

TOWN OF MILFORD

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



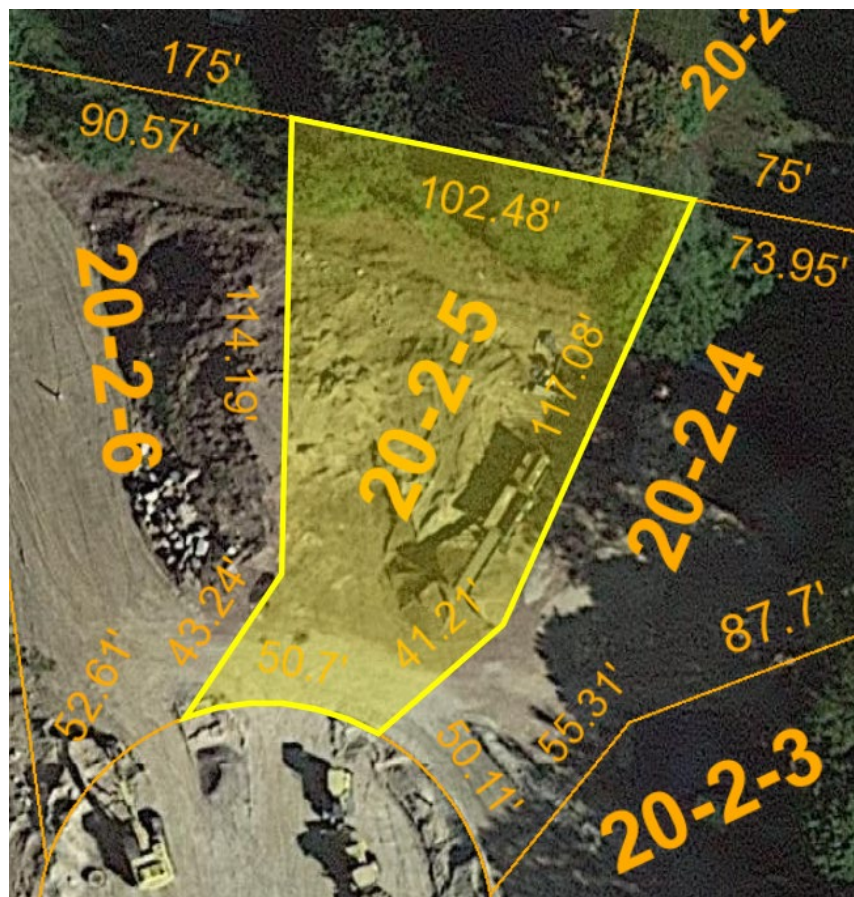
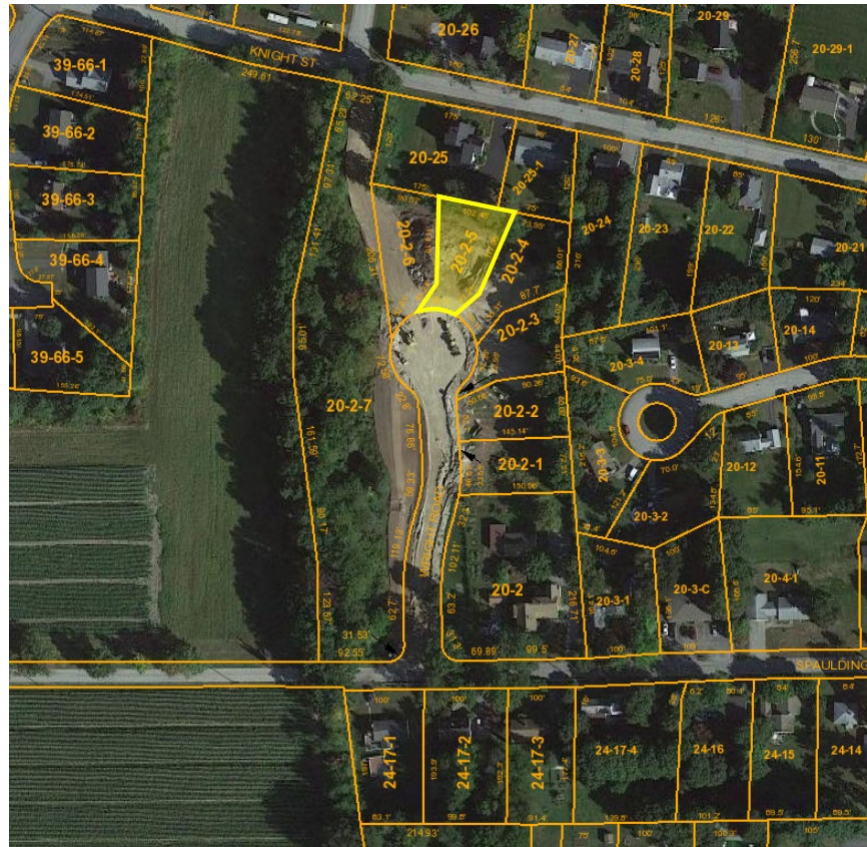
Administrative Review

Date: January 28, 2021
To: Jason Plourde, Chair - Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2021-04: Glendale Homes, Inc. / Gerry Tanguay for the property located at 19 Wright Road, Milford Tax Map 20, Lot 2-5 - Special Exception Application.**

The applicant is before the Board of Adjustment seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Section 5.02.02.A.8 to allow a portion of the newly constructed single-family residence located at 19 Wright Road approximately 2.3 feet (total 7 square feet) within the 15 foot side dimensional setback in the Residential 'A' District. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
 - a. The subject property is approximately .246 acres (10,717.4 sq. ft.) and is partially developed. The property contains a newly constructed (unoccupied) single-family residence.
 - b. A portion of the front porch is located 2.3 feet (total 7 square feet) within the 15 foot side dimensional setback.
 - c. Property contains approximately 50 feet of linear frontage on Wright Road and is serviced by municipal water and sewer.
 - d. The subject property falls within the Residential 'A' Zoning district and is situated among an established residential neighborhood within the Wright Road cul-de-sac.
2. Upon completion of the as-built plan for the single-family residence, it was discovered by the applicant that a portion of the porch fell 2.3 feet (total 7 square feet) within the 15 foot side dimensional setback. The applicant submitted the as-built to the Town Building Department as required by the building permit process. Upon receipt, the Building and Zoning Code Enforcement Staff informed the applicant that they would require a Special Exception for the setback encroachment.
3. Pursuant to Section 5.02.2.A.8, locating a structure within the 15 foot side dimensional setback is permitted by way of Special Exception.
4. As part of the Board deliberation, the applicant should be prepared to discuss the following:
 - a. Explanation /summary on why the setback incursion occurred.
 - b. Impact to abutting properties and comparative analysis of building/structure locations on abutting/neighborhood lots.

Aerial Photo(s) of Subject Property :





ZBA Application

MILFORD ZONING BOARD OF ADJUSTMENT

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

PROPERTY INFORMATION

Street Address: 19 Wright Road

Tax Map / Parcel #: 20-2-5

Lot Size: 0.25 Acres

PROPERTY CURRENTLY USED AS

Residential Lot

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

PROPERTY OWNER

Name: Glendale Homes, Inc. c/o Gerry Tanguay

Address: 154 Pine Top Road

City/State/Zip: Hollis, NH 03049

Phone: () 603-801-1791

Email:

GLENDALEHOMESINC@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.

Property Owner's signature

12/23/20

Date:

Date Received: _____

Case Number: _____

Application Number: _____

Hearing Date: _____

Decision Date: _____

Decision: _____

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 ⁸ _____	32
Amount received:	109
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.



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: 19 Wright Road

Tax Map / Parcel #: 20-2-5

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 v Section 5.02.2A8

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

Reduced side setback for newly constructed 6'x18' porch.

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:

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:
 (See attached narrative)

B. The specific site is an appropriate location for the proposed use because:
 (See attached narrative)

C. The use as developed will not adversely affect the adjacent area because:
 (See attached narrative)

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:
 (See attached narrative)

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:
 (See attached narrative)



ZBA Application – Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

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.

N/A

2. There shall be no evidence outside the dwelling, except permitted signs and required off-street parking, that the dwelling contains a home occupation.

N/A

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.

N/A

4. Accessory finished goods may be provided for sale in conjunction with the home occupation, sold and stored in allowed home occupation space only.

N/A

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.

N/A

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

N/A

2. Is a 15 foot perimeter landscaped buffer along all sides of the property being proposed?

N/A

3. Does the buffer proposed meet 10.02.4.2/3 of the Milford Zoning Ordinance?

N/A

4. Is there any outside storage being proposed?

N/A

5. Are all building set back at least 50 feet from the front lot line?

N/A

6. Has a Site Plan Application been submitted to the Milford Planning Board? Yes No Date:

N/A



ZBA Application – Special Exception

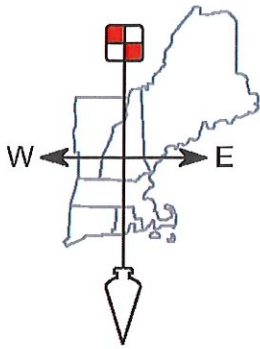
MILFORD ZONING BOARD OF ADJUSTMENT

ACCESSORY DWELLING UNITS 10.02.6
1. Is the property going to be Owner Occupied? N/A
2. Has a Building Permit application been made? Copy of permit application attached? N/A
3. Is the ADU developed in a manner which does not alter the character/appearance of the principal use as a single-family residence? N/A
4. Is the ADU intended to be secondary and accessory to a principal single-family dwelling unit? N/A
5. Does the ADU impair the residential character of the premises or the reasonable use, enjoyment and value of neighborhood? N/A
6. Is there adequate off-street parking? How many spaces? N/A
7. Are any additional curb cuts being proposed? N/A
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. N/A
9. Is there adequate sewer/septic and water for the additional inhabitants? Please include septic/sewer approval. N/A
10. Is there only one (1) ADU on the property? N/A
11. Is the ADU no more than 750 square feet? How many square feet is the ADU? N/A
12. Does the ADU have no more than two (2) bedrooms? Please show on plans. N/A
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. N/A
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> N/A
15. Has a Code Compliance inspection been conducted by the Building Inspector? Please include inspection report. N/A
16. Is the ADU in compliance with Section 10.02.6:A of the Milford Zoning Ordinance? How so? N/A
17. If no, has a Variance from Section 10.02.6:A been granted by the ZBA? N/A



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 No Date of hearing:
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. N/A
3. Has the impact on plants, fish and wildlife been addressed? Please explain. N/A
4. Has the impact on the quality and quantity of surface and ground waters been addressed? Please explain. N/A
5. Has the potential for increased flooding, erosion and sedimentation been addressed? Please explain. N/A
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. N/A
7. Has the impact of the values and function of the overall wetland and wetland complex been addressed? Please explain. N/A
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: N/A



FIELDSTONE

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

LAND CONSULTANTS, PLLC

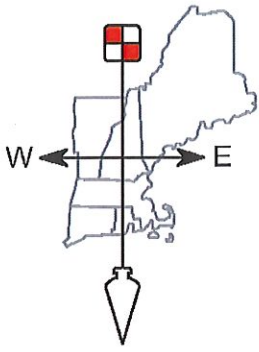
206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

SPECIAL EXCEPTION CRITERIA
ARTICLE V: SECTION 5.02.2 A 8
(Reduced front, side and rear setbacks)

Description of proposed use: Article V: Section 5.02.2 A 8 of the Zoning Ordinance allows for reduced setbacks in the Residence "A" District with a special exception. The purpose of this special exception application is to allow a small portion (7 sq.ft.) of the newly constructed porch on Tax Map Parcel 20-2-5 to be within the side setback of the existing lot line. Presently the existing southeast corner of the constructed porch extends 2.3 feet into the side setback. This encroachment was unintentional and was overlooked during the construction phase of this lot. Since the corner of the existing structure will be within the 15 foot side setback a special exception for reduced side setbacks is required.

Facts supporting this request:

- 1. The proposed use shall be similar to those permitted in the district:** The residential use is permitted in the underlying zoning and the existing residential use will also be consistent with the surroundings. The site contains many structures that are very close to the current setback lines so reducing the side setback for this unintentional encroachment will be visually similar to the other porches within the development.
- 2. The Specific Site is an appropriate location for the proposed use because:** Granting a special exception for reduced side setbacks would allow for the existing porch to remain in the current location with minimal impact to the surrounding area. Being that it is just the southeast corner of the porch and that the impact is only 2.3 feet in distance (7 sq.ft. in area) we believe it is appropriate to maintain the existing location as the encroachment was unintentional and causes no harm to the surrounding properties. Since this proposal will provide the above while resulting in no negative impacts to the public we believe this is an appropriate location for the proposed use.
- 3. The use as developed will not adversely affect the adjacent area because:** The majority of the buildings in this development have front porches and the 2.3 foot encroachment into the side setback on the subject building is virtually imperceptible given the close proximity of the improvement within the overall development. Given the minor nature of the encroachment we believe allowing the corner of the porch to stay will result in no negative impacts to the surrounding area.
- 4. There will be no nuisance or serious hazard to vehicles or pedestrians:** The existing porch as constructed will not create any nuisance or serious hazard to vehicles or pedestrians.
- 5. Adequate appropriate facilities will be provided for proper operation of the proposed use:** The exhibit plan demonstrates that there has been and will continue to be adequate separation distance between the existing porch corner and the common lot line. Adequate and appropriate facilities have been and will continue to be provided for the proposed use within this development.



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December 23, 2020

Town of Milford
Planning Board
1 Union Square
Milford, NH 03055

RE: Tax Map 20, Lot 2-5
Spaulding Estates, 19 Wright Road - Zoning Board Application

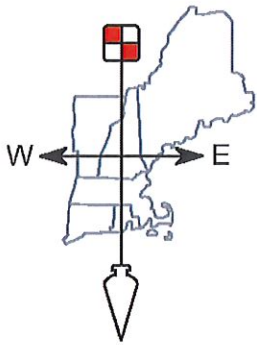
To Whom It May Concern:

The undersigned being the owner of the above referenced lot hereby authorizes Fieldstone Land Consultants, PLLC to act as their agent in filing and seeking all necessary Federal, State, and Local approvals.

Very truly yours,

Signature: 

Print: GERARD TANGUAY Date 12/23/20



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December 23, 2020
FLC#1269.02 / LNO

List of Abutters
Tax Map 20 Lot Number 2-5
Milford, New Hampshire

Map 20 Lot 2-5
Glendale Homes, Inc.
154 Pine Hill Road
Hollis, NH 03049

Map 20 Lot 2-3
Stephen K. & Melissa Quinn
15 Wright Road
Milford, NH 03055

Map 20 Lot 2-4
Kristopher & Kelly Reynolds
17 Wright Road
Milford, NH 03055

Map 20 Lot 2-6
Christopher & Kaylee Sullivan
21 Wright Road
Milford, NH 03055

Map 20 Lot 2-7
Raisanen Homes Elite LLC
P.O. Box 748
Nashua, Nh 03061-0748

Map 20 Lot 25
Kim Labelle Trustee
Kim Labelle Revocable Living Trust
106 Knight Street
Milford, NH 03055

Map 20 Lot 25-1
David J. & Sheila M. Fraser
104 Knight Street
Milford, NH 03055-4717

Engineer:
Fieldstone Land Consultants, PLLC
206 Elm Street
Milford, NH 03055

December 23, 2020
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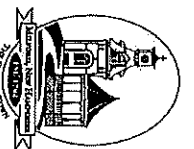
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Milford, NH 03055

PERMIT NUMBER

20200131

TOWN OF MILFORD BUILDING PERMIT



PROPERTY LOCATION: 19 WRIGHT RD

MAP/LOT/PARCEL: 020002005000

APPLICANT: GLENDALE HOMES INC

ADDRESS: 154 PINE HILL RD HOLLIS, NH 03049

Street / City / State / Zip

ESTIMATED COST: \$350000

OWNER: GLENDALE HOMES INC

ADDRESS: 154 PINE HILL RD HOLLIS, NH 03049

Street / City / State / Zip

FEE: \$ 557.92

PD: \$ 50.00

DUE: \$ 507.92

CONTACT NAME: GLENDALE HOMES INC

PERMIT TO CONSTRUCT: SFR, 3 BDRM, 2.5 BATH, 2-CAR ATTACHED GARAGE, TOWN UTILITIES

REMARKS/CONDITIONS: NO FINISHES OF BASEMENT, BONUS RM. OR ADU ARE AUTHORIZED AS PART OF THIS BUILDING PERMIT, AND NO CONNECTION OF PLUMBING, ELECTRICAL, HVAC DUCTS OR INSULATION SHALL BE PERFORMED IN THESE AREAS WITHOUT A SEPARATE PERMIT.

APPROVAL:

[Signature]
TOWN OF MILFORD BUILDING OFFICIAL

DATE ISSUED: 07/14/2020

APPL: 20200846

All construction shall comply with all applicable Town and State building regulations.

This permit conveys no right to occupy any street, alley or sidewalk or any part thereof, either temporarily or permanently. Encroachments on public property, not specifically permitted under the building code, must be approved by the Town of Milford.

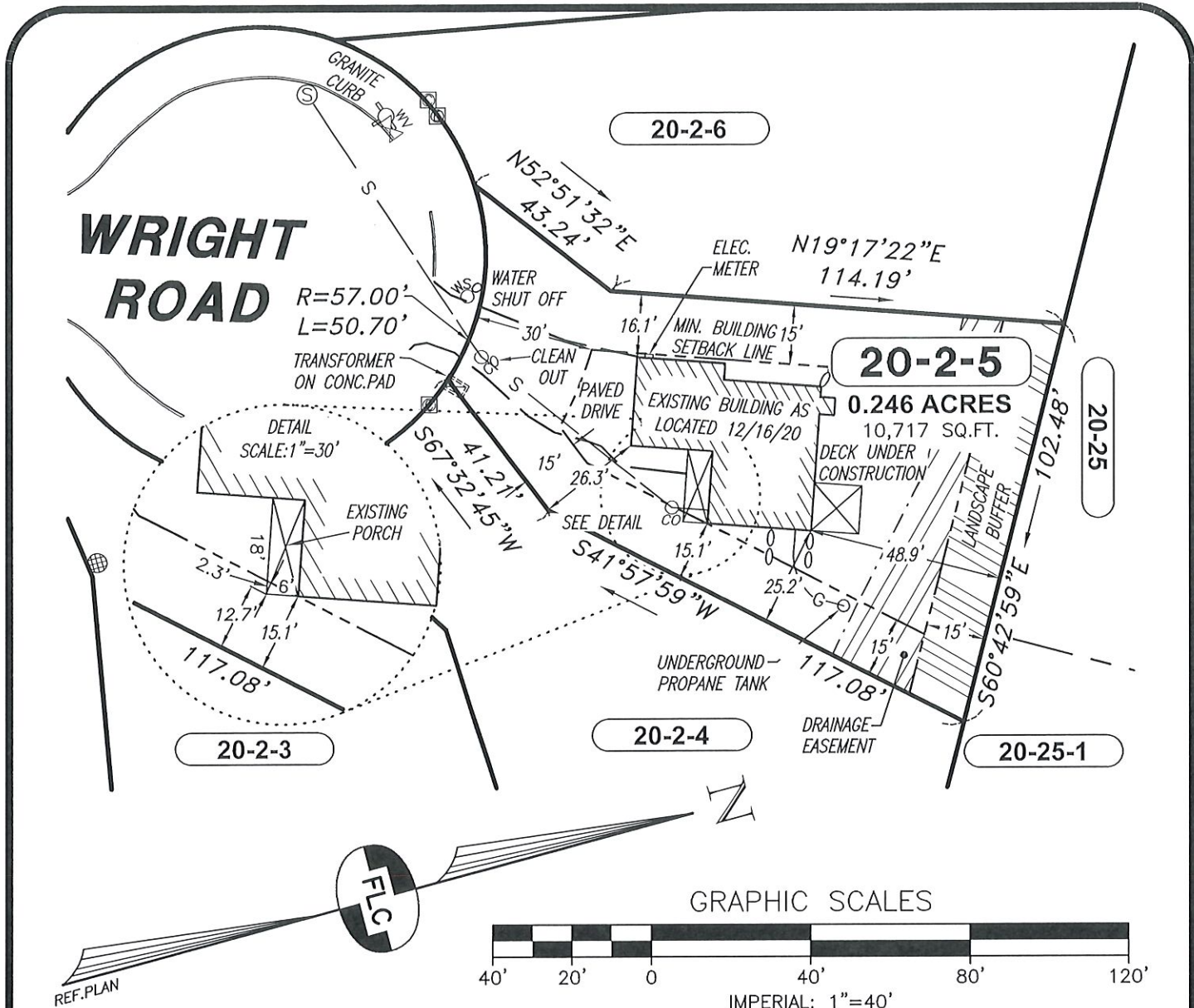
The issuance of this permit does not release the applicant from the conditions of any applicable subdivision or site plan restrictions. Permit is valid for one year and must be renewed if work not completed.

**PERMIT MUST BE POSTED IN VISIBLE LOCATION
PROTECTED FROM THE WEATHER**

BUILDING & CODE ENFORCEMENT OFFICE

One Union Square · Milford, NH 03055

Phone (603) 249-0620

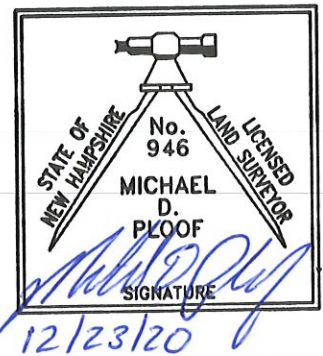


CERTIFICATION:

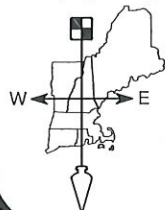
"I HEREBY CERTIFY THAT THE EXISTING IMPROVEMENTS ARE LOCATED AS SHOWN, RELATIVE TO THE LOT LINES PER THE REFERENCE PLAN NOTED HEREON."

REFERENCE PLANS:

"OPEN SPACE SUBDIVISION PLANS - SPAULDING ESTATES - TAX MAP 20 LOT 2 - 29 SPAULDING STREET - MILFORD, NEW HAMPSHIRE 03055 - PREPARED FOR: RAISANEN HOMES ELITE, LLC - LAND OF: SANDRA & NEAL F. GASSMAN", 2 SHEETS, SCALE 1"=40', DATED JULY 31, 2017 AND LAST REVISED MAY 29, 2018, BY FIELDSTONE LAND CONSULTANTS, PLLC (H.C.R.D. PLAN #39763).



Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs



FIELDSTONE
LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055
Phone: (603) 672-5456 Fax: (603) 413-5456
www.FieldstoneLandConsultants.com

ZONING BOARD OF ADJUSTMENT EXHIBIT PLAN

SPAULDING ESTATES

TAX MAP 20 LOT 2-5
WRIGHT ROAD, MILFORD, NH
PREPARED FOR: GLENDALE HOMES, INC.

SCALE: 1" = 40'

DECEMBER 23, 2020

FILE: 1269CP02.dwg

PROJ. NO. 1269.02.05

SHEET NO. ZBA-5