



ZBA Application
MILFORD ZONING BOARD OF ADJUSTMENT

20240206

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

Received: _____
 Case Number: _____
 Application Number: TOWN OF MILFORD RECEIVED
 Hearing Date: _____
 Decision Date: JAN 30 2024
 Decision: _____
 PB _____ ZBA _____ Office _____

PROPERTY INFORMATION

Street Address: 403 Nashua St, Milford, NH

Tax Map / Parcel #: 31/8 Lot Size: _____

PROPERTY CURRENTLY USED AS

Home

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

PROPERTY OWNER

Name: Emily Russo

Address: 403 Nashua St

City/State/Zip: Milford, NH, 03055

Phone: (781) 513 - 7847

Email: emilyrusso11@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.

Emily Russo

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

75.00

Application Fee:	\$100.00
Abutters Fee: <u> </u> x <u>5.75</u>	
Amount received:	
Date Received:	
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 – 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 as determined by the Community Development Office

DUSSEAULT, GERALD E JR
407 NASHUA ST
MILFORD, NH 03055-4919

GRIFFIN, JONATHAN C & CAR
400 NASHUA ST
MILFORD, NH 03055

PET REAL ESTATE LLC
% PREFORMS PLUS INC.
12 HOWE DR
AMHERST, NH 03031-2314

RND LLC
6 BYRON DR
NASHUA, NH 03062

RUSSO, EMILY A
CAZE, JEAN Y
403 NASHUA ST
MILFORD, NH 03055

SEWAL, DENNIS C TRSTEE
THE 404 NASHUA ST-SEWALL
404 NASHUA ST
MILFORD, NH 03055-4913

ZAINO, BART M & JUDITH A
395 NASHUA ST #1
MILFORD, NH 03055

ZWICKER, DARREN & PAULA
406 NASHUA ST
MILFORD, NH 03055-4913



ZBA Application – Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

Date Received: _____
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PROPERTY INFORMATION

Street Address: 403 Nashua St, Milford, NH

Tax Map / Parcel #: 34/8

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 _____ Section _____

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

**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:
Entrance & exit to daycare center

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:
its a small buisness

B. The specific site is an appropriate location for the proposed use because:
I have provided adequate space for Parents to enter & exit.

C. The use as developed will not adversely affect the adjacent area because:
It is within the boundaries of my property

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:
Parking & turn around areas will be marked.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:
Its within boundaries of my Home.



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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?
2. Please explain if the Home Business is conducted entirely within the dwelling or accessory structure.
yes it is within 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.
No sign
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.
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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.
Less than 25%

Section continued on next page.



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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.

No retail sales
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.

1-6 clients per day
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.

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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.

8AM - 5:30 PM
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.

None

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.



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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
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.
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.
4. Will there be any outside storage? Please explain.
5. Has the applicant made a site plan application to the Planning Board (hearing subsequent to Zoning Board approval)? Yes ___ No ___ Date of hearing: _____