TOWN OF MILFORD

Office of Community Development

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

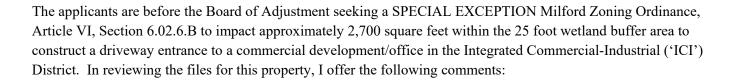
Administrative Review

Date: August 14, 2020

To: Jason Plourde, Chair, Zoning Board of Adjustment From: Lincoln Daley, Community Development Director

Subject: Case #2020-18: MVC Eye Care / Kevin Chauvette for the property located at Milford Tax 44,

Lot 11-1 – Special Exception Application (Continued from August 6, 2020)

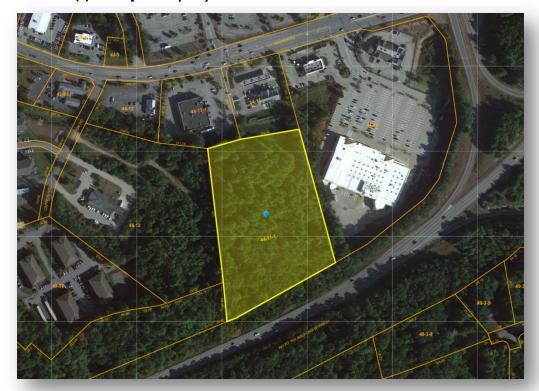


1. Existing Conditions:

- a. The subject property is approximately 6.85 acres and is undeveloped.
- b. No current utilities on the subject property. Property would be serviced by municipal water and sewer.
- c. The property contains no linear frontage on a Class V roadway or better. Access to the property would be through an existing access/egress easement along Map 13 Lot 1, 571 Nashua Street.
- d. The subject property lies within the Integrated Commercial-Industrial Zone ('ICI') requiring a minimum area of 20,000 square feet and 150 linear feet of frontage. A variance has been filed concurrently with this application.
- 2. The proposal calls for extending the 25' wide driveway/roadway from Nashua Street/NH Route 101A servicing Walgreens Pharmacy and Cumberland Farms into the subject property. Said extension would impact approximately 8,200 square feet of delineated wetland area and 2,700 square feet of wetland buffer area. The driveway/roadway would provide access to a proposed 5,654 sq. ft. building and 40 space commercial development.
- 3. The proposed work within the wetland buffer area is not listed as an accepted use under Section 6.02.5. Pursuant to Section 6.02.6.B, a Special Exception from the Board of Adjustment is required for any project not listed in 6.02.5.
- 4. The applicant is in the process of submitting a wetlands crossing permit to the NH Department of Environmental Services for the 8,200 square feet of wetland disturbance.
- 5. The applicant appeared before the Planning Board to conduct a conceptual review of the proposed commercial development. Staff is awaiting comments and input from the Conservation Commission.



Aerial Photo(s) of Subject Property:



Tax Map of Subject Property:



Town Hall – 1 Union Square – Milford, NH 03055-4240 – (603) 249-0620 – FAX (603) 673-2273 website: www.milford.nh.gov



TOWN OF MILFORD RECEIVED

JUN 22 2020

ZBA Application

MILFORD ZONING BOARD OF ADJUSTMENT ZBA

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

Tax Map / Parcel #:44-11-1 Lot Size: 6.85 Acres PROPERTY CURRENTLY USED AS Undeveloped If the application involves multiple lots with different owners, attach additional copies of this page. PROPERTY OWNER Name: ASRT, LLC Address: 111 Bow Street City/State/Zip: Portsmouth, NH 03801 Phone: 133	Notice and the property of the property of the second seco	YINFORMATION
PROPERTY CURRENTLY USED AS Jif the application involves multiple lots with different owners, attach additional copies of this page. PROPERTY OWNER Name: ASRT, LLC Address: 111 Bow Street City/State/Zip: Portsmouth, NH 03801 Phone: 63 234-340 Email: July Company Company 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 owner, but might be a tenant, someone who plans to purchase the property owner, out and leave the rest of this section blank. APPLICANT/REPRESENTATIVE SAME AS OWNER MVC Eye Care Name: Kevin Chauvette, Address: 2075 South Willow Street City/State/Zip: Manchester, NH 03103 Email: kchauvette@outlook.com Phone: () 603 644-6100 Cell: () The undersigned property owner(s) hereby authorize(s) the filing of this application and agree to comply with all ode requirements applicable to this application.	Street Address: 0 Nashua Street	
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Application Number ;	
Hearing Date: 7 16-2	000
Decision Date:	NAMES AND ASSESSMENT OF THE PARTY OF THE PAR
Decision:	Segge Stransford Stran
Zoning District (check one):	
☐ Residence A	etti ilka gyetin orene eren sallah sahiili da risk resensisi
Residence B Resid	ience R
☐ Commercial	
☐ Limited Commercial	
☐ Industrial	4
Integrated Commercial-line integrated Commercial-line	
Overlay District (check any i	that apply):
☐ West Elm Street Overlay	
Nashua/Elm Street Over	lay
Commerce & Communit	y Overlay
Open Space & Conservation	tion
☐ Wetlands Conservation	
☐ Groundwater Protection	ı
a groundwater Protection	
	:
☐ Floodplain Management	
☐ Floodplain Management	And the state of t
	\$75.00

Abutters Fee: \$4 x 2

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.



	Date Complete:
PROPERTY INFORMATION	Hearing Date:
Street Address: Nashua Street	Decision Date:
Tax Map / Parcel #: 44-11-1	Decision:
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.	Application for (check all that apply):
What section of the Zoning Ordinance are you applying under?	Home Occupation
Article 6.02.6 Section	Self-Storage Facilities
	Accessory Dwelling Unit
Describe the <u>use</u> you are proposing under the above section of the Ordinance. Proposed 5,564 SF Professional Office / Retail Building - MVC Eye Care	Office in Res-A & B
Special Exception is requested for Wetland/Wetland Buffer Impact 6.02.6	✓ Wetland Buffer Impact Change/Expansion of Non-
to gain access to lot.	conforming Use/Structure
to gain access to lot.	Side/Rear yard setback
	reductionOther
General Criteria Section 10.02.1	
Describe the project you are requesting a Special Exception for: Special exception is requested to gain access to parking for new office	e/commercial use.
Explain how the proposal meets the general criteria as specified in Article X, Secti	on 10.02.1 of the Zoning Ordinance:
A. The proposed use is similar to those permitted in the district because:	
Use is permitted	
B. The specific site is an appropriate location for the proposed use because:	
Use is permitted - Zoned Integrated Commercial Industrial	
C. The use as developed will not adversely affect the adjacent area because:	
Abutting sites are retail or commercial office	
D. There will be no nuisance or serious hazard to vehicles or pedestrians because:	
Access will be at the existing traffic light on Nashua Street.	
E. Adequate appropriate facilities will be provided for the proper operation of the pr	oposed use because:
Building has been designed for specific use.	

Date Received:

Case Number:_

Application #:_



Explain how the proposal meets the specific criteria of the Zoning Ordinance for each section::

HON	HOME OCCUPATION CRITERIA 10.02.3		
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.		
SELF-STORAGE FACILITIES 10.02.4			
	Is the Self-storage facility located in one of the following areas? ntage 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, 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:		



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. 9. Is there adequate sewer/septic and water for the additional inhabitants? Please include septic/sewer approval. 10. Is there only one (1) ADU on the property? 11. Is the ADU no more than 750 square feet? How many square feet is the ADU?

- wide? Please show on plans.

12. Does the ADU have no more than two (2) bedrooms? Please show on plans.

For Existing Unpermitted ADUs

15. Has a Code Compliance inspection been conducted by the Building Inspector? Please include inspection report.

13. If inside the existing dwelling, is there at least one common wall with a door between the two spaces at least 32 inches

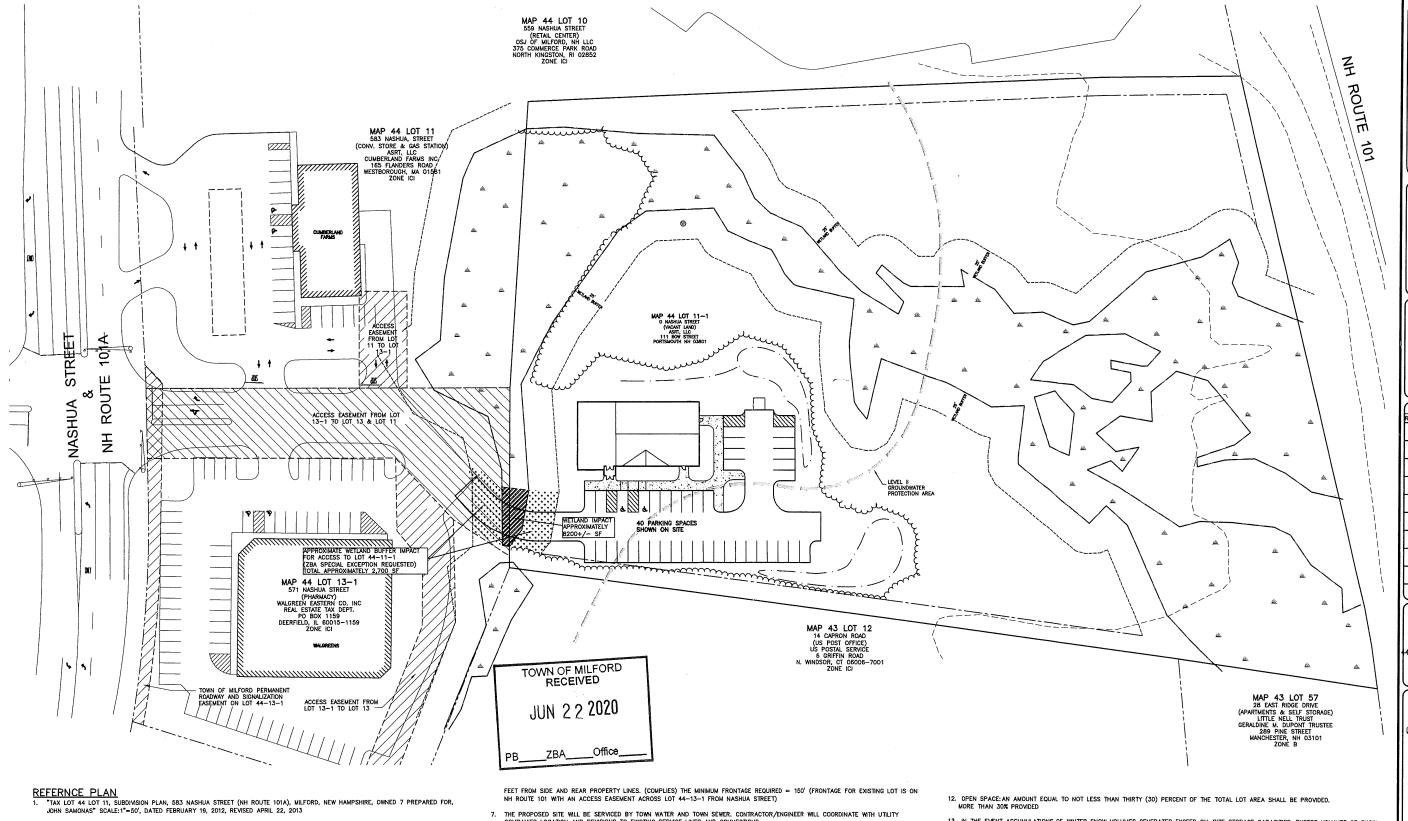
16. Is the ADU incompliance with Section 10.02.6:A of the Milford Zoning Ordinance? How so?

14. If a connecting hall is proposed, is the hallway at least 36 inches wide? Please show on plans.

17. If no, has a Variance from Section 10.02.6:A been granted by the ZBA?



OFF	ICE 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. Yes	Has the applicant made a site plan application to the Planning Board (hearing subsequent to Zoning Board approval)? S No Date of hearing:
WE	TLAND AND WETLAND BUFFER IMPACT 6.02.6
	Has the need for the project been addressed? Please explain. leveloped lot created by subdivision May 2013. Only access into site is by access easement from Nashua Street.
2. Yes	Is the plan proposed the least impactful to the wetlands, surface waters and/or associated buffers? Please explain. Entrance drive has been shifted as far west to reduce impact to wetland/wetland buffer.
3. Fun	Has the impact on plants, fish and wildlife been addressed? Please explain. ction and Values Report will be completed by Wetlands Scientist
4. Fun	Has the impact on the quality and quantity of surface and ground waters been addressed? Please explain. ction and Values Report will be completed by Wetlands Scientist
	Has the potential for increased flooding, erosion and sedimentation been addressed? Please explain. inage areas to be designed as part of final permitting. Areas reserved for drainage are shown non conceptual plan.
6.	Has the cumulative impact if all parties owning or abutting the affected wetland were allowed to alter or impact the
Fun	wetland or buffer area in the same way? Please explain. ction and Values Report will be completed by Wetlands Scientist
7. Fun	Has the impact of the values and function of the overall wetland and wetland complex been addressed? Please explain. ction and Values Report will be completed by Wetlands Scientist
8.	Has a comment from the Milford Conservation Commission been solicited? Yes V Date of Conservation Commission Meeting attended: TBD



GENERAL NOTES:

OWNER OF RECORD: MAP 44 LOT 11-1 ASRT, LLC 111 BOW STREET BOOK 8769 PAGE 0003

- 2. THIS PLAN IS FOR CONCEPTUAL PURPOSES ONLY. BASE INFORMATION WAS TAKEN ENTIRELY FROM REFERENCE PLANS BY OTHERS AND THE TOWN OF MILFORD GIS. THIS PLAN IS NOT THE RESULT OF AN ACTUAL FIELD SURVEY.
- 3. PROPOSED IS A 5,654 SF PROFESSIONAL OFFICE WITH SUPPORTING INFRASTRUCTURE FOR MVC EYE CARE.
- 4. THE SUBJECT PARCEL 44-11-1 IS ZONED ICI INTEGRATED COMMERCIAL-INDUSTRIAL
- 5. A PORTION OF LOT 44-11-1 LIES WITHIN THE LEVEL II PROTECTION AREA AS SHOWN ON THIS PLAN. REFER TO MAP ENTITLED "GROUNDWATER PROTECTION DISTRICT MILFORD, NH", DATED OCTOBER 24, 2002 OR AS AMENDED.
- 6. YARD REQUIREMENTS: EACH STRUCTURE SHALL BE SET BACK AT LEAST THIRTY (30) FEET FROM THE FRONT LOT LINE AND FIFTEEN (15)

- THE PROPOSED SITE WILL BE SERVICED BY TOWN WATER AND TOWN SEWER. CONTRACTOR/ENGINEER WILL COORDINATE WITH UTILITY COMPANIES LOCATION AND REVISIONS TO EXISTING SERVICE LINES AND CONNECTIONS.
- 8. ALL WORK TO BE DONE IN CONFORMANCE WITH THE TOWN OF MILFORD REGULATIONS. ALL STRUCTURES, AND DRAINAGE TO MEET TOWN OF MILFORD SPECIFICATIONS.
- 9. THE MAXIMUM HEIGHT OF THE PROPOSED BUILDING OR STRUCTURE IN THE INTEGRATED COMMERCIAL-INDUSTRIAL DISTRICT SHALL BE FORTY (40) FEET. (COMPLIES)
- 10. ALL OUTDOOR LIGHTING SHALL BE DOWNCAST AND SO DIRECTED AND SHIELDED THAT NO GLARE WILL SPILL OUT ONTO NEIGHBORING PROPERTIES OR ROADS.

11. PARKING CALCULATIONS:
ALL OFF-STREET PARKING AND LOADING OR UNLOADING SPACES SHALL BE AT LEAST TEN FEET (10) FROM ANY PUBLIC STREET
RIGHT-OF-WAY AND SHALL BE SEPARATED FROM SUCH RIGHT-OF-WAY BY A GRANITE CURB AND LANDSCAPING AS REQUIRED IN 6.08
LANDSCAPING STANDARDS.

4 PER PRACTITIONER - 2 TOTAL FUTURE PRACTITIONERS X 4 = 8 SPACES REQUIRED PLUS ONE PER EVERY 2 EMPLOYEES - 10 EMPLOYEES / 2 = 5 SPACES REQUIRED RETAIL SPACE=APPROX. 750 SF = 0 1000 SF = 3 SPACES REQUIRED MINIMUM REQUIRED SPACES = 16

PROPOSED ON SITE = 40 (ADDITIONAL PARKING SHOWN TO ALLOW FOR SHIFT CHANGE & ADDITIONAL EMPLOYEES)

- 13. IN THE EVENT ACCUMULATIONS OF WINTER SNOW VOLUMES GENERATED EXCEED ON-SITE STORAGE CAPACITIES, EXCESS VOLUMES OF SNOW SHALL BE REMOVED FROM THE SITE BY THE PROPERTY OWNER AND DISPOSED OF AT A LEGAL DUMPING SITE.
- 14. ALL GRASS AND LANDSCAPED AREA MAINTENANCE SHALL BE PERFORMED WITH JUDICIOUS USE OF ORGANIC PESTICIDES, HERBICIDES AND FERTILIZERS, ALL OF WHICH SHALL BE APPLIED BY A LICENSED APPLICATOR.
- 15. LOT 44-11-1 DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN PER FLOOD INSURANCE RATE MAP NUMBER 33011C0458D WITH AN EFFECTIVE DATE OF SEPTEMBER 25, 2009.
- 16. ALL WATER, SEWER, ROAD (INCLUDING PARKING LOT) AND DRAINAGE WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TOWN OF
- MILFORD'S WATER UTILITIES DEPARTMENT AND PUBLIC WORKS DEPARTMENT STANDARDS.
- 17. PROPERTY OWNER IS RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF THE ON-SITE CONVEYANCE SWALES, AND, RAIN-GARDENS.
- 18. THE PROJECT IS SUBJECT TO POLICE IMPACT FEES.
- 19. A SPECIAL EXCEPTION IS REQUIRED FOR IMPACT OF THE 25' WETLAND BUFFER TO ACCESS THE SITE FROM AN EXISTING ACCESS EASEMENT THROUGH LOT 44-13-1. APPLICATION HAS BEEN MADE TO TOWN OF MILFORD ZONING BOARD OF ADJUSTMENT.
- 20. A PERMIT WILL BE REQUIRED FROM THE STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES WETLANDS BUREAU TO CONSTRUCT THE ACCESS DRIVE AS SHOWN ON PLAN. THE STATE PROCESS REQUIRES A REVIEW BY THE MILFORD CONSERVATION COMMISSION.



The Dubay Group, Inc.

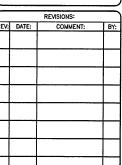
136 Harvey Rd. Bidg B101 Londonderry, NH 03053 603-458-6462

Planners

Surveyors TheDubayGroup.com







DRAWN BY: DR CHECKED BY: DM DATE: JUNE 17, 2020 SCALE: 1"=40" HRH-Bonceptual Plan June 22 2020 DEED REF: —



MAP 44 LOT 11-1 NASHUA STREET MILFORD, NH

MVC Eye Care

2075 SOUTH WILLOW STREET MANCHESTER, NH 03103

OVERVIEW PLAN

PROJECT #444 SHEET 1 of 2