

ZBA Application Special Exception MILFORD ZONING
BOARD OF ADJUSTMENT



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

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

Date: September 29, 2023
To: Zoning Board of Adjustment
From: Terrence S. Dolan, Director of Community Development *TSD*

Subject: Case #2023-17: For a 2.87-acre property located at 549 Osgood Road, Tax Map 51, Lot 1-1. Request for a required Special Exception to allow for an Auto Detailing Home-Based Business within their existing on-site detached garage, located on an existing single-family residence lot in the "R" Zoning District

This Staff Memorandum is being submitted to the Board of Adjustment regarding the upcoming Case #2023-17, submitted by Applicants George & Lori Shepherd, requesting a required Special Exception to allow for a Home-based Business for conducting an Auto Detailing Business, within their existing, detached 860 square foot garage. This Home-Based business shall be on an *Appointment Only* basis, and only for privately owned, non-commercial vehicles. Likewise, no fleet vehicles shall be permitted to be serviced at this residential location.

Any future business signage will be required to be submit a Sign Permit Application, to the (Office of Community Development), and shall be required to meet all established signage standards.

The parcel is 2.87 acres in size, with approximately 509 linear feet of frontage along Osgood Road; and lies within the Town's Residential "R" Zoning District.

The proposed Auto Detailing Home-Based Business is required to meet to meet the criteria pursuant to the Town's Zoning Regulations for Special Exceptions (Article X, Section 10.02.0 and Section 10.02.1) & (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 this proposal.

Per the application information, 90% of all detailing work shall occur within the existing garage bays. A very limited number of weekly customers (in the range of 2-4 per week) is projected by the applicants.

Included you shall find the following:

1. Special Exception Criteria for Home-Based Business (Article VII, Section 7.12.6) Justification Responses, prepared and provided by the Applicant, in their attached application.

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2. Assorted reference color images of the single-family residential property.
3. Google Color *Street View* Images of 549 Osgood Road

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 at this location.

Thank you for your time and consideration.



ZBA Application – Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

Date Received: _____
 Case Number: _____
 Application #: **TOWN OF MILFORD RECEIVED**
 Date Complete: **SEP 25 2023**
 Hearing Date: _____
 Decision Date: _____
 Decision: **PB** ZBA Office

PROPERTY INFORMATION

Street Address: **549 Osgood Road**

Tax Map / Parcel #: **Map 51 Lot 1-1**

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 **7** Section **12.6 Home Business**

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

Use of our free standing garage on our property for a home business of automotive detailing, window tint, vinyl, ceramic coatings and paint protection

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:
To have a vehicle detailing facility on our property at our free standing garage.

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 business will follow the standards set by the zoning board and follow home business standards outlined in Article 7, Section 12.16.

B. The specific site is an appropriate location for the proposed use because:
We have approximately 3 acres of land mostly surrounded by wooded area we would conduct business in our free standing garage.

C. The use as developed will not adversely affect the adjacent area because:
We are a low noise business, 90% of the work will be done inside the garage. We have very little traffic from customers as we are an appointment only business.

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:
90% of the business will be conducted in the garage to prevent nuisances to the surrounding neighbors.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:
Free standing garage with its own power source and electrical service, plenty of off street parking.



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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. <i>Small items sold to customers to keep their cars clean, washing towels and car care products.</i>
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. <i>Our average customer base is 2 to 4 customers per week. Our average deliveries are 3 to 6 a week.</i>
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. <i>In the future we may add a business pickup truck. Delivery trucks are the size of Amazon, FedEx & UPS trucks.</i>
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. <i>We are a "by appointment only" business. Our work hours will be 7:30 am to 8:00pm Monday - Friday, Saturday & Sundays as needed.</i>
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. <i>The chemicals we use are water based not solvent based. The chemicals are not hazardous or flammable. Only flammable liquids will be in the amounts commonly found in a dwelling.</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.

Section continued on next page.



ZBA Application

MILFORD ZONING BOARD OF ADJUSTMENT

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

PROPERTY INFORMATION

Street Address: 549 Ossgood Rd

Tax Map / Parcel #: MMP 51/Lot 1-1 Lot Size: 2.86 acres

PROPERTY CURRENTLY USED AS

Res. lots - Owner Occupied

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

PROPERTY OWNER

Name: George & Lori Shepherd

Address: 549 Ossgood Rd.

City/State/Zip: Milford, NH, 03055

Phone: 603 430 2087

Email: George.Shepherd.jr@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.

George E Shepherd
Property Owner's signature

9.6.23
Date:

Date Received: _____

Case Number: _____

Application Number: **TOWN OF MILFORD RECEIVED**

Hearing Date: _____

Decision Date: **SEP 07 2023**

Decision: _____

PB _____ ZBA _____ Office _____

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:	\$100.00
Abutters Fee: <u>325</u>	<u>34.50</u>
Amount received:	<u>209.50</u>
Date Received:	<u>09/06/23</u>
Check <input checked="" type="checkbox"/> Cash _____	<u>note 75</u>

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**

This application must be complete and filed in the Milford Office of Community Development, along with an abutter list, and with all fees paid, on the official submittal date for the meeting at which the application is to be considered. An application shall not be deemed complete unless all materials have been submitted and necessary fees have been paid.

If you have any questions about how to complete this application, please contact the Office of Community Development. We will be happy to help you understand the Zoning Board application process and legal requirements, but we cannot give you legal advice. If you are uncertain about how the zoning laws apply to your case, we recommend that you obtain professional advice.

General Instructions

Use this form for all applications to the Milford Zoning Board of Adjustment, except:

- If the Selectmen, Planning Board, Building Inspector, or any other town board or official has made a decision to allow someone else to do something that you do not think they should be allowed to do. In that case, use the ***Third-Party Appeal of Administrative Decision*** form.
- To ask the Zoning Board to hold a new hearing to reconsider a decision that was made at a previous meeting, use the ***Request for Rehearing*** form.

Contents of an Application

Your application must include the "General Information" section and at least one application for a special exception, variance, equitable waiver, or appeal of administrative decision.

You may include more than one application section, as long as they are all for the same proposed use.

For example, you might appeal an administrative decision, and also apply for a variance that would permit the same use, in case the appeal is denied; or you might have a proposed use that would require several variances and special exceptions.

Please work with the Office of Community Development to help you determine what you are applying for or asking relief from.

Fee

The fee is \$100 for the application, plus \$5.75 for each abutter.

Abutter List

The abutter list must include the name and mailing address of:

- the applicant,
- the property owner or owners,
- every person who owns property which touches any lot involved in the application (even at a corner) or is directly or diagonally across a road, stream, river, or railway right-of-way from a lot involved in the application, **and**
- the holders of any conservation, preservation, or agricultural preservation restrictions on any of the lots involved in the application.

It is your responsibility to provide an accurate abutter list. A Zoning Board decision that is made without notifying all abutters may not be valid and an abutter who was not properly notified may be able to have the decision overturned.



100 feet Abutters List Report

Milford, NH
September 06, 2023

Subject Property:

Parcel Number: 051-001-001-000
CAMA Number: 051-001-001-000
Property Address: 549 OSGOOD RD

Mailing Address: SHEPHERD, LORI A & GEORGE E
549 OSGOOD RD
MILFORD, NH 03055

Abutters:

Parcel Number: 046-038-000-000
CAMA Number: 046-038-000-000
Property Address: 491 OSGOOD RD

Mailing Address: MATSON, ERIC G
PO BOX 13
PETERBOROUGH, NH 03458-0013

Parcel Number: 051-001-000-000
CAMA Number: 051-001-000-000
Property Address: 79 WOODHAWK DR

Mailing Address: CONLEY, SANDRA J & GARY L
79 WOODHAWK DR
MILFORD, NH 03055

Parcel Number: 051-001-004-000
CAMA Number: 051-001-004-000
Property Address: 23 NYE DR

Mailing Address: DEMIDIO, RICHARD & JEAN TRSTE
DEMIDIO FAM RVCBL TRST
23 NYE DR
MILFORD, NH 03055

Parcel Number: 051-003-000-000
CAMA Number: 051-003-000-000
Property Address: 0 OSGOOD RD

Mailing Address: MILFORD, TOWN OF
0 OSGOOD RD
MILFORD, NH 03055-4230

Parcel Number: 051-003-002-000
CAMA Number: 051-003-002-000
Property Address: 546 OSGOOD RD

Mailing Address: BIANCO, LAURANA STIRLING, JOSHUA
546 OSGOOD RD
MILFORD, NH 03055

Parcel Number: 051-003-003-000
CAMA Number: 051-003-003-000
Property Address: 530 OSGOOD RD

Mailing Address: SPARGIMINO, LAWRENCE & ELEANOR
530 OSGOOD RD
MILFORD, NH 03055

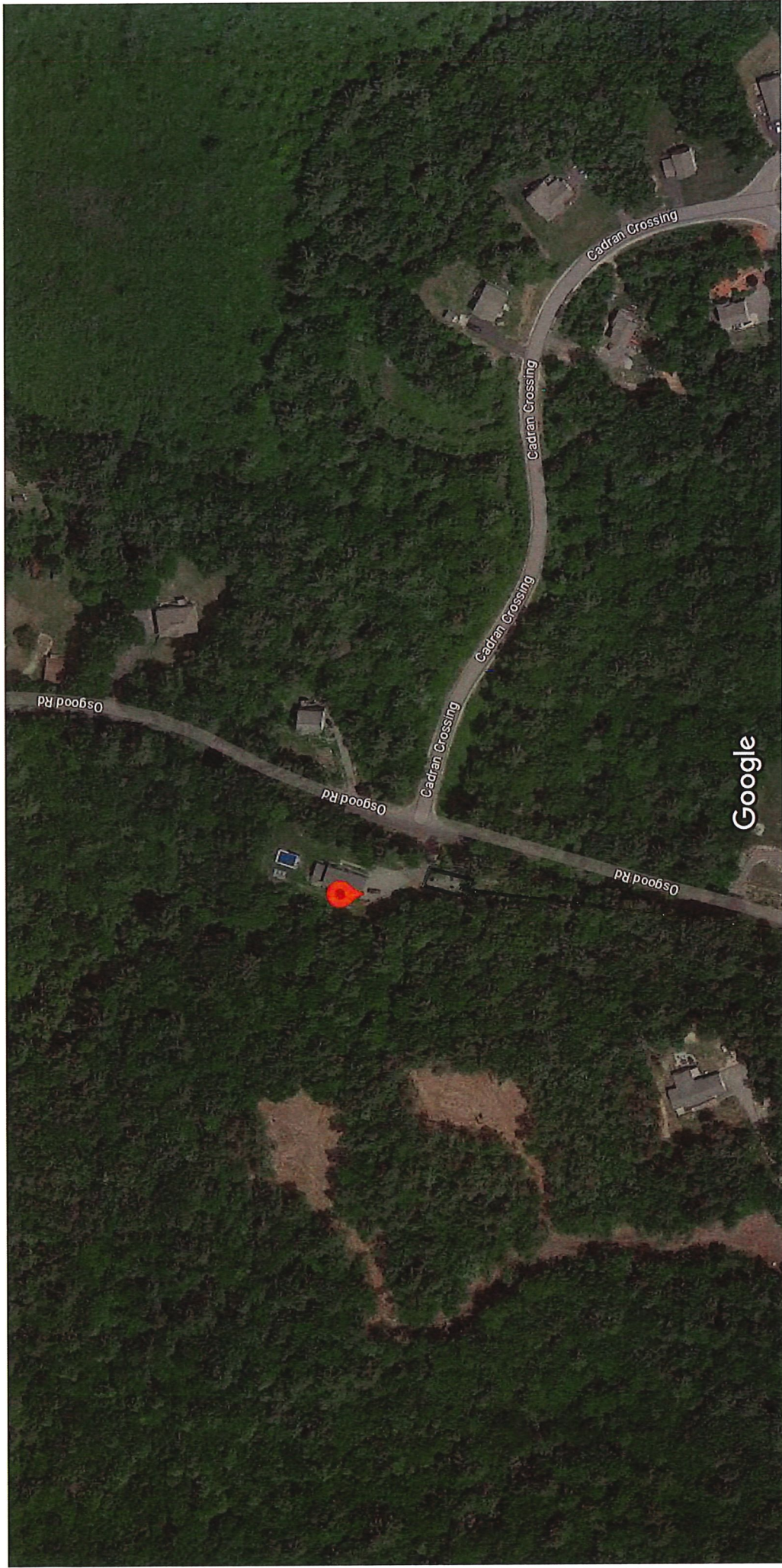


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9/6/2023

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Garage
Location

Terrence Dolan

From: George Shepherd <george.shepherd.jr@gmail.com>
Sent: Thursday, September 28, 2023 2:05 PM
To: Terrence Dolan
Subject: 549 Osgood Rd Garage

WARNING: This email originated outside of our organization. DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please report all suspicious emails to the IT Department or use your phish alert button.

Terrance,
Please confirm receipt of this email and the pictures are accurate for your needs

Thank You
George









Sent from my iPhone

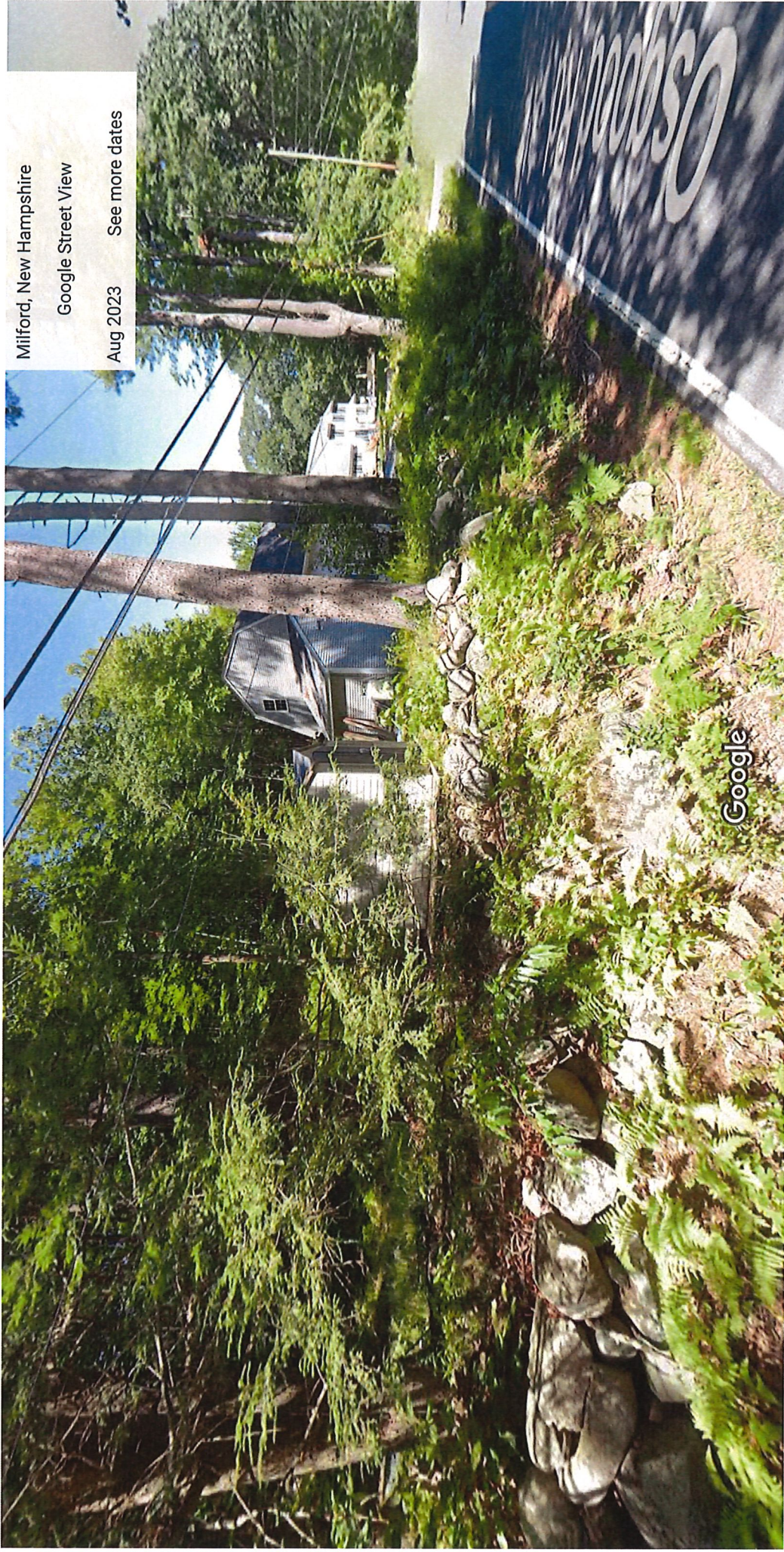
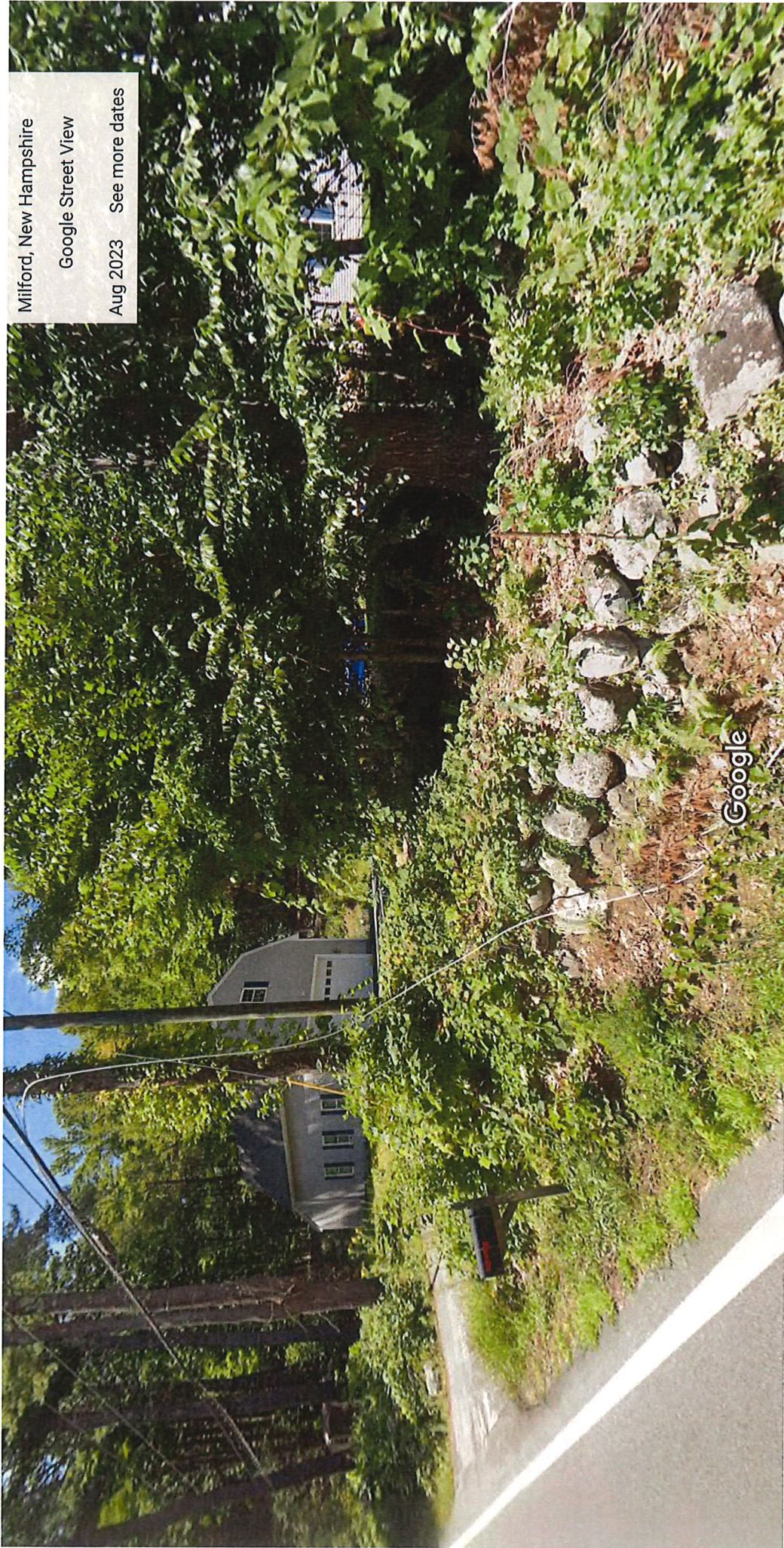


Image capture: Aug 2023 © 2023 Google

View to north along Osgood Rd. (1st bldg structure is
 garage bldg.
 2nd bldg in background
 is residence.



Milford, New Hampshire
Google Street View
Aug 2023 See more dates

Google

Image capture: Aug 2023 © 2023 Google

View of Garage looking
Southerly along Osgood Rd



Milford, New Hampshire
Google Street View
Aug 2023 See more dates

Image capture: Aug 2023 © 2023 Google

View to the West, along Cadran Crossing / Osgood Rd.
Intersection