

TOWN OF MILFORD

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



Administrative Review

Date: June 29, 2022
To: Jason Plourde, Chair - Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2022-13 George & Jacqueline Thurrott for the property located at Tax Map 34, Lot 68-5, 9 Walnut Street - Special Exception Application.**

The applicant is before the Board of Adjustment seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Section 5.02.2.A.8 and 5.02.5.A to allow the construction of a single-family residence 20 feet from the front dimensional setback where 30 feet is required on the subject 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 .46 acres (20,037.6 sq. ft.) and is undeveloped.
 - b. Property contains approximately 100 feet of linear frontage Walnut Street. The property is serviced by municipal water and sewer.
 - c. The subject property falls within Residential 'A' Zoning District and is situated among an established residential neighborhood. To the north, south, and west, the subject property abuts single-family residences and vacant/undeveloped lots. To the east, the property abuts the Town of Milford owned open space and the Public Works facility.
2. The applicant is seeking to construct a single-family residence with attached porch 20 feet from the front property line on Walnut Street. As represented by the applicant's engineering consultant, the location of house was dictated by the existing conditions of the property and the steep sloping topography in the rear.
3. Pursuant to Section 5.02.2.A.8 and 5.02.5.A, locating a structure within the 30 foot front dimensional setback is permitted by way of Special Exception.
4. Upon further examination of the abutting and surrounding properties within the Walnut Street neighborhood, we find a mix of compliant and non-conforming properties with structures located in the front dimensional setback. This is due to the pre-existing, non-conforming nature of the lots and age/location of the buildings.
5. As part of the Board deliberation, the applicant should be prepared to discuss the following:
 - a. Explanation /summary of the options/alternatives considered.
 - b. The front dimensional setback relief includes the foundation and any/all roof or structural/architectural overhang, porches, additions, stairways, etc. The applicant will need to confirm the maximum relief being requested.

Aerial Photograph(s) of Subject Property:





Street View(s) of Subject Property:



View of Property Looking East On Walnut Street



View Looking South - Intersection of Hemlock and Walnut Streets



View of Property South North On Walnut Street





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

TOWN OF MILFORD
 RECEIVED
 MAY 06 2022

Date Received: 5-6-22
 Case Number: 2022-13
 Application Number: 20220713
 Hearing Date: 6-16-22
 Decision Date: _____
 Decision: _____

PROPERTY INFORMATION

Street Address: Walnut Street Needs address assigned
 Tax Map / Parcel #: 34-68-5 | Lot Size: 0.46 Acres

PROPERTY CURRENTLY USED AS

The property is currently a vacant lot.

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

PROPERTY OWNER

Name: **George G. & Jacqueline C. Thurrott**
 Address: 61 Tindo Park Drive
 City/State/Zip: Lowell, MA 01851
 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: Fieldstone Land Consultants, PLLC
 Address: 206 Elm Street
 City/State/Zip: Milford, NH 03055
 Email: CEbranon@fieldstonelandconsultants.com
 Phone: () 672-5456 | 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.

Charlie Ritchie (See attached letter 5/5/2022)
 Property Owner's signature OF Authorization 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 ⁸	\$32
Amount received:	\$107
Date Received:	5/6/2022

Check 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

TOWN OF MILFORD
RECEIVED
MAY 06 2022
PB ZBA Office

Received: _____
Case Number: 2022-13
Application #: 2022 0713
Date Complete: _____
Hearing Date: 6-16-22
Decision Date: _____
Decision: _____

PROPERTY INFORMATION

Street Address: Walnut Street

Tax Map / Parcel #: 34-68-5

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.**

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

What section of the Zoning Ordinance are you applying under?

Article V Section 5.02.2 A.8

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

Article V, section 5.02.2 A.8 of the Milford Zoning Ordinance allows for reduced front, side, and rear setbacks with a special exception. We are requesting a special exception to reduce the front setback for a single family residential use in the Residence "A" district due to steep slopes in the rear of the lot.

- 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:

The project consists of building a single family residential structure 20' from the right-of-way line where the required setback is 30'. The purpose of reducing the front setback is to construct the dwelling further from steep slopes on the site.

Explain how the proposal meets the general criteria as specified in Article X, Section 10.02.1 of the Zoning Ordinance:

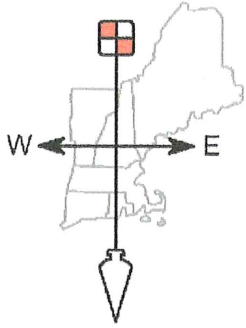
A. The proposed use is similar to those permitted in the district because:
The proposed single family residential use is a permitted use in the district. We are requesting that the proposed house be built within the 30' front setback in order to avoid steep slopes in the rear of the property.

B. The specific site is an appropriate location for the proposed use because:
The site is located on a dead end road and all other uses on the road are residential as well. The location is ideal for a residential site.

C. The use as developed will not adversely affect the adjacent area because:
The use as developed will not adversely affect the adjacent areas since the proposed use is in harmony with abutting properties. The building will only extend 10' into the front setback allow for safe separation from the steep slopes at the back of the property.

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:
The proposed residential structure will still provide a sufficient driveway with room for vehicles to park entirely off the paved road. The location of the dwelling in the front setback also allows for a safe backyard for the future tenant.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:
Appropriate facilities will be provided for the residential structure including a driveway of proper length and front yard. With the reduction in the front setback, a safer back yard can be provided. The house will be serviced by municipal sewer and water.



FIELDSTONE

LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

May 5, 2022

RE: Ball Design-Build – Special Exception
Walnut Street - Milford, NH
Tax Map 34 Lot 68-5

To Whom It May Concern:

The undersigned hereby authorizes Ball Design-Build, LLC & Fieldstone Land Consultants, PLLC to act as their agents in filing and seeking the necessary local, state and federal approvals for the above referenced project.

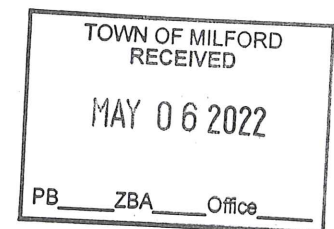
Very truly yours,

Owner:

Signature: 

Print: George Thurett

Date 5/5/22



REFERENCE PLANS:

"DEFINITIVE SUBDIVISION PLAN & - LOT LINE ADJUSTMENT - LOTS 34-68 & 43-1 - KOKKO BUILDERS, INC. - WALNUT STREET EXTENSION, PHASE II - MILFORD, NEW HAMPSHIRE" SCALE: 1"=50', DATED DECEMBER 14, 1998, PREPARED BY MERIDIAN LAND SERVICES, INC. AND RECORDED AT THE H.C.R.D. AS PLAN NO. 30119.

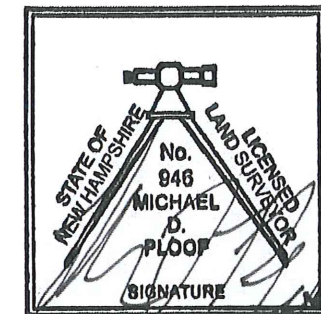
NOTES:

1. THE CURRENT OWNER OF TAX MAP GEORGE G. & JACQUELINE THURROTT, 61 TINDO PARK DRIVE, LOWELL, MA 01851. SEE H.C.R.D. VOL. 9588 PG. 1058 DATED 2/11/2022.
2. THE PURPOSE OF THIS EXHIBIT IS TO SHOW THE PROPOSED BUILDING LOCATION ON LOT 34-68-5
3. ZONING FOR THE PARCEL IS RESIDENCE "A". MINIMUM REQUIREMENTS INCLUDE 15,000 SQ. FT. OF AREA WITH 100 FT. OF FRONTAGE. MINIMUM SETBACKS INCLUDE 30' FRONT AND 15' SIDE AND REAR.
4. INFORMATION SHOWN ON THIS SKETCH WAS COMPILED FROM THE TOWN OF MILFORD GIS AND THE REFERENCE PLAN NOTED HEREON. THIS IS NOT TO BE CONSIDERED A BOUNDARY PLAN.

CERTIFICATION:

"I HEREBY CERTIFY THAT THE BOUNDARY INFORMATION SHOWN WAS PRODUCED ENTIRELY FROM THE REFERENCE PLAN CITED HEREON AND THAT IT IS MATHEMATICALLY CORRECT."

DATE: 5/5/2022



ZONING BOARD OF ADJUSTMENT EXHIBIT

**TAX MAP 34 LOT 68-5
(WALNUT STREET)**

MILFORD, NEW HAMPSHIRE

PREPARED FOR:

KOKKO BUILDERS, INC.

97 OSGOOD ROAD, MILFORD, NEW HAMPSHIRE

LAND OF:

GEORGE G. & JACQUELINE THURROTT
61 TINDO PARK DRIVE, LOWELL, MA 01851

SCALE: 1" = 40'

MAY 5, 2022

FILE: 3298ZE00.dwg

PROJ. NO. 03298.00

SHEET NO. 1 OF 1

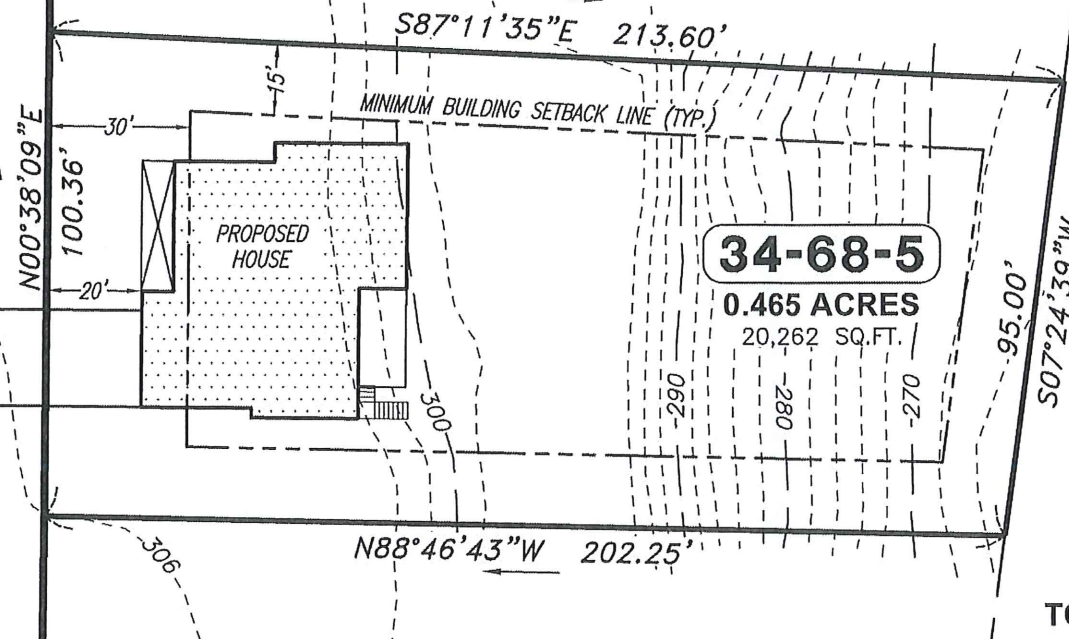
WALNUT STREET



34-68-6
D.JAMES PHILBRICK &
SALLY ANN PHILBRICK
FAMILY TRUST
6 WALNUT STREET
MILFORD, NH 03055

34-68
KOKKO BUILDERS, INC.
97 OSGOOD ROAD
MILFORD, NH 03055

34-68-4
CHRISTOPHER ORTIZ &
JESSICA LEFAVOR-ORTIZ
7 WALNUT STREET
MILFORD, NH 03055

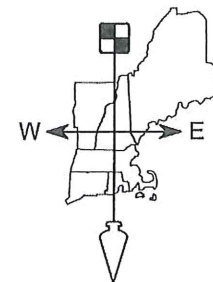


34-61
TOWN OF MILFORD
1 UNION SQUARE
MILFORD, NH 03055

34-68-7
KOKKO BUILDERS, INC.
97 OSGOOD ROAD
MILFORD, NH 03055



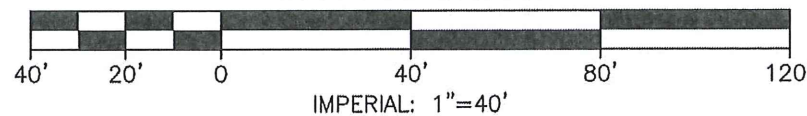
Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Site Design ♦ Office



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GRAPHIC SCALE



REV.	DATE	DESCRIPTION	C/O	DR	CK