


TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

1 UNION SQUARE, MILFORD, NH 03055 TEL: (603)249-0620 WEB:
WWW.MILFORD.NH.GOV

Date: May 15, 2023
To: Board of Adjustment
From: Terrence S. Dolan, Director of Community Development 
Subject: Case #2023-05: For property located at 315 Federal Hill Road, Tax Map 56, Lot 41. Request for a required Special Exception to allow for a Home-Based Business for Limited (Summer-time, once a weekend) Yoga Classes on the backyard lawn portion of the property, located on an existing single-family residence lot

This staff memorandum is being submitted to the Board of Adjustment regarding the upcoming Case #2023-05, submitted by Applicant Kelsey LaRosee requesting a required Special Exception to allow for limited (once a weekend, either Saturday or Sunday,) for the duration of the Summer Months.

The parcel is **1.46 acres** in size, with 200 linear feet of frontage along Federal Hill Road; and lies within the Town's Residential "R" Zoning District.

The proposed outdoor yoga classes, are required to meet to meet the criteria pursuant to the Town's Zoning Regulations (Article VII, Section 7.12-Home-Based Businesses; and more specifically Section 7.12.6). All required setback criteria will continue to be met with the designated +/-500 sq. foot area for the lawn yoga classes.

Included you shall find the following:

1. Special Exception Criteria for Home-Based Business (Article VII, Section 7.12.6) Justification Responses, prepared by the Applicant (see Attachment "A")
2. A Site Plan Exhibit showing the location and dimensions of the proposed backyard lawn area (not to exceed 500 sq. feet in size)
3. Assorted reference color images of the single-family residential property
4. Color Street View Image of 315 Federal Hill Road

Staff Recommended Action:

The applicant has addressed all required criteria, and adequately provided a thorough justification for meeting all aspects in seeking the approval of the required Special Exception for the requested Home-Based Business in this location. The Milford Zoning Board of Adjustment (ZBA) should approve the Special Exception request as proposed, pursuant to meeting all Town Zoning Ordinance-mandated Special Exception Permit Conditions.

Thank you for your time and consideration.

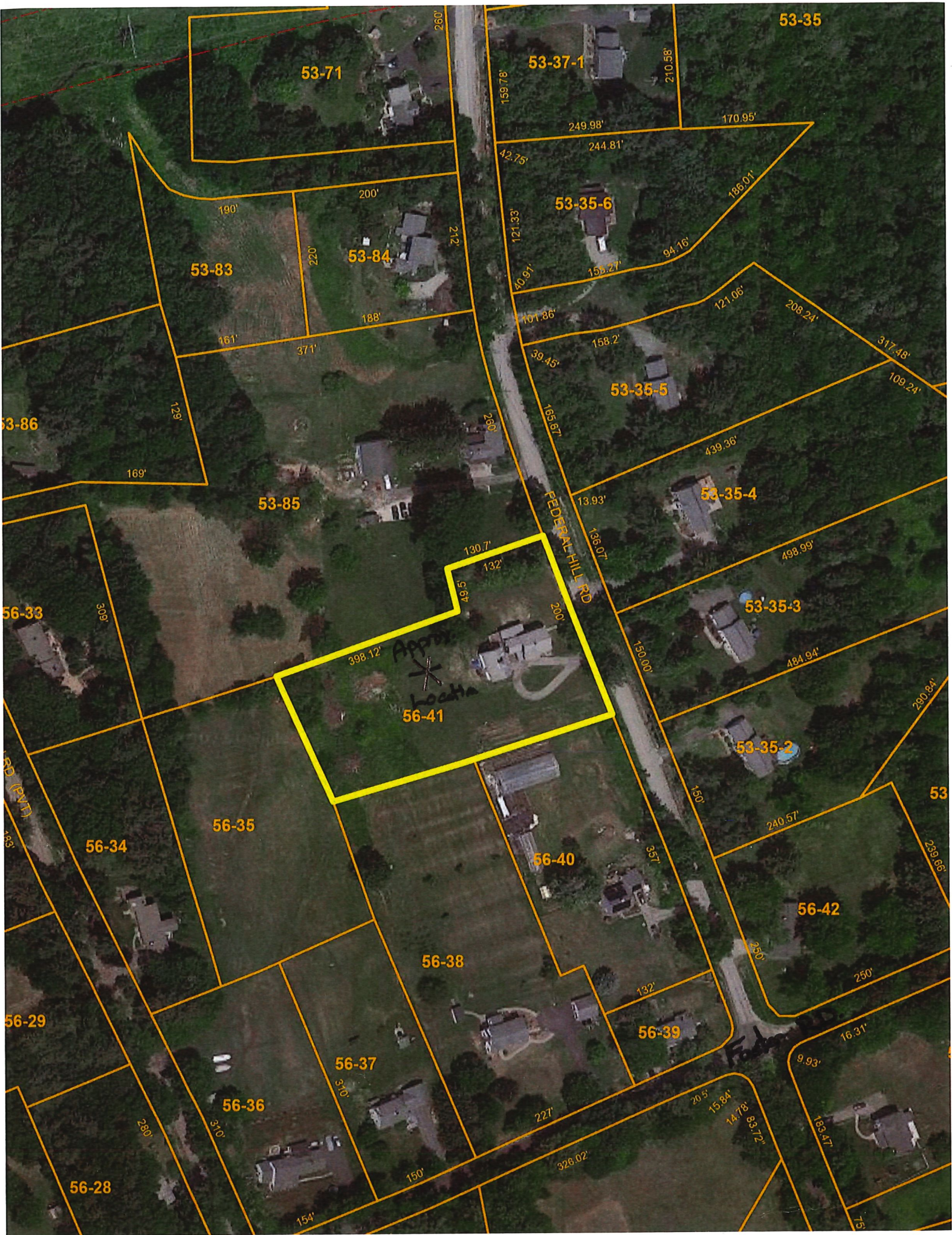
Attachment "A"
(Special Exception Criteria and Proposal Compliance)

1. **Location:** The proposed location within the ("large open field") backyard portion of the property owner's homesite is appropriately sited to be utilized for the proposed "limited" (Summer Time Only) classes. Class scheduling will be only for once per a weekend day, Saturday or Sunday. A tranquil garden setting shall be used for these yoga classes.
2. **Signage:** The applicant would like to eventually install a sign at the front driveway entrance location along Federal Hill Road. Signage shall not exceed the maximum six (6) sq. feet, (per the Special Exception regulations); and any signage shall require a Sign Permit Application to be submitted with the Town, when a design is ultimately selected.
3. **Employees:** Minimal staffing shall include one (or possibly two) yoga instructors. (Two non-residential employees are the maximum allowed).
4. **Area:** "Somewhat" *N/A* (non-applicable) due to the fact that only a portion of the backyard area of 500 sq. feet has been proposed. No classes are being requested to take place internal to the home residence.
5. **Sales:** Class fees shall be collected by the property owner.
6. **Traffic:** A maximum of 16 customers shall be allowed for class participation, in compliance with the Town's designated regulations. All parking shall be on-property.
7. **Vehicles:** The residential property contains a long looping (paved) driveway to accommodate parking of class attendees, along with a generously-sized pasture area, which shall also be utilized for the temporary class parking.
8. **Hours of Operation:** Classes shall only take place *One Day per Weekend*, and shall be restricted to take place from the Hours of 8:30 AM until 11:00 AM, in compliance with the Special Exception criteria.
9. **Hazardous Substances:** *N/A*

Other factors to be considered:

- A. **On-site toilet facilities:** A porta- john shall be rented and provided for the duration of the summer yoga classes.
- B. **Noise:** Being yoga classes, which emphasizes quietness and passiveness, the level of class noise should not be of issue. Only a minor amount of additional vehicular traffic shall be likely with 8-16 additional vehicles attending the limited amount of yoga classes.

The sufficient distance between adjacent residential homes to this property's driveway location shall adequate for offsetting any additional noise from this project. The closest home is approximately 150' away from the applicant's driveway entry (directly across Federal Hill Road), while all other neighboring homes along Federal Hill Rd. are in excess of 225' away in distance.



53-71

53-37-1

53-35

53-83

53-84

53-35-6

53-86

53-35-5

53-85

53-35-4

56-33

56-41

53-35-3

56-34

56-35

53-35-2

56-40

53

56-29

56-38

56-42

56-28

56-37

56-39

56-36

326.02'

FEDERAL HILL RD

Approx
Locata

190'

200'

220'

188'

161'

371'

129'

169'

309'

398.12'

130.7'

49.5'

132'

200'

56-34

56-40

240.57'

230.66'

56-29

56-37

56-39

56-36

326.02'

280'

310'

154'

150'

221'

20.5'

15.84'

14.78'

83.72'

183.17'

9.93'

16.31'

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357'

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150.00'

484.94'

280.84'

498.99'

439.36'

39.45'

158.2'

101.86'

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121.33'

159.78'

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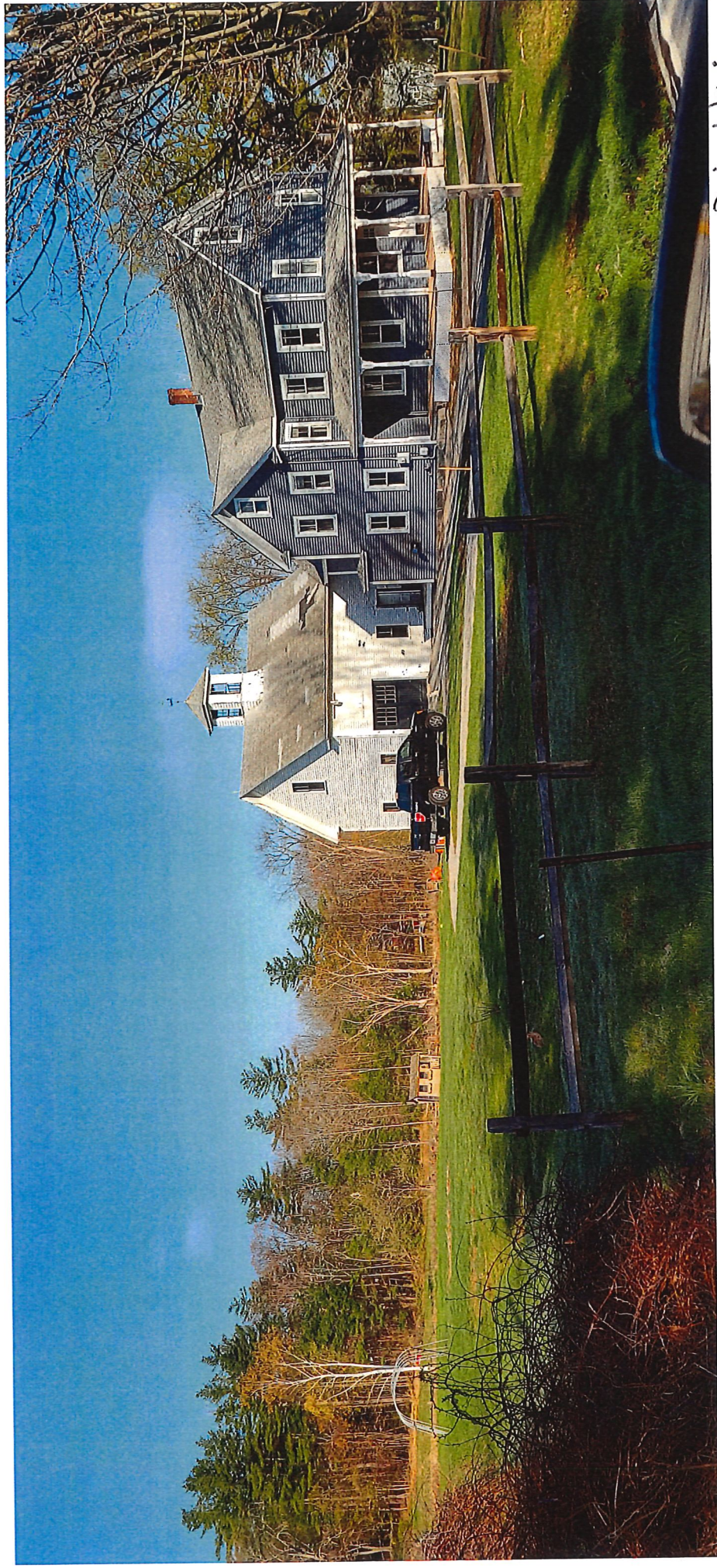
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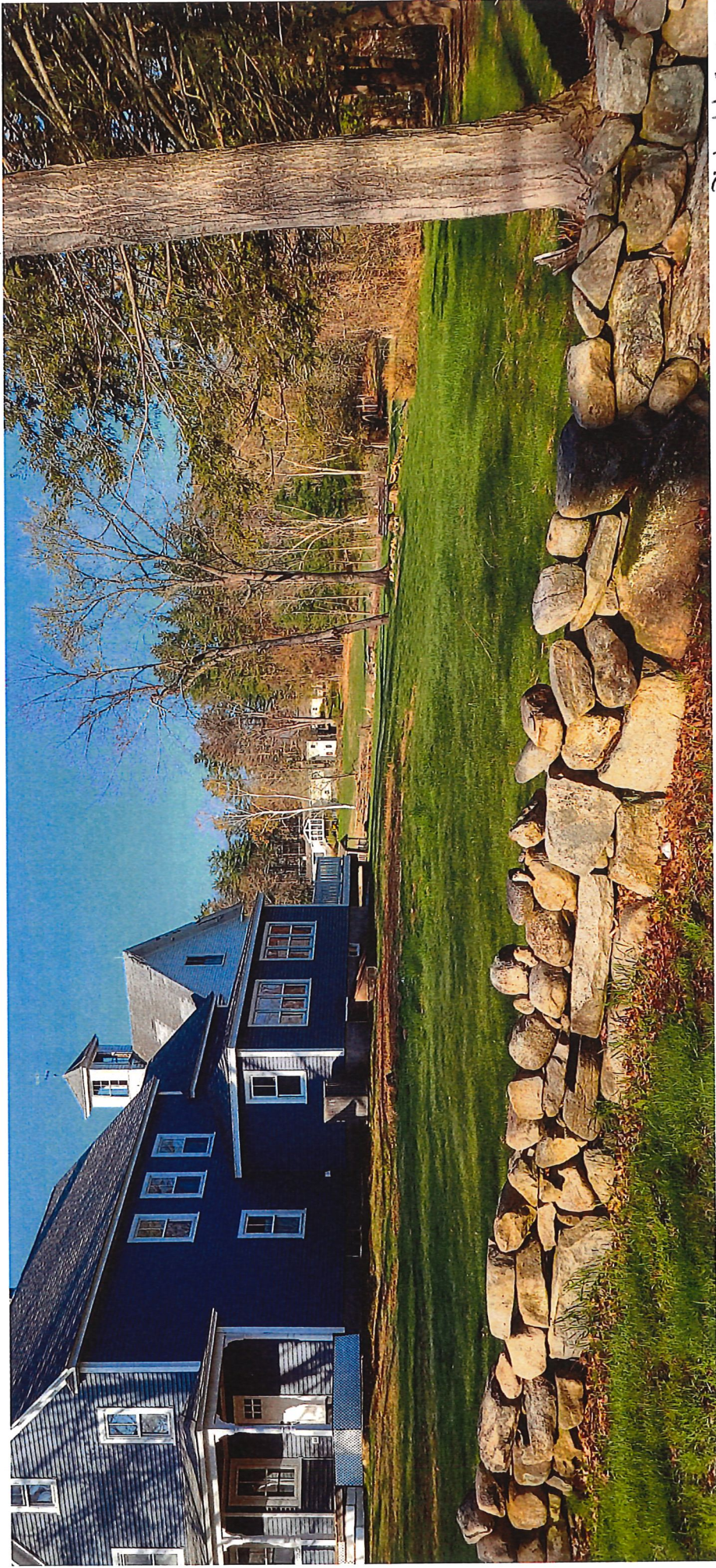
315 Federal Hill Rd.



Photos taken:
A-25-23

Image taken looking Northwest
along southern side yard/front & partial rear yard view.

315 Federal Hill Rd.



Photos taken: A-25-23

I Mary taken, looking westward along Northern Side
Yard of 315 Federal Hill Rd.









ZBA Application

MILFORD ZONING BOARD OF ADJUSTMENT

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

Form Received:

Case Number:	TOWN OF MILFORD RECEIVED
Application Number:	
Hearing Date:	APR 03 2023
Decision Date:	
Decision:	PB ZBA Office

2023 0586

PROPERTY INFORMATION

Street Address: 315 Federal Hill Rd 56/41

Tax Map / Parcel #: ~~AMM/AM~~ 1021 Lot Size: 1.46 acres

PROPERTY CURRENTLY USED AS

Primary Residence

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

PROPERTY OWNER

Name: Kelsey LaRosee

Address: 315 Federal Hill Rd

City/State/Zip: Milford, NH 03055

Phone: (603) 801-6248

Email: Kelseyrlarosee@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.

Kelsey LaRosee
Property Owner's signature

3/30/23
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 4.75	19.00
Amount received:	112.75
Date Received:	
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

Date Received: _____
 Case Number: TOWN OF MILFORD RECEIVED
 Application #: _____
 Date Complete: APR 03 2023
 Hearing Date: _____
 Decision Date: PD ZBA 0722
 Decision: _____

PROPERTY INFORMATION

Street Address: 315 Federal Hill Rd

Tax Map / Parcel #: 1021 046(41)

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 VI Section 10.02.0 7.12.0

Describe the use you are proposing under the above section of the Ordinance.
Home based business in accordance with Section 7.12.
I currently own and operate a floral design business
and looking to expand to host yoga in the
garden on our property.

**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: I am applying for approval to host yoga classes in the garden on my property. I currently own a floral design business and I am looking to expand to host these classes on set dates throughout the summer

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: Per 7.12.6 Home Business in my district would include tradespeople and tutors, I believe the project I am proposing would fall within those categories

B. The specific site is an appropriate location for the proposed use because: Our property sits upon large open fields a portion of which we have dedicated to growing flowers both wild and in our garden. Our road is quiet with minimal traffic or noise in the surroundings. These factors create an ideal location for hosting a tranquil practice such as yoga.

C. The use as developed will not adversely affect the adjacent area because: There will be no disrupting noises, lights, outside storage, commercial vehicles that would have an adverse affect.

D. There will be no nuisance or serious hazard to vehicles or pedestrians because: No, all parking will be provided on our property.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because: yes, adequate parking and restroom facilities will be provided.



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

(R district, accidentally filled in)

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. No
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. There will be a slight increase in traffic flow as clients enter/exit property during scheduled classes.
4. Will there be any outside storage? Please explain. A porter potty will be present for client use during scheduled events.
5. Has the applicant made a site plan application to the Planning Board (hearing subsequent to Zoning Board approval)?
Yes ___ No Date of hearing: _____



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. *During scheduled events there will be flowers sold on the property.*
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. *During designated events clients will not exceed 16 people.*
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. *Once a month a truck will come service outhouse on property. No commercial vehicles will be 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. *Classes will be held on designated dates between 8:30am-11am on either Saturdays or Sundays*
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. *N/A*

ACCESSORY DWELLING UNITS 10.02.6

1. Is the property going to be Owner Occupied?
2. Has a Building Permit application been made? *Copy of permit application attached?*
3. Is the ADU developed in a manner which does not alter the character/appearance of the principal use as a single-family residence?
4. Is the ADU intended to be secondary and accessory to a principal single-family dwelling unit?
5. Does the ADU impair the residential character of the premises or the reasonable use, enjoyment and value of neighborhood?
6. Is there adequate off-street parking? How many spaces?
7. Are any additional curb cuts being proposed?
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.

Section continued on next page.



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?

R

2. Please explain if the Home Business is conducted entirely within the dwelling or accessory structure.

Business will be conducted on the property grounds outside of the dwelling.

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. There is not currently a sign on the property, eventually there will be a wooden sign at the end of our driveway, it will state the business name and not exceed (6) square feet.

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.

0

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.

Business will be conducted on property grounds outside of structure, not exceeding 500 sq ft.

Section continued on next page.