

# TOWN OF MILFORD

## Office of Community Development

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



### Administrative Review

**Date:** September 29, 2022

**To:** Jason Plourde, Chair, Zoning Board of Adjustment

**From:** Lincoln Daley, Community Development Director

**Subject:** **Case #2022-24: Jeremy Earp and Elizabeth Leone for the property located at 8 North River Road, Tax Map 8 Lot 14. Special Exception Application, Accessory Dwelling Unit. (New Application)**

The applicants are before the Board of Adjustment seeking a Special Exception from the Milford Zoning Ordinance, Article V, Sections 5.02.2.A.13 and 10.02.6 to allow the construction of a 425 square foot Accessory Dwelling Unit within the attached carriage house/garage to the existing single family residence for a property located in the Residential 'A' District. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
  - a. The subject property is approximately 3 acres in area (130,680 sf) with approximately 214 linear feet of frontage on North River Road. The property is accessed by two curb cuts on North River Road.
  - b. The property consists of a 2-story, 4 bedroom, single-family residence and is serviced by municipal water and private septic system. The property is mainly undeveloped with house situated in proximity to North River Road. The rear of the property abuts the Souhegan River.
  - c. The subject property is situated in an established mixed used residential area and directly abuts residential uses to the north, east and west. Abutting the property to the west is a nursing school and the MCAA athletic fields.
2. The proposal calls for converting 425 square feet of the existing carriage house/garage into a two-story, one bedroom Accessory Dwelling Unit. Access to the ADU will be access on the first floor from a dedicated door/entrance way located in the rear of the building and a 36" wide interior door to the main house.
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 meets the majority of the requirements of the Zoning Ordinance for an ADU.
  - a. The proposed maximum area for the ADU is 425 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 as most are interior 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 for the 5 total bedrooms. As stated earlier, the property is served by a private septic plan. More information is needed to determine if the current septic system is designed to handle the additional bedroom. If it is shown that the system is not designed to manage the additional bedroom, then the applicant will be

required to submit an alternative/replacement septic design to NHDES for the approval of a 5 bedroom household.

**Aerial Photos of Subject Property:**





Street Photos of Subject Property:



Subject Property Southeast







**ZBA Application**  
**MILFORD ZONING BOARD OF ADJUSTMENT**  
**GENERAL PROPERTY INFORMATION FOR AIR APPLICATIONS**

TOWN OF MILFORD  
 RECEIVED  
 SEP 07 2022

Date Received: 9-7-22  
 Case Number: 2022-22  
 Application Number: 2022-1033  
 Hearing Date: 10-6-22  
 Decision Date: \_\_\_\_\_  
 Decision: \_\_\_\_\_

**PROPERTY INFORMATION**

Street Address: 8 N RIVER RD  
 Tax Map / Parcel #: 8/14 Lot Size: \_\_\_\_\_

**PROPERTY CURRENTLY USED AS**

HOME, WE LIVE THERE

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

**PROPERTY OWNER**

Name: JEREMY EARP / ELIZABETH LEONE  
 Address: 8 N RIVER RD  
 City/State/Zip: MILFORD NH 03055  
 Phone: 603 513 9547  
 Email: jbenotes@iclan.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] 9/7/22  
 Property Owner's signature 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: <u>4.57</u>	\$75.00
Abutters Fee: \$4 x <u>34</u>	<u>155.38</u>
Amount received:	<u>230.38</u>
Date Received:	<u>9-7-22</u>
Check <input checked="" type="checkbox"/> Cash <input 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

TOWN OF MILFORD  
RECEIVED  
SEP 07 2022  
PB \_\_\_\_\_ ZBA \_\_\_\_\_ Office \_\_\_\_\_

Received: \_\_\_\_\_  
Case Number: \_\_\_\_\_  
Application #: \_\_\_\_\_  
Date Complete: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_  
Decision Date: \_\_\_\_\_  
Decision: \_\_\_\_\_

### PROPERTY INFORMATION

Street Address: 8 N RIVER RD MILFORD NH 03055

Tax Map / Parcel #: \_\_\_\_\_

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?

ACCESSORY DWELLING  
Article UNITS Section 10.02.6

Describe the use you are proposing under the above section of the Ordinance.  
WE HAVE AN ATTACHED GARAGE / CARRIAGE HOUSE THAT WAS PARTIALLY RENOVATED WHEN WE PURCHASED THE HOME IN MAY. WE WOULD LIKE TO CONTINUE THOSE RENOV'S FOR AN IN-LAW APARTMENT / SPACE.

**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:  
CONVERTING AN ATTACHED CARRIAGE HOUSE INTO AN IN-LAW APARTMENT

**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:  
- LIKE OTHER PROPERTIES WITH THE ABILITY & SPACE, THIS WILL PROVIDE FUTURE HOUSING & GROWTH FOR MILFORD.

B. The specific site is an appropriate location for the proposed use because:  
THE LOCATION IS LOCATED ON A 3.8 ACRE LOT WITH FORESTY TO PROVIDE PRIVACY & MINIMAL IMPACT TO ITS SURROUNDINGS

C. The use as developed will not adversely affect the adjacent area because:  
THE UNIT IS ALREADY PARTIALLY DEVELOPED SO CONSTRUCTION WOULD BE MINIMAL IMPACT TO THE COMMUNITY & IS SCHEDULED.

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:  
THE UNIT IS ATTACHED TO OUR HOME & THERE IS NO NUISANCE OR SERIOUS HAZARDS TODAY ON THE PROPERTY.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:  
- THERE IS OR WILL BE A KITCHEN & PRIVATE BATHROOM





**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**

<b>HOME BUSINESS CRITERIA 7.12.6 (Continued)</b>	
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.

<b>ACCESSORY DWELLING UNITS 10.02.6</b>	
1.	Is the property going to be Owner Occupied? <b>YES</b>
2.	Has a Building Permit application been made? Copy of permit application attached? <b>YES</b>
3.	Is the ADU developed in a manner which does not alter the character/appearance of the principal use as a single-family residence? <b>YES</b>
4.	Is the ADU intended to be secondary and accessory to a principal single-family dwelling unit? <b>YES, SECONDARY AS AN IN-LAW APARTMENT.</b>
5.	Does the ADU impair the residential character of the premises or the reasonable use, enjoyment and value of neighborhood? <b>NO</b>
6.	Is there adequate off-street parking? How many spaces? <b>N/A (WE HAVE ADEQUATE PARKING ON THE PROPERTY)</b>
7.	Are any additional curb cuts being proposed? <b>NO</b>
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. <b>YES, REAR ENTRANCE ON THE BACK OF HOME</b>

Section continued on next page. **(PREEXISTING DOUBLE DAM)**





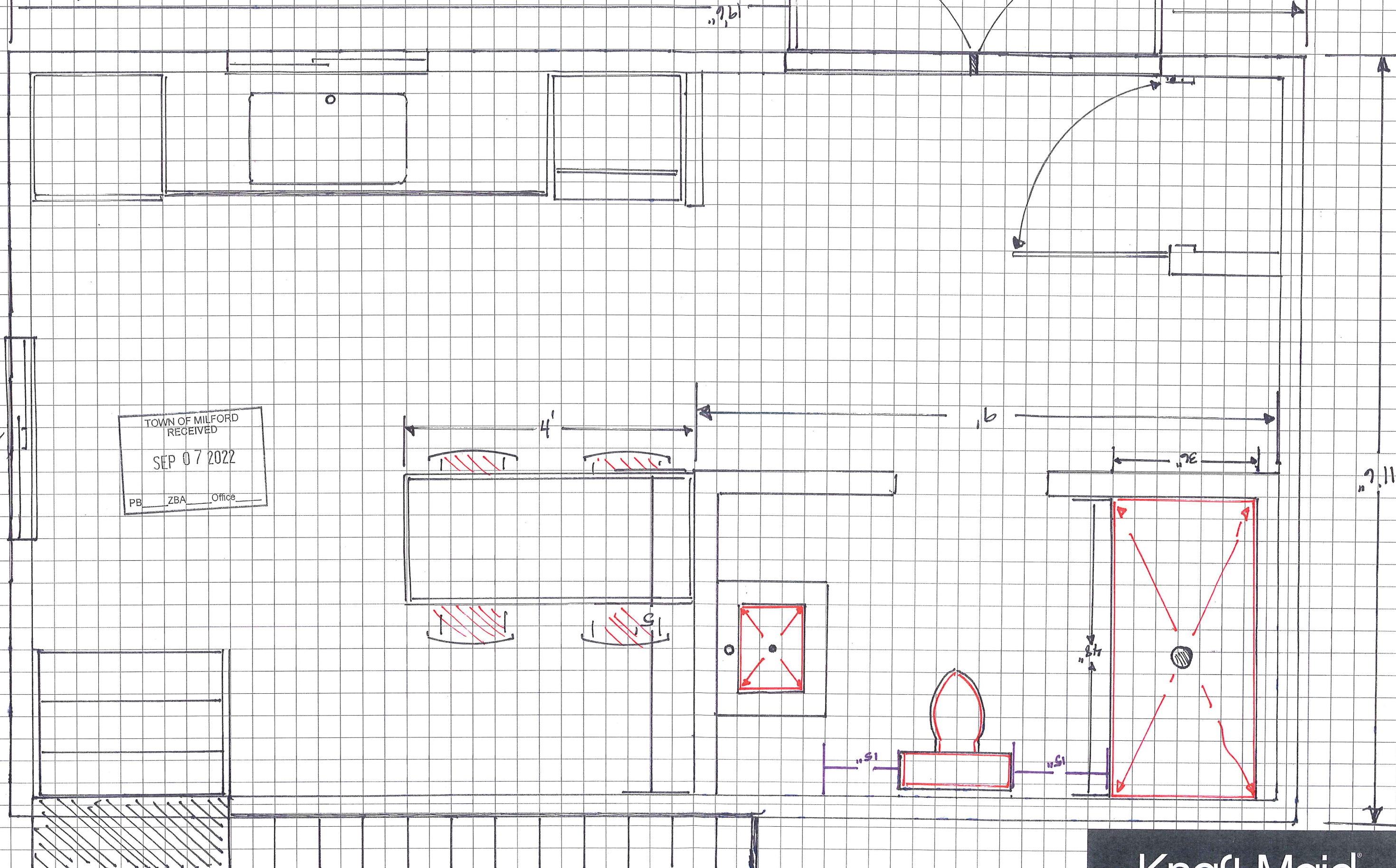
**ZBA Application – Special Exception**  
**MILFORD ZONING BOARD OF ADJUSTMENT**

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 PER THE NOTES FOR BILL OF SALE THE SEWER/SEPTIC CAN HANDLE
2. Is there only one (1) ADU on the property?	YES 4 BEDROOMS / 8 PEOPLE
3. Is the ADU no more than 750 square feet gross floor area? How many square feet is the ADU?	NO, 425 SQ'
4. Does the ADU have no more than two (2) bedrooms? Please show on plans.	STUDIO LOFT (1 BED LIVING ROOM COMBINED)
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, UPSTAIRS & 36" WIDE
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?	THERE IS & WILL BE A COMMON INTERIOR ACCESS ON THE 2ND FLOOR
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: _____	



1st Floor



TOWN OF MILFORD  
RECEIVED  
SEP 07 2022  
PB \_\_\_\_\_ ZBA \_\_\_\_\_ Office \_\_\_\_\_

DESIGNED FOR: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
PHONE: \_\_\_\_\_

DOOR STYLE: \_\_\_\_\_  
FINISH: \_\_\_\_\_  
HARDWARE: \_\_\_\_\_

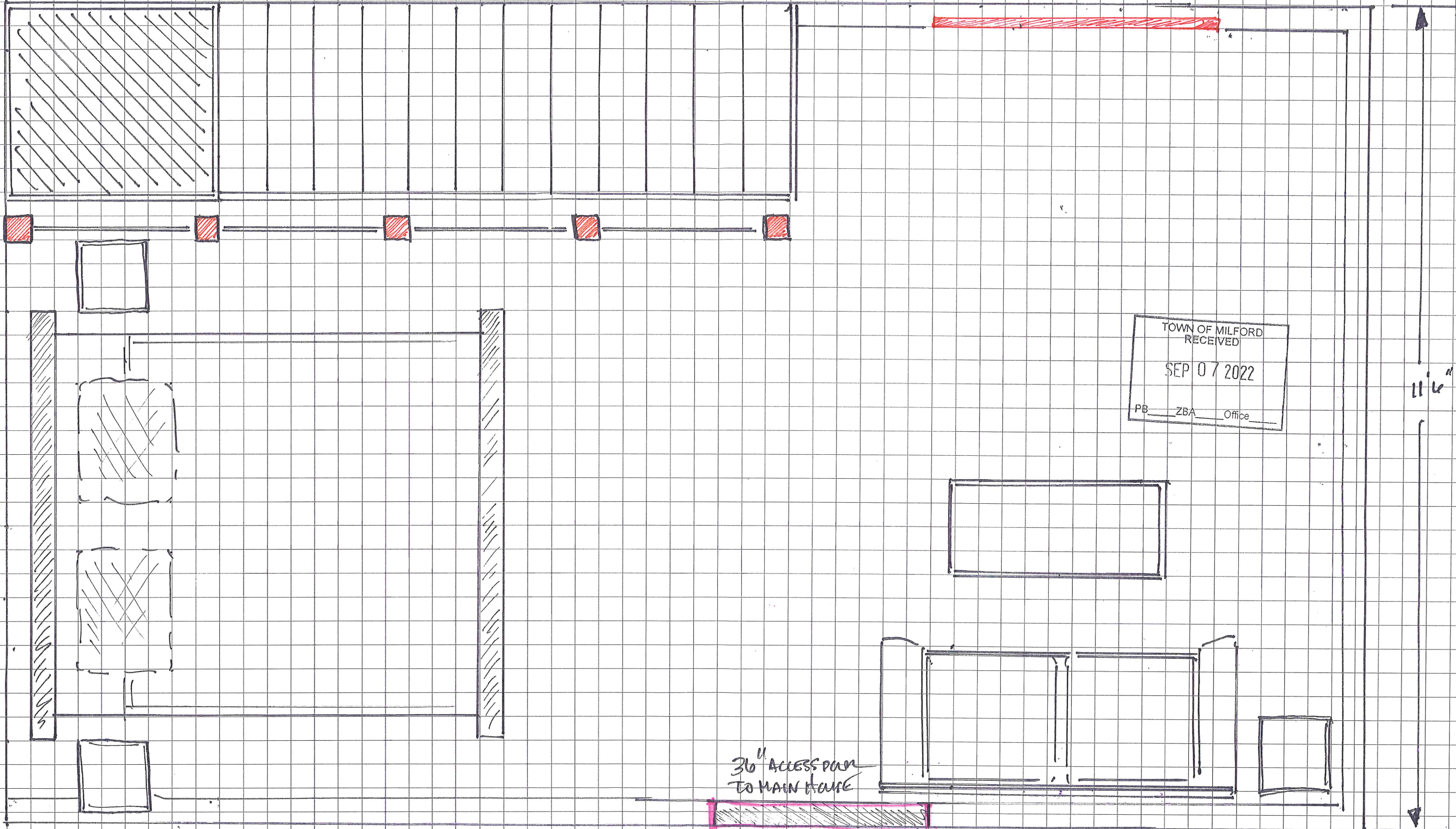
DESIGNED BY: \_\_\_\_\_ PAGE: \_\_\_\_\_ OF \_\_\_\_\_  
DATE: \_\_\_\_\_ REVISED DATE: \_\_\_\_\_  
SCALE: 3x1 APPROVED BY: \_\_\_\_\_





2nd Floor

19'6"



TOWN OF MILFORD  
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SEP 07 2022  
PB ZBA Office

11'6"

36" ACCESS DOWN TO MAIN HOUSE

DESIGNED FOR: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 PHONE: \_\_\_\_\_

DOOR STYLE: \_\_\_\_\_  
 FINISH: \_\_\_\_\_  
 HARDWARE: \_\_\_\_\_

DESIGNED BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 SCALE: 3/4"

PAGE: \_\_\_\_\_ OF \_\_\_\_\_  
 REVISED DATE: \_\_\_\_\_  
 APPROVED BY: \_\_\_\_\_

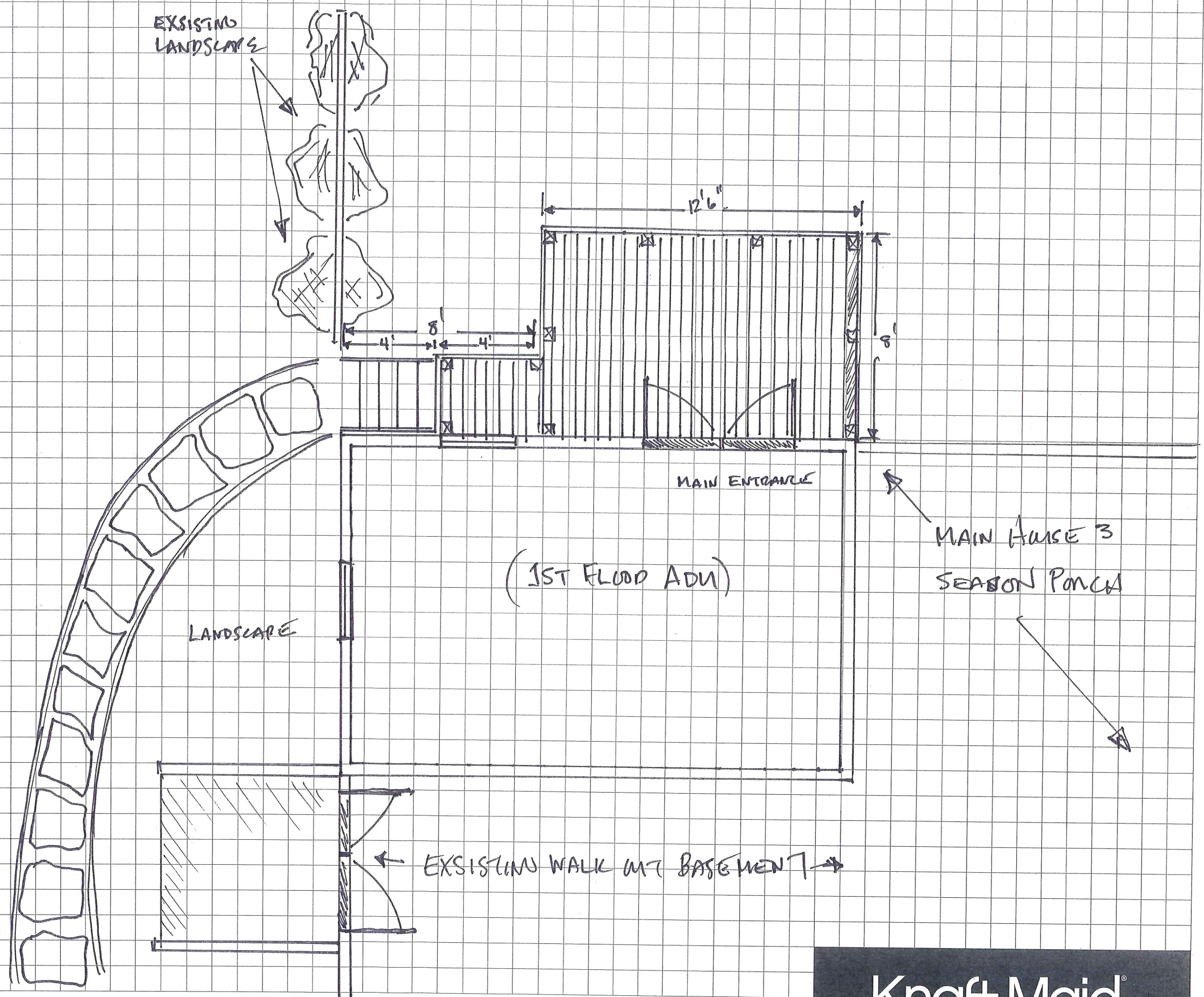




- 8 N RIVER RD -

o SCALE 1x1

# PLOT PLAN FOR DECK | LANDSCAPE



TOWN OF MILFORD  
RECEIVED  
SEP 07 2022  
PB ZBA

DESIGNED FOR: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
PHONE: \_\_\_\_\_

DOOR STYLE: \_\_\_\_\_  
FINISH: \_\_\_\_\_  
HARDWARE: \_\_\_\_\_

DESIGNED BY: \_\_\_\_\_  
DATE: \_\_\_\_\_  
SCALE: 1x1

PAGE: \_\_\_\_\_ OF \_\_\_\_\_  
REVISED DATE: \_\_\_\_\_  
APPROVED BY: \_\_\_\_\_

