

# TOWN OF MILFORD

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



## Administrative Review

**Date:** May 8, 2024  
**To:** Town of Milford Zoning Board of Adjustment  
**From:** Terrence S. Dolan, Town Planner *TSD*  
**Subject:** **Case #2024-04: Robert Evon & Micaela Zwicker, 30 Summer Street, Tax Map 22, Lot 90-1.** Request for a required Special Exception to allow for an Accessory Dwelling Unit (ADU) to be located on an existing single-family residence lot in the Residence "A" Zoning District, pursuant to Section 5.02.2.A.13.

The applicant is before the Board of Adjustment seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Section 5.02.2.A.13 and Article X, Section 10.2.6 to allow for the construction of a 640 square foot, one (1) bedroom accessory dwelling unit, for the existing home's basement (first floor) area, with separate walk-out in the Residence "A" District. In reviewing the files for this property, I offer the following comments:

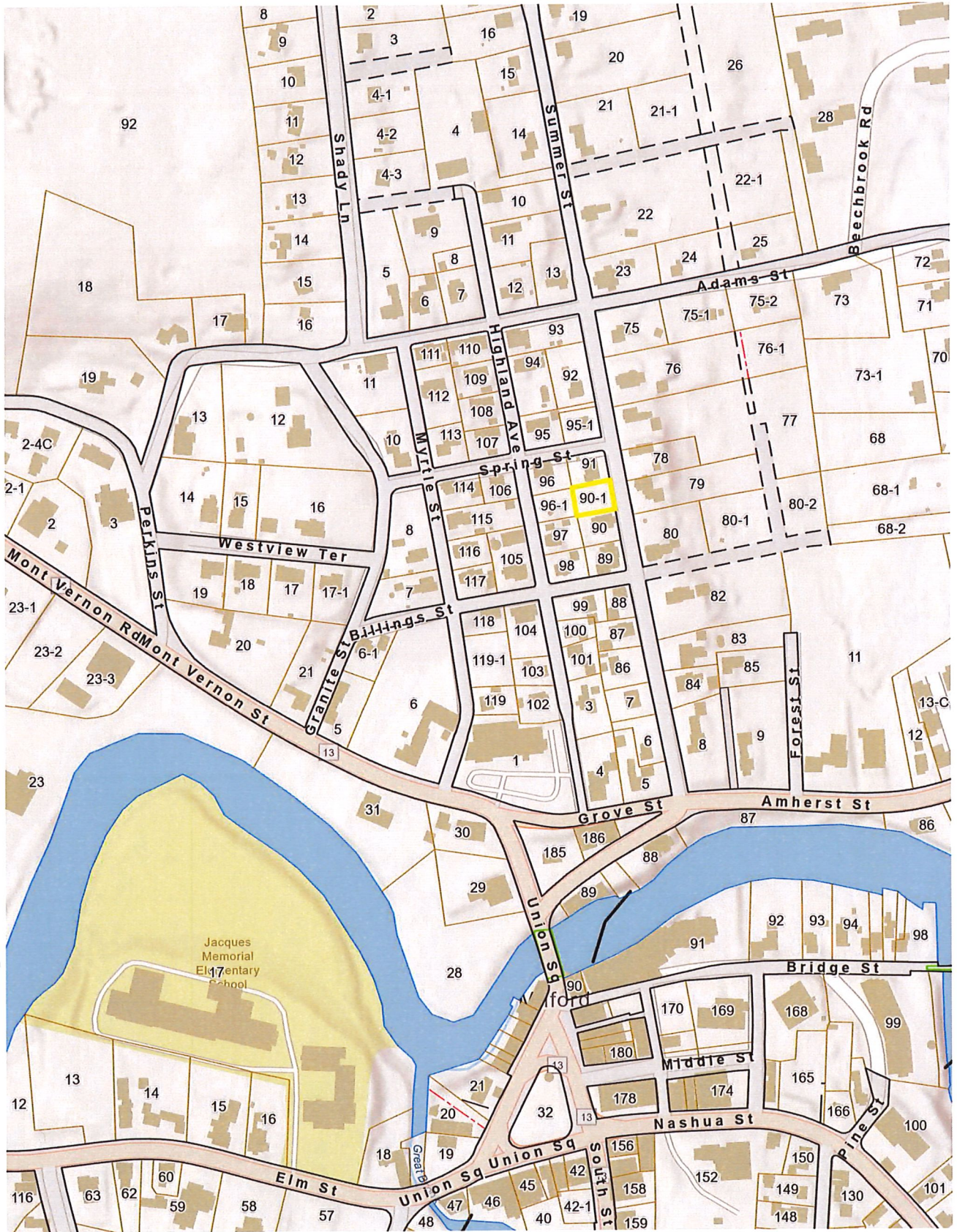
1. Existing Conditions:
  - a. The subject property is approximately .16 acre in total area (6,067 sq. feet) with approximately 75 linear feet of residential frontage along Summer Street.
  - b. The property's existing residence consists of a 2-story, 4-bedroom single-family residence (built in 2011) and is serviced by municipal water and sewer system.
  - c. The subject property is situated in a long established single-family residential area, and the home consists of approximately 2,669 sq feet gross floor area.
2. The proposal calls for construction of an Accessory Dwelling Unit (ADU) within the existing residential building.
3. The entire ADU shall be a ground level one (1) bedroom ADU with a total of 640 square feet. Access to the ADU will be through the existing stairs to the lower level, as well as a separate "walkout" exterior access to the side/back yard area. Proposed additional driveway spaces are being added.
4. An ADU is a permitted use in the Residential 'A' Zoning District through the issuance of a Special Exception pursuant to Zoning Ordinance, Article 5.02.2.A.13 & Article X, Section 10.2.6.
5. Upon review the application pursuant to the Section 10.02.6.A, the submittal meets the minimum requirements of the Zoning Ordinance:
  - a. The proposed maximum area for the ADU is 640 square feet. The primary residence will continue to be owned and occupied by the property owner.

- b. The proposed floor plans appear to be consistent with the existing residence and will not impact the interior space of the existing home. The interior build-out with the proposed floorplan, access, and egress meet the minimum requirements of the ordinance.
- c. The property appears to have sufficient parking to manage the single-family residence and the proposed addition of the accessory dwelling unit. No curb cuts are being added.

Included you shall find the following:

- 1. Special Exception Criteria (Article X, Section 10.02.6) Justification Responses, prepared by the Applicant.
- 2. A Site Plan Exhibit showing the location and dimensions of the proposed ADU.
- 3. Various map location and floor plan graphics and the town's GIS images for 30 Summer Street.
- 4. Color Street View Image of 30 Summer Street.

Thank you for your time and consideration.



30 Summer St.



30 Summer St.



Image capture: Aug 2013 © 2024 Google

Milford, New Hampshire

Google Street View

Aug 2013



Milford, New Hampshire

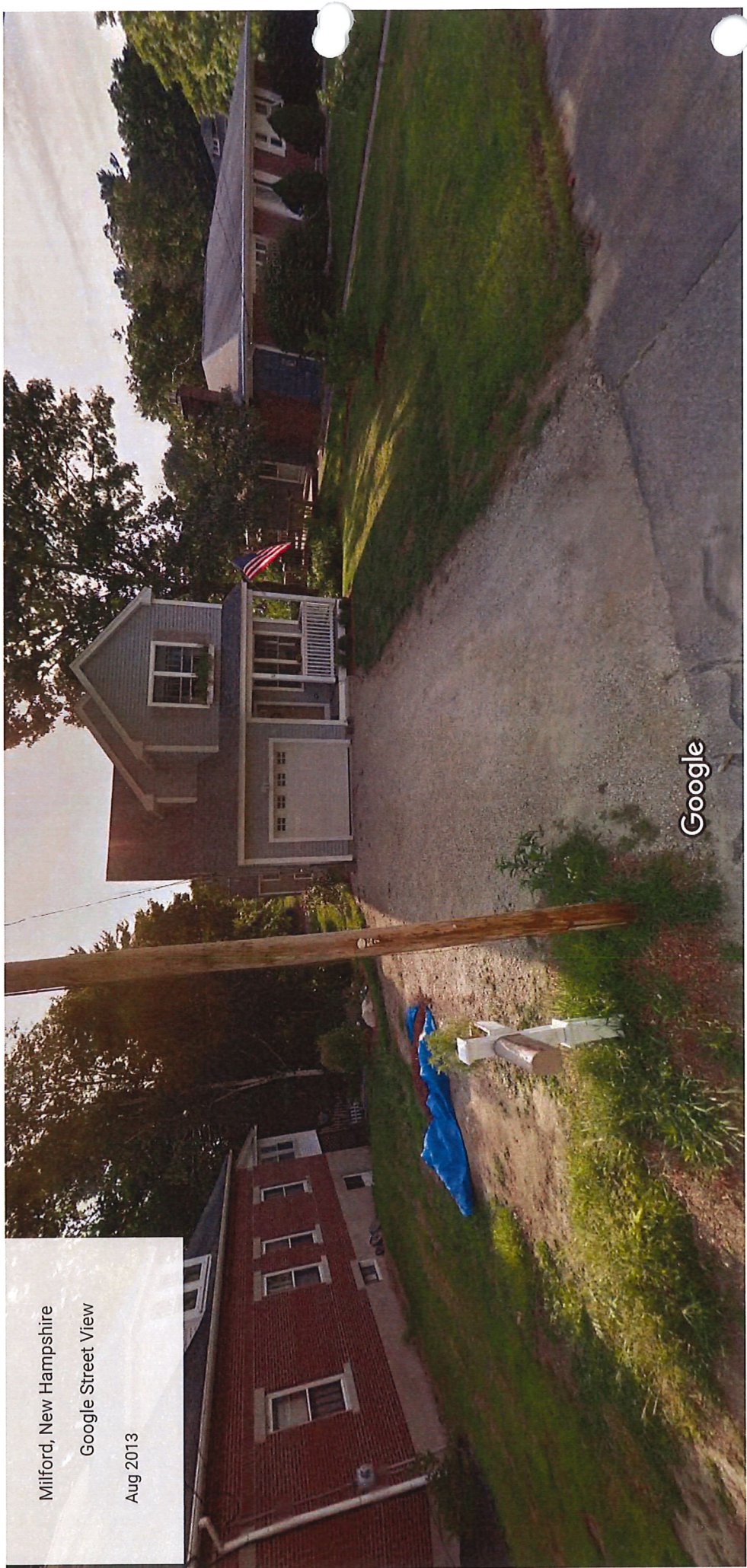
Google Street View

Aug 2013



Image capture: Aug 2013 © 2024 Google





Google

Image capture: Aug 2013 © 2024 Google

Milford, New Hampshire  
Google Street View  
Aug 2013



Amato Center

CARNEY, BRENT R & CARLA M  
31 SUMMER ST  
MILFORD, NH 03055

ROSE, NANCY L  
25 SUMMER ST  
MILFORD, NH 03055

D'AMICO, JEFFREY J & JODI  
39 SUMMER ST  
MILFORD, NH 03055-3933

SANDRI, SARAH  
KUNYOSYING, KOM  
31 HIGHLAND AVE  
MILFORD, NH 03055

EVON, ROBERT W III  
ZWICKER, MICAELA  
30 SUMMER ST  
MILFORD, NH 03055

GANN, MICHAEL G & KATHRYN  
28 SUMMER ST  
MILFORD, NH 03055

JONES, THOMAS R  
35 HIGHLAND AVE  
MILFORD, NH 03055

KEATING, MORGAN H & JENNI  
KEATING FAMILY REV TRUST  
27 HIGHLAND AVE  
MILFORD, NH 03055

KJELLANDER, DAVID J & KENN  
32 SUMMER ST  
MILFORD, NH 03055

LAUBSCHER, PIETER A & KAT  
PO BOX 494  
MILFORD, NH 03055-0494

MACDUFF, BAILIEGH & ERIC  
35 SUMMER ST  
MILFORD, NH 03055

RICHARDSON, JEFFREY J & BAR  
25 HIGHLAND AVE  
MILFORD, NH 03055-3920





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

Date Received: TOWN OF MILFORD RECEIVED  
 Case Number: \_\_\_\_\_  
 Application Number: \_\_\_\_\_  
 Hearing Date: APR 01 2024  
 Decision Date: \_\_\_\_\_  
 Decision: PB ZBA Office \_\_\_\_\_

**PROPERTY INFORMATION**

Street Address: 30 SUMMER ST. 22/90-1

Tax Map / Parcel #: 002-090-001-000 Lot Size: 0.16 ACRES

22 **PROPERTY CURRENTLY USED AS**

Single Family residence

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

**PROPERTY OWNER**

Name: Robert Evon + Michaela Zwicker

Address: 30 Summer St

City/State/Zip: Milford, NH 03055

Phone: (603) 264-8935

Email: rob.evon3@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.

[Signature] 4-1-24  
 \_\_\_\_\_  
 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>13 x 5.75</u>	<u>74.75</u>
Amount received:	<u>CASH</u>
Date Received:	<u>249.75</u>
Check _____ 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 – Special Exception**  
**MILFORD ZONING BOARD OF ADJUSTMENT**

Date Received: \_\_\_\_\_  
 Case Number: \_\_\_\_\_  
 Application #: \_\_\_\_\_  
 Date Complete: \_\_\_\_\_  
 Hearing Date: \_\_\_\_\_  
 Decision Date: \_\_\_\_\_  
 Decision: \_\_\_\_\_

PROPERTY INFORMATION
Street Address: 30 SUMMER ST.
Tax Map / Parcel #: 022-090-001-000
<p><i>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.</i></p> <p><b>*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.</b></p>
<p>What section of the Zoning Ordinance are you applying under?</p> <p>Article <u>V</u> Section <u>5.03.2A.13</u></p> <p>Describe the <b>use</b> you are proposing under the above section of the Ordinance.</p> <p><u>ACCESSORY DWELLING UNIT</u></p> <p>_____</p> <p>_____</p> <p>_____</p>

**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: <b>BASEMENT ACCESSORY DWELLING UNIT</b>
<b>Explain how the proposal meets the general criteria as specified in Article X, Section 10.02.1 of the Zoning Ordinance:</b>
A. The proposed use is similar to those permitted in the district because: Residence A zoning district permits single family dwellings and their accessory uses and structures. An accessory dwelling unit is an accessory use to a single family dwelling and permitted by the zoning code.
B. The specific site is an appropriate location for the proposed use because: The proposed basement accessory dwelling unit is within the footprint of the existing home. The basement is a walkout with an existing separate entrance in the rear of the home.
C. The use as developed will not adversely affect the adjacent area because: The accessory dwelling unit will not change the appearance of the site. A new stairway and walkways will be needed, as well as a small retaining wall to accommodate a new parking space. These landscape elements will not adversely affect the neighborhood.
D. There will be no nuisance or serious hazard to vehicles or pedestrians because: The driveway is existing to remain.
E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because: The proposed work will meet all requirements called for in 10.02.6 of the zoning code. It will also meet all state and local building codes.



**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.  
n/a
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.
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.
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.
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.

*Section continued on next page.*



**ZBA Application – Special Exception**  
**MILFORD ZONING BOARD OF ADJUSTMENT**

<b>HOME BUSINESS CRITERIA 7.12.6 (Continued)</b>
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.
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.
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.
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.
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.

<b>ACCESSORY DWELLING UNITS 10.02.6</b>
1. Is the property going to be Owner Occupied? YES
2. Has a Building Permit application been made? Copy of permit application attached? NO - TO BE SUBMITTED WITH BUILDING PERMIT APPLICATION
3. Is the ADU developed in a manner which does not alter the character/appearance of the principal use as a single-family residence? YES
4. Is the ADU intended to be secondary and accessory to a principal single-family dwelling unit? YES
5. Does the ADU impair the residential character of the premises or the reasonable use, enjoyment and value of neighborhood? NO
6. Is there adequate off-street parking? How many spaces? YES, TWO SPACES FOR THE SINGLE FAMILY RESIDENCE, ONE SPACE FOR THE ADU
7. Are any additional curb cuts being proposed? NO
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. YES

*Section continued on next page.*



**ZBA Application – Special Exception**  
**MILFORD ZONING BOARD OF ADJUSTMENT**

<b>ACCESSORY DWELLING UNITS 10.02.6 (Continued)</b>
1. Is there adequate sewer/septic and water for the additional inhabitants? Please include septic/sewer approval. N/A - HOUSE IS ON MUNICIPAL TOWN WATER AND SEWER
2. Is there only one (1) ADU on the property? YES
3. Is the ADU no more than 750 square feet gross floor area? How many square feet is the ADU? YES - 640 SF
4. Does the ADU have no more than two (2) bedrooms? Please show on plans. NO - ONE BEDROOM
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. YES
6. If a connecting hall is proposed, is the hallway at least 36 inches wide? Please show on plans. YES
7. Has a Code Compliance inspection been conducted by the Building Inspector? Please include inspection report. NO - WILL BE PERFORMED AS PART OF BUILDING APPLICATION
8. Is the ADU in compliance with Section 10.02.6:A of the Milford Zoning Ordinance? How so? YES
9. If no, has a Variance from Section 10.02.6:A been granted by the ZBA?

<b>OFFICE IN THE RESIDENCE A AND B DISTRICTS 10.02.7</b>
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: _____