

# TOWN OF MILFORD

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



## Administrative Review

**Date:** April 20, 2020  
**To:** Jason Plourde, Chair, Zoning Board of Adjustment  
**From:** Lincoln Daley, Community Development Director  
**Subject:** **Case #2020-06: Ryan Emerson, 115 Wallingford Road, Milford Tax Map 56, Lot 45-1 - Special Exception Application**

The applicant is before the Board of Adjustment seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Section 5.04.2.A.7 to allow the construction of an addition to the existing single-family house within 14 feet of the 30 foot front dimensional setback within 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 1.52 acres with more than 200 linear feet of frontage on Wallingford Road and in excess of 400 linear feet on the Class VI section of Foster Road.
  - b. Access to the property is by way of an existing driveway curb cut on Wallingford Road.
  - c. The property is a mixture of wooded and open areas (yard) with a single-family residence located on the northwester portion of the lot.
2. The proposal calls for the construction of a 1,100 square foot (approx.) single-story addition consisting of a master bedroom suite and sitting room area. The addition will not serve as an accessory dwelling unit. (See attached building plans and elevations)
3. The proposed addition will be located approximately 14 feet within the front dimensional setback of the Class VI portion of Foster Road. (See attached foundation survey and proposed building/house layout)
4. In accordance with Section 5.04.5, structures shall be set back at least 30 feet from the front lot line. Section 5.04.2.A.7 allows a structure within the minimum setback through the issuance of a Special Exception. The Board of Adjustment will evaluate the project based on conditions listed in Section 10.02.1 of the Zoning Ordinance.

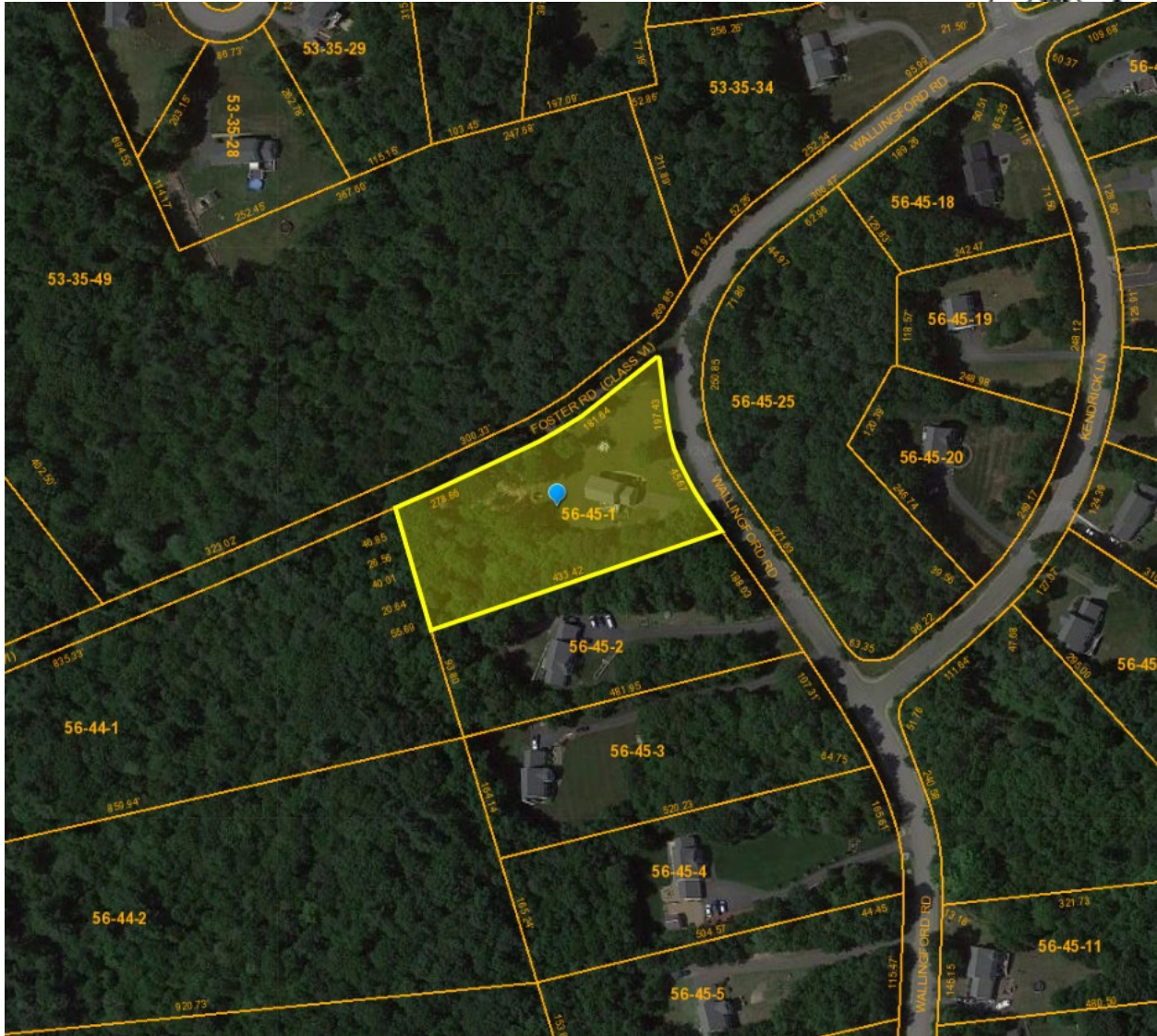
Respectfully submitted

Lincoln Daley

Cc: file



# TOWN OF MILFORD



Town Hall – 1 Union Square – Milford, NH 03055-4240 – (603) 249-0620 – FAX (603) 673-2273  
TDD Access: Relay NH 1-800-735-2964  
website: [www.milford.nh.gov](http://www.milford.nh.gov)



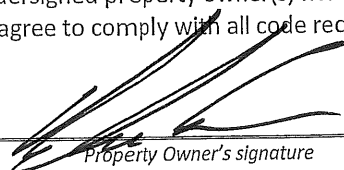




**ZBA Application**  
**MILFORD ZONING BOARD OF ADJUSTMENT**  
**GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS**

20200520

Doc received: 3/4/20  
 Case Number: 2020-0106  
 Date Complete: \_\_\_\_\_  
 Hearing Date: 4/2/20  
 Decision Date: \_\_\_\_\_  
 Decision: \_\_\_\_\_

PROPERTY INFORMATION	
Street Address: <u>115 Wallingford Rd</u>	
Tax Map / Parcel #: <u>45-1</u>	Lot Size: <u>1.5 acres</u>
<u>56-45-1</u> PROPERTY CURRENTLY USED AS	
<u>Primary residence</u>	
<i>If the application involves multiple lots with different owners, attach additional copies of this page.</i>	
PROPERTY OWNER	
Name: <u>Ryan Emerson</u>	
Address: <u>115 Wallingford Rd</u>	
City/State/Zip: <u>Milford NH 03055</u>	
Phone: <u>(603) 732-8094</u>	
Email: <u>ryan.frost_emerson@hotmail.com</u>	
<i>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.</i>	
APPLICANT/REPRESENTATIVE	
<input checked="" type="checkbox"/> 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.	
 _____ Property Owner's signature	
<u>3/3/2020</u> Date:	

**Zoning District (check one):**

Residence A  
 Residence B  Residence R  
 Commercial  
 Limited Commercial  
 Industrial  
 Integrated Commercial-Industrial  
 Integrated Commercial-Industrial-2

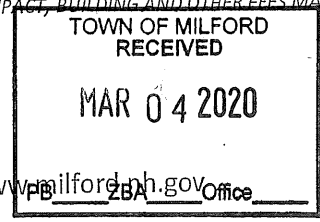
**Overlay District (check any that apply):**

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 <u>5</u>	\$20.00
Amount received:	95.00
Date Received:	3/4/20
Check <input checked="" type="checkbox"/> Cash <input checked="" 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 – 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 - Special Exception**  
**MILFORD ZONING BOARD OF ADJUSTMENT**

TOWN OF MILFORD  
 RECEIVED  
 MAR 04 2020  
 PB ZBA Office

Date Received: 3-4-20  
 Case Number: 2020-06  
 Application #: 2020 0520  
 Date Complete: \_\_\_\_\_  
 Hearing Date: 4-2-2020  
 Decision Date: \_\_\_\_\_  
 Decision: \_\_\_\_\_

**PROPERTY INFORMATION**

Street Address: 115 Wallingford Rd

Tax Map / Parcel #: 56-45-1

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 Section 5.04.2.A.7

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

We plan to add a master bedroom/bath and small sunroom/walkway to the first floor of our primary residence in order to grow old in our home! Not an ADU.

**Application for (check all that apply):**

- Home Occupation
- Self-Storage Facilities
- Accessory Dwelling Unit
- Office in Res-A & B
- Wetland Buffer Impact
- Change/Expansion of Non-conforming Use/Structure
- Side/Rear yard setback reduction
- Other

**General Criteria Section 10.02.1**

Describe the project you are requesting a Special Exception for:

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: The proposed structure is just adding an addition bedroom and master bath/small living area to add a bedroom to the first floor and is not an ADU.

B. The specific site is an appropriate location for the proposed use because: There is enough space to build 15' into the variance/setback (at most) and have good distance to Foster Road and it will not encroach onto others primary residence.

C. The use as developed will not adversely affect the adjacent area because: Their primary dwellings are either set significantly back from proposed structure or is all "common area". Structure should also increase value and aesthetics of home.

D. There will be no nuisance or serious hazard to vehicles or pedestrians because: This structure would be next to Foster road (Class V) road and there are no vehicles and only some hikers. Our property is separated by rock wall from Foster Road.

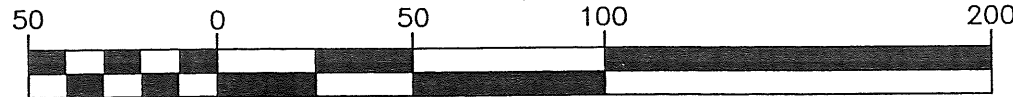
E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because: This will be an extension of our primary residence and will be built to code.





**FOUNDATION AS-BUILT PLAN**  
**MAP 56 LOT 45-1**  
**WALLINGFORD ROAD**  
**MILFORD, NEW HAMPSHIRE**

SCALE: 1" = 50'      SEPTEMBER 21, 2005



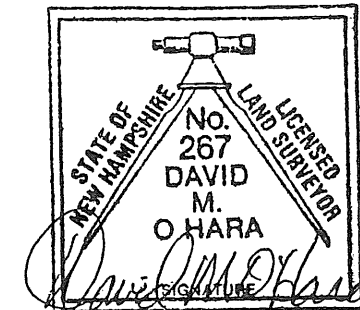
**Granite State**  
**ENGINEERING** LLC.  
**SURVEYING** INC.

166 KING STREET      1 WIRE ROAD  
 BOSCAWEN, N.H.      MERRIMACK, N.H.  
 796-6055              424-5103

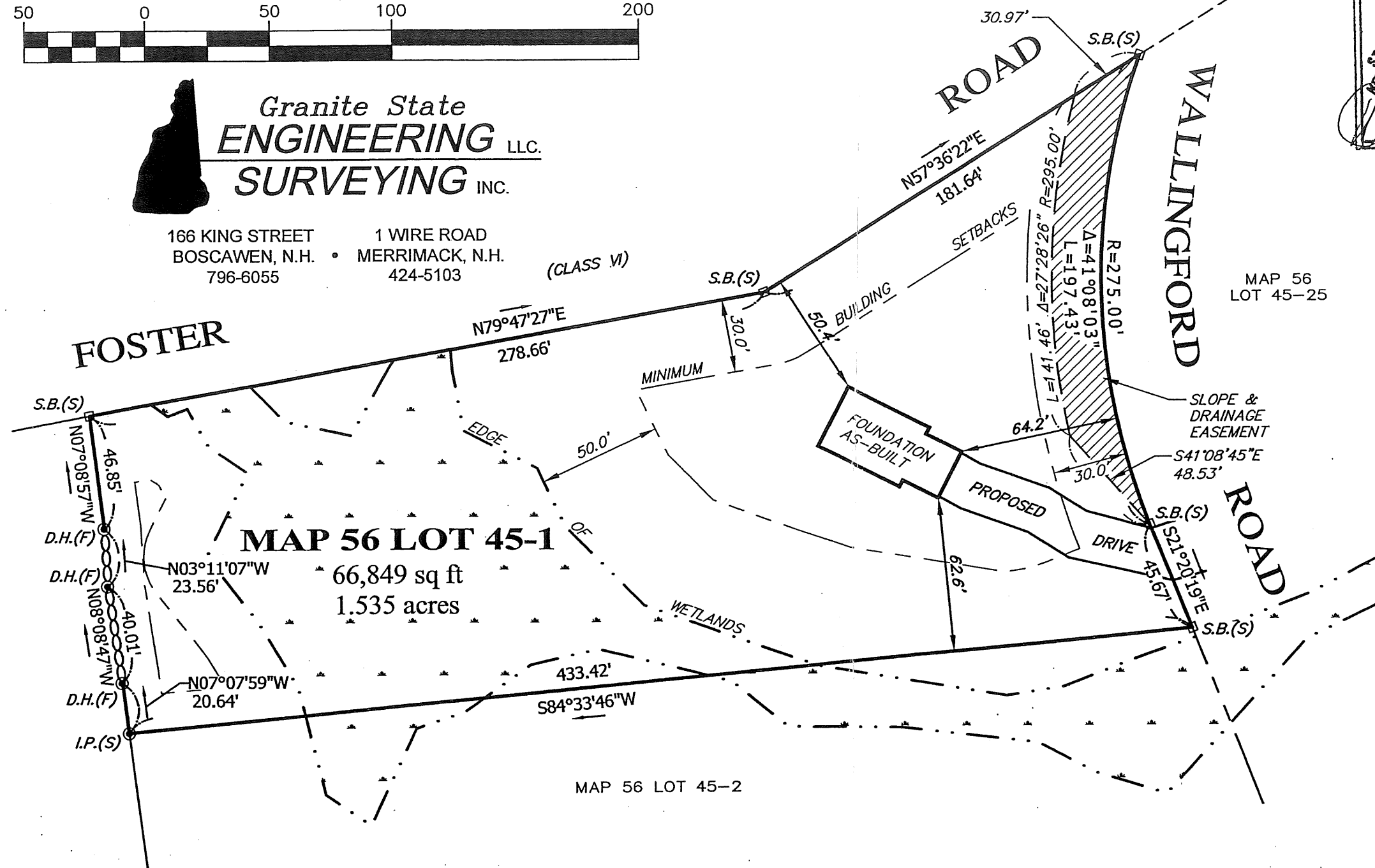
TOWN OF MILFORD  
 RECEIVED  
 SEP 23 2005  
 PB    ZBA    Office

I CERTIFY THAT THE FOUNDATION AS SHOWN ON THIS PLAN WAS LOCATED FROM A FIELD SURVEY UNDER MY SUPERVISION ON SEPTEMBER 21, 2005 AND CONFORMS TO THE BUILDING SETBACK REQUIREMENTS OF THE TOWN OF MILFORD.

THE FOUNDATION AS SHOWN IS NOT LOCATED WITHIN THE 100 YEAR FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP, TOWN OF MILFORD, NH, HILLBOROUGH COUNTY, COMMUNITY PANEL NUMBER 330096 0003 B, PANEL 3 OF 5, EFFECTIVE DATE MAY 1, 1980.



9-21-05



MAP 56  
 LOT 45-25







SPECIALLY FOR:	SHEET ___ OF ___	CABINETRY STYLE:	APPROVED BY:	ON:	THIS DRAWING IS THE EXCLUSIVE PROPERTY OF:	
	SCALE					WALLS _____ BASES _____
	REVISIONS:					WOOD _____
	1. _____					FINISH _____
DATE _____	2. _____	HARDWARE:	NOTES:		AND MAY NOT BE RELEASED WITHOUT PERMISSION.	
DATE _____	3. _____	HINGES _____ DOORS _____ DRAWERS _____				
	4. _____					