

TOWN OF MILFORD

Office of Community Development

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



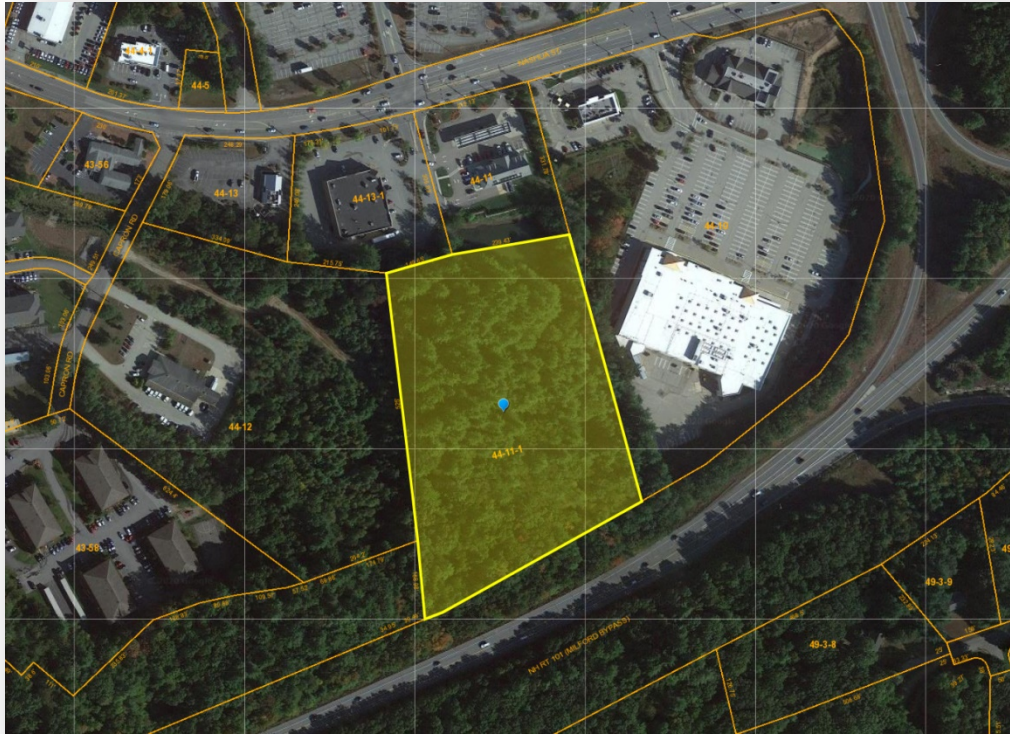
Administrative Review

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*)

The applicants are before the Board of Adjustment seeking a SPECIAL EXCEPTION Milford Zoning Ordinance, Article VI, Section 6.02.6.B to impact approximately 2,700 square feet within the 25 foot wetland buffer area to construct a driveway entrance to a commercial development/office in the Integrated Commercial-Industrial ('ICI') District. In reviewing the files for this property, I offer the following comments:

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:





ZBA Application

MILFORD ZONING BOARD OF ADJUSTMENT
PB _____ ZBA _____ Office _____

TOWN OF MILFORD
RECEIVED
JUN 22 2020

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

Date Received: 6-22-2020
Case Number: 2020-18
Application Number: _____
Hearing Date: 7-16-2020
Decision Date: _____
Decision: _____

PROPERTY INFORMATION	
Street Address: 0 Nashua Street	
Tax Map / Parcel #: 44-11-1	Lot Size: 6.85 Acres
PROPERTY CURRENTLY USED AS	
Undeveloped	
<i>If the application involves multiple lots with different owners, attach additional copies of this page.</i>	
PROPERTY OWNER	
Name: ASRT, LLC	
Address: 111 Bow Street	
City/State/Zip: Portsmouth, NH 03801	
Phone: <u>603 234-3400</u>	
Email: <u>John@SamonasGroup.com</u>	
<i>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.</i>	
APPLICANT/REPRESENTATIVE	
<input type="checkbox"/> 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 code requirements applicable to this application.	
	6/21/20
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 12 = \$48.00

Amount received: \$123.00

Date Received: _____

Check _____ Cash _____

check # 11781

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: Nashua Street
Tax Map / Parcel #: 44-11-1
<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>*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.</p>
<p>What section of the Zoning Ordinance are you applying under?</p> <p>Article <u>6.02.6</u> Section _____</p> <p>Describe the use you are proposing under the above section of the Ordinance. Proposed 5,564 SF Professional Office / Retail Building - MVC Eye Care</p> <p>Special Exception is requested for Wetland/Wetland Buffer Impact 6.02.6 to gain access to lot.</p>

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:
 Special exception is requested to gain access to parking for new office/commercial use.

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:
 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 proposed use because:
 Building has been designed for specific use.



ZBA Application - Special Exception
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Explain how the proposal meets the specific criteria of the Zoning Ordinance for each section::

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

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?
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?
12. Does the ADU have no more than two (2) bedrooms? Please show on plans.
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.
14. If a connecting hall is proposed, is the hallway at least 36 inches wide? Please show on plans.
<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

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 <input type="checkbox"/> No <input type="checkbox"/> Date of hearing:
WETLAND AND WETLAND BUFFER IMPACT 6.02.6
1. Has the need for the project been addressed? Please explain. Undeveloped lot created by subdivision May 2013. Only access into site is by access easement from Nashua Street.
2. Is the plan proposed the least impactful to the wetlands, surface waters and/or associated buffers? Please explain. Yes. Entrance drive has been shifted as far west to reduce impact to wetland/wetland buffer.
3. Has the impact on plants, fish and wildlife been addressed? Please explain. Function and Values Report will be completed by Wetlands Scientist
4. Has the impact on the quality and quantity of surface and ground waters been addressed? Please explain. Function and Values Report will be completed by Wetlands Scientist
5. Has the potential for increased flooding, erosion and sedimentation been addressed? Please explain. Drainage 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 wetland or buffer area in the same way? Please explain. Function and Values Report will be completed by Wetlands Scientist
7. Has the impact of the values and function of the overall wetland and wetland complex been addressed? Please explain. Function and Values Report will be completed by Wetlands Scientist
8. Has a comment from the Milford Conservation Commission been solicited? Yes <input type="checkbox"/> No <input type="checkbox"/> Date of Conservation Commission Meeting attended: TBD

