

TOWN OF MILFORD

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



Administrative Review

Date: June 29, 2022
To: Jason Plourde, Chair - Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2022-15 Bryce Knight for the property located at Tax Map 26, Lot 139, 114 South Street - Special Exception Application For Setback Relief**

The applicant is before the Board of Adjustment seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Section 5.05.2.A.3 and 5.05.5.A to allow the construction of a bulkhead to the exiting multi-family residence within the 30 foot front dimensional setback on Hight Street on the subject property located in the Commercial 'C' District. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
 - a. The subject property is approximately .37 acres (16,117.2 sq. ft.) on located on the corner of South Street and High Street. The property contains a two-story, 2,143 square foot (7,772 square foot gross area), 3-unit, multi-family residence and related parking area located within front dimensional setbacks on both referenced streets. The property is undeveloped along the southern and eastern portions of the property.
 - b. Property contains approximately 82.5' feet of linear frontage on South Street and 193.6 linear feet on High Street. The property is serviced by municipal water and sewer.
 - c. The subject property falls within Commercial 'C' Zoning District (outside of the Oval District Overlay) and is situated among an established commercial and residential neighborhood and major travel corridor on South Street.
2. The residence was originally constructed in 1845 and as such is categorized as a pre-existing, non-conforming structure with regards to setbacks. As a corner lot, the property is subject to the 30 foot front dimensional setback requirement for both South Street and High Street.

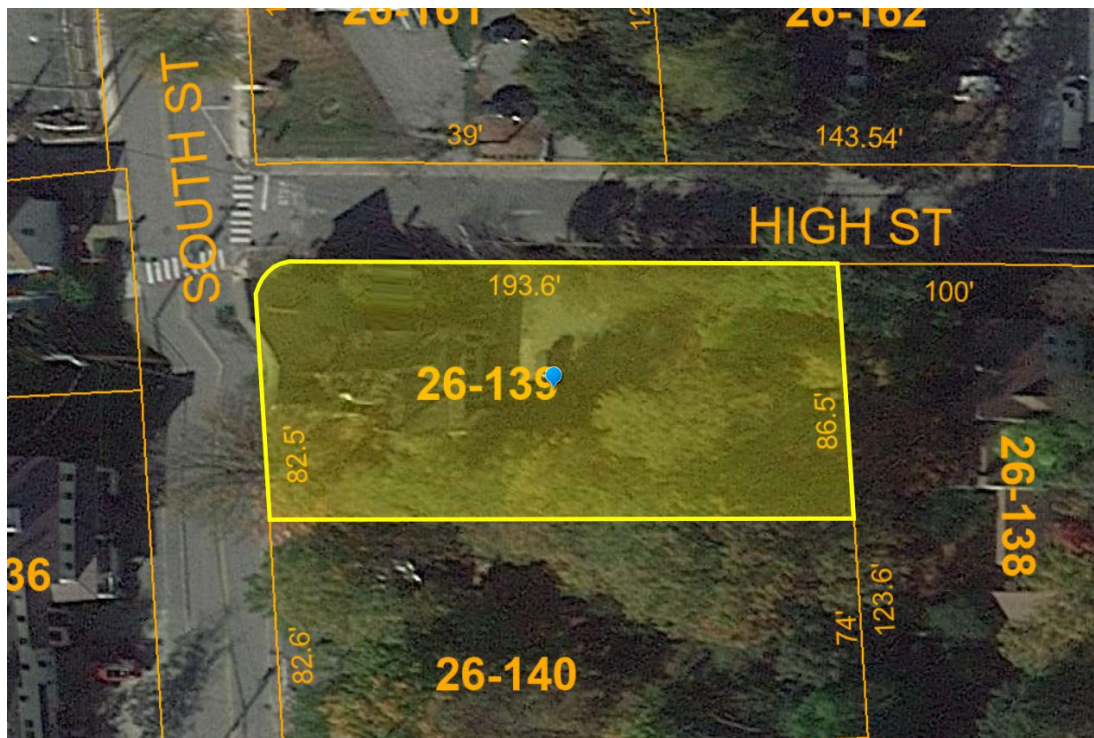
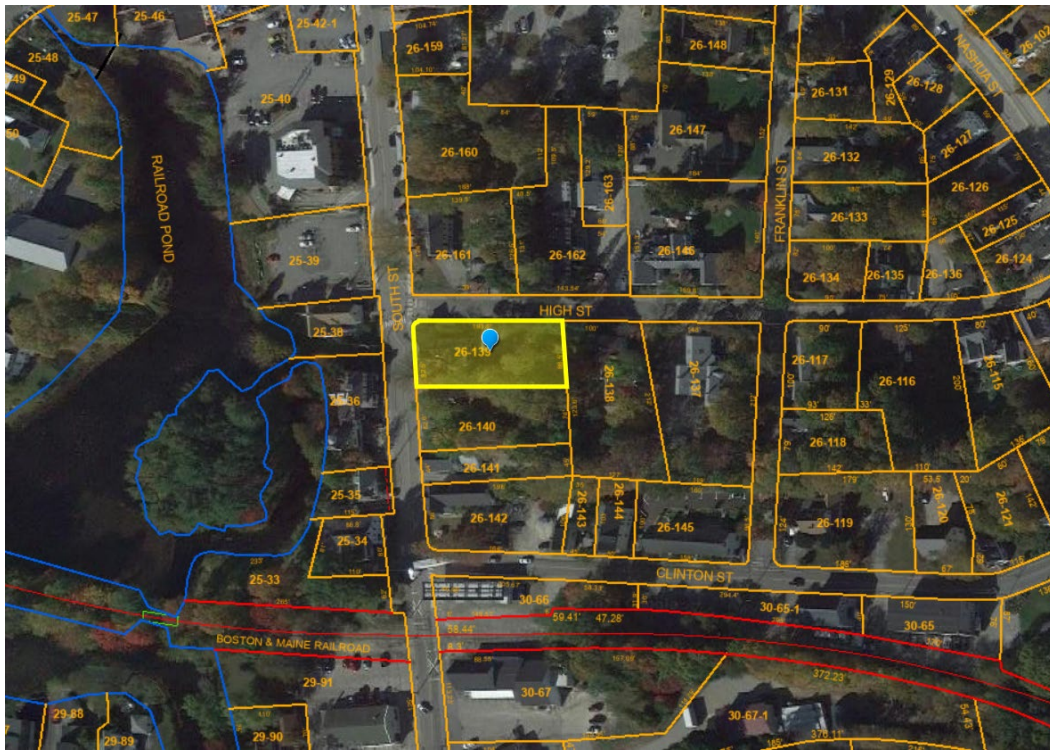
Due to the age of the property and limited available information, staff relied on surveys and plans from the South Street Improvements project and an abutting property located at Tax Map 26-162 (137 High Street) to determine the approximate subject property boundaries and location of the residence. The building is located approximately 15 feet from the property line on High Street and approximately 9' (rear corner) - 12' (front corner) on High Street. See attached.

The applicant is seeking to construct a 4' x 10' bulkhead approximately 7 feet from the closet point to property line on High Street. The bulkhead will be low profile construction and be visually mitigated by the existing vegetation along High Street.

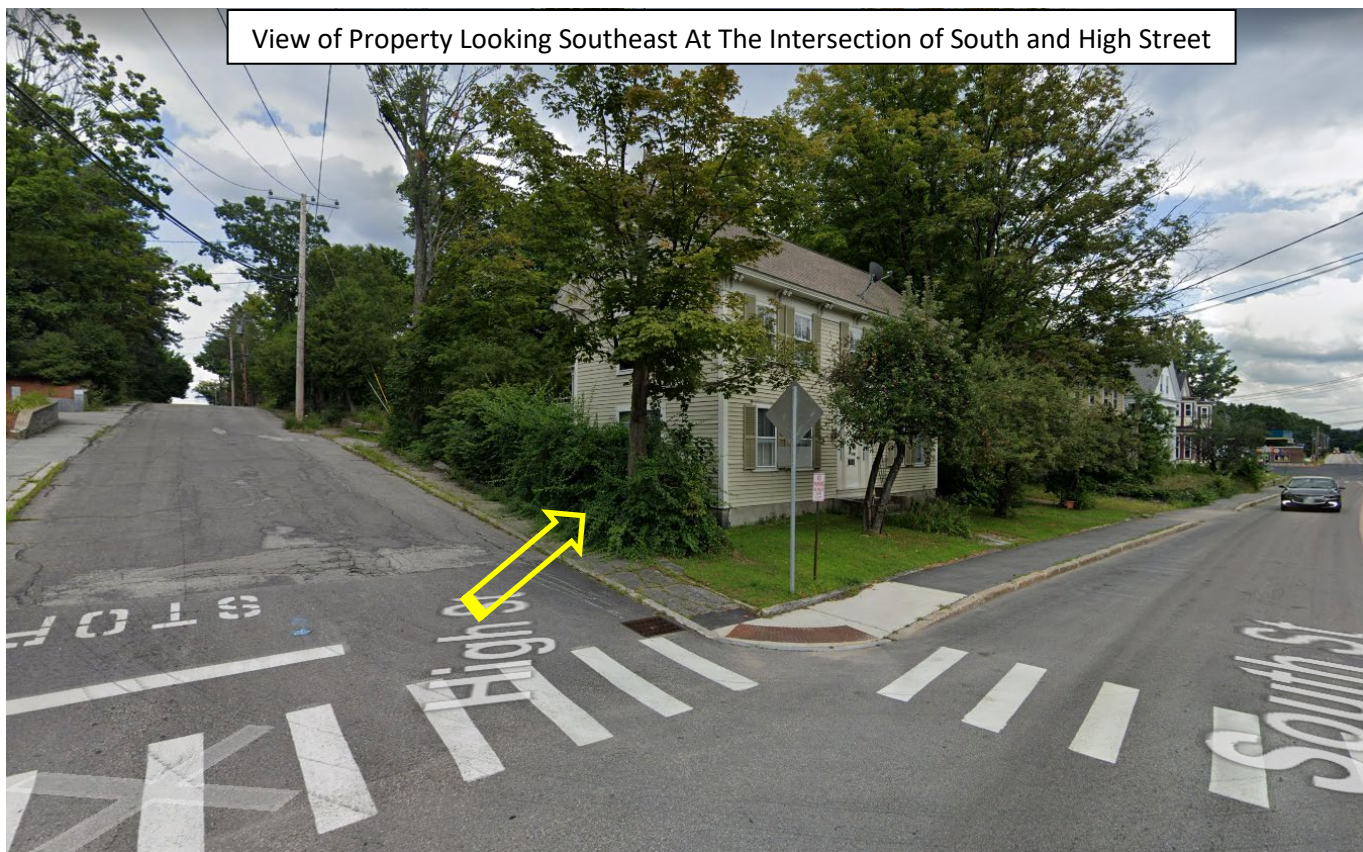
3. Pursuant to Section 5.02.2.A.8 and 5.02.5.A, locating a structure within the 30 foot front dimensional setback is permitted by way of Special Exception.
4. As part of the Board deliberation, the applicant should be prepared to discuss the following:
 - a. Explanation /summary of the options/alternatives considered.

- b. Clarify the property boundaries, building location and relief being sought. More information may be needed from the applicant to determine the actual properties boundaries a relief being requested.

Aerial Photograph(s) of Subject Property:



Street View(s) of Subject Property & Location of Bulkhead:





View of Property Looking West on High Street

Google



Bryle Knight (603) 801 4540

ZBA Application – Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

TOWN OF MILFORD
RECEIVED

JUL 29 2022

Date Received: _____
Case Number: _____
Application #: _____
Date Complete: _____
Hearing Date: _____
Decision Date: _____
Decision: _____

PROPERTY INFORMATION

PB _____ ZBA _____ Office _____

Street Address: 114 South St

Tax Map / Parcel #: 26-139

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 5.05.2.A.3 and 5.05.5.A

Describe the use you are proposing under the above section of the Ordinance.
Seeking to install/construct a bulkhead to the existing multi-family residence within the 30 foot front dimensional setback.

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:

Seeking to construct a 4'x10' bulkhead to the exiting multi-family residence X feet within the 30 foot front dimensional setback on High Street. The existing multi-family is a pre-existing, non-conforming structure that is situated well within the front dimensional setbacks on South Street (approx. 21.5') and High Street (approx. 14').

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 existing multi-family is a pre-existing, non-conforming structure that is situated well within the front dimensional setbacks on South Street and High Street. The type of use being sought is a standard feature to provide access to the basement of residential and commercial uses in the district and area.

B. The specific site is an appropriate location for the proposed use because:

The location of the bulkhead is to provide safe/efficient access to the basement so that the furnaces and oil tanks for the multi-family can be maintained. Current access is limited through one apartment (Apt. A) causing problems for other tenants. Other locations were considered, but this location provided the most efficient access and will minimize the impact to the property.

C. The use as developed will not adversely affect the adjacent area because:

The bulkhead will be a low-profile construction and be visually mitigated by the existing trees and vegetation along High Street.

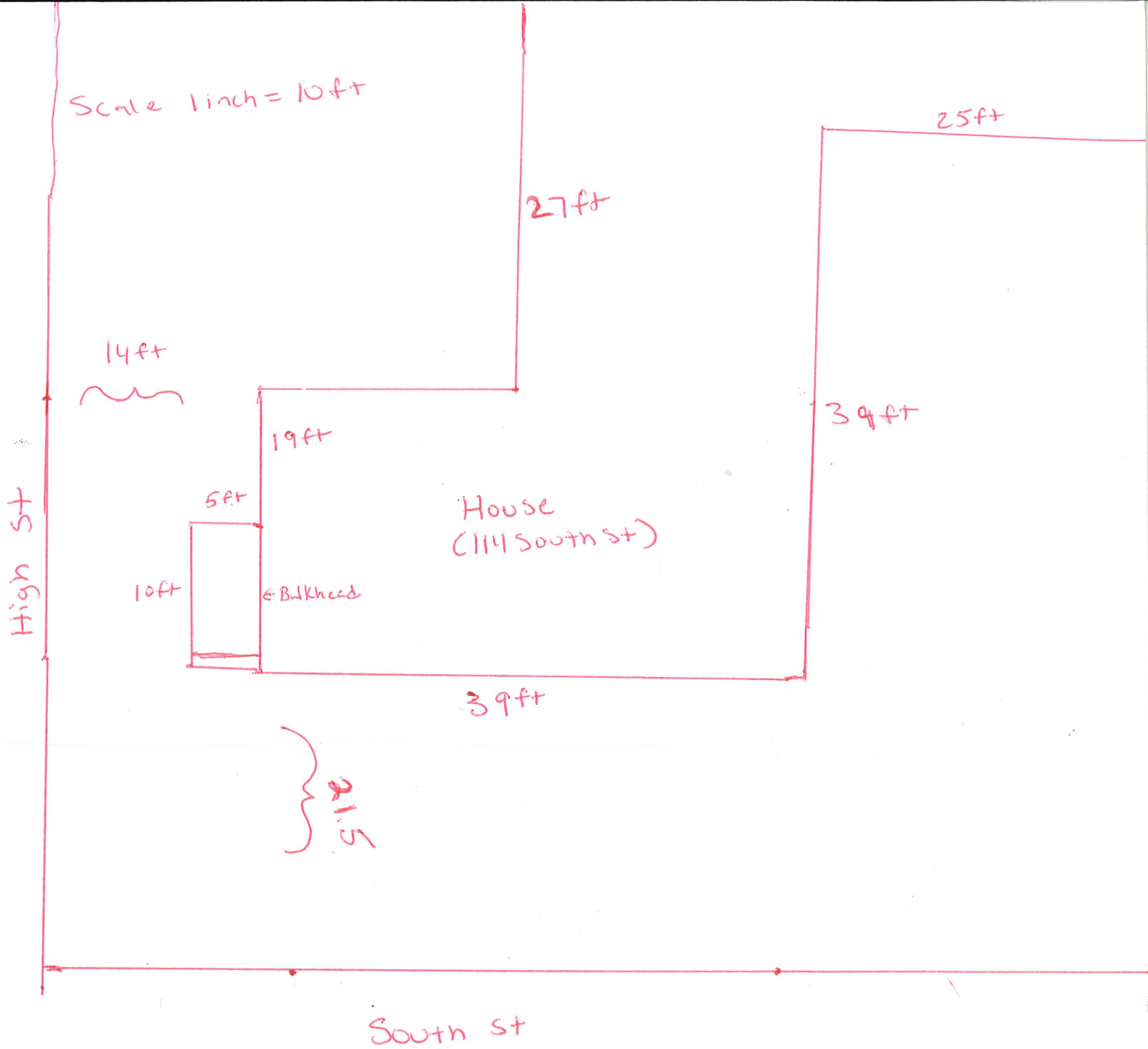
D. There will be no nuisance or serious hazard to vehicles or pedestrians because:

The bulkhead will be located on the property away from pedestrians and vehicles. Further, the proposed bulkhead will be visually mitigated by the existing trees and vegetation along High Street.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:

The purpose of the bulkhead is to provide safe/efficient access to the basement so that the furnaces and oil tanks for the multi-family can be maintained. Current access is limited through one apartment (Apt. A) causing problems for other tenants.

Scale 1 inch = 10 ft



High St

South St

House
(114 South St)

Bunkhouse

TOWN OF MILFORD
RECEIVED
JUL 29 2022
PB ___ ZBA ___ Office ___

TRANSPORTATION ENHANCEMENT PROJECT
(WITH SECTION 1702 GRANT CONTRIBUTIONS)

NHDOT #14837

FEDERAL PROJECT #TE-X-A000(565)

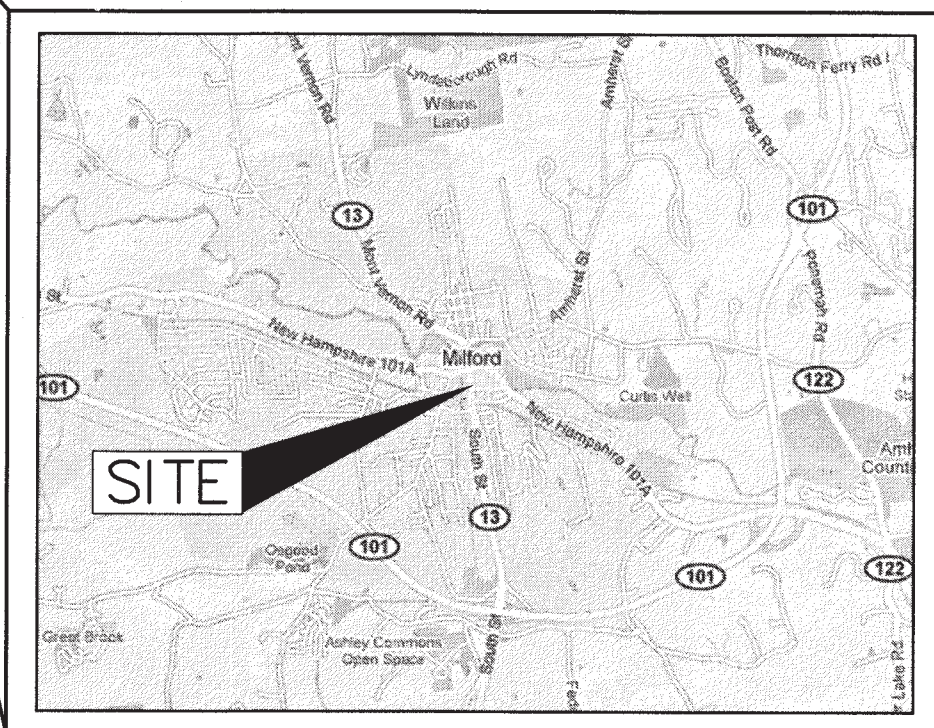
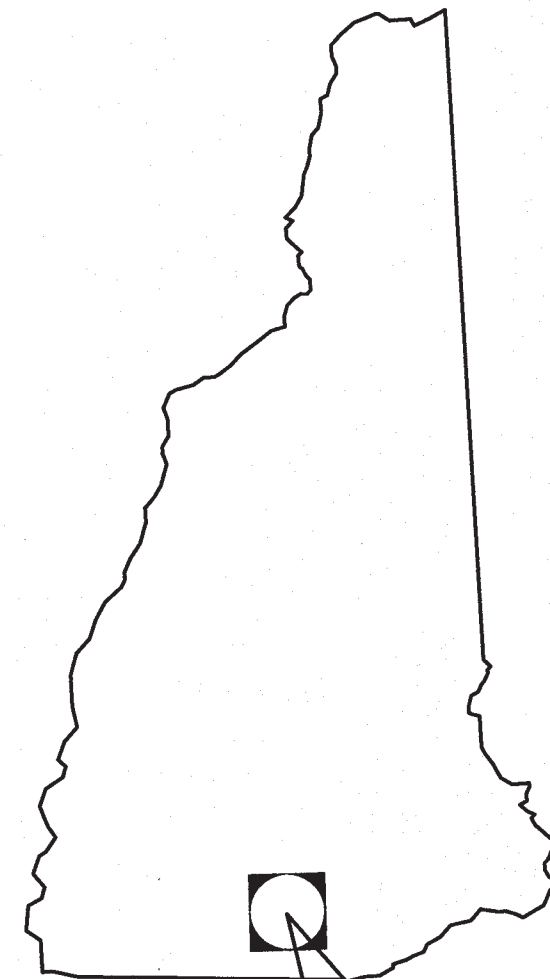
SOUTH STREET IMPROVEMENT PROJECT

SOUTH STREET (NH ROUTE 13)
MILFORD, NEW HAMPSHIRE

PREPARED FOR

TOWN OF MILFORD

X-A000(565)/14837 – MILFORD
SOUTH STREET IMPROVEMENT PROJECT
RECORD DRAWING



SOURCE: GOOGLE MAPS SCALE: 1"=1 MILE

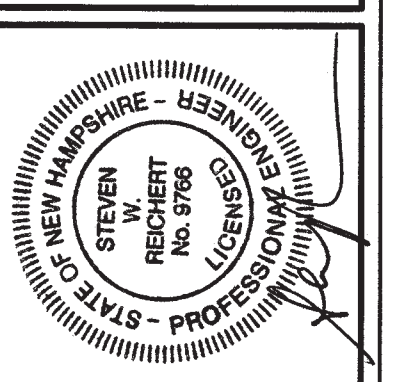


INDEX

DWG	SHEET NAME	ISSUE DATE
T1	COVER SHEET	01-14-16
T2	GENERAL INFORMATION	01-14-16
T3	TYPICAL SECTIONS	01-14-16
E1 - E3	EXISTING CONDITIONS PLAN	01-14-16
C1 - C3	PROPOSED SIDEWALK PLAN AND PROFILE	01-14-16
C4	CONDUIT LAYOUT PLAN	01-14-16
S1	STRIPING PLAN	01-14-16
D1 - D3	DETAILS	01-14-16
D4	PROPOSED SIDEWALK DETAILS	01-14-16
D5 - D7	UTILITY DETAILS	01-14-16
D8	EROSION CONTROL DETAILS	01-14-16
D9	RAILROAD STRIPING SHEET	01-14-16
D10	SIGN SUMMARY SHEET	01-14-16
X1 - X5	CROSS SECTIONS	01-14-16

NO.	DATE	REVISION	ISSUED FOR CONSTRUCTION
1	1/14/16		

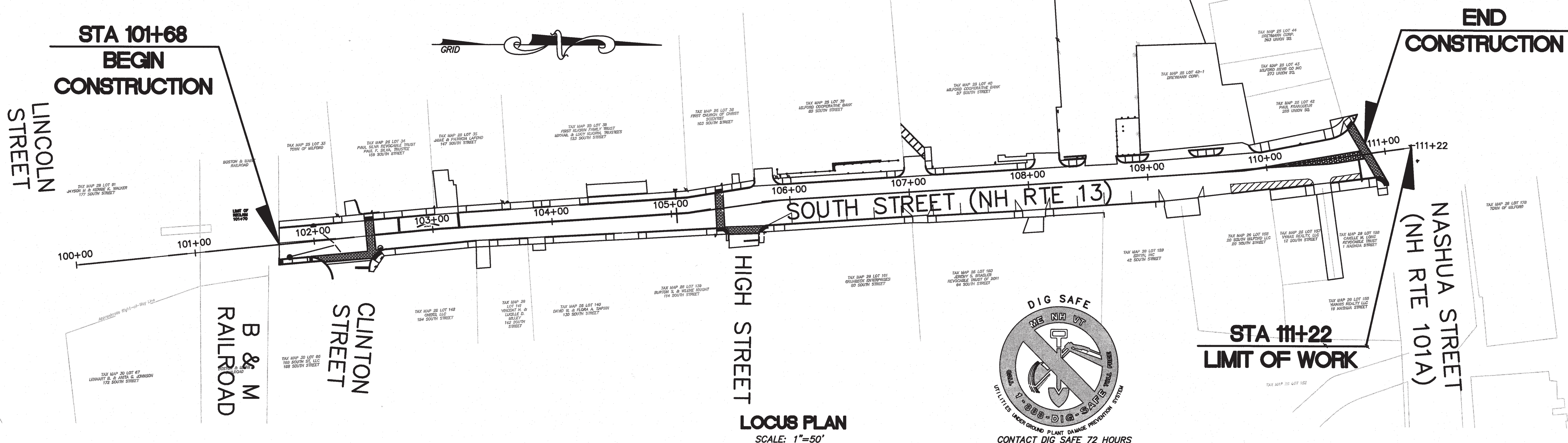
CLD CONSULTING ENGINEERS Inc.
540 Commercial Street-Manchester, NH 03101
(603) 668-8223-Fax: (603) 668-8802
cid@cldeengineers.com www.cldeengineers.com
Maine-New Hampshire-Vermont



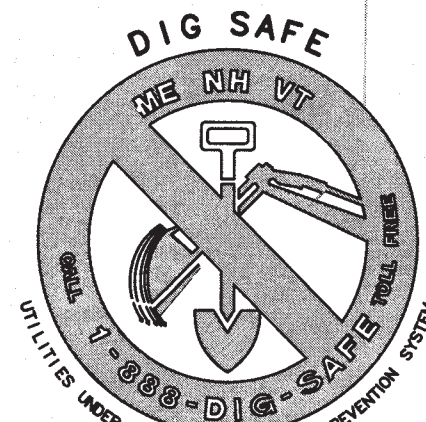
TOWN OF MILFORD
1 UNION SQUARE
MILFORD, NH 03055

SOUTH STREET IMPROVEMENT PROJECT
SOUTH STREET
MILFORD, NEW HAMPSHIRE
COVER SHEET

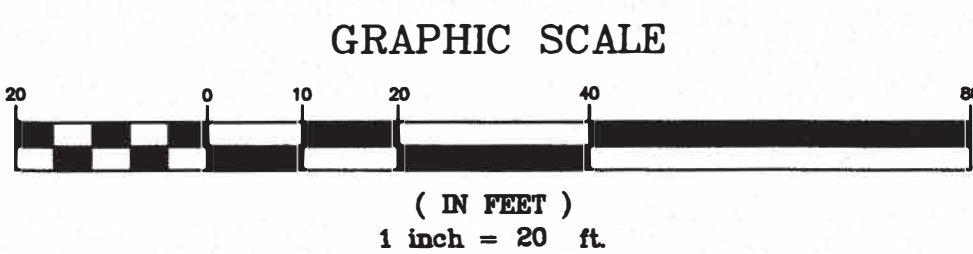
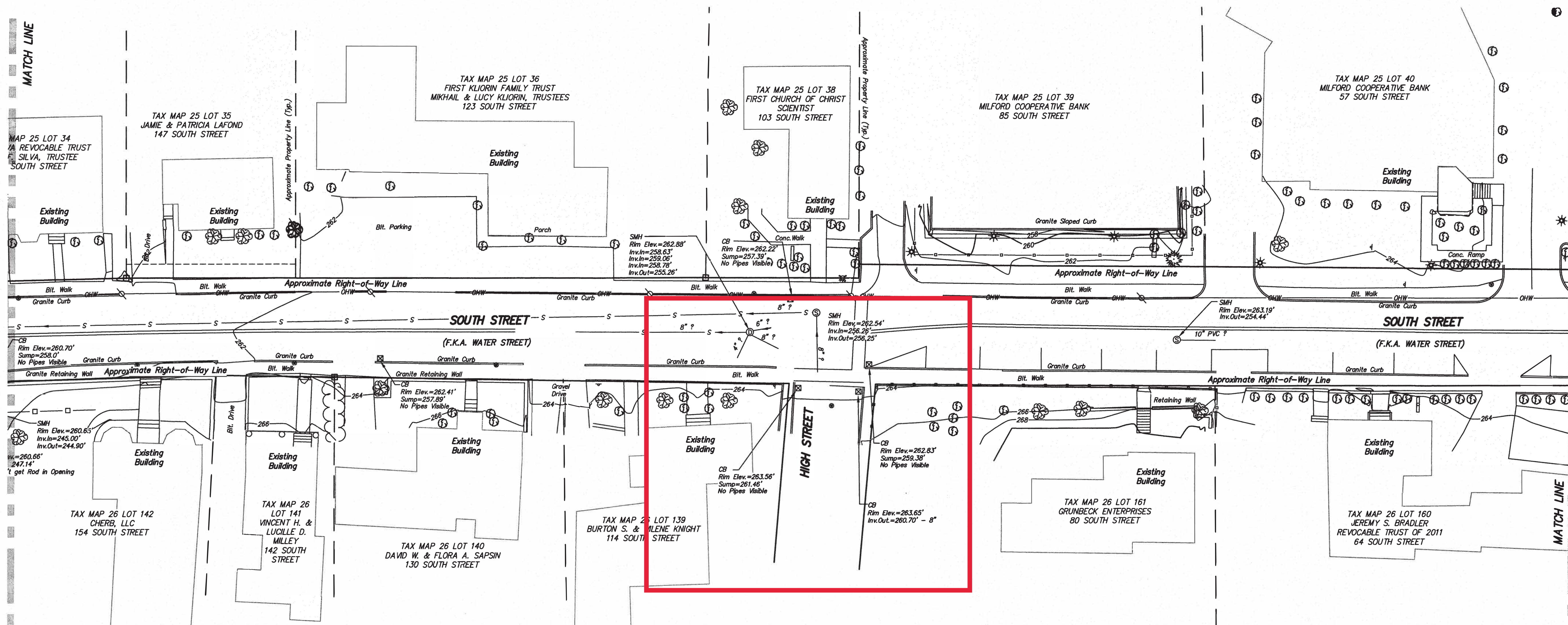
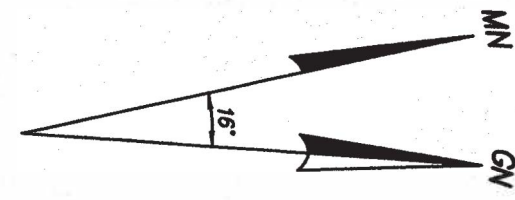
SCALE: AS SHOWN	JOB NO. 07-0171
DATE: JAN 2016	DWG. T1



LOCUS PLAN
SCALE: 1"=50'



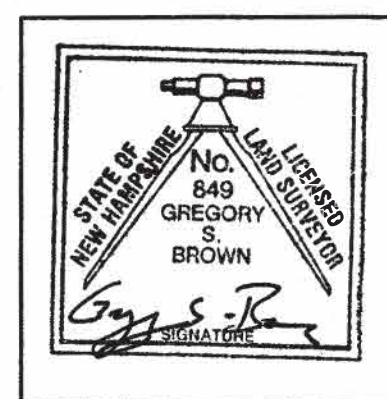
CONTACT DIG SAFE 72 HOURS PRIOR TO CONSTRUCTION
THE LOCATION OF ANY UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. CLD CONSULTING ENGINEERS INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UTILITIES SHOWN. 72 HOURS PRIOR TO ANY EXCAVATION ON SITE, THE CONTRACTOR SHALL CONTACT DIG-SAFE AT 1-888-DIG-SAFE.



NH CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION AND/OR ACCURACY REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS, EFFECTIVE 1/1/09.

DATE: 1-14-16



GREGORY S. BROWN, L.L.S. #849
FOR AND ON BEHALF OF CLD
CONSULTING ENGINEERS, INC.

LEGEND

- | | | |
|-----------------------|------------------|----------------------------|
| □ Granite Bound Found | P Pumps | ⊗ Utility Pole |
| ○ Iron Pin Found | □ Electric Box | E.G.A. Edge of Gravel Area |
| Ⓣ Telephone Manhole | ▽ Sign | NH&H NH Highway Bound |
| Ⓢ Sewer Manhole | —○— Guy Wire | CBED Concrete Bound |
| Ⓜ Catch Basin | ⊕ Boring | ○ Bollard |
| Ⓜ Monitoring Well | ⊗ Deciduous Tree | —○— Stockade Fence |
| ● Gas Valve | ⊗ Light Pole | —○— Chain Link Fence |
| ⊕ Hydrant | □ Mailbox | —S— Sewer Line |
| | | —D— Drain Line |
| | | —W— Water Line |

ISSUED FOR CONSTRUCTION	NO.	DATE	REVISION
	1	1/14/16	
DESIGNED:	DRAWN:	CHECKED:	APPROVED:
HAG/MMS	HAG/MMS	KMG/SMP	CSB

CLD CONSULTING ENGINEERS
Inc.
540 Commercial Street - Manchester, NH 03101
(603) 668-8223 - Fax: (603) 668-8802
clde@cldeengineers.com • www.cldeengineers.com
Maine • New Hampshire • Vermont

CLIENT:
TOWN OF MILFORD
1 UNION SQUARE
MILFORD, NH 03055

SOUTH STREET IMPROVEMENT PROJECT
SOUTH STREET
MILFORD, NEW HAMPSHIRE
EXISTING CONDITIONS PLAN

SCALE: 1" = 20'	JOB NO. 07-0171
DATE: JAN 2016	DWG. E2

TAX MAP 25 LOT 36
FIRST KLORIN FAMILY TRUST
MIKHAIL & LUCY KLORIN, TRUSTEES
123 SOUTH STREET

TAX MAP 25 LOT 38
FIRST CHURCH OF CHRIST
SCIENTIST
103 SOUTH STREET

TAX MAP 25 LOT 39
MILFORD COOPERATIVE BANK
85 SOUTH STREET

Approximate Property Line (Typ.)

Approximate Property Line (Typ.)

Existing Building

Existing Building

Bit. Parking

Porch

SMH
Rim Elev.=262.88'
Inv.In=258.63'
Inv.In=259.06'
Inv.In=258.78'
Inv.Out=255.26'

CB
Rim Elev.=262.22'
Sump=257.39'
No Pipes Visible

Granite Sloped Curb

Approximate Right-of-Way Line

Approximate Right-of-Way Line

SOUTH STREET
(F.K.A. WATER STREET)

SMH
Rim Elev.=262.54'
Inv.In=256.26'
Inv.Out=256.25'

Granite Curb

Granite Curb

Granite Curb

Granite Curb

Granite Retaining Wall

CB
Rim Elev.=262.41'
Sump=257.89'
No Pipes Visible

Existing Building

Existing Building

HIGH STREET

CB
Rim Elev.=262.83'
Sump=259.38'
No Pipes Visible

Existing Building

TAX MAP 26 LOT 161
GRUNBECK ENTERPRISES
80 SOUTH STREET

TAX MAP 26 LOT 141
CENT H. & UCILLE D. MILLEY
42 SOUTH STREET

TAX MAP 26 LOT 140
DAVID W. & FLORA A. SAPSIN
130 SOUTH STREET

TAX MAP 26 LOT 139
BURTON S. & WILENE KNIGHT
114 SOUTH STREET

CB
Rim Elev.=263.56'
Sump=261.46'
No Pipes Visible

CB
Rim Elev.=263.65'
Inv.Out=260.70' - 8"

Existing Building

Gravel Drive

Retaining Wall

TAX MAP 26 LOT 141
CENT H. & UCILLE D. MILLEY
42 SOUTH STREET

TAX MAP 26 LOT 140
DAVID W. & FLORA A. SAPSIN
130 SOUTH STREET

TAX MAP 26 LOT 139
BURTON S. & WILENE KNIGHT
114 SOUTH STREET

TAX MAP 26 LOT 161
GRUNBECK ENTERPRISES
80 SOUTH STREET

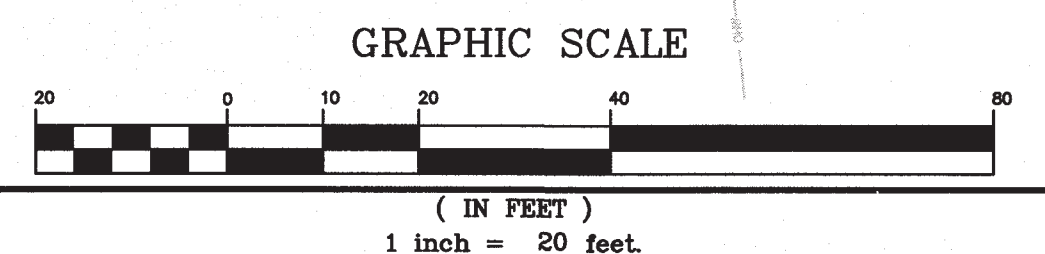
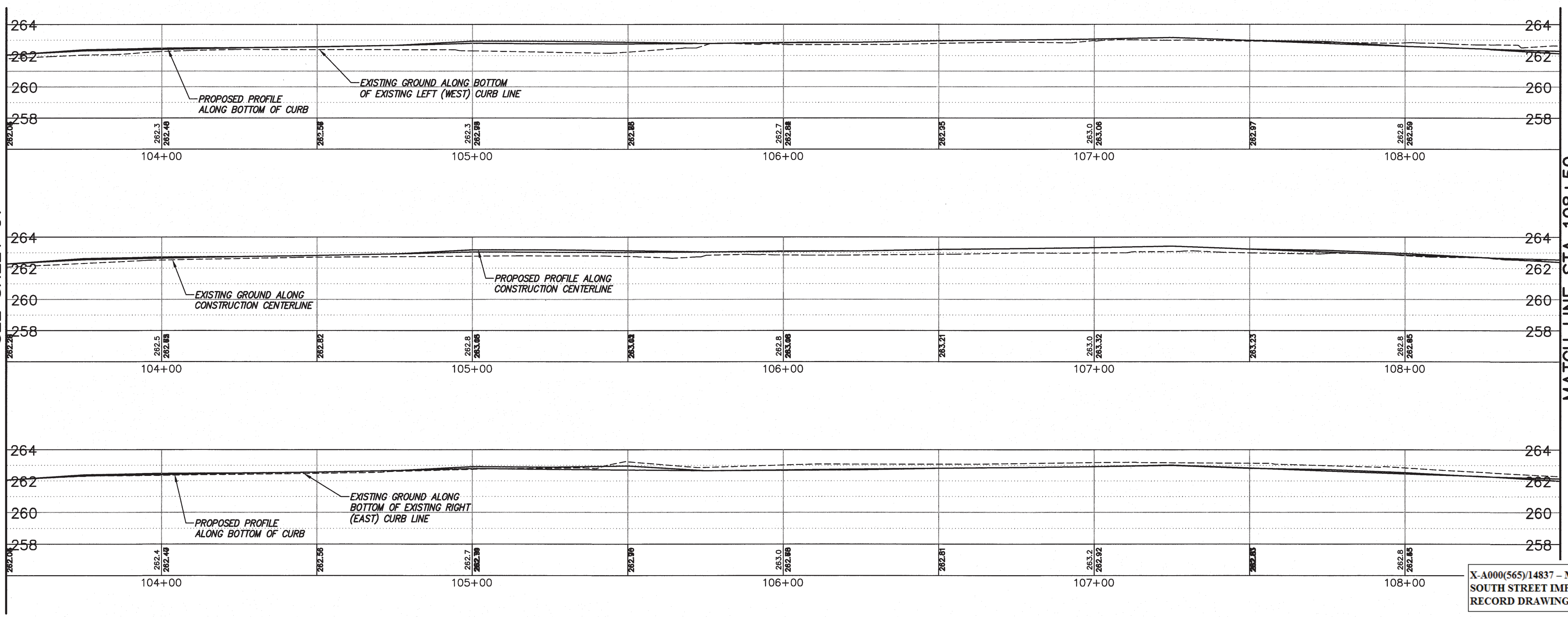
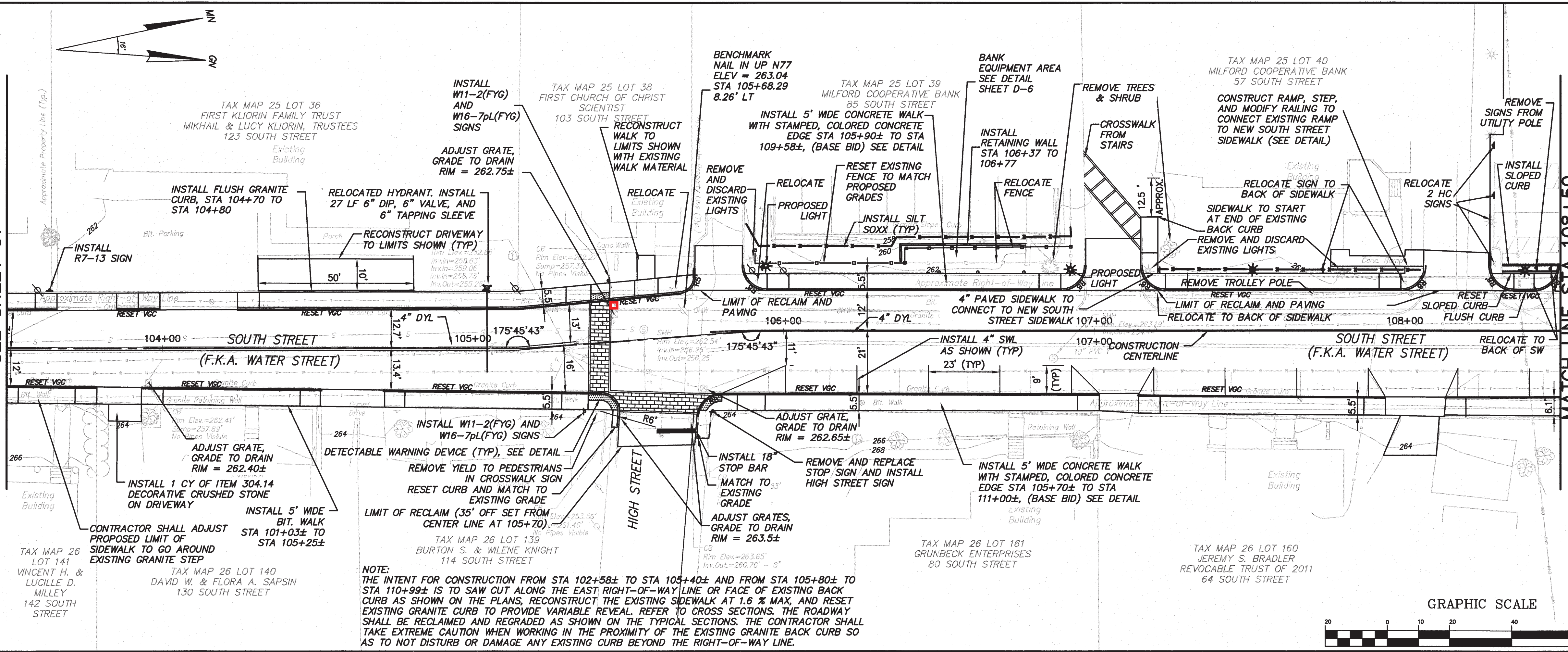
1/12/2018 8:28 AM
 F:\PROJECTS\MANCHESTER\070171_MILFORD_TOWN\DRAWINGS_PLOTS_AND_PLANS_BY_OTHERS\REVISED_PLANS_BY_OA_1-12-18\070171_GEN_PLANS\2013\REC011216.DWG

MATCH LINE STA 103+50
SEE SHEET C1

MATCH LINE STA 103+50
SEE SHEET C1

MATCH LINE STA 108+50
SEE SHEET C3

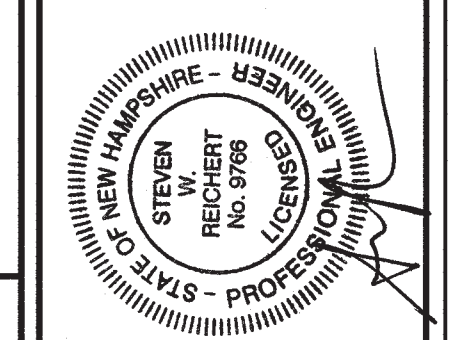
MATCH LINE STA 108+50
SEE SHEET C3



NOTE:
 THE INTENT FOR CONSTRUCTION FROM STA 102+58± TO STA 105+40± AND FROM STA 105+80± TO STA 110+99± IS TO SAW CUT ALONG THE EAST RIGHT-OF-WAY LINE OR FACE OF EXISTING BACK CURB AS SHOWN ON THE PLANS, RECONSTRUCT THE EXISTING SIDEWALK AT 1.6% MAX, AND RESET EXISTING GRANITE CURB TO PROVIDE VARIABLE REVEAL. REFER TO CROSS SECTIONS. THE ROADWAY SHALL BE RECLAIMED AND REGRADED AS SHOWN ON THE TYPICAL SECTIONS. THE CONTRACTOR SHALL TAKE EXTREME CAUTION WHEN WORKING IN THE PROXIMITY OF THE EXISTING GRANITE BACK CURB SO AS TO NOT DISTURB OR DAMAGE ANY EXISTING CURB BEYOND THE RIGHT-OF-WAY LINE.

NO.	DATE	REVISION	ISSUED FOR CONSTRUCTION
1	1/14/16	DESIGNED: ELC/MFL DRAWN: ELC/MFL	CHECKED: DAL/RMG APPROVED: SWR

CONSULTING ENGINEERS Inc.
 540 Commercial Street - Manchester, NH 03101
 (603) 688-8223 - Fax: (603) 688-8802
 cid@aldengineers.com - www.aldengineers.com
 Maine - New Hampshire - Vermont



CLIENT:
TOWN OF MILFORD
 1 UNION SQUARE
 MILFORD, NH 03055

SOUTH STREET IMPROVEMENT PROJECT
 SOUTH STREET
 MILFORD, NEW HAMPSHIRE
PROPOSED SIDEWALK PLAN AND PROFILE

SCALE: H: 1"=20' V: 1"=4'	JOB NO. 07-0171
DATE: JAN 2016	DWG. 02

X-A000(565)14837 - MILFORD
 SOUTH STREET IMPROVEMENT PROJECT
 RECORD DRAWING