

# TOWN OF MILFORD

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



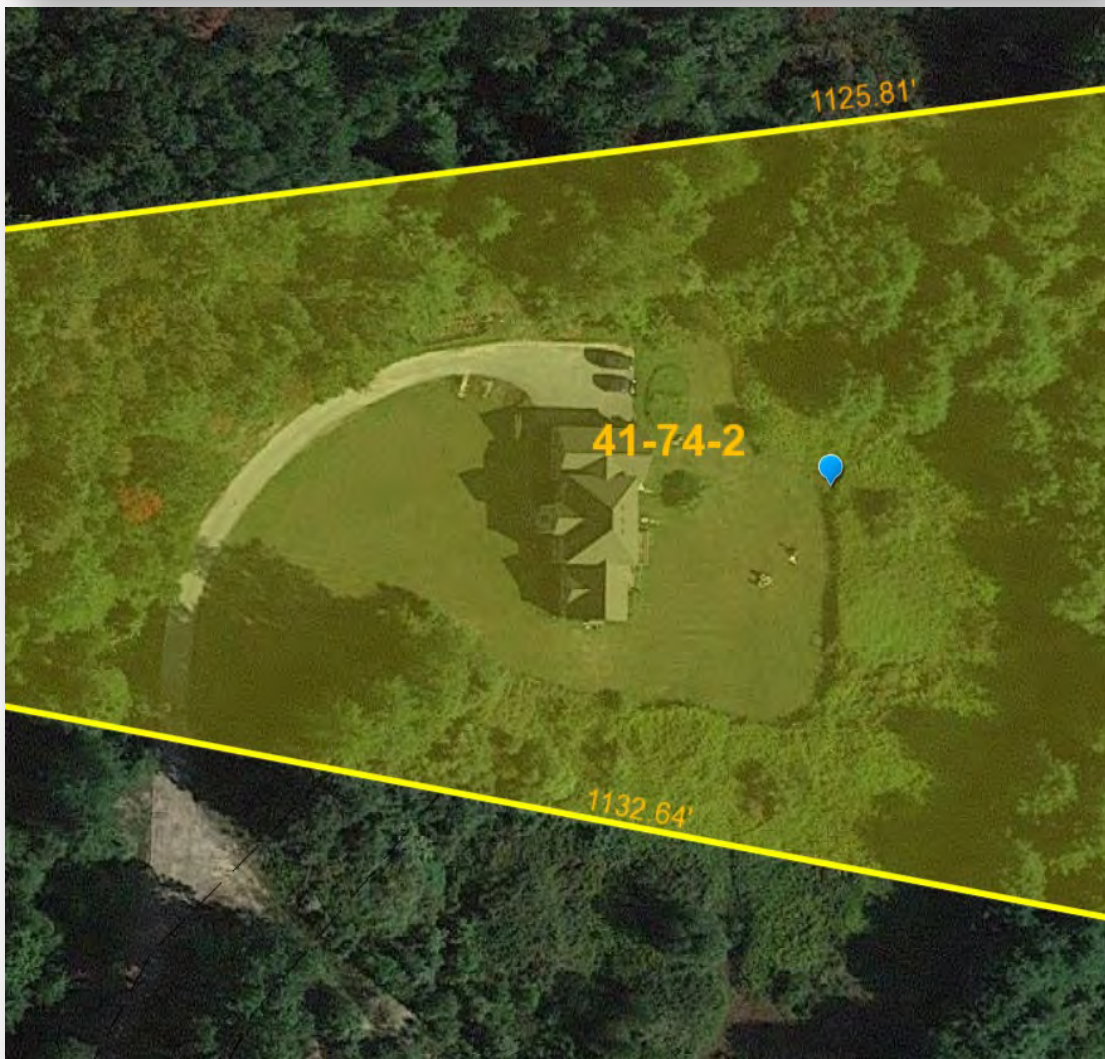
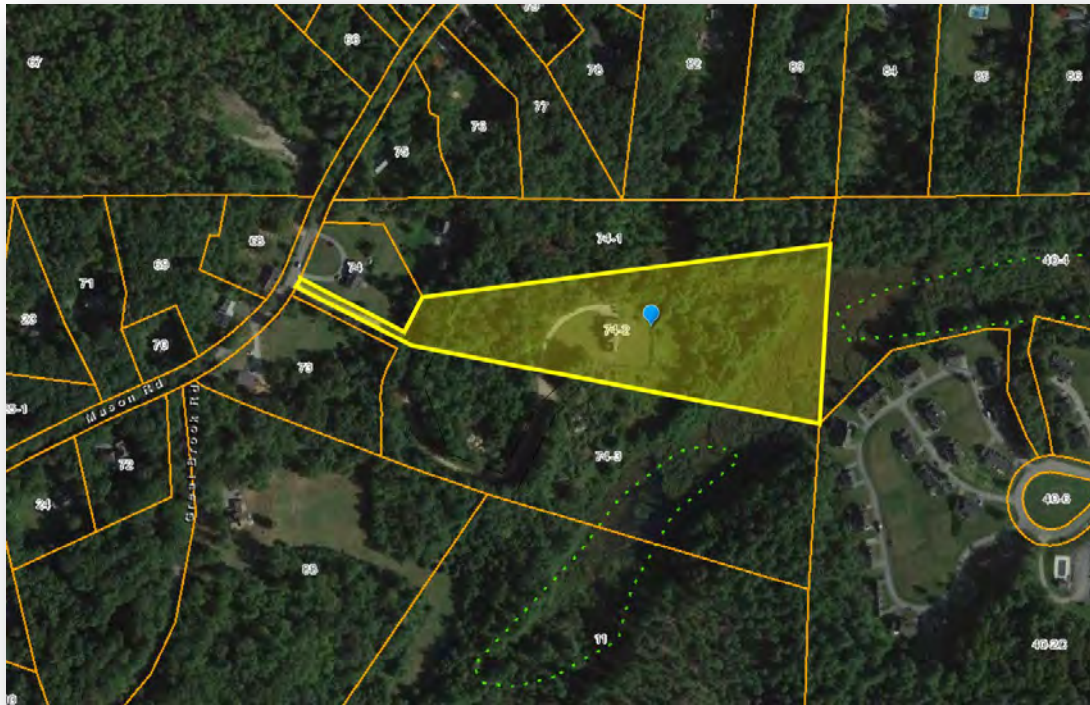
## Administrative Review

**Date:** June 10, 2019  
**To:** Steve Bonczar, Chair, Zoning Board of Adjustment  
**From:** Lincoln Daley, Community Development Director  
**Subject:** **Case #2019-10 – Todd and Stacey Ellis, Tax Map 41 Lot 74-2, 392 Mason Road.**  
Special Exception Application pursuant to Milford Zoning Ordinances, Article X, Section 10.02.6 to allow for an Accessory Dwelling Unit.

The applicant is before the Board of Adjustment seeking a Special Exception pursuant to Milford Zoning Ordinances, Article X, Section 10.02.6 to allow the construction of a 731 s.f. accessory dwelling unit located in the existing 4 bedroom residence within the Residential 'R' Zoning District. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions – The subject property consists of a 2 story, 4 bedroom, single-family residence situated on approximately 8 acres. The property is accessed via an existing 25' access/driveway easement and is serviced by private water and septic.
2. The square footage of the ADU falls under the 750 square foot maximum area limitation and would be approximately 731 square feet. The ADU would be located in the basement portion of the existing single-family residence will have a common interior access with the primary residence.
3. The current single-family residence meets all dimensional zoning requirements and the footprint will not be increased as a result of the application.
4. An interior layout of the single-family residence and ADU has been provided. There will be minimum exterior changes to the residence. Access to the ADU will be from the side of the detached structure and through an interior stairwell.
5. The primary residence will be occupied by the owner of the property.

# Aerial Photographs of Subject Property





# ZBA Application

## MILFORD ZONING BOARD OF ADJUSTMENT

### GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

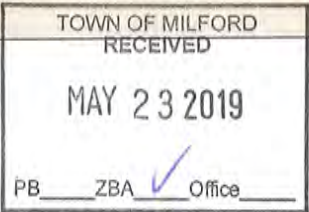
Date Received: 5/23/19  
 Case Number: 2019-10  
 Date Complete: \_\_\_\_\_  
 Hearing Date: 6/20/19  
 Decision Date: \_\_\_\_\_  
 Decision: \_\_\_\_\_

#### PROPERTY INFORMATION

Street Address: 392 MASON RD  
 Tax Map / Parcel #: 041-074-002-000 Lot Size: 8.05 Acres

#### PROPERTY CURRENTLY USED AS

Residential  
10.2.6 ADU



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

#### PROPERTY OWNER

Name: Stacey & Todd Ellis  
 Address: 392 Mason Rd  
 City/State/Zip: Milford, NH 03055  
 Phone: (603) 689 3991  
 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: \_\_\_\_\_  
 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] \_\_\_\_\_  
 Property Owner's signature Date: 5/22/19

#### 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 <u>11</u>	<u>44</u>
Amount received:	<u>119.00</u>
Date Received:	
Check <input checked="" type="checkbox"/> 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**

Date Received: 5/23/19  
 Case Number: 2019-10  
 Application #: 20190758  
 Date Complete: \_\_\_\_\_  
 Hearing Date: 6/20/19  
 Decision Date: \_\_\_\_\_  
 Decision: \_\_\_\_\_

**PROPERTY INFORMATION**

Street Address: 392 MASON RD

Tax Map / Parcel #: 041-074-002-000

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.

living space for in-law:

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

- Home Occupation
- Self-Storage Facilities
- Accessory Dwelling Unit
- Office in Res-A & B
- Wetland Buffer Impact
- Change/Expansion of Non-conforming Use/Structure
- Side/Rear yard setback reduction
- Other

**General Criteria Section 10.02.1**

Describe the project you are requesting a Special Exception for:  
Finishing part of an current basement to be used as an in-law or Accessory dwelling unit. Bedroom, Bathroom, living room & kitchen.

**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:  
Standard in-law set up within 750 Square feet

B. The specific site is an appropriate location for the proposed use because:  
Within the current home, will be in the basement

C. The use as developed will not adversely affect the adjacent area because:  
It is in the basement to changes to the outside

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:  
No additional space is being built outside the current home.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:  
Approved septic plan (#eCA2019052121) and adequate well to service S-F residence and ADU.



# ZBA Application – Special Exception

## MILFORD ZONING BOARD OF ADJUSTMENT

<b>Explain how the proposal meets the specific criteria of the Zoning Ordinance for each section::</b>
<b>HOME OCCUPATION CRITERIA 10.02.3</b>
1. The person conducting the home occupation shall reside in the dwelling unit, and there shall be no more than one (1) non-resident person employed in connection with such occupation.
2. There shall be no evidence outside the dwelling, except permitted signs and required off-street parking, that the dwelling contains a home occupation.
3. The home occupation shall not exceed 25% of the combined gross floor area of the existing home and any accessory structures, or 1,000 SF, whichever is less.
4. Accessory finished goods may be provided for sale in conjunction with the home occupation, sold and stored in allowed home occupation space only.
5. The home occupation and the conduct thereof shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood.
<b>SELF-STORAGE FACILITIES 10.02.4</b>
1. Is the Self-storage facility located in one of the following areas? Frontage on Rte. 13 North, Rte. 13 South, and/or the following lots of land on North River Road: Map 8, Lots 11, 11-1, 19, 48, 49, 50, 51, 53 and 53-5
2. Is a 15 foot perimeter landscaped buffer along all sides of the property being proposed?
3. Does the buffer proposed meet 10.02.4.2/3 of the Milford Zoning Ordinance?
4. Is there any outside storage being proposed?
5. Are all building set back at least 50 feet from the front lot line?
6. Has a Site Plan Application been submitted to the Milford Planning Board? Yes No Date:



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

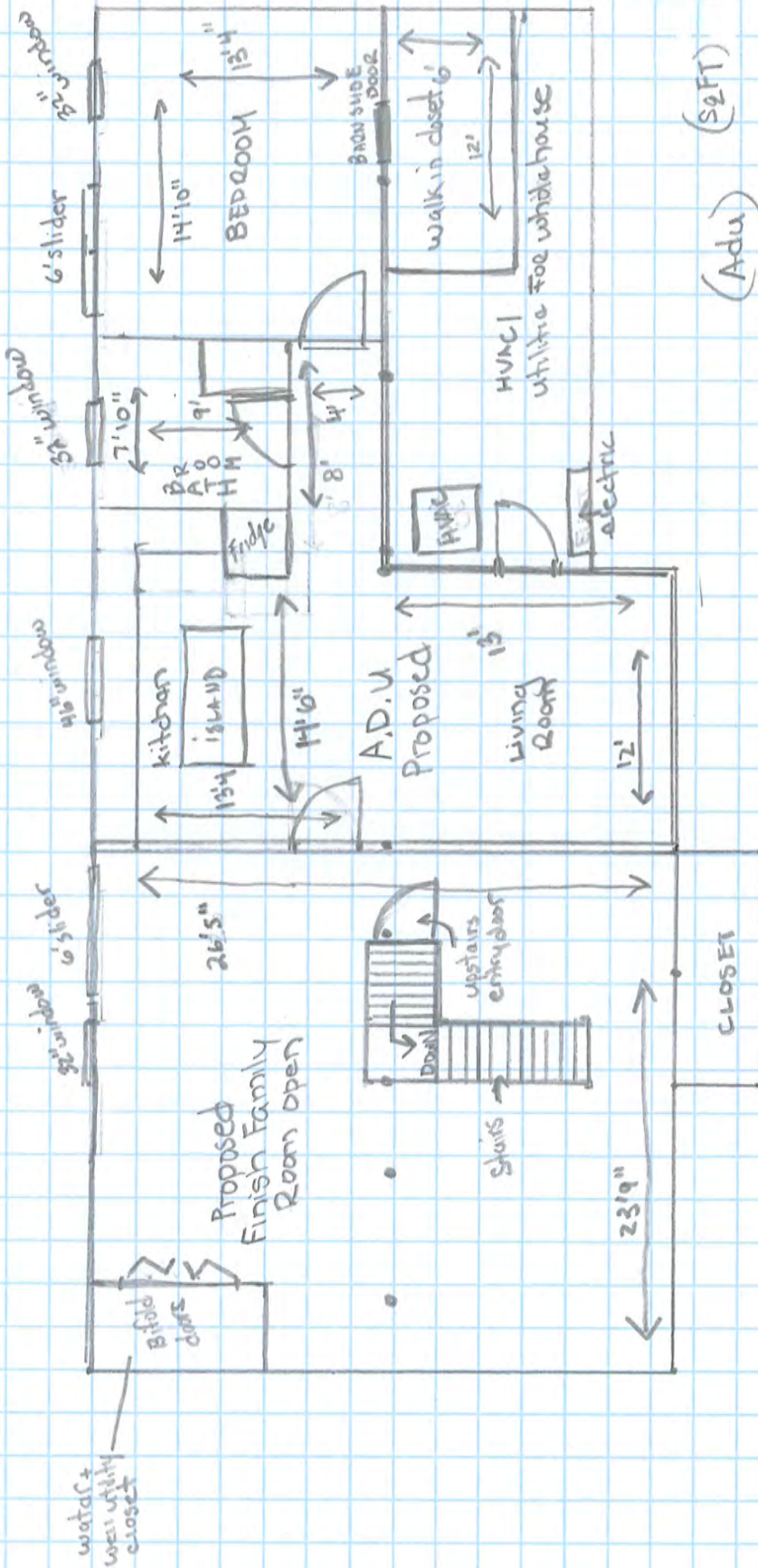
ACCESSORY DWELLING UNITS 10.02.6	
1. Is the property going to be Owner Occupied?	Yes
2. Has a Building Permit application been made? Copy of permit application attached?	Yes
3. Is the ADU developed in a manner which does not alter the character/appearance of the principal use as a single-family residence?	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 5+
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
* 9. Is there adequate sewer/septic and water for the additional inhabitants? Please include septic/sewer approval.	Yes
10. Is there only one (1) ADU on the property?	Yes
11. Is the ADU no more than 750 square feet? How many square feet is the ADU?	Yes
12. Does the ADU have no more than two (2) bedrooms? Please show on plans.	Yes only one bedroom.
13. 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
14. If a connecting hall is proposed, is the hallway at least 36 inches wide? Please show on plans.	No hallway is proposed.
<i>For Existing Unpermitted ADUs</i>	
15. Has a Code Compliance inspection been conducted by the Building Inspector? Please include inspection report.	
16. Is the ADU in compliance with Section 10.02.6:A of the Milford Zoning Ordinance? How so?	
17. If no, has a Variance from Section 10.02.6:A been granted by the ZBA?	



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

<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:
<b>WETLAND AND WETLAND BUFFER IMPACT 6.02.6</b>
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:

BACK



(Adu) (SqFT)

- BATH - 7a
- BEDROOM - 202.5
- Living Room - 136
- Kitchen - 195.75
- HALLWAY - 32
- WIC. - 7a

TOTAL 730.25

Block = 2A

Front

(Non ADU side)  
 Finish basement side  
 Sqft 636

392 Mason rd  
 Milford NH 03055

Ellis

TOWN OF MILFORD  
 RECEIVED  
 MAY 22 2019  
 PB ZBA Office





The State of New Hampshire  
Department of Environmental Services



Robert R. Scott, Commissioner

## APPROVAL FOR CONSTRUCTION OF INDIVIDUAL SEWAGE DISPOSAL SYSTEM (ISDS)

AS AUTHORIZED BY THE NH DEPARTMENT OF ENVIRONMENTAL SERVICES, WATER DIVISION PURSUANT TO RSA 485-A, WATER POLLUTION AND WASTE DISPOSAL AND ENV-WQ 1000, SUBDIVISION AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM DESIGN RULES.

**APPLICATION APPROVAL DATE:** 5/21/2019

**APPROVAL NUMBER:** eCA2019052121

**I. PROPERTY INFORMATION**

**Address:** 392 MASON ROAD  
MILFORD NH 03055  
**Subdivision Approval No.:** 5 PLUS ACRES  
**Subdivision Name:**  
**County:** HILLSBOROUGH  
**Tax Map/Lot No.:** 41/74-2

**II. OWNER INFORMATION**

**Name:** TODD AND STACY ELLIS  
**Address:** 392 MASON ROAD  
MILFORD NH 03055

**III. APPLICANT INFORMATION**

**Name:** THOMAS E CARR  
**Address:** 287 OLD FRANCESTOWN RD  
WEARE NH 03281

**IV. DESIGNER INFORMATION**

**Name:** THOMAS E CARR  
**Address:** 287 OLD FRANCESTOWN RD  
WEARE NH 03281  
**Permit No.:** 00931

**V. SPECIFIC TERMS AND CONDITIONS:** Applicable to this Approval for Construction

**A. TYPE OF SYSTEM:** ENVIROSEPTIC

**B. NO. OF BEDROOMS:** 4

**C. APPROVED FLOW:** 825 GPD

**D. OTHER CONDITIONS AND WAIVERS:**

1. This approval is valid for 4 years from date of approval, per Env-Wq 1004.13.
2. Approved for a 4 bedroom house @ 600 GPD with a studio apartment @ 225 GPD. Total flow equals 825 GPD.
3. The following waivers have been approved:
  - A. Rule: Env-Wq 1010 Section: 06 Septic Tank Design Requirements



**Travis Guest**  
Subsurface Systems Bureau

