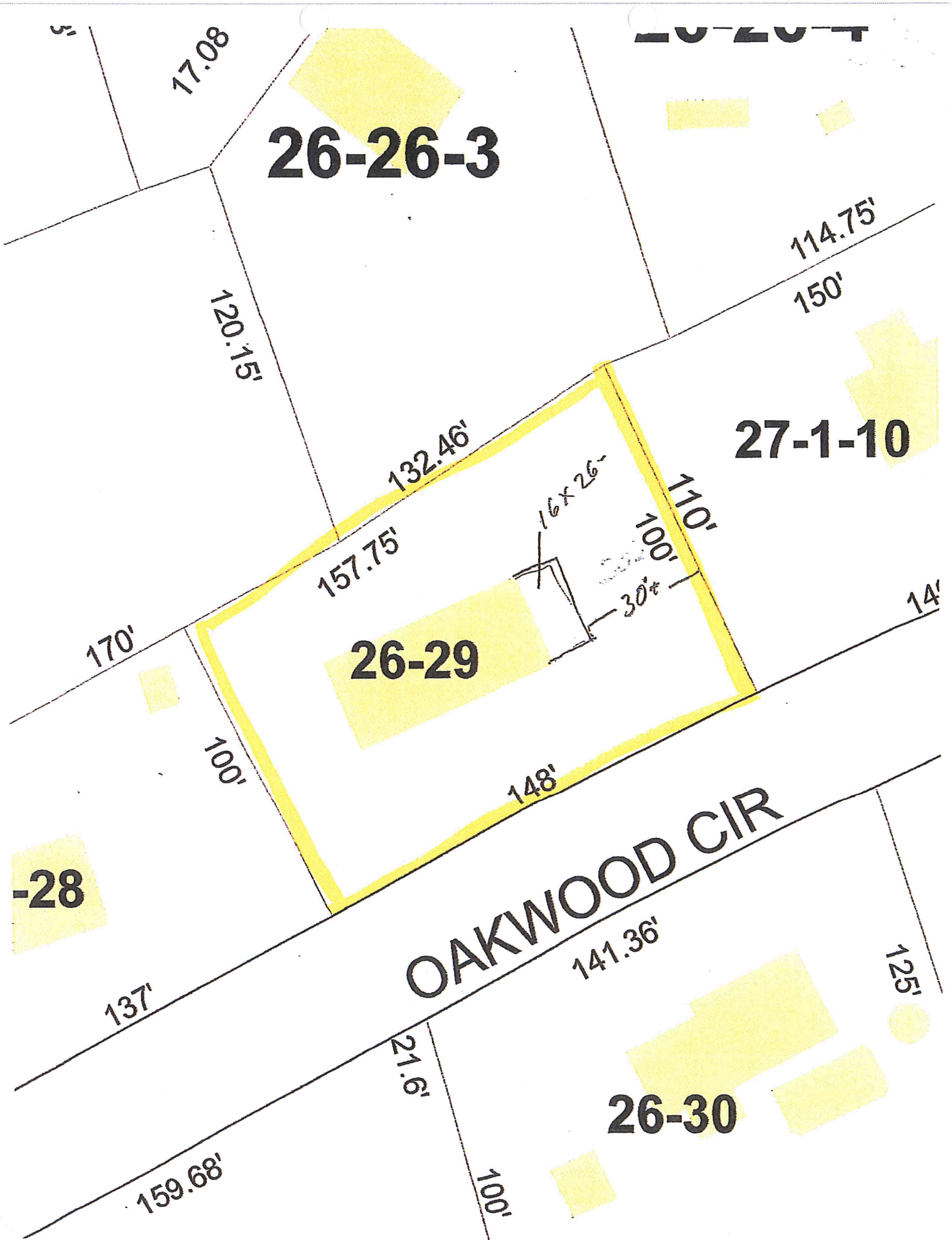
27-1-10

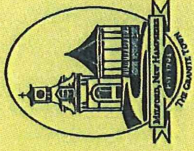
26-29

-28

26-30

OAKWOOD CIR





TOWN OF MILFORD BUILDING PERMIT

MAP/LOT/PARCEL: 026029000000

PERMIT NUMBER

20210314

PROPERTY LOCATION: 10 OAKWOOD CIRCLE

APPLICANT: STEPHEN J GASPAR CONSTRUCTION
ADDRESS: 123 RIDGEFIELD DRIVE MILFORD, NH 03055
Street / City / State / Zip

FEE: \$ 212.40
AMOUNT PAID: \$ 00.00
AMOUNT DUE: \$ 212.40

PP
12/23/21

OWNER: MOORE, CHRISTOPHER R & BRITTNEY J
ADDRESS: 10 OAKWOOD CIR MILFORD, NH 03055
Street / City / State / Zip

CONTACT NAME: STEPHEN GASPAR CONSTRUCTION

PERMIT TO CONSTRUCT: TWO-STORY RESIDENTIAL ADDITION

REMARKS/CONDITIONS: SEE ATTACHED INSTRUCTIONS & COMMENTS

APPROVAL: 
TOWN OF MILFORD BUILDING OFFICIAL

DATE ISSUED: 12/23/2021
APPL: 20211733

All construction shall comply with all applicable Town and State building regulations.

This permit conveys no right to occupy any street, alley or sidewalk or any part thereof, either temporarily or permanently. Encroachments on public property, not specifically permitted under the building code, must be approved by the Town of Milford.

The issuance of this permit does not release the applicant from the conditions of any applicable subdivision or site plan restrictions. **Permit is valid for one year and must be renewed if work not completed.**

**PERMIT MUST BE POSTED IN VISIBLE LOCATION
PROTECTED FROM THE WEATHER**

BUILDING & CODE ENFORCEMENT OFFICE
One Union Square · Milford, NH 03055
Phone (603) 249-0620