

TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620

WEB: WWW.MILFORD.NH.GOV

Date: August 12, 2023

To: Board of Adjustment

From: Terrence S. Dolan, Director of Community Development *TSD*

Subject: **Memorandum for Case #2023-12:** For property located at 84 Prospect Street, Tax Map 30, Lot 84
Request for a required Special Exception to allow for a singular, detached Accessory Dwelling Unit (ADU) to be located on an existing single-family residence lot

Case #2023-12: Linda Ledger, 84 Prospect Street, Milford Tax Map 30, Lot 84

Request: Special Exception Application to allow for Accessory Dwelling Unit to replace an existing detached single-car garage/shed

Introduction: The applicant is before the Board of Adjustment seeking a Special Exception from the Milford Zoning Ordinance, Article X, Sections, 10.2.1 and 10.2.6 to allow for the construction of a 672 square foot, (16' wide by 42' long), one (1) bedroom accessory dwelling unit utilizing the same foundation footprint of the existing single vehicle garage. The garage's existing structure and foundational footprint pre-dated any zoning regulations for the town by several decades, and is calculated to now encroach approximately 6.5 feet into the northerly 15' established side setback of the single-family lot.

The proposed ADU shall not encroach any further into the (now established) side setback, thus not exacerbating any non-conformity with the side setback criteria within the Town zoning regulations. This home was built in 1920, as a single-family residence, as is within the Residential 'A' District. In reviewing the files for this property, the following comments are offered:

1. Existing Conditions:

- a. The subject property is approximately .46 acre in area (20,037 sq. feet) with approximately 118 linear feet of frontage on Prospect Street. This property uniquely also possesses (along its *considered* rear lot line) double frontage (+/-120 linear feet) along the Glenn Drive cul-d-sac on its eastern side.
- b. The property's existing residence consists of a 1.5-story, 3-bedroom single-family residence (**built: 1920**), and is serviced by municipal water and sewer system.
- c. The subject property is situated in a long-established single-family residential area. The home contains approximately 1,512 sq feet of living space.
2. The proposal calls for construction of a new ground level, one story ADU to replace the existing, detached garage/shed structure in its entirety. Two dedicated additional parking spaces shall be

placed along the side of front corner of the new structure for the ADU, in the rear yard portion of the property.

3. The overall height of the replacement ADU Structure shall be 13'10", pursuant to the latest architectural renderings received by the Town, (see attached).
3. On January 9, 2023, prior to any contemplation of the creation of the ADU, the applicant made appropriate application to the Dept. of Public Works (DPW) Director for the approval of an additional driveway cut onto Glenn Drive (along the rear lot area of this property). This request was reportedly made to facilitate safe ingress/egress during winter weather, due to the sever steepness of the existing driveway out, onto Prospect Street.

The DPW Director is allowed, under the **Town's Residential Driveway Regulations, Section IV. Access Points**, Page 2-3) to issue additional (secondary) vehicular access curb-cut permits onto town streets, (exceeding the town requirement for *only one driveway curb cut per residential lot*), and grant an additional curb cut at his discretion. The permit was issued (see attached) on 1/9/2023 for this property. (Please see Driveway Permit and email form DPW Director, Leo Lessard attached in this memo).

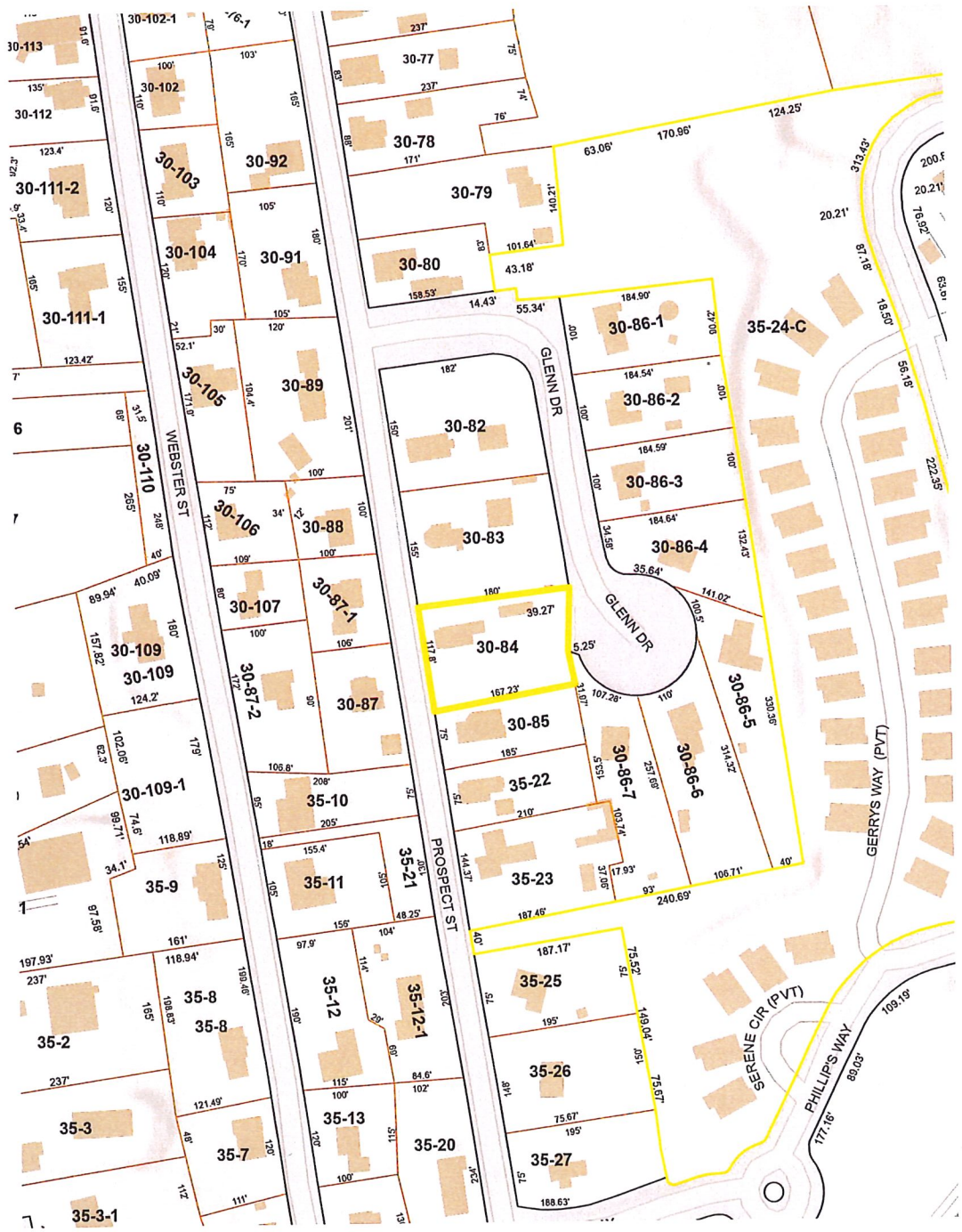
3. An ADU is a permitted use in the Residential 'A' Zoning District through the issuance of a *Special Exception* pursuant to Zoning Ordinance, Article 5.02.2.A.13 & Article X, Section 10.2.6.
4. Upon review the application pursuant to the Section 10.02.6.A, the submittal meets the minimum requirements of the Zoning Ordinance:
 - a. The proposed maximum area for the ADU is 672 square feet. The primary residence will continue to be owned and occupied by the property owner, as recently affirmed by the applicant.
 - b. The proposed architectural plans appear to be consistent with the existing residence. The addition, the proposed layout, access, and egress meet the minimum requirements of the ordinance.
 - c. The property will have sufficient parking to manage the single-family residence and the proposed addition of the accessory dwelling unit with the two proposed additional parking spaces being added to serve the ADU occupants.As stated above, the additional curb cut was approved by the DPW Director in January 2023. However, staff recommends that a conditional of approval should be considered to maintain the 84 Prospect Street existing driveway access as the *primary access* for ingress and egress for this property.

Included you shall find the following:

1. Special Exception Criteria (Article X, Section 10.02.6) Justification Responses, prepared by the Applicant.
2. A Site Plan Exhibit & Arch. Renderings, showing the location and floor plan and exterior dimensions of the proposed ADU.
3. Map location graphic and the town's GIS aerial image for 84 Prospect Street.
4. Color Street View Image of 84 Prospect Street.

Any approval by the ZBA for this *Accessory Dwelling Unit (ADU)* in this residential location should contain be conditional, where the Applicant shall make application for, and meet all necessary Town of Milford Building & Fire Department Code Criteria.

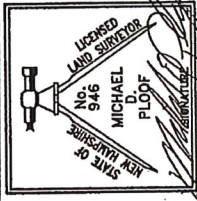
Thank you for your time and consideration.



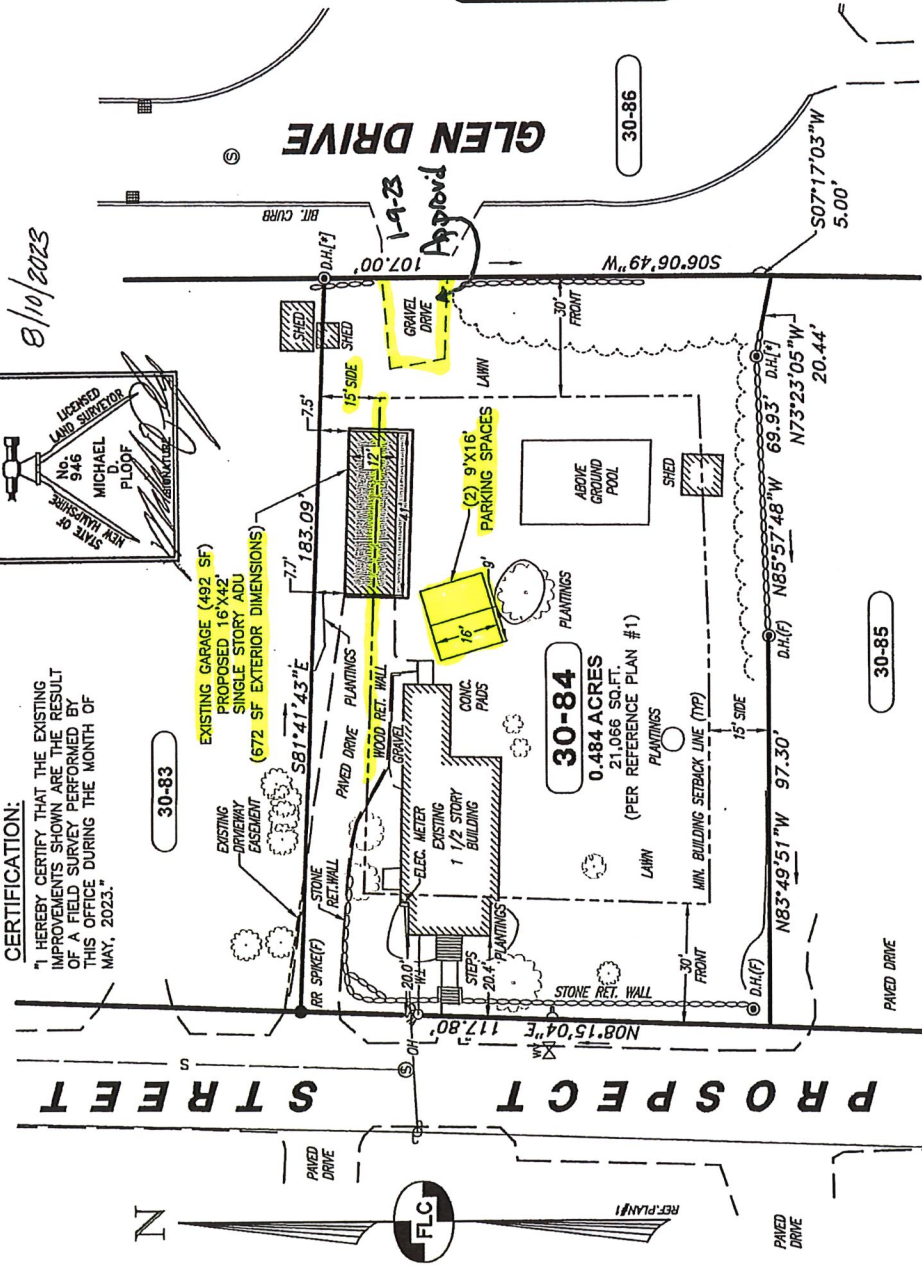


CERTIFICATION:

"I HEREBY CERTIFY THAT THE EXISTING IMPROVEMENTS SHOWN ARE THE RESULT OF A FIELD SURVEY PERFORMED BY THIS OFFICE DURING THE MONTH OF MAY, 2023."



8/10/2023



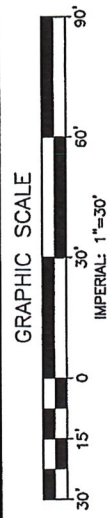
NOTES:

1. THE OWNER OF RECORD FOR TAX MAP PARCEL 30-84 IS LINDA ANN LEDGER, 10 ARMORY ROAD, MILFORD, NH 03055. DEED REFERENCE TO PARCEL IS BK:9+14 PG:187, DATED DECEMBER 28, 2020 IN THE H.C.R.D.
2. THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING SITE IMPROVEMENTS ON LOT 30-84, AS SHOWN. A 16'X42' SINGLE STORY ADU WITH MUNICIPAL SEWER AND WATER CONNECTIONS IS PROPOSED IN THE DETACHED GARAGE. ALL NECESSARY ADDITIONAL ENTRANCES AND EXITS SHALL BE LOCATED TO THE SIDE OR REAR OF THE BUILDING TO THE MAXIMUM EXTENT POSSIBLE.
3. ZONING FOR THE ENTIRE PARCEL IS RESIDENCE "A" DISTRICT WITH MUNICIPAL SEWER AND WATER CONNECTIONS. REQUIREMENTS ARE 15,000 SQ. FT. LOT AREA, 100 FT OF FRONTAGE. BUILDING SETBACKS ARE 30' FRONT, 15' SIDE AND 15' REAR.
4. NO PORTION OF THE SITE LIES WITHIN THE WETLANDS CONSERVATION, WELLHEAD PROTECTION, OR GROUNDWATER PROTECTION DISTRICT.
5. PERIMETER INFORMATION SHOWN WAS COMPILED ENTIRELY FROM THE REFERENCE PLANS CITED HEREON AND IS NOT THE RESULT OF A PRECISE BOUNDARY SURVEY BY THIS OFFICE.

LEGEND:

- RIGHT-OF-WAY LINE
- BOUNDARY LINE
- ABUTTING LOT LINE
- PAVED ROAD/DRIVE
- BUILDING SETBACK LINE
- EXISTING TREE LINE
- DRILL HOLE FOUND
- DRILL HOLE PER REF PLAN
- EXISTING BUILDING

30-84
TAX MAP AND LOT NUMBER



**ZONING BOARD OF ADJUSTMENT EXHIBIT
PREPARED FOR AND LAND OF:
LINDA ANN LEDGER
TAX MAP PARCEL 30-84
(84 PROSPECT STREET)
MILFORD, NEW HAMPSHIRE**

SCALE: 1" = 30' JUNE 7, 2023

REV.	DATE	DESCRIPTION	C/O	DR	CK
B	6/10/23	REVISE PROPOSED ADU		DEB	CAG
A	6/2/23	ADD PARKING SPACES		DEB	CAG

FILE: 3542EH00.dwg PROJ. NO. 3542.00 SHEET NO. 1 OF 1

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

REFERENCE PLANS:

1. "BOUNDARY & EASEMENT PLAN - PREPARED FOR - STEPHEN SEARS - MILFORD, N.H.", SCALE: 1"=40', DATED: MARCH 8, 1989, REVISED THROUGH: OCTOBER 9, 1989, PREPARED BY: THOMAS F. MORAN INC. AND RECORDED AS PLAN #24119 IN THE H.C.R.D.
2. "BOUNDARY SURVEY OF LAND OF - MARION R. MARTIN - PROSPECT ST., MILFORD, N.H.", SCALE: 1"=50', DATED: JUNE 12, 1985, PREPARED BY: DAVID M. O'HARA & ASSOCIATES AND RECORDED AS PLAN #18223 IN THE H.C.R.D.



ZBA Application
MILFORD ZONING BOARD OF ADJUSTMENT
GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

Date Received:	TOWN OF MILFORD RECEIVED
Case Number:	
Application Number:	JUN 22 2023
Hearing Date:	
Decision Date:	PB ZBA Office
Decision:	2023 0905

PROPERTY INFORMATION

Street Address: 84 Prpspect Street
 Tax Map / Parcel #: 30-84 Lot Size: 0.484 Acres

PROPERTY CURRENTLY USED AS

Residential property with access on Prospect Street and Glen Drive, which has one primary structure, two sheds, a pool, and detached garage

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

PROPERTY OWNER

Name: Linda Ann Ledger
 Address: 84 Prospect Street
 City/State/Zip: Milford, NH 03055
 Phone: (603) 582-9579
 Email: Lnznew1@gmail.com
 yahoo.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.

L Ledger 6/22/23
 _____ _____
 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:	\$100 .00
Abutters Fee: <u>10</u> X <u>\$5.75</u>	\$57.50
Amount received:	157.50
Date Received:	06 22 2023
Check <input checked="" type="checkbox"/> Cash <input 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.



ZBA Application – Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

Date Received: _____
 Case Number: _____
 Application #: TOWN OF MILFORD RECEIVED
 Date Completed: JUN 22 2023
 Hearing Date: _____
 Decision Date: PB ZBA _____
 Decision: _____

PROPERTY INFORMATION
Street Address: 84 Prospect Street
Tax Map / Parcel #: 30-84
<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> *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 <u> X </u> Section <u> 10.02.06 </u> Describe the use you are proposing under the above section of the Ordinance. <u>Construction of one Accessory Dwelling Unit (ADU) within the existing detached garage located at 84 Prospect Street. The use will be residential.</u> _____ _____

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: A special exception is requested to allow for the construction of an ADU within the existing detached garage located at 84 Prospect Street.
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: ***PLEASE SEE ATTACHED DOCUMENT***
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: _____



ZBA Application – Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

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

WETLAND AND WETLAND BUFFER IMPACT 6.02.6

1. Has the need for the project been addressed? Please explain.
2. Is the plan proposed the least impactful to the wetlands, surface waters and/or associated buffers? Please explain.
3. Has the impact on plants, fish and wildlife been addressed? Please explain.
4. Has the impact on the quality and quantity of surface and ground waters been addressed? Please explain.
5. Has the potential for increased flooding, erosion and sedimentation been addressed? Please explain.
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.
7. Has the impact of the values and function of the overall wetland and wetland complex been addressed? Please explain.
8. Has a comment from the Milford Conservation Commission been solicited? Yes___ No___
Date of Conservation Commission Meeting attended: _____

HOME BUSINESS CRITERIA 7.12.6

1. Is the Home Business located in the Residential 'A', Residential 'B', or Residential 'R' Zoning District?
2. Please explain if the Home Business is conducted entirely within the dwelling or accessory structure.
3. A sign of not more than six (6) square feet is allowed and shall not advertise in such a way that would encourage customers or salespersons to come to the property without an appointment. Please provide the dimensions, design, and approximate location of the sign.
4. There shall be no more than two (2) non-resident employees of the Home Business. Please provide the total number of non-resident employees.
5. The Home Business shall not be more than 25% of the combined floor area of all structures on the property. Please detail the total combined floor area of all structures on the property used for Home Business.

Section continued on next page.



ZBA Application – Special Exception

MILFORD ZONING BOARD OF ADJUSTMENT

HOME BUSINESS CRITERIA 7.12.6 (Continued)

6. Retail sales of goods incidental to Home Business are allowed. Please explain if there will be retail sales of goods incidental to Home Business.
7. There shall be not more than sixteen (16) clients or deliveries per day. If applicable, please provide the anticipated number of clients or deliveries per day.
8. There shall be no parking of or deliveries by vehicles with more than two (2) axles. Only one (1) commercial vehicle may be parked on the property in conjunction with the Home Business. Please summarize the anticipated size of the delivery vehicles and number of commercial vehicles serving the Home Business.
9. A Home Business shall not be conducted in a way that is perceptible in external effects (such as but not limited to noise, odors, traffic) from beyond the lot line between the hours of 9:00 p.m. and 7:30 a.m. Please explain the hours of operation.
10. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts commonly found in a dwelling. The use shall not involve the use or storage of toxic substances. If applicable, please explain if there will be the storage of hazardous, flammable or explosive, or toxic substances associated with the Home Business and its location on the property.

ACCESSORY DWELLING UNITS 10.02.6

1. Is the property going to be Owner Occupied?
Yes
2. Has a Building Permit application been made? Copy of permit application attached?
Permit application has not yet been made
3. Is the ADU developed in a manner which does not alter the character/appearance of the principal use as a single-family residence?
Yes
4. Is the ADU intended to be secondary and accessory to a principal single-family dwelling unit?
Yes
5. Does the ADU impair the residential character of the premises or the reasonable use, enjoyment and value of neighborhood?
No
6. Is there adequate off-street parking? How many spaces?
Yes - 3 spaces
7. Are any additional curb cuts being proposed?
No additional curb cuts
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. Yes

Section continued on next page.



ZBA Application – Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

ACCESSORY DWELLING UNITS 10.02.6 (Continued)

1. Is there adequate sewer/septic and water for the additional inhabitants? Please include septic/sewer approval.
Yes - permit application not yet made
2. Is there only one (1) ADU on the property?
Yes
3. Is the ADU no more than 750 square feet gross floor area? How many square feet is the ADU?
Yes - The ADU will be less than 750 sq.ft.
4. Does the ADU have no more than two (2) bedrooms? Please show on plans.
Yes the ADU is two bedroom
5. 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 it is in a detached garage
6. If a connecting hall is proposed, is the hallway at least 36 inches wide? Please show on plans.
N/A it is in a detached garage
7. Has a Code Compliance inspection been conducted by the Building Inspector? Please include inspection report.
Not yet completed
8. Is the ADU in compliance with Section 10.02.6:A of the Milford Zoning Ordinance? How so?
Yes - please see attached
9. If no, has a Variance from Section 10.02.6:A been granted by the ZBA?
N/A

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: _____

SE 7/23

Darlene Bouffard

From: Terrence Dolan
Sent: Wednesday, July 26, 2023 3:21 PM
To: debarowski fieldstonelandconsultants.com
Cc: caguida fieldstonelandconsultants.com; Darlene Bouffard; Jerry O'Connor
Subject: RE: Linda Ledger Special Exception Application (FLC #3542.00)

Dan, please review the following:

1. No vehicular access is permitted from the proposed ADU out onto Glenn Drive. The DPW Director only provided a Driveway Permit to the owner of the property, (out to Glenn Drive) for the purpose of provide an onsite storage lane for an RV, as requested. No flow-through driveway (or connection to the existing garage), or otherwise connecting to the existing driveway leading out to Prospect Street is allowed by Town Ordinance.
2. The **Owner of Record** for the property (i.e. Ms. Ledger) **must** either reside within the primary home (**84 Prospect Street**), or within the eventual ADU itself. Is this to be the case? If not, then the ADU is not a permitted use of the property.
3. I need scaled and dimensioned floor plans for both levels of the proposed ADU.
4. Likewise, I also need a **lot survey of some form** to demonstrate that the entirety of new structure shall be in conformance with the required 15-foot Side Yard Setback and the req'd 15-foot Rear Yard Setback (i.e. Glen Drive).
5. As discussed, a designated area to provide ample parking for inhabitants of the proposed ADU needs to be shown, off the existing driveway, (@ a minimum: each parking space shall be a min. 9' width by 16' length, for each of two (2) vehicle spaces). The area of the existing driveway may not count towards fulfilling this requirement.
6. As I indicated and summarized on our phone call, I shall need all of this information no later than early this Friday morning, 7/28th (**We close at Noon on Fridays**), so I may have time to prepare the required ZBA Bd. Agenda Packages, if Ms. Ledger wishes to continue with this case.
 *** If all of this information does not come in until this Friday morning, I will likely need to work overtime to prepare and provide the packages timely to the Board Members by our deadline. I had suggested this case may best be put off until one of the two scheduled September ZBA Hearings (7th or 21st?), for the applicant to prepare plans of adequate quality for the ZBA Board to evaluate and render a decision for the proposed ADU Request. If any one of the above items is not provided satisfactorily, then I cannot proceed with the case request at the August 3rd ZBA Mtg.

Dan, I believe that covers all of the outstanding issues for this case.
If you have any further questions, please reach out to me at your convenience. Best to e-mail me directly, or simply leave a message with our office administrators. Thank You!

Best Regards,

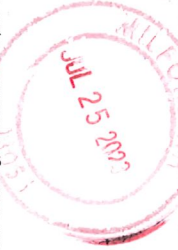
Terrey Dolan

Terrence (Terrey) Dolan
Director of Community Development/Town Planner
Town of Milford
1 Union Square,
Milford, New Hampshire 03055
tdolan@milford.nh.gov


Name & Address of Sender
TOWN OF MILFORD
84 PROSPECT 30-84
One Union Sq
Milford, NH 03055
CASE 2023-12 SE 30-84

Check type of mail or service:
 Certified
 COD
 Delivery Confirmation
 Express Mail
 Insured
 Recorded Delivery (International)
 Registered
 Return Receipt for Merchandise
 Signature Confirmation

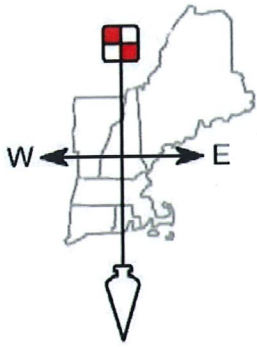
Affix stamp here (if issued as a certificate of mailing, or for additional copies of this bill)
 Postmark and date of Receipt



Line	Article number	Addressee (Name, Street, City, State & Zip Code)	Postage	Fee	Handling Charge if Registered	Actual Value if Registered	Insured Value	Due Sender if COD	DC Fee	SC Fee	SH Fee	RD Fee	RR Fee
5270	0305 401A 82	FIELDSTONE LAND CONSULTANTS PLLC, 206 ELM ST., MILFORD NH 03055	0.60	4.75									
5270	0305 401A 99	LINDA LEDGER, 84 PROSPECT ST, MILFORD, NH 03055	0.60	4.75									
5270	0305 401A 05	SEAN & ANDREA MACFARLANE, JULY CROSBY, 78 PROSPECT ST, MILFORD NH 03055	0.60	4.75									
5270	0305 401A 12	DANIEL & CRYSTAL FONTAS, PO BOX 7242, MILFORD NH 03055	0.60	4.75									
5270	0305 401A 29	DANIEL & ASHLEY BURKE, 24 GLENN DR MILFORD NH 03055	0.60	4.75									
5270	0305 401A 36	JASON & SUSAN CLARK, 28 GLENN DR, MILFORD NH 03055	0.60	4.75									
5270	0305 401A 43	RICHARD & DEBRA WINSLOW, 27 GLENN DR, MILFORD NH 03055	0.60	4.75									
5270	0305 401A 50	WILLIAM & KATHIE KARR REV TRUST, WILLIAM & KATHIE KARR TRUSTEES, 23 GLENN DR, MILFORD NH 03055	0.60	4.75									
5270	0305 401A 67	MARC & ISABELLE WEINSTEIN, 79 PROSPECT ST, MILFORD NH 03055	0.60	4.75									
5270	0305 401A 74	RONALD & KATHLEEN BOSSE, 75 PROSPECT ST, MILFORD NH 03055	0.60	4.75									
5270	0305 401A 81	TOWN OF MILFORD, 1 UNION SQUARE, MILFORD NH 03055	0.60	4.75									
12	7018		0.60	4.75									
13	7018		0.60	4.75									
14			0.60	4.75									
15			0.60	4.75									
16			0.60	4.75									
17			0.60	4.75									

Total number of pieces Listed by sender: 11
 Total number of pieces Received at Post Office: 11
 Postmaster, Per (Name of receiving employee): 

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FIELDSTONE

Surveying ♦ Engineering
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LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456

www.FieldstoneLandConsultants.com

June 22, 2023
FLC#3542.00 / DEB

List of Abutters
Tax Map 30 Lot 84
Milford, New Hampshire

Map 30 Lot 84
Linda A. Ledger
84 Prospect Street
Milford, NH 03055

Map 30 Lot 83
Sean & Andrea Macfarlane
Julie Ann Crosby
78 Prospect Street
Milford, NH 03055

Map 30 Lot 85
Daniel L. & Crystal L. Fontas
PO Box 7242
Milford, NH 03055

Map 30 Lot 86-4
Daniel & Ashley Burke
24 Glenn Drive
Milford, NH 03055

Map 30 Lot 86-5
Jason W. & Susan E. Clark
28 Glenn Drive
Milford, NH 03055

Map 30 Lot 86-6
Richard J. & Debra A. Winslow
27 Glenn Drive
Milford, NH 03055

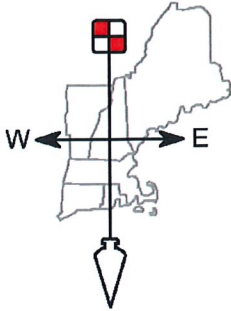
Map 30 Lot 86-7
William A. & Kathie Karr Rev. Trust
William A. & Kathie Karr, Trustees
23 Glenn Drive
Milford, NH 03055

Map 30 Lot 87
Marc J. & Isabelle Weinstein
79 Prospect Street
Milford, NH 03055

Map 30 Lot 87-1
Ronald L. & Kathleen Bosse
75 Prospect Street
Milford, NH 03055

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

LETTER OF TRANSMITTAL



FIELDSTONE

LAND CONSULTANTS, PLLC

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

Surveying ♦ Engineering
Land Planning ♦ Septic Designs



To: Town of Milford
Community Development Department
Zoning Board of Adjustment
1 Union Square
Milford, NH 03054

Date: August 10, 2023

Re: ZBA Special Exception Application for Tax Map Parcel 30-84
84 Prospect Street, Milford, NH 03055
Linda Ledger (Applicant)

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings
 Prints
 Plans
 Samples
 Specifications
 Copy of letter
 Change order

COPIES	DATE	NO.	DESCRIPTION
1	8/10/23		Revised Special Exception Criteria - Article X: Section 10.02.6
1	8/10/23		Revised ZBA Exhibit Plan (11"x17") (Revision C)

THESE ARE TRANSMITTED as checked below:

- For approval
 Approved as submitted
 Resubmit ____ copies for approval
 For your use
 Approved as noted
 Submit ____ copies for distribution
 As requested
 Returned for corrections
 Return ____ corrected copies
 For review and comment

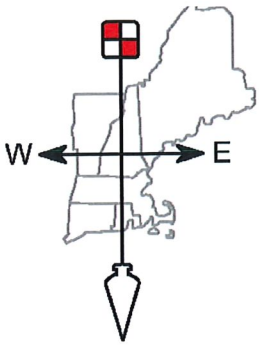
 FOR BIDS DUE:
 PRINTS RETURNED AFTER LOAN TO US

REMARKS:

We are submitting the above listed items to supplement the existing Special Exception application previously submitted, to be placed on the August 17, 2023 meeting agenda. Please contact me with any questions.

Thank you,

Daniel E. Barowski – Project Surveyor



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 X: SECTION 10.02.6

Description of proposed use: The purpose of this special exception application is to allow for the construction of a one-bedroom, single-story Accessory Dwelling Unit (ADU) utilizing the existing detached garage located at 84 Prospect Street, Milford NH 03055. The proposed ADU and principal residence will meet all requirements of Zoning District Residence "A" and Article X, Section 10.02.6 for Accessory Dwelling Units.

Facts supporting this request:

- The proposed use shall be similar to those permitted in the district:** The existing lot and dwelling has access off both Prospect Street and Glen Drive. This lot is located within the Residence "A" District of the Town of Milford Zoning Ordinance. The proposed use is permitted and similar to others in the district. This request is to allow construction within the existing garage on-site to be utilized as an Accessory Dwelling Unit (ADU). The existing dwelling is a single-family residential use which is the same as other homes in the area; ADU is to encompass ≤ 750 square feet of the garage and will be utilized as an ADU for extended member of same family occupying the primary residence. Proposed primary dwelling and ADU meet all requirements as outlined in Section 10.02.6 of Milford Zoning Ordinance.
- The Specific Site is an appropriate location for the proposed use because:** The proposed single-family residence and associated ADU is located in a residential subdivision in a residential area or the town.
- The use as developed will not adversely affect the adjacent area because:** The proposed ADU is located utilizes the garage, an existing structure on the site. It has similar building size and appearance of other dwellings in the area and meets all other criteria as outlined in Section 10.02.6. of the Ordinance.
- There will be no nuisance or serious hazard to vehicles or pedestrians:** The proposed primary residence and ADU will meet all local regulations and have no difference from other similar dwellings and uses in the area and will not create any nuisance or serious hazard to vehicles or pedestrians.
- Adequate appropriate facilities will be provided for proper operation of the proposed use:** The proposed use of the existing garage on-site is to be utilized as an ADU. The design will meet all local regulations and will utilize existing site services.

10.02.6 ACCESSORY DWELLING UNITS (2017)

A. In all cases involving an Accessory Dwelling Unit (ADU):

1. An ADU shall meet the following minimum requirements:

a. Only one (1) ADU shall be allowed per property. (2013)

Only one ADU proposed

b. Either the principal dwelling unit or the ADU must be owner occupied. (2017)

Dwelling(s) to be owner occupied

c. The size of an ADU shall be no more than 750 SF gross floor area. (2017)

Proposed ADU is ≤ 750 SF

d. The ADU shall include no more than two (2) bedrooms. (2017)

Proposed ADU is one bedroom

e. No additional curb cuts shall be allowed.

Proposed ADU utilizes an existing curb cut



f. An attached ADU shall have and maintain at least one common interior access between the principal dwelling unit and the ADU consisting of a connector that is a minimum of 36" in width or a doorway a minimum of 32" in width. (2017) **Proposed ADU is detached**

g. The ADU shall be located in an existing or proposed single-family dwelling, its detached accessory structure(s), or as a stand-alone dwelling unit subordinate to the single-family dwelling. (2017)

Proposed ADU is an expansion of the detached garage

h. Deleted (2013)

i. An existing, nonconforming, single-family residential structure or its detached accessory structure shall not be made more nonconforming. (2013)

Proposed ADU is part of new construction utilizing the footprint of the existing garage. The portion of the garage that encroaches into the side setback is an existing non-conforming structure, and will not be made more non-conforming

j. An ADU shall meet all applicable local and State Building, Fire and Health Safety Codes. (2012)

Proposed ADU is will comply with all codes

k. Must have adequate provisions for a water supply and sewerage disposal method for the ADU, in accordance with NH RSA 485-a:38 Approval to Increase Load on a Sewage Disposal System (as amended). (2017)

Proposed ADU is located within the existing garage and will utilize both a municipal sewer and water connection

2. The Board of Adjustment, prior to granting a Special Exception, shall conduct a hearing to determine if the proposed ADU complies with the following criteria:

a. The ADU must be developed in a manner which does not alter the character or appearance of the principal use as a single-family dwelling. (2017)

Proposed ADU will not alter the character or appearance of principal use as a single-family dwelling or the property. The ADU is proposed to be a single story building placed, expanding the footprint of the existing detached garage. The character of the land and appearance of the property will be unaltered..

b. The ADU is intended to be secondary and accessory to a principal single-family dwelling unit.

Proposed ADU is secondary to principal dwelling

c. The ADU shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other property in the neighborhood.

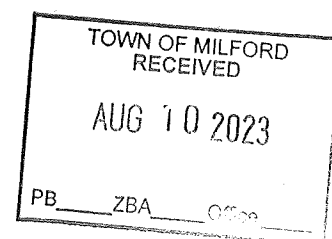
Proposed ADU will not impair residential character or premises nor impair reasonable use or value of other properties

d. Adequate off-street parking must be provided.

Proposed ADU will have adequate off street parking – 2 spots are shown on the accompanying exhibit

e. Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible. **Any necessary additional entrances / exits will be located on side or rear whenever possible**

B. All ADUs must apply for a compliance inspection when a change of ownership occurs, to ensure compliance with Section 10.02.6:A. **Proposed ADU will apply for compliance inspection when change of ownership occurs**



Terrence Dolan

From: Leo Lessard
Sent: Friday, August 11, 2023 5:11 AM
To: Terrence Dolan
Subject: 84 Prospect Street

Good morning Terry

I gave the owner of 84 Prospect street a second driveway access off Glenn drive. In our conversation I had told her that I could dedicate a second driveway for her, for there are second driveway in town. Some are for RV parking, some are used for premiant parking, some have a horse shoe stile with two driveway cuts. I also enplaned that the Public Works Director can issue a second driveway cut at his or her discretion.

Seeing that Glenn drive is a dead end and her second cut would be at the end of the road way, with no sight distance issues for her to exit the drive way I seen no problem in letting her access the drive. Living alone and being elderly her driveway off of prospect street is at a very high incline. In winter months makes it very dangerous for her to exit and enter the prospect drive cut. That being said I as I told the owner I have no problem in her using the Glen drive as an entrance for her lot.

This was a time when the asphalt plants were closed for the season. I did tell her that before the end of spring the driveway needs to be paved with at binder course unless she was not using it. But once she starts to use it she needs to pave it.

Thanks

Leo Lessard
Public Works Director
Town of Milford
289 South Street
llessard@milford.nh.gov
Phone 603-249-0685
Cell 603-801-2713
Fax 603-673-2206

APPENDIX VII: RESIDENTIAL DRIVEWAY REGULATIONS

TOWN OF MILFORD, NEW HAMPSHIRE

RESIDENTIAL DRIVEWAY PERMIT REGULATIONS



Adopted August 19, 2008

Revised: March 30, 2010



See
Attached
2nd Driveway
Permit
Approval
issued by
DPW
Jan. 9, 2023

Table of Contents

SECTION II. PURPOSE 2
SECTION III. PERMIT 2
SECTION IV. ACCESS POINTS 2
SECTION V. DESIGN REQUIREMENTS 3
SECTION VI. EASEMENT AND BOND 4
SECTION VII. SEPARABILITY 5
SECTION VIII. ENFORCEMENT 5
SECTION IX. AMENDMENT 5
SECTION X. APPENDIX FIGURE 1: DRIVEWAY DETAIL 6
 FIGURE 2: FLARE END DETAIL 7

SECTION I. AUTHORITY

The Town of Milford Planning Board hereby adopts the following regulation pursuant to its authority as set forth at RSA 236:13.V, and establishes that hereafter no driveway accessing private residential property to a public way in the Town of Milford shall be constructed without compliance with this regulation.

SECTION II. PURPOSE

In as much as driveways and entrances are in effect, intersections, they require certain controls as to size, location and construction in order to provide safe and efficient access to property fronting on the public way, as well as surface drainage in and around said driveway, and for the purpose of such control this regulation is enacted.

SECTION III. PERMIT

Anyone desiring to construct, alter, or relocate a driveway in order to obtain access to an existing public way or a proposed street or public way, shall first apply for and obtain a permit from the Director of Public Works. This permit shall provide for the construction or relocation of such driveway in accordance with the specifications provided in the driveway permit form, which is available at the Department of Public Works and Community Development offices. The driveway location as indicated on the approved septic plan is the ONLY driveway to be utilized unless the Director of Public Works or the Planning Board authorizes a change in writing. Permanent house numbers will be assigned by the Building Department at the time the driveway permit is issued and shall be located so as to be clearly visible from the roadway at start of construction.

SECTION IV. ACCESS POINTS

A. If a property is adjacent to a side road the access to the main road should be via the side road.

B. Curb cuts shall be limited to one per residential lot, except where the Director of Public Works has determined that a second cut is warranted. A scale drawing indicating the features necessitating the second access must be submitted for the DPW Director to make a determination. A second cut may be granted under the following conditions:

1. A second curb cut is necessary for access to a secondary use or structure, and the physical constraints of the lot, including natural features, unusual lot shape or size, or elevation change necessitates the second access.

2. A second curb cut is necessary to allow handicapped access for an individual who is a permanent resident of the property.

C. A permit is required from the Department of Public Works for any temporary access entrance. A bond in the amount of \$1,500 may, at the discretion of the Director of Public Works, be required to guarantee restoration of the area disturbed by the temporary access.

D. Street areas and the public right-of-way shall be cleared daily of debris such as mud, stone, construction vehicles and equipment.

SECTION V. DESIGN REQUIREMENTS

- A. The design of the proposed driveway construction shall conform in all aspects to the "Typical Drive Profile Controls" as shown in Appendix I, and the Department of Public Works, Infrastructure Design, Construction and Administration Standards. It is understood that the applicant shall confer with the Director of Public Works who shall determine specifications as to sloping, culverts, headwalls and other aspects of construction of said driveway only when it deviates from the typical profile and standards. The deviations shall be noted in writing on the Driveway Permit. Upon written application, the Director of Public Works may waive any of the design requirements when it is shown that strict compliance would cause undue or unnecessary hardship, so long as such waiver shall not result in any injury to the public health or welfare.
- B. All driveways shall be a minimum of ten feet (10) in width. Entrances shall flare as it approaches the pavement to a maximum width of twenty four feet (24) measured at the existing edge of roadway.
- C. Flat driveway side-slopes (4:1 to 6:1) are required to minimize hazards to vehicles, which leave the pavement for any reason. All paved roads shall require an asphalt apron from roadway to the property line, said apron being constructed of a minimum of three (3") inches of asphalt with emulsion applied at the joint with the town road.
- D. All new driveways established to serve structures intended for human occupancy shall have a maximum grade of ten (10%) percent. The purpose of the maximum grade requirement is to ensure public safety and accessibility for emergency vehicles. This standard shall not apply to driveways intended to serve non-occupancy structures, such as utility service buildings, and other private ways intended for purposes such as logging, silviculture, agriculture, and recreational access.
- E. All driveways shall approach the edge of pavement at a grade of not more than 4% for a distance of no less than 20 feet.
- F. All driveways shall intersect the Town's roadway at a perpendicular angle to the center line.
- G. Where required, culverts shall be at least fifteen (15) inches in diameter and shall be constructed of reinforced concrete, high density polyethylene pipe or approved equal. The driveway will have a minimum of three (3) foot shoulders on each side where it meets the culvert.
- H. Headwalls shall be constructed of either pre-cast or cast-in-place concrete. No stone and mortar headwalls shall be permitted. Where head walls are not applicable, pre-manufactured flares will be placed on each pipe end.
- I. All season safe sight distance is defined as a line which encounters no visual obstruction between two points, each at a height of 3 feet, 9 inches above the pavement, and 10 feet from the back from the road pavement to

TOWN OF MILFORD
DEPARTMENT OF PUBLIC WORKS
283 South St, Milford 03055
(603) 673-1662



DRIVEWAY PERMIT APPLICATION

Please print legibly or type all information

MAP & LOT/PARCEL: 30/84 DATE SUBMITTED: 1/19/2023
PROPERTY LOCATION: 84 PROSPECT ST, MILFORD NH 03055
PROPERTY OWNER: LINDA LEDGER
MAILING ADDRESS: 84 PROSPECT ST, MILFORD NH 03055
OWNER/APPLICANT SIGNATURE: _____ PHONE: 603 582 9579

CONTRACTOR INFORMATION

COMPANY: SCOTT'S PROPERTY MAINTENANCE, LLC PHONE: 603 930 7970
ADDRESS: 603 Lyndeboro Rd, New Boston 03070 FAX: _____
SIGNATURE: [Signature] EMAIL: scottspropertymaintenance@outlook.com

PLAN INFORMATION CHECKLIST - ALL APPLICATIONS REQUIRE:

New / Alteration / Relocation / Addition to existing driveway
Scenic Road: Y/N

- A grading/profile plan, detailing the slope and location of the proposed driveway, and
- The centerline shall be flagged at the ROW.
- Parcels serviced by on-site septic systems shall submit a State Approved septic plan indicating the location of the proposed driveway.
- Parcels serviced by municipal utilities shall submit a plot plan indicating the location of the proposed driveway.

COST: \$75 (Check/Cash) #5912 DATE: _____ INITIALS: MVD

Department of Public Works approval shall be required prior to driveway construction.

Construction Approval Information

For office use only

Construction Approval Date: 1/19/23 Permit #: 2023-01
Scenic road hearing date (if applicable): 1/1 DPW Director Approval: [Signature]
Culvert required: Y/N Size: _____ Easement required: Y/N Bond required: Y/N Amount: _____

ADDITIONAL COMMENTS

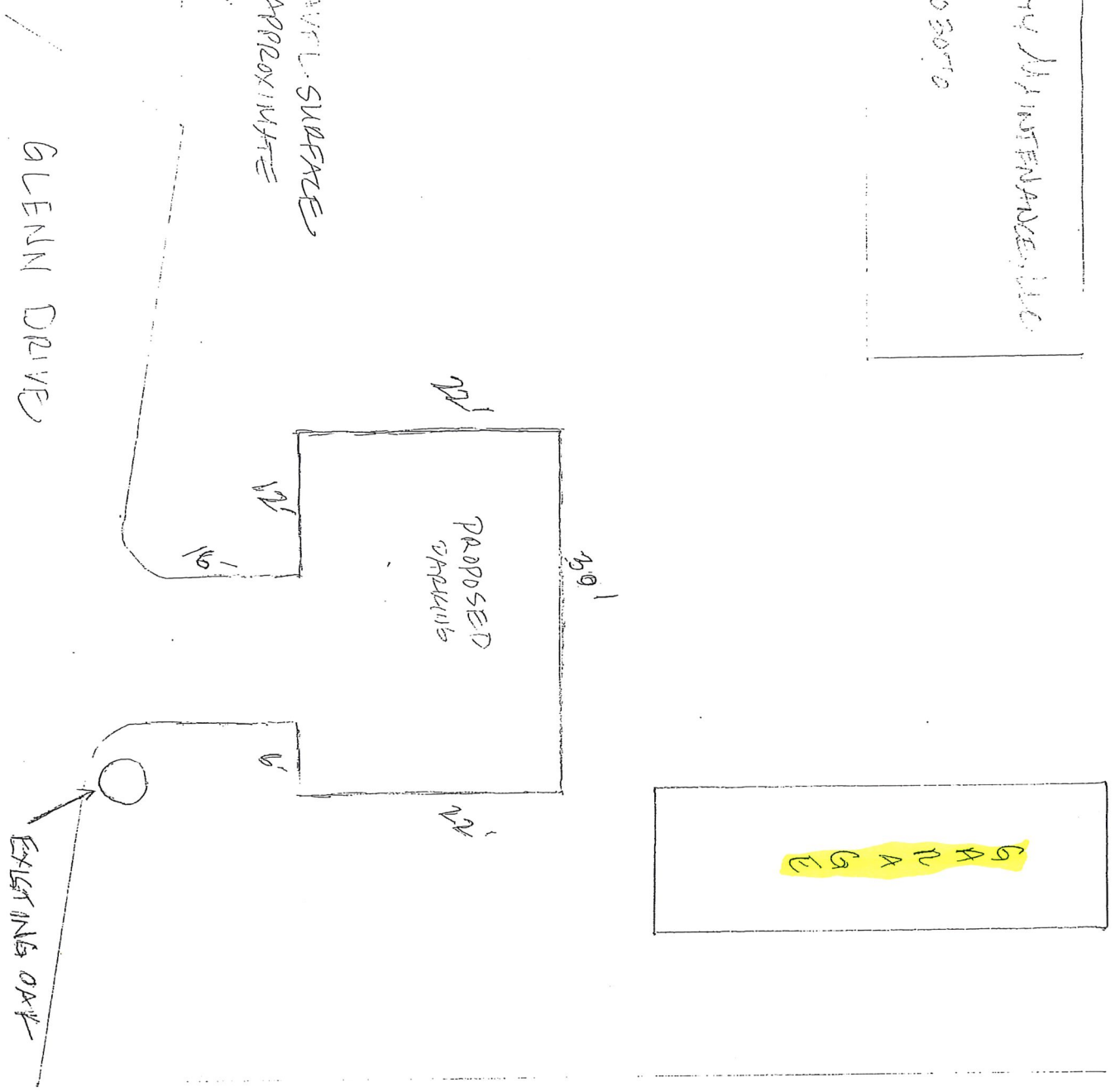
Will need to pave apron by end of spring.

Certificate of Compliance Required to Schedule C.O. Inspection

Applications and plans may be submitted by fax, email or in person.

SCOTT'S PROPERTY MAINTENANCE, LLC
 603 Lyndeborn Rd
 New Boston, NH 03070
 603-400-0122

- * HATCH-PAUL CRAWFL SURFACE
- * DIMENSIONS APPROXIMATE
- * NOT TO SCALE

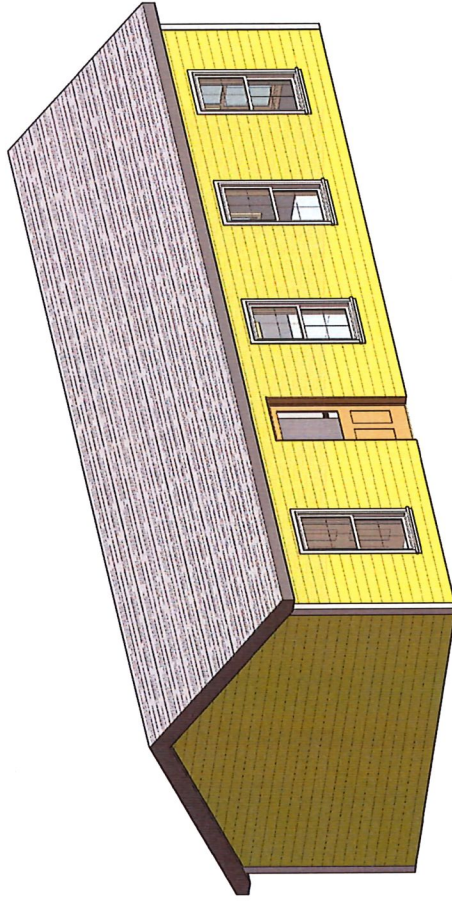


12-29-2022

CONCEPT

The Garage Renovation

84 Prospect St Milford NH



NOT FOR CONSTRUCTION
August 9, 2023

Owner:
Linda Ledger
84 Prospect St Milford NH



THESE PLANS AND THE INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF NORTH WOODS DESIGN AND DRAFTING. THESE PLANS ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REVISIONS, CHANGES, COPIES IN ANY FORM, NOT WITHSTANDING, SHALL BE VOID AND INVALID FOR OTHER THAN THE INTENDED PROJECT. NO PART OF THESE PLANS SHALL BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN CONSENT AND PERMISSION OF NORTH WOODS DESIGN AND DRAFTING.

NOT FOR CONSTRUCTION

REVISIONS

Project Location:
The Garage
Renovation
64 Prospect St Milford NH

Linda Ledger
64 Prospect St Milford NH

Project Owner:
Job Number:
Drawn By:
Checked By:
Date:

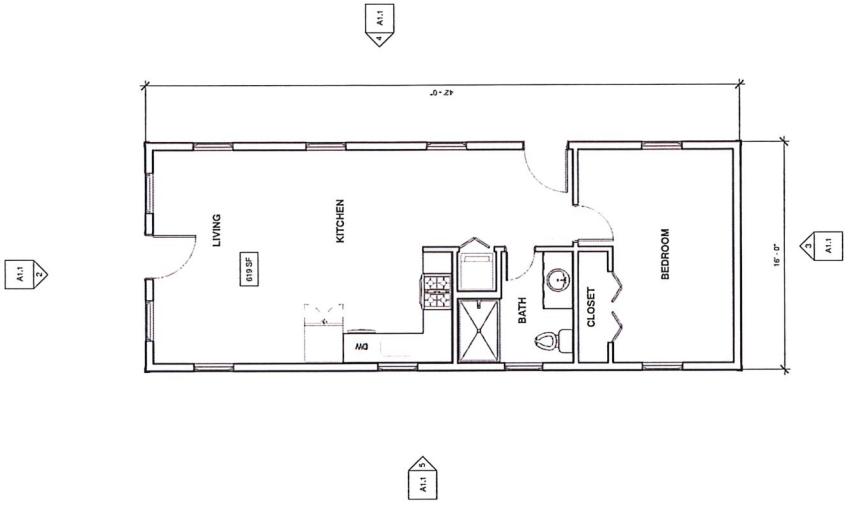
23122
DLJ
CPB
10/1/23
NOT FOR CONSTRUCTION

Drawing Title:
FIRST FLOOR PLAN

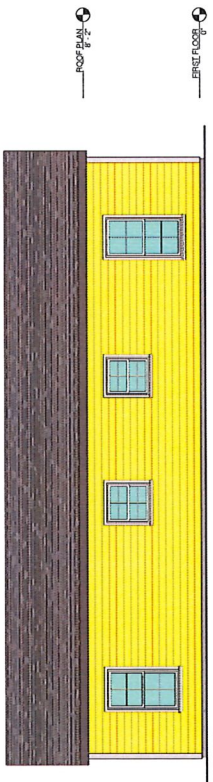
Scale:
1/4" = 1'-0"

SHEET NUMBER
A1.1

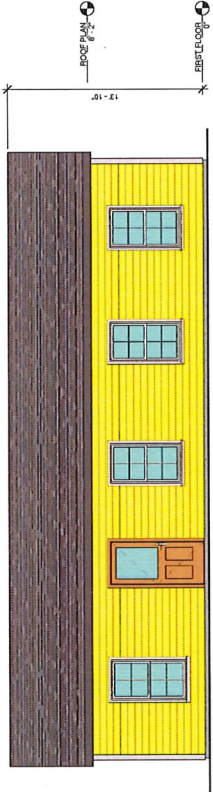
DATE:
August 1, 2023



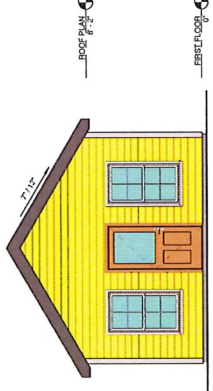
1 FIRST FLOOR PLAN
1/4" = 1'-0"



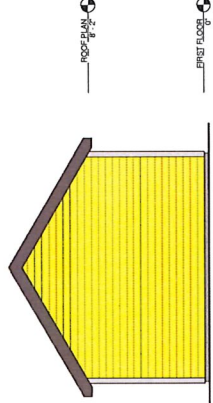
5 NORTH ELEVATION
1/4" = 1'-0"



4 SOUTH ELEVATION
1/4" = 1'-0"



2 EAST ELEVATION
1/4" = 1'-0"



3 WEST ELEVATION
1/4" = 1'-0"



Street
View of
84 Prospect St.
(Note: Steepness of
lower \pm 70%
of Driveway)

Photo Date: 7/26/23



Photo Date :
7/26/23

Existing
Single Car Garage/shed