

# TOWN OF MILFORD

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



## Administrative Review

**Date:** July 29, 2022  
**To:** Jason Plourde, Chair - Zoning Board of Adjustment  
**From:** Lincoln Daley, Community Development Director  
**Subject:** **Case #2022-17 Kurt and Diane Soucy for the property located at Tax Map 26, Lot 68, 24 Souhegan Street - Special Exception Application For The Expansion of Non-Conforming Use**

The applicant is before the Board of Adjustment seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article II, Section 2.03.1.C to expand the pre-existing, non-conforming 4-family residence by adding 2 additional internal units within the Residential 'A' Zoning District. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
  - a. The subject property is approximately 1 acre (43,560 sq. ft.) and contains an existing 4-family residence with attached addition and garage totaling approximately 14,700 s.f. and detached, single-story garage totaling 1,248 sf located in the rear.
  - b. The property contains approximately 185 feet of linear frontage Souhegan Street with contains two driveways
  - c. The property is serviced by municipal water and sewer.
  - d. The subject property falls within Residential 'A' Zoning District and is situated among an established residential neighborhood. The surrounding neighborhood contains a mixture of single, two-family, and multi-family residences. (See Attached Neighborhood Use Analysis)
2. The applicant is seeking to expand the existing 4 unit multi-family residence (a pre-existing, non-conforming use) by constructing two additional units within the unfinished portion of the attached addition and garage. Minimal exterior construction to the building will occur. The applicant is proposing in excess of 12 off-street parking spaces for the 6 total units in the parking area behind the main brick portion of the house and in the existing garages.
3. Pursuant to Section 2.03.1.C, an alteration, expansion, or change of a non-conforming use or structure shall only be permitted by Special Exception by the Zoning Board of Adjustment if it finds that the proposed alteration, expansion or change shall not change the nature of the original use or structure and the proposed alteration, expansion, or change shall involve no substantially different effect on the neighborhood.
4. As part of the Board deliberation, the applicant should be prepared to discuss the following:
  - a. Explanation /summary of the properties historical use and current use
  - b. General overview of the layout and design of the building.
  - c. Summary of the proposed parking for the 6 total units (2 off street parking per apartment).

**Aerial Photograph(s) of Subject Property:**



**Street View(s) of Subject Property:**



View of Souhegan Street looking NW



View of Souhegan Street looking SE





# ZBA Application

## MILFORD ZONING BOARD OF ADJUSTMENT

### GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

#### PROPERTY INFORMATION

Street Address: 24-26 Souhegan St

Tax Map / Parcel #: 26-68 Lot Size: .98 ACRES

#### PROPERTY CURRENTLY USED AS

4 UNITS, BUT HAS APPROXIMATELY 6,000 SQ FT OF UNFINISHED SPACE. 3 UNITS ARE OCCUPIED BY RENTERS

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

#### PROPERTY OWNER

Name: KURT + DIANE SOUCY

Address: 23 DEARBORN ST.

City/State/Zip: MILFORD NH. 03055

Phone: (603) 365-0301 KURT'S CELL

Email: KD SOUCY@MY FAIR POINT.NET

*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: DIANE SOUCY

Address: 23 DEARBORN ST.

City/State/Zip: MILFORD NH. 03055

Email: KD SOUCY@MY FAIRPOINT.NET

Phone: ( ) Cell: (603) 365-0560

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

Date:

Date Received: \_\_\_\_\_  
 Case Number: \_\_\_\_\_  
 Application Number: 20220910  
 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 <u>12</u>	<u>\$48.00</u>
Amount received:	<u>127.36</u> 126.36
Date Received:	<u>7/21/22</u>
Check _____ Cash <input checked="" type="checkbox"/>	

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.

126.36  
CASH



**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: \_\_\_\_\_

Tax Map / Parcel #: \_\_\_\_\_

*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 \_\_\_\_\_ Section \_\_\_\_\_  
 Describe the **use** you are proposing under the above section of the Ordinance.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Application for  
 (check all that apply):**

- Change/Expansion of Non-conforming Use/Structure (2.03.1.C)
- Wetland Buffer Impact (6.02.6)
- Accessory Dwelling Unit (10.2.6)
- Office in Res-A & B (10.2.7)
- Home Business (7.12.6)
- Side/Rear Yard Setback Reduction (Zoning District Specific)
- 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:

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

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

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

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

### **Milford Zoning Ordinance, Article II, Section 2.03.1.C**

With regards to section Milford Zoning Ordinance, Article II, Section 2.03.1.C, the expansion of the existing non-conforming use from 4 units to 6 total units will not change the nature of the of the original use (multi-family) or structure and the proposed expansion will not negatively impact or substantially effect the Souhegan Street neighborhood.

1. Although the Res. A Zoning District is primarily a single-family district, the Souhegan Street neighborhood is an older established neighborhood developed prior to adoption of the Ordinance. The proposed use is consistent with the existing surrounding two-family and multi-family dwellings.
2. The proposed addition of 2 units to the existing 4-unit residence will be located within the newer attached addition and garage. The exterior of the multi-family residence will not be altered. Given the size of the multi-family residence, layout, and its orientation to Souhegan Street, there would be no noticeable or visible change to the property.
3. Lastly, the property contains ample existing off-street parking for the existing 4 units and the two proposed units. The site will easily accommodate 12 vehicles (2 per unit) as required by the Milford Development Regulations. In addition, the majority of off-street parking will be visually mitigated by the main portion of the house facing Souhegan Street and within existing garages.



# Map 26 Lot 68

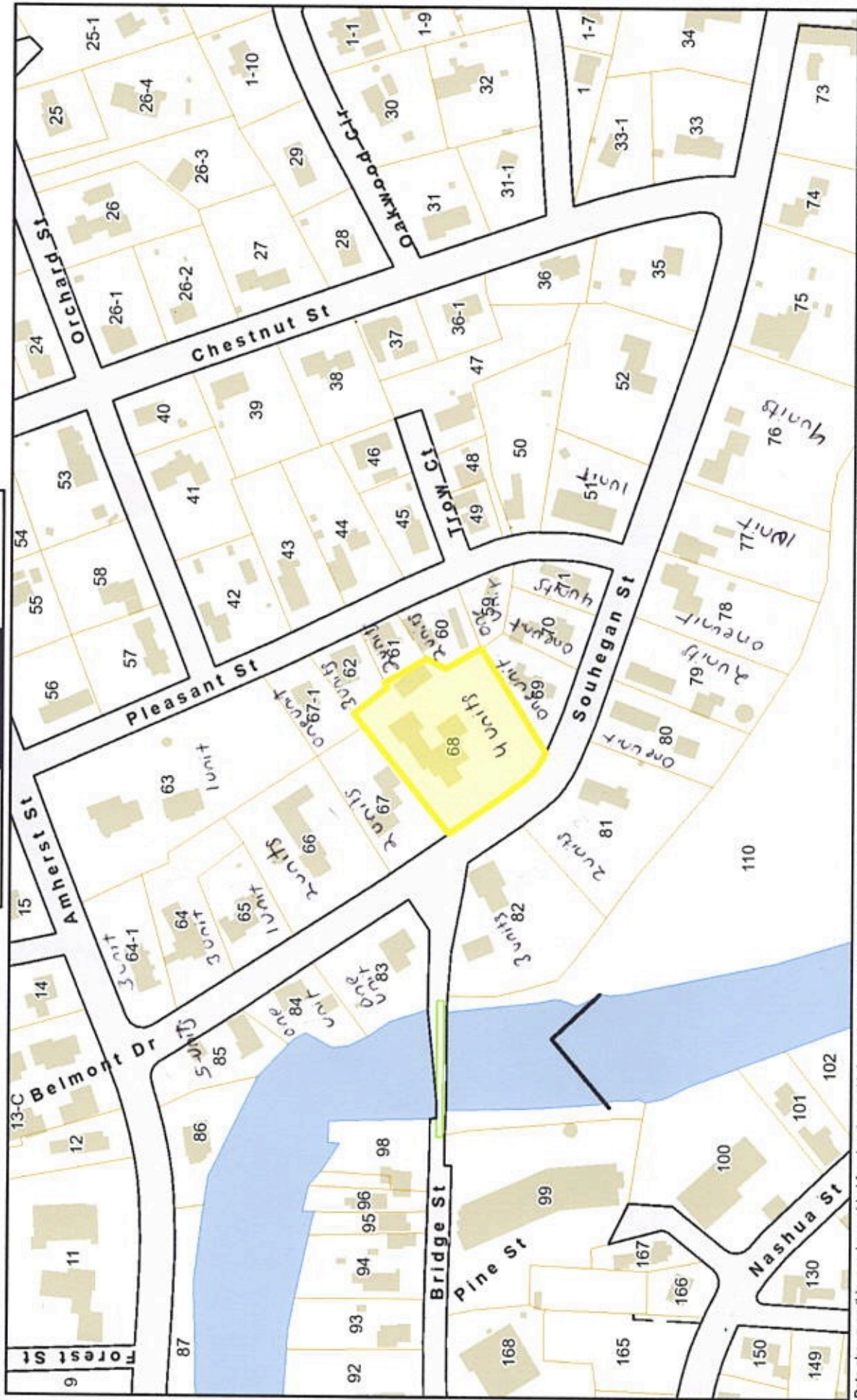
Land Use Analysis

1 inch = 200 Feet

July 31, 2022

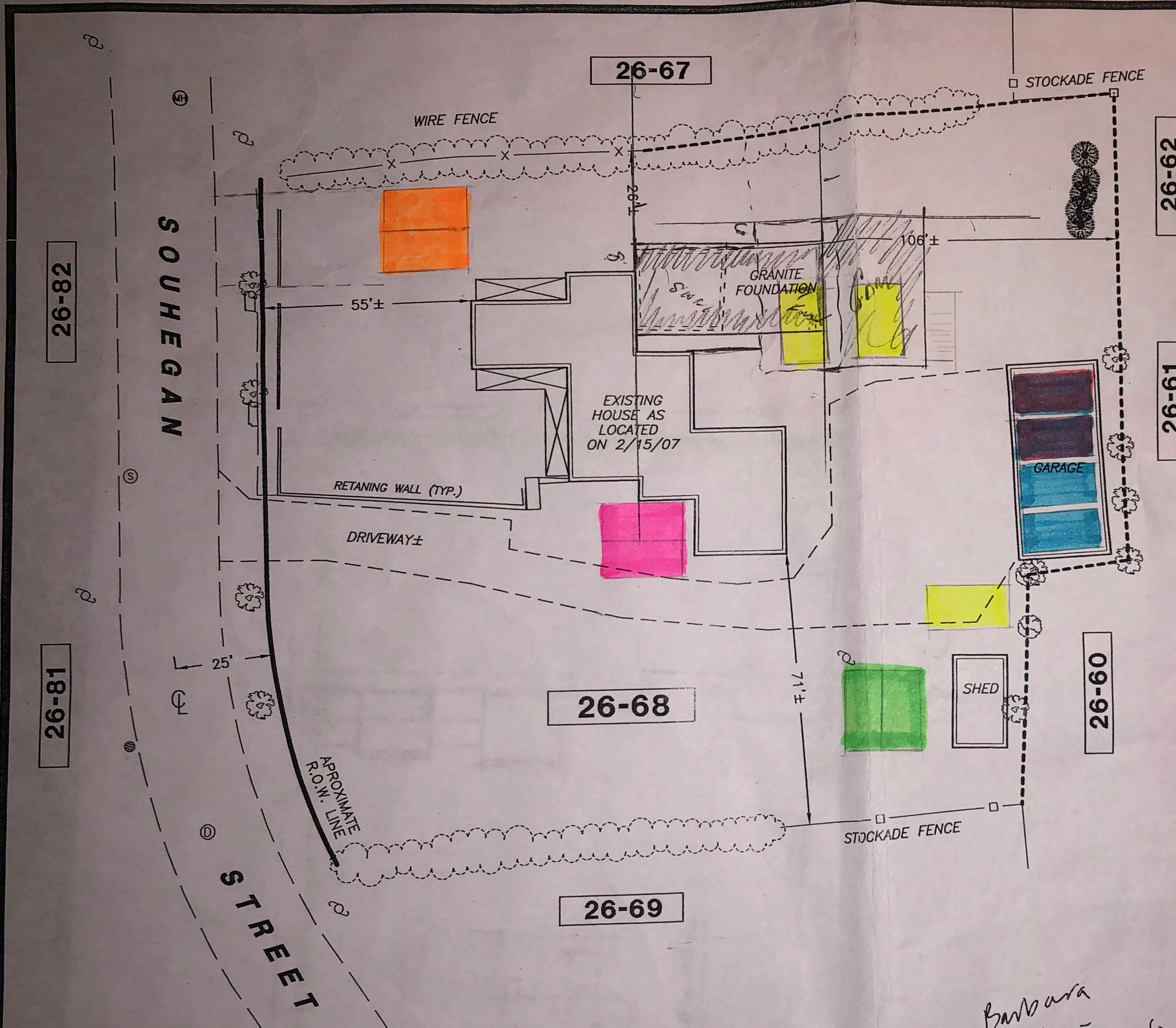


www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.





**NOTES:**

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING IMPROVEMENTS ON LOT 26-68, RELATIVE TO THE PHYSICAL EVIDENCE AND LINES OF OCCUPATION AS SHOWN.
2. THE CURRENT OWNER OF RECORD IS KURT A. & DIANNE E. SOUCY, 23 DEERBORN STREET, MILFORD, N.H. 03055. SEE H.C.R.D. BOOK 7453 PAGE 1246 DATED 5/02/05.
3. THIS IS NOT TO BE CONSIDERED A BOUNDARY SURVEY.

**EXISTING IMPROVEMENTS PLAN  
LAND OF:  
KURT A. & DIANNE E. SOUCY  
TAX MAP 26 LOT 68  
MILFORD, NEW HAMPSHIRE**

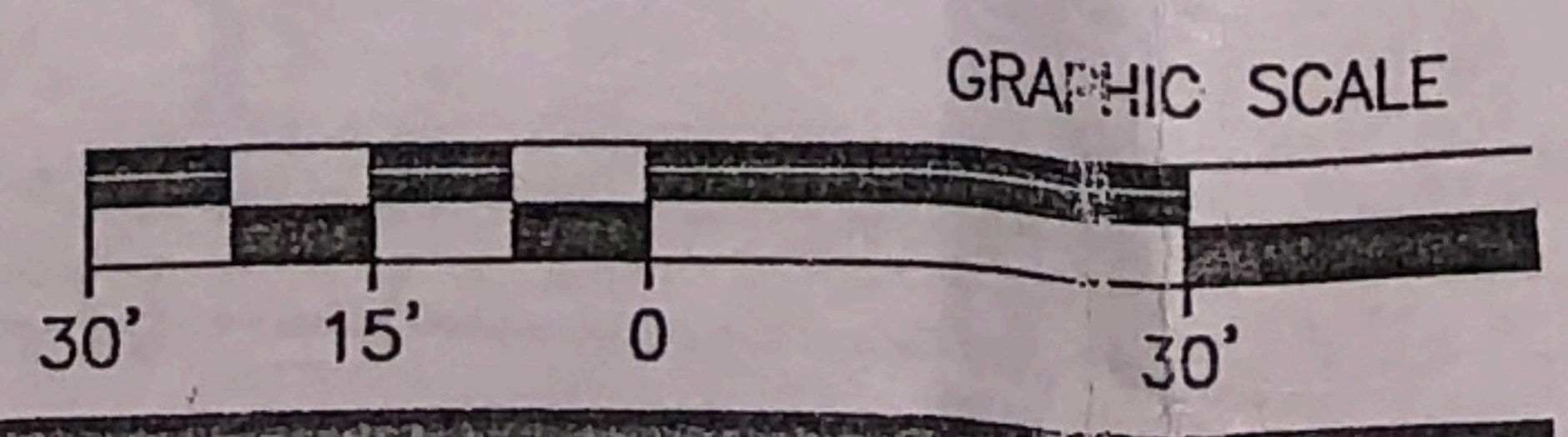
SCALE: 1" = 30'      FEBRUARY 20, 2007

**MERIDIAN**  
Land Services, Inc.  
OFFICE: 31 OLD NASHUA ROAD, AMHERST, NEW HAMPSHIRE 03031  
MAILING ADDRESS: PO BOX 118, MILFORD, NEW HAMPSHIRE 03055-0118  
TEL 603-673-1441 FAX 603-673-1584 MERIDIAN@MERIDIANLANDSERVICES.COM

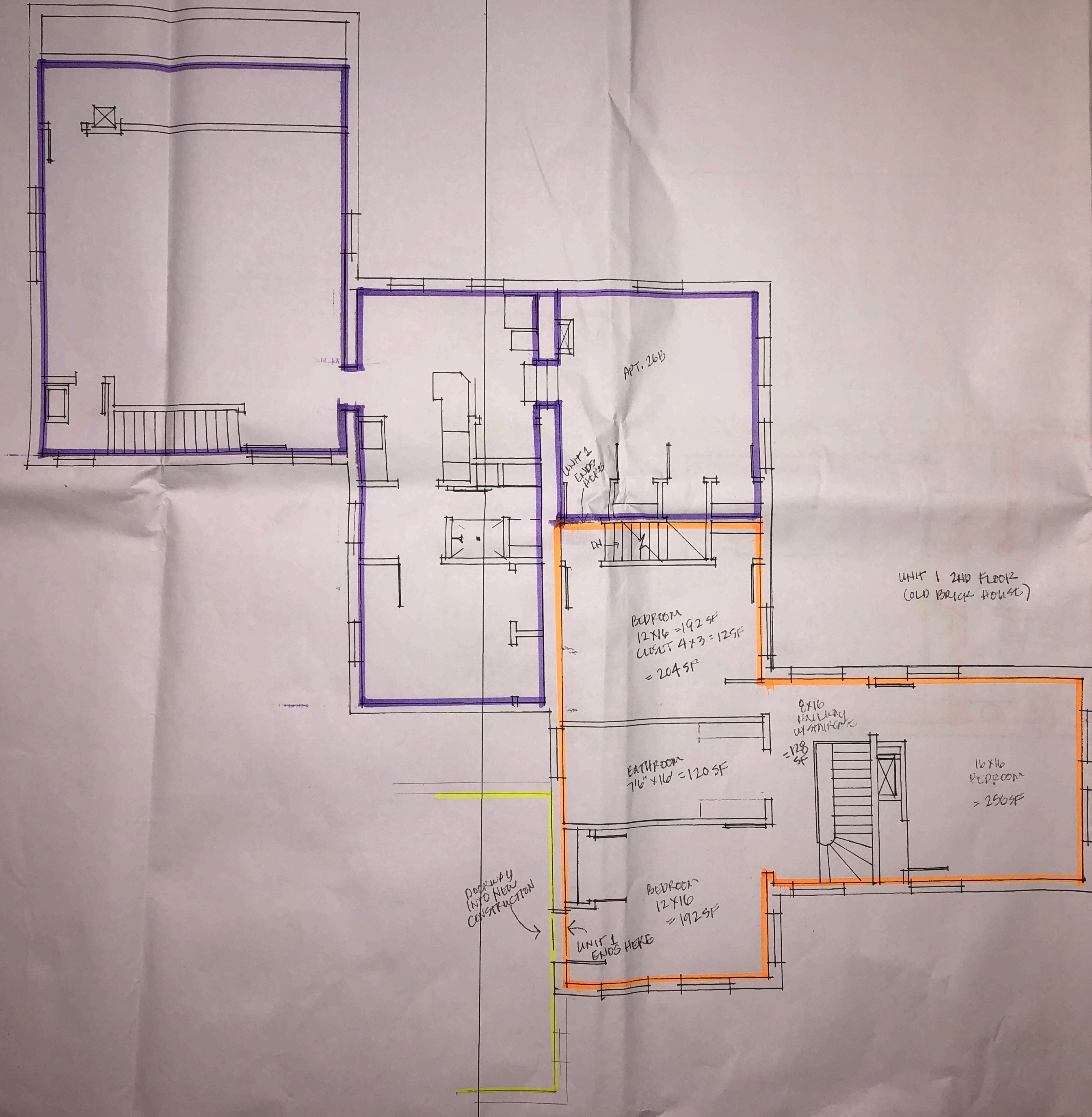
**ENGINEERS - LAND SURVEYORS - SCIENTISTS - LAND PLANNERS**

FILE: 7441C00.dwg      PROJECT NO. 7441.00      SHEET NO. 1 OF 1

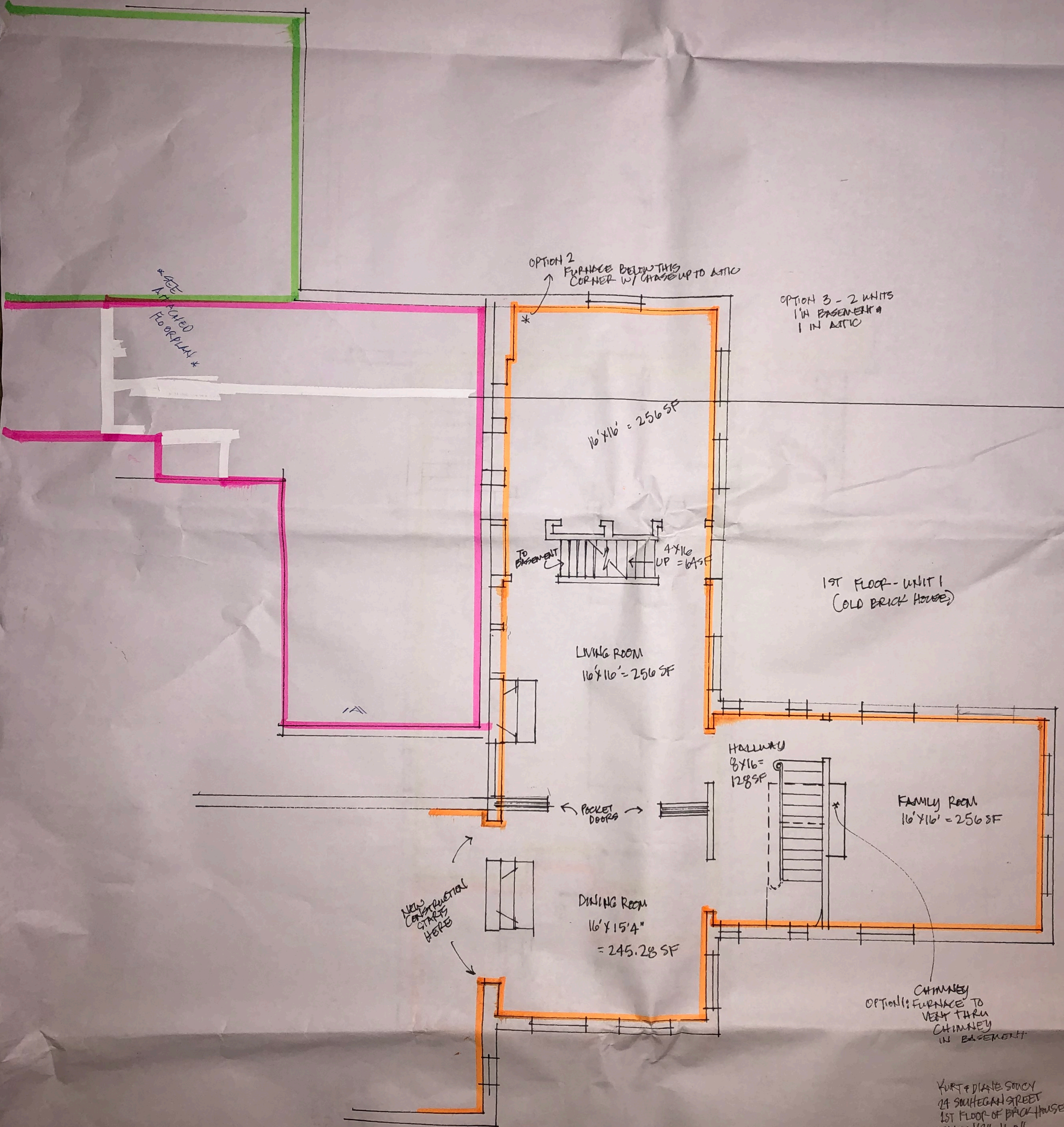
*Barbara  
Cady =  
no need to  
call*



REV.	DATE	DESCRIPTION	C/O	DR	CK



KURT & DIANE SOUNY  
 24 SOUTH HEGAN STREET  
 2ND FLOOR OF BRICK HOUSE  
 SCALE: 1/2" = 1'-0"



\*SEE ATTACHED FLOORPLAN\*

OPTION 2  
FURNACE BELOW THIS  
CORNER W/ CHASE UP TO ATTIC

OPTION 3 - 2 UNITS  
1 IN BASEMENT &  
1 IN ATTIC

16' x 16' = 256 SF

TO BASEMENT  
4' x 16'  
UP = 64 SF

1ST FLOOR - UNIT 1  
(OLD BRICK HOUSE)

LIVING ROOM  
16' x 16' = 256 SF

HALLWAY  
8' x 16' =  
128 SF

FAMILY ROOM  
16' x 16' = 256 SF

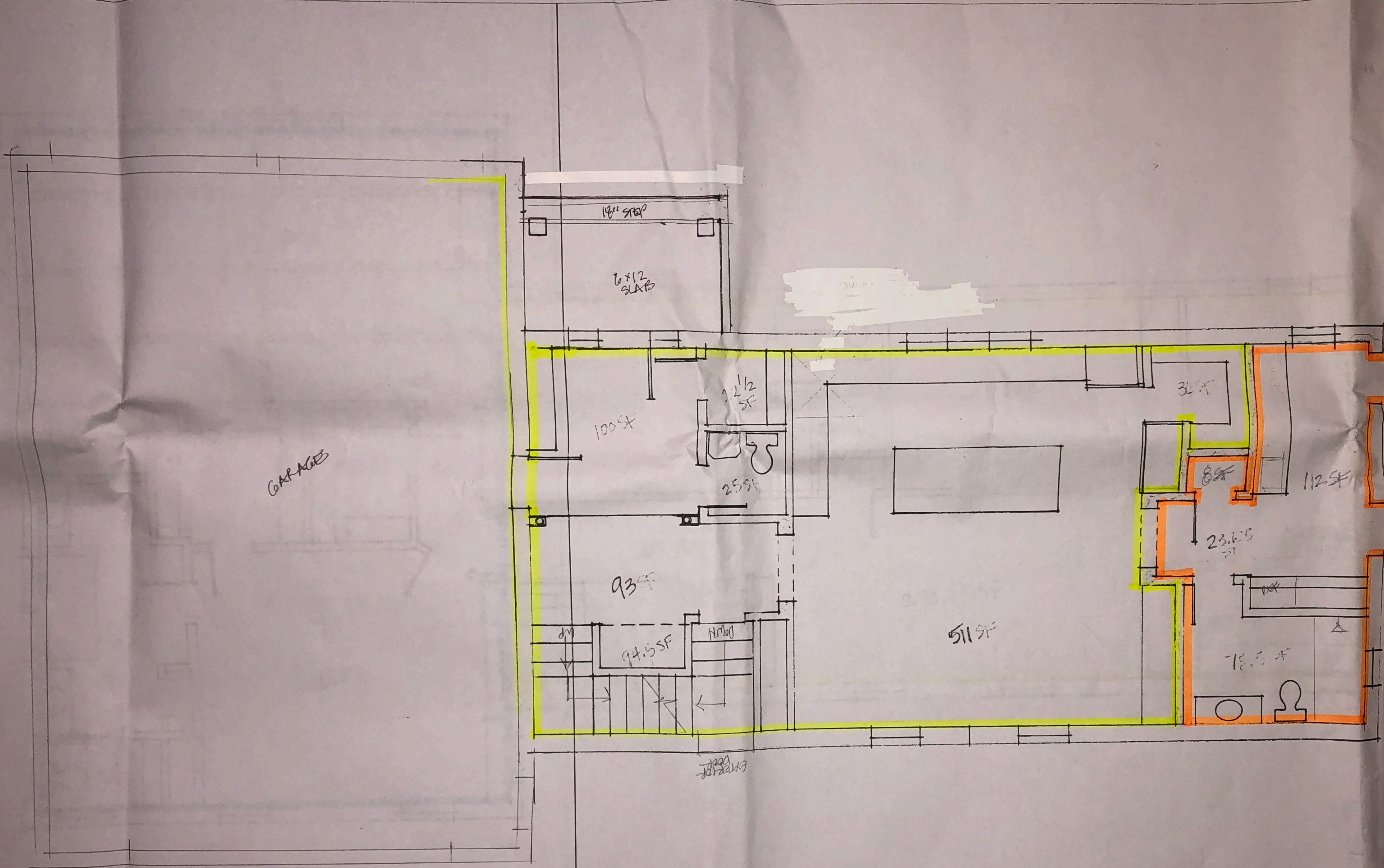
POCKET DOORS

NEW  
CONSTRUCTION  
STARTS  
HERE

DINING ROOM  
16' x 15'4"  
= 245.28 SF

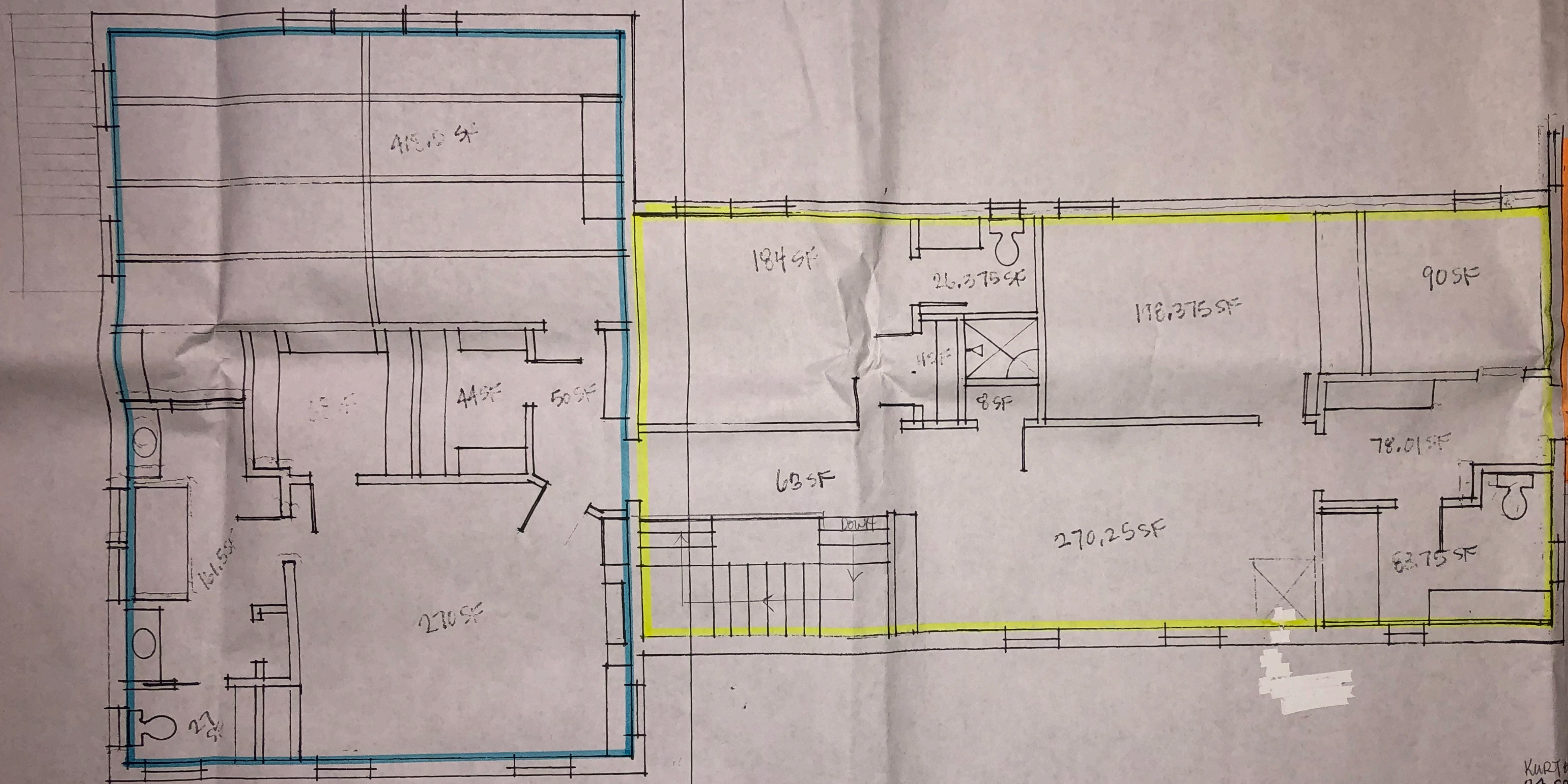
CHIMNEY  
OPTION 1: FURNACE TO  
VENT THRU  
CHIMNEY  
IN BASEMENT

KURT & DIANE SANCY  
24 SOUTHGATE STREET  
1ST FLOOR OF BRICK HOUSE  
SCALE: 1/2" = 1'-0"



KURT & ORANE SACH  
 24 SOUTHGATE STREET  
 MILFORD, NH  
 1ST FLOOR  
 SCALE: 1/4" = 1'-0"

UNIT 1  
UNIT 2 = 2022 AP + BARNMENT 1150 = 2132



CONNECTS TO OLD POPPER HOUSE HERE

KURT & DIANE SOUCH  
24 SOUHEGAN STREET  
MILFORD, NH  
2ND FLOOR  
SCALE: 1/4" = 1'-0"