

TOWN OF MILFORD

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



Administrative Review

Date: April 20, 2020
To: Jason Plourde, Chair, Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2020-07 – Joshua and Johanna Boyd, 119 McGettigan Road, Milford Tax Map 10, Lot 78.** 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 is seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article X, Section 10.2.6 to allow the construction of 750 sq.ft. accessory dwelling on the second floor of a proposed 2,550 square foot, two-story addition/attached garage to the existing single-family house in the Residential 'R' district. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
 - a. The subject property consists of a 2 story, 3 bedroom, single-family residence situated on approximately 2.54 acres (110,642 s.f.).
 - b. The property contains approximately 200 linear feet of frontage on McGettigan Road and is serviced by a private well and septic system.
 - c. The property is primarily wooded and is surrounded by similar, single-family residences.
2. An accessory dwelling unit is permitted in the Residence 'R' District by Special Exception. The Board shall review the application based on meeting all requirement pursuant to Section 10.02.6.
3. The proposed square footage of the ADU falls is 750 square foot which represents the maximum permitted under the Zoning Ordinance. The ADU would be located on the second floor of the attached garage. The ADU will have a common interior access with the primary residence.
4. The current single-family residence meets all dimensional zoning requirements.
5. A building elevation and interior layout of the single-family residence has been provided. The proposed addition will be of similar architectural design to the existing home and will be consistent with the character of the neighborhood.
6. The 3 car garage and driveway for the property will be designed for more than 4 vehicles.
7. The primary residence will be occupied by the owner of the property.
8. The applicant submitted an updated septic plan to the NHDES and received approval for a 4 bedroom home.

Respectfully submitted.

Lincoln Daley

Aerial Photographs of Subject Property:





ZBA Application

MILFORD ZONING BOARD OF ADJUSTMENT MAR 06 2020

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

TOWN OF MILFORD RECEIVED

PB ZBA Office

Date Received: 3-6-2020

Case Number: 2020-07

Date Complete: _____

Hearing Date: 4-2-2020

Decision Date: _____

Decision: 2020 0555

PROPERTY INFORMATION

Street Address: 19 Mcgettigan Rd

Tax Map / Parcel #: 10/18 Lot Size: _____

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: JOSHUA + JOHANNA BOYD

Address: 119 Mcgettigan Rd

City/State/Zip: MILFORD NH 03055

Phone: () _____

Email: JoshBoyd5@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: MARK CASSIDY

Address: 380 STODDARD RD

City/State/Zip: HANCOCK NH 03449

Email: MCExtremeConst@gmail.com

Phone: () _____ Cell: (603) 801 3244

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] 3/3/2020

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

Application Fee:	\$75.00
Abutters Fee: \$4 x <u>8</u>	28.00 <u>32.00</u>
Amount received:	<u>107.00</u>
Date Received:	
Check <input checked="" type="checkbox"/> Cash <u>CC# 942</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 \$75 for the application, plus \$4 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.



ZBA Application - Special Exception

MILFORD ZONING BOARD OF ADJUSTMENT

TOWN OF MILFORD
RECEIVED
MAR 06 2020
PB ZBA Office

Received: 3-6-2020
Case Number: 2020-07
Application #: 2020 0595
Date Complete: _____
Hearing Date: 4-2-2020
Decision Date: _____
Decision: _____

PROPERTY INFORMATION

Street Address: 119 McGETTIGAN Rd

Tax Map / Parcel #: 10 LOT # 78 10/78

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 ~~X~~ Section 10.2.6

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

Proposed ADU ABOVE GARAGE
3 CAR GARAGE w/ ATTACHED BREEZWAY

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:
future ADU ABOVE GARAGE 3/4 BATH 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:
the single family home will be

B. The specific site is an appropriate location for the proposed use because:
IT IS ATTACHED TO THE EXISTING HOUSE ABOVE GARAGE WITH AMPLE PARKING

C. The use as developed will not adversely affect the adjacent area because:
IT IS COMPATIBLE WITH THE EXISTING STYLE OF THE NEIGHBORHOOD

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:
THE STRUCTURE IS WELL SET BACK FROM THE ROAD

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:
THE PROPERTY HAS A NEW UPDATED SEPTIC PLAN FOR A FOUR BEDROOM RESIDENCE



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
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.	?
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?	- 750 sq ft
12. Does the ADU have no more than two (2) bedrooms? Please show on plans.	① 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.	N/A
<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?	

BOYD, JOSHUA R & JOHANNA
119 MCGETTIGAN RD
MILFORD, NH 03055

DUVAL, ROGER & JENNIFER
127 MCGETTIGAN RD
MILFORD, NH 03055-3103

FORTE, JOHN F & DEBORAH L
397 SAVAGE RD
MILFORD, NH 03055-3130

LEGERE, MARK W & KRISTI N
106 MCGETTIGAN RD
MILFORD, NH 03055

LEGERE, MARK W & KRISTI N
106 MCGETTIGAN RD
MILFORD, NH 03055

RACICOT, MATTHEW A & NATO
97 MCGETTIGAN RD
MILFORD, NH 03055

REID, SANDRA
7 PENNY LOAFER LN
WILTON, NH 03086

SIREEN, CHRISTOPHER JOHN
SIREEN, DENNIS JOHN
107 MCGETTIGAN RD
MILFORD, NH 03055-3103

Town of Milford NH
1 Union Sq.
Milford, NH

