

# TOWN OF MILFORD

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



## Administrative Review

**Date:** November 14, 2021  
**To:** Jason Plourde, Chair, Zoning Board of Adjustment  
**From:** Lincoln Daley, Community Development Director  
**Subject:** **Case #2021-25 Tara and David Williams for the property located 409 Mason Road, Tax Map 41, Lot 70 – Special Exception Application for a Home Based Business**

The applicant is before the Board of Adjustment seeking a Special Exception from the Milford Zoning Ordinance, Sections 5.04.2.A.3, 7.12.6, and 10.02.1 to permit a Home Based Business, single chair beauty/barbershop, within the finished basement of the existing single-family residence in the Residential 'R' District. In reviewing the files for this property, I offer the following comments:

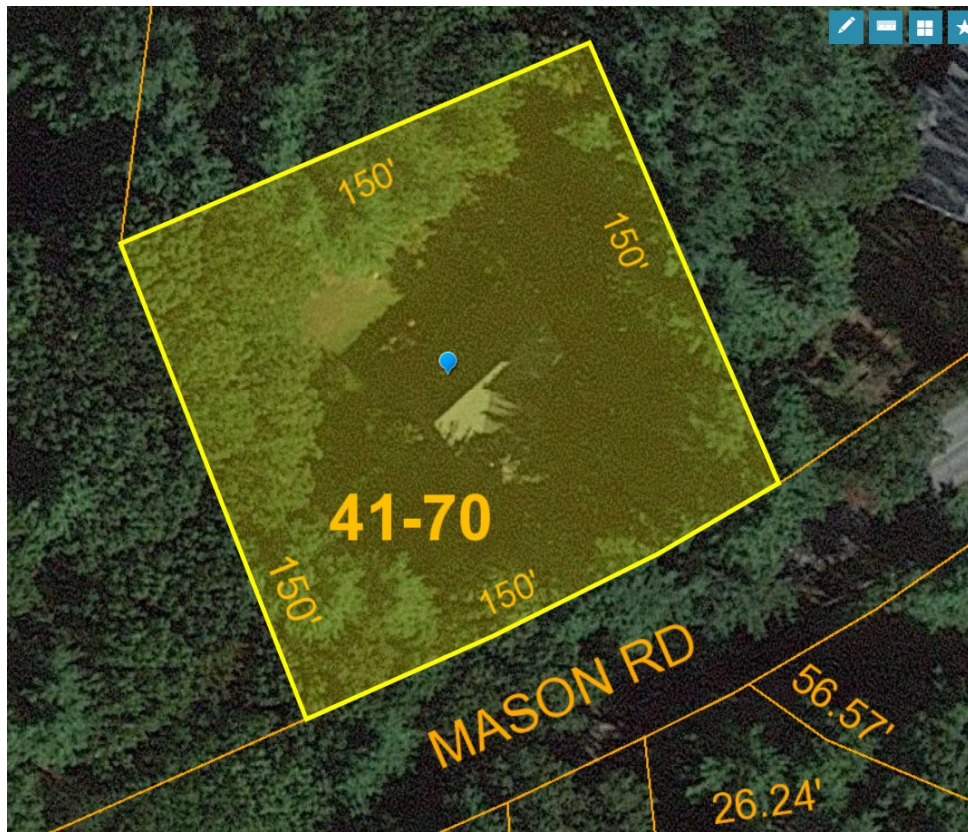
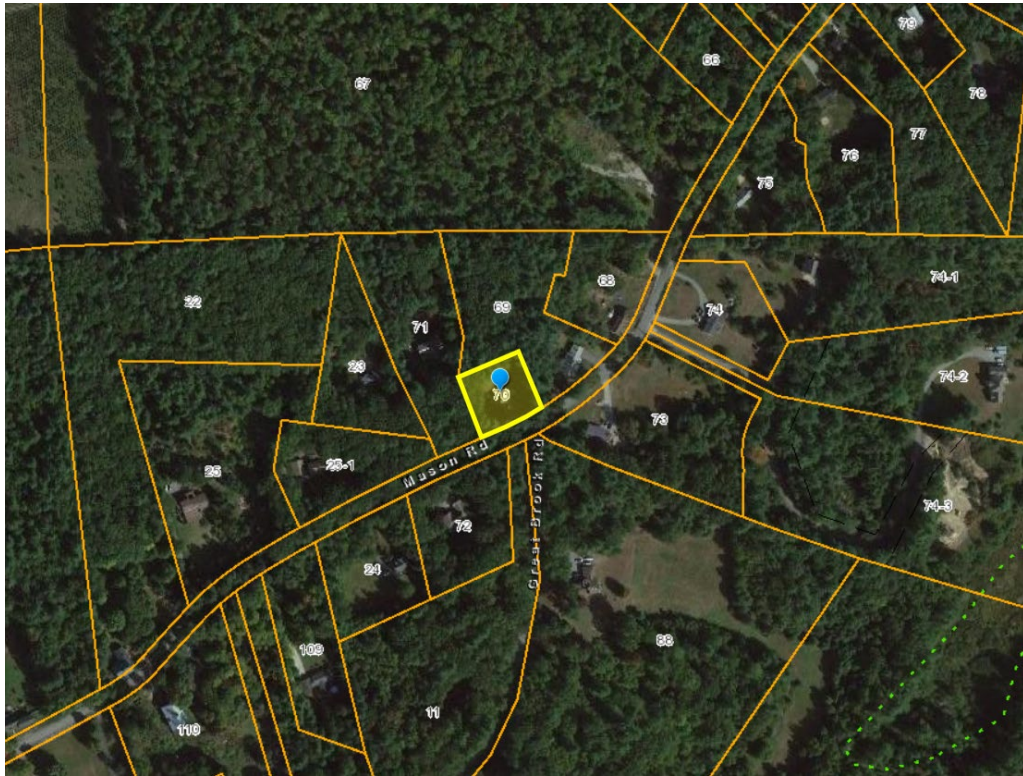
1. Existing Conditions:
  - a. The subject property is approximately .52 acres (22,651 sf) in area with approximately 150 linear feet of frontage on Mason Road.
  - b. The property consists of a two-story, 3 bedroom, single-family residence. The majority of the property is undeveloped and wooded.
  - c. The property is serviced by a private well and septic system.
  - d. The subject property is situated in an established single-family residential area.
2. The applicant seeks to operate a single-chair beauty/barbershop, within the finished basement of the existing. Operations are summarized as follows:
  - No exterior changes will occur as a result of the home based business.
  - Business operations would primarily be located in the smaller 12' 1.5" x 11' 6.5" (approximately 139 sf) finished basement room for the single-chair salon with the larger basement 14' 7" x 18' (approximately 263 sf) finished basement area functioning as waiting room area (as needed). See attached house architectural plans.
  - The business would consist of one employee (the applicant) and operate three (3) days a week from 9am to 6pm by appointment only. The applicant anticipates a maximum of ten (10) clients per day.
  - Off-street parking would be provided onsite (existing driveway).
  - The business would not include sales of products at this time.
  - There would not be deliveries associated with the business.
  - The applicant is not proposing to install a sign.
3. Pursuant to Section 5.04.2.A.3, a Home Based Business is permitted in the Residential 'R' Zoning District by Special Exception. The proposed single chair beauty/barbershop would fall under the classification of a Home Business requiring a Special Exception from the Board of Adjustment and be subject to the requirements stated in Section 7.12.6.

4. Staff provides the following comments:

- a. The application references operating 3 days per week. The applicant should clarify if said days are fixed or flexible based on demand.
- b. The applicant should clarify how/where she anticipates receiving and then servicing customers.
- c. The applicant should clarify if a sink will be installed for the Home Based Business.
- d. Pursuant to Section 7.12.6.A.2, the ordinance allows for one sign for a home based business totaling six square feet. Said sign can be a wall sign or free standing sign. As stated above, the applicant is not proposing to install a sign. It is recommended that the applicant work with Staff should a sign be desired for the Home Based Business.
- e. In reviewing the land-use files for the property, Staff learned that the finished basement areas to be used for the Home Based Business were not permitted by the Town. No permits were filed with the Town to renovate the basement. The applicant has represented verbally that they purchased the home with the finished basement.

After speaking with the Building Inspector, we recommend that the Special Exception be conditional subject to the applicant providing written certification by a NH licensed electrician to the Building Department stating that all unpermitted electrical work within the finished basement area(s) meets current building and life safety codes. It is anticipated that said written certification would be provided as part of the building permit application for the home based business. However, it is important to note that said certification must be submitted for review and approval by the Building Department prior to the issuance of the Occupancy Permit and opening of the Home Based Business.

Aerial Photos of Subject Property:



**Street Photos of Subject Property:**

Off of Mason Road – Looking North West Up Driveway



Mason Road – Looking Northeast



Mason Road – Looking Southwest





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

11-4-21

Date Received: \_\_\_\_\_  
 Case Number: **TOWN OF MILFORD RECEIVED**  
 Date Complete: \_\_\_\_\_  
 Hearing Date: **OCT 05 2021**  
 Decision Date: \_\_\_\_\_  
 Decision: **PB ZBA Office**  
**2021 1554**

**PROPERTY INFORMATION**

Street Address: **409 MASON Rd. Milford, NH**  
 Tax Map / Parcel #: **41/70** Lot Size: **APX 1/2 Acre**

**PROPERTY CURRENTLY USED AS**

**Residence, single family**

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

**PROPERTY OWNER**

Name: **Tara + David Williams**  
 Address: **409 Mason Rd**  
 City/State/Zip: **Milford, NH. 03055**  
 Phone: **(617) 319-1638**  
 Email: **tara.williams273@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.

**Tara A. Williams** **Sept. 30, 21**  
 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:	\$75.00
Abutters Fee: \$4 x 7	28.00
Amount received:	103-
Date Received:	CK 493
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**

11-4-21

Date Received: \_\_\_\_\_

Case Number: \_\_\_\_\_

Application #: **TOWN OF MILFORD RECEIVED**

Date Complete: \_\_\_\_\_

Hearing Date: **OCT 05 2021**

Decision Date: \_\_\_\_\_

Decision: **PB** ZBA Office \_\_\_\_\_

**PROPERTY INFORMATION**

Street Address: 409 Mason

Tax Map / Parcel #: 41/20

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 VII Section 7.12.6

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

I plan to have a 1 person haircutting area in my finished basement. There will be only 1 client at a time by appointment only. I will have no sign, and nothing on the exterior of the home or yard will change.

**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:

offering only haircuts by a licensed barber in a safe, clean environment.

**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:

offering service to one client at a time, with parking space provided on site. There will be no change to exterior.

B. The specific site is an appropriate location for the proposed use because:

Separate entrance to 13x13 waiting area and 10 1/2 x 11 haircutting room in my finished basement exclusively for the purpose of cutting hair. off street parking is already provided on property.

C. The use as developed will not adversely affect the adjacent area because:

No changes are needed to exterior of property

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:

clients will come one at a time by appointment only, offered during normal business hours of 9am to 6pm. parking on site. no pedestrian crossing of street is needed

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:

I am a barber licensed by the state of NH and all facilities on property will be inspected by the state licensure board of Barbers



## 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.  
*Yes*
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.  
*Yes. 2 rooms in home dedicated to business. No external changes*
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. *I do not plan on a sign at this time.*
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. *I am the only employee and will remain so*
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.  
*total home sq feet 1624 - business 280 sq. feet*

Section continued on next page.



# ZBA Application - Special Exception

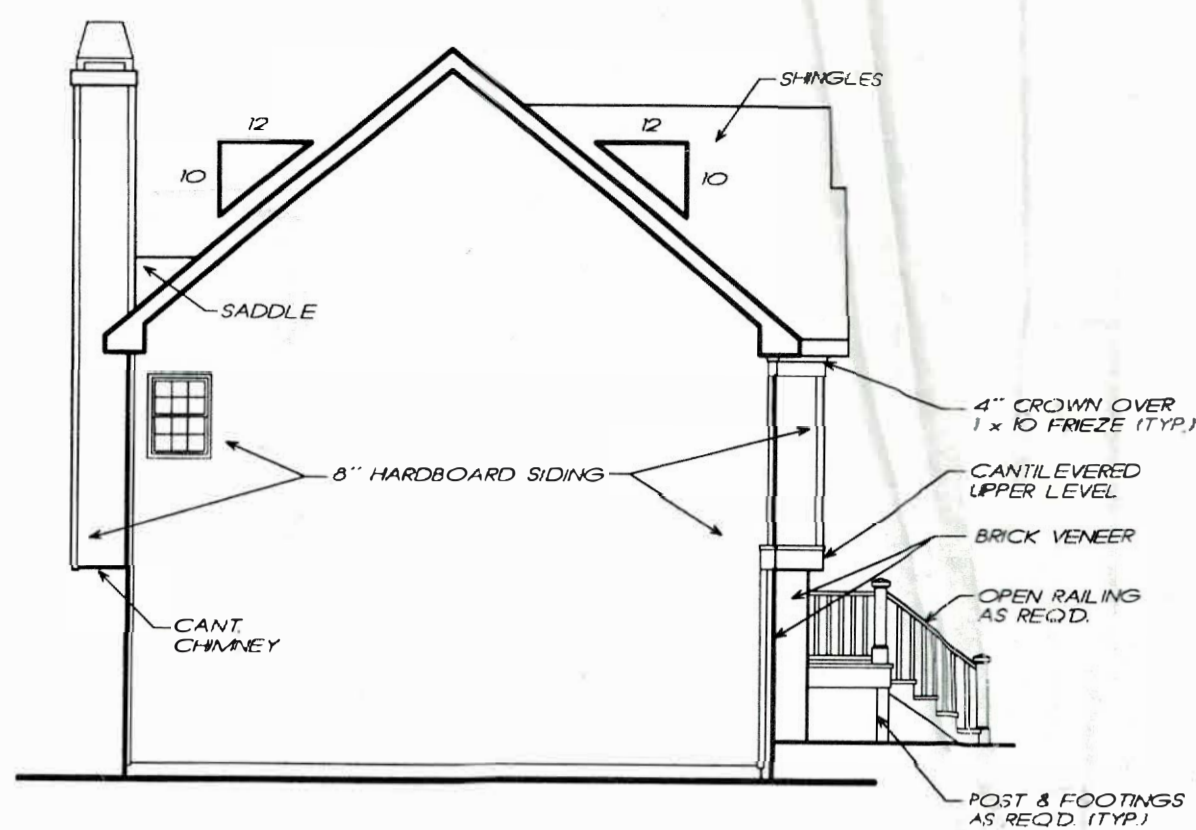
## MILFORD ZONING BOARD OF ADJUSTMENT

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.	<i>I am not planning to sell any goods at this time.</i>
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.	<i>I am not planning to have more than 10 clients per day. And would be open for appointments 3 days per week</i>
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.	<i>I will only be providing haircuts. No shipping or deliveries of goods. The only deliveries will be for common household goods.</i>
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.	<i>Business will be conducted between 8 AM - 6 PM</i>
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.	<i>There will only be disinfectant and other home cleaning supplies. No more than for normal household use.</i>

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.	

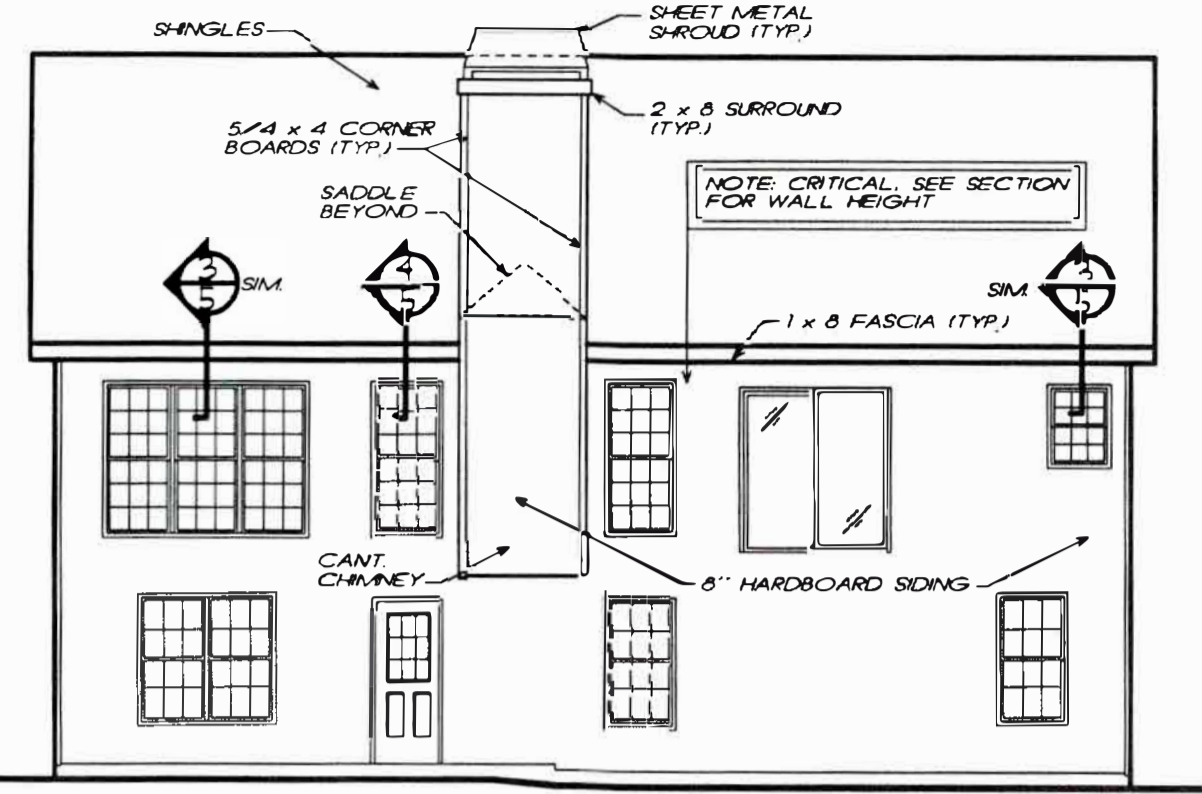
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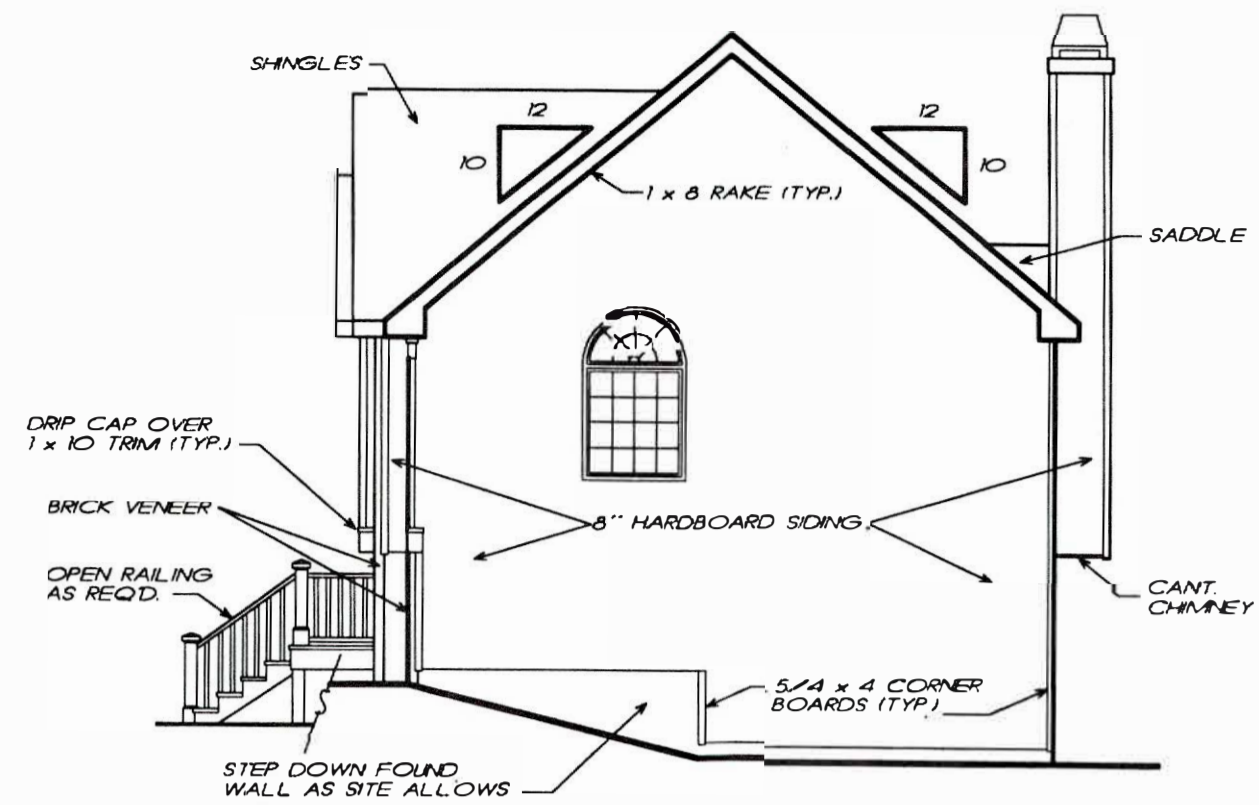
**LEFT ELEVATION**

1/8" = 1'-0"



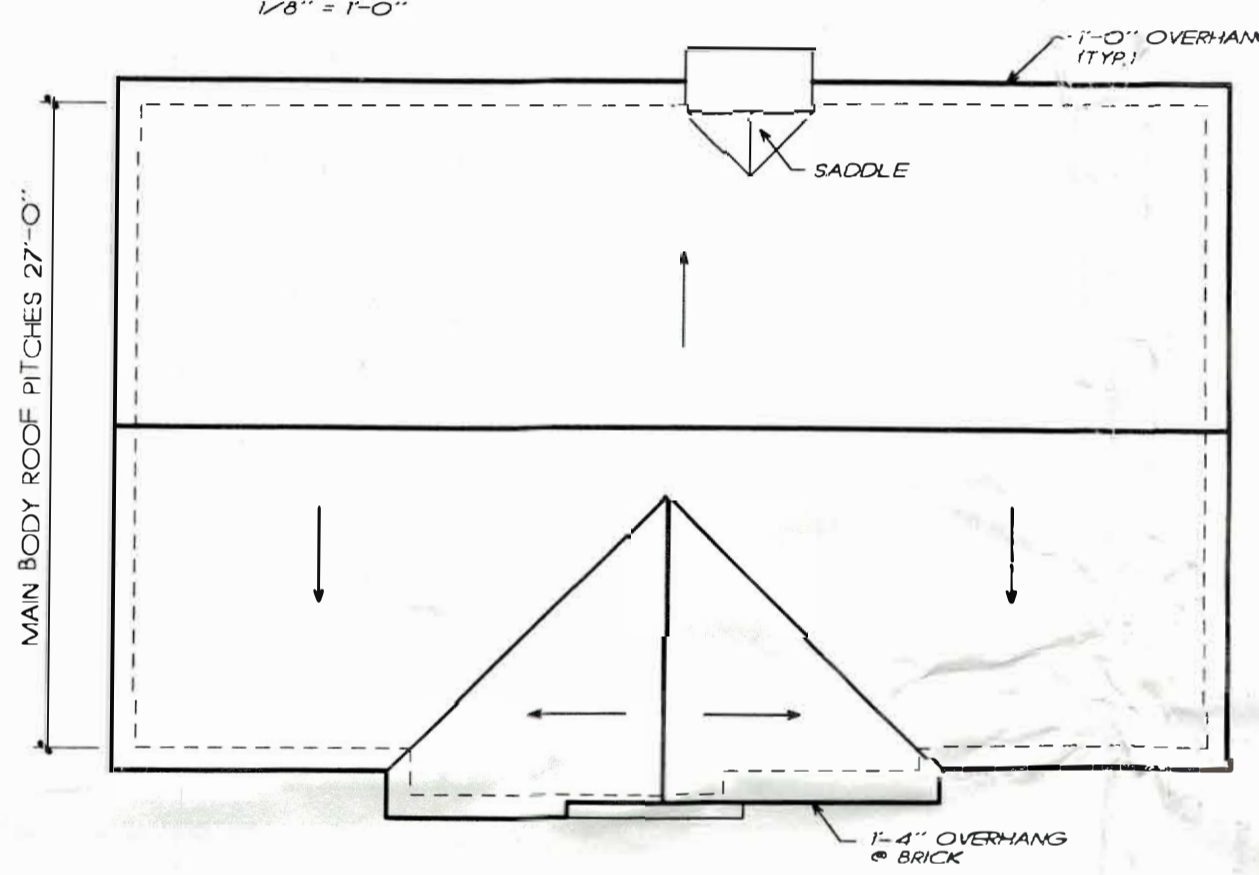
**REAR ELEVATION**

1/8" = 1'-0"



**RIGHT ELEVATION**

1/8" = 1'-0"

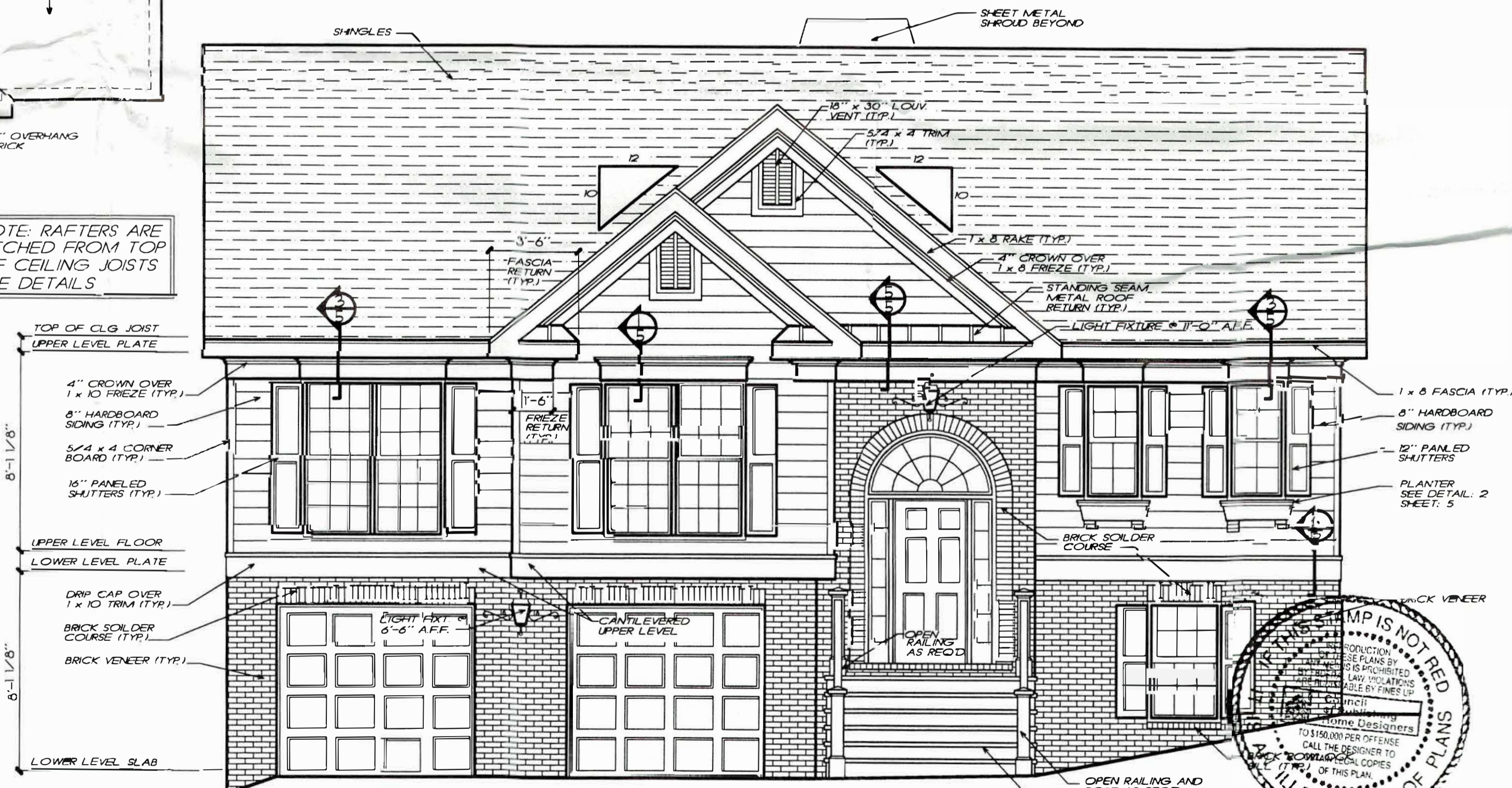


**ROOF PLAN**

1/8" = 1'-0"

NOTE: RAFTERS ARE PITCHED FROM TOP OF CEILING JOISTS SEE DETAILS

NOTE: ATTIC VENTILATION PER LOCAL CODES AND REQUIREMENTS



**FRONT ELEVATION**

1/4" = 1'-0"

DATE	REV	DATE	REV

**HOMIEPLANS**  
DESIGNED FOR TODAY'S MARKET

**ELEVATIONS & ROOF PLAN**  
**THE ASPEN**

**FBA**  
FRANK BETZ ASSOCIATES, INC.  
240 LAKE PARK DRIVE/SUITE #10  
SMYRNA, GEORGIA 30080  
770-431-0888

BY DC CK KW

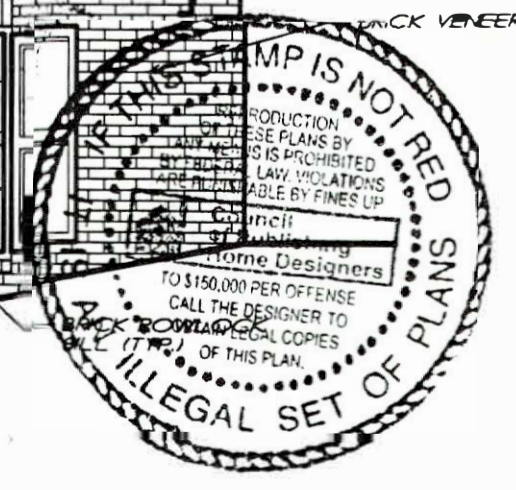
DATE 1-24-97

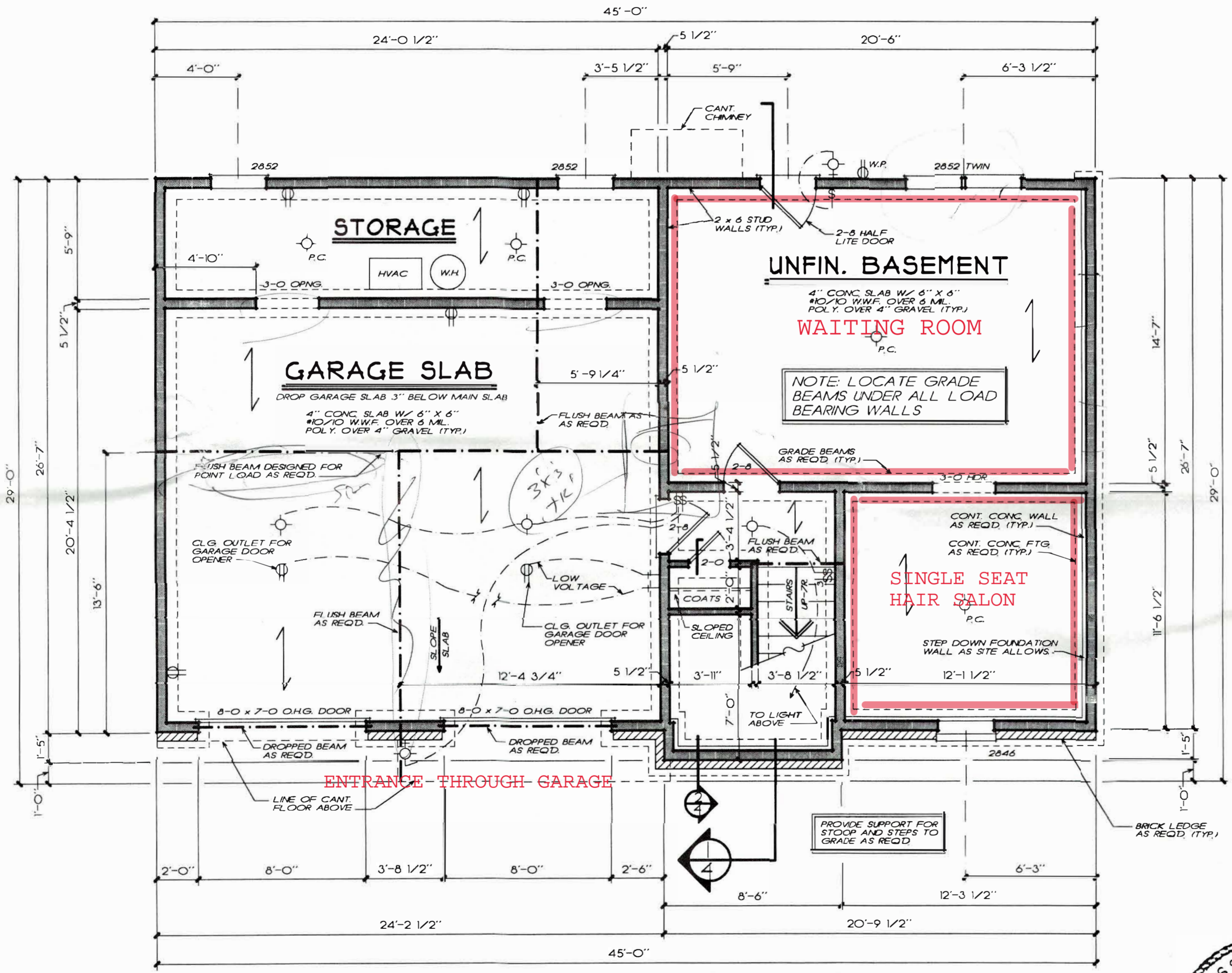
SHEET

1

OF 5

FRANK BETZ ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ANY CHANGES OR MODIFICATIONS MADE TO THESE PLANS BY OTHERS





**LOWER LEVEL PLAN**  
1/4" = 1'-0"

NOTE ALL DIMENSIONS ASSUME AN 8" FOUNDATION WALL.



DATE	REV	DATE	REV

**HOMEPLANS**  
DESIGNED FOR TODAY'S MARKET

**LOWER LEVEL PLAN**  
**THE ASPEN**

**FBA**  
FRANK BETZ ASSOCIATES, INC.  
24 01 LAKE PARK DRIVE, SUITE 250  
SMYRNA, GEORGIA 30080  
770/431-0888

BY DCF CK KKW

DATE 7-24-97

SHEET  
**2**  
OF 5

FRANK BETZ ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ANY CHANGES OR MODIFICATIONS MADE TO THESE PLANS BY OTHERS

FRANK BETZ ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ANY CHANGES OR MODIFICATIONS MADE TO THESE PLANS BY OTHERS.

DATE	REV	DATE	REV

**HOMEPANS**  
DESIGNED FOR TODAY'S MARKET

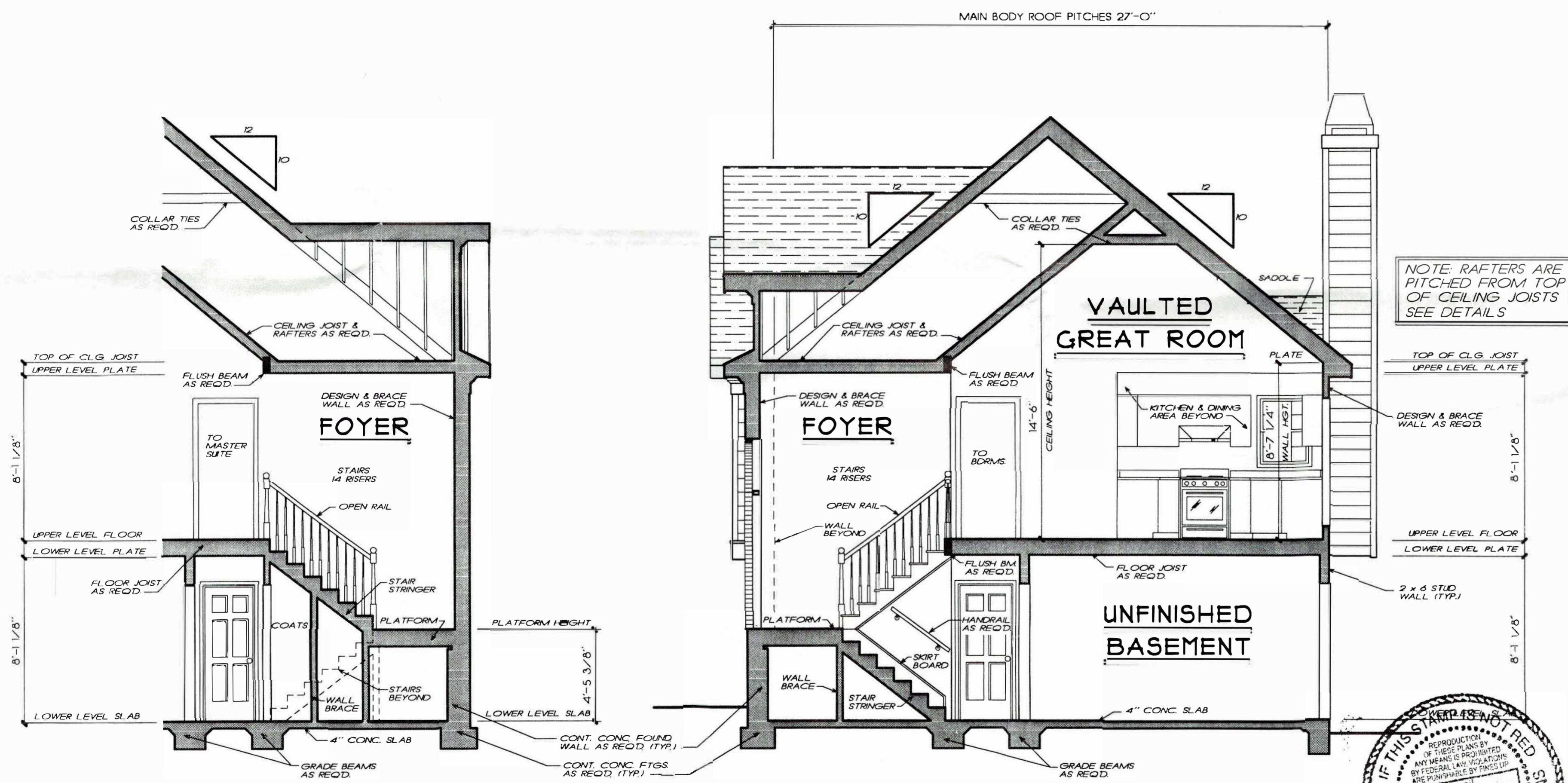
SECTIONS  
THE ASPEN

**FBA**  
FRANK BETZ ASSOCIATES, INC.  
24 01 LAKE PARK DRIVE/SUITE 250  
SMITHFIELD, RI 02896  
781/431-0888

BY DCF CK KKW

DATE 7-24-97

SHEET  
**4**  
OF 5



2 STAIR SECTION  
4 1/4" = 1'-0"

1 TRANSVERSE SECTION  
4 1/4" = 1'-0"

