



Milford Zoning Board of Adjustment

Staff Review

Date: September 1, 2023

To: Zoning Board of Adjustment

From: Terrence S. Dolan, Director of Community Development

Subject: Case #2023-13-Special Exception Request for a maximum of a 16.7-foot Front Setback Encroachment for a portion of a proposed three-bay attached garage, located @ 185 Badger Hill Road, Residence "R" Zoning District, Map 51 Lot 26-90

For the ZBA's information and consideration, the following provides my review of the above referenced case:

1. The Applicant has filed a necessary *Special Exception* Request to seek approval of a maximum 16.7-foot encroachment into the required (30') Front Setback, in the Residence "R" Zoning District, to construct a proposed three-bay (attached) garage.
2. The proposed garage footprint is approximately 38 feet wide by 26 feet deep, and shall be connected to the existing primary home via an enclosed 12' wide by 12' deep *mud room/porch area*. As observed on the attached site plan, approximately 50% of the garage footprint shall be within the required 30' front setback. (Site plans and architectural renderings are attached for your review)
3. As listed in town records, the existing homesite was built in 2002, and is .51 acre in size. The residence is located within the *Badger Hill Community Sub Division*, comprised exclusively of single-family homes.
4. All encroachments (i.e. reduction) of a Front, Side or Rear Setback in the Residence "R" Zoning District (under Article V, Section 5.04.5.A.&B.) require a Special Exception.
5. The preferred construction approach requires the proposed three-bay garage to be situated at a slight angle along the eastern side of the front elevation of the existing home, where varying measures of the front of the garage will protrude into the 30' front setback buffer area. (Note: similar to a shallow "Wing Wall" design)
6. The homesite's eastern side lot topography drops down-slope dramatically (as noted from the existing front northeast corner of the existing home), and may be seen in the attached photographs. In order to build the proposed garage completely outside of either the front (or potentially the side setbacks), large retaining walls and massive amounts of fill material

(undetermined) would be required to backfill the lot's eastern side lot sloping area to provide a level work space, likely making the proposed project non-viable.

7. The residential lot is a large corner lot, with the nearest (eastern) neighboring home approximately 63 L.F. away from the nearest edge of the proposed garage footprint, as calculated. No impacts to the eastern side of this home's proposed garage shall impact the required 15' side setback; as it is noted on the site plan that there shall be a 38-foot side setback retained with the garage's construction on this homesite.
8. The property is served by a community-shared potable water system, and each residence has individual septic systems for wastewater treatment.
9. No existing site vegetation was proposed for removal at the application.
10. An existing tool shed is presently established within 15' feet of the NE corner of the homesite. This shed shall need to be relocated or removed from the required setback areas for the lot, depending on the outcome of the ZBA Hearing process.

Thank You

Cc: file



ZBA Application

MILFORD ZONING BOARD OF ADJUSTMENT

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

Date Received: 7-10-23

Case Number: TOWN OF MILFORD

Application Number: RECEIVED 2023-13

Hearing Date: JUL 10 2023 9/7/23

Decision Date: _____

Decision by: ZBA Office: _____

2023 0933

PROPERTY INFORMATION

Street Address: 185 Badger Hill Drive

Tax Map / Parcel #: 51-26-90 Lot Size: 22,114 SQFT

PROPERTY CURRENTLY USED AS

Residence.

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

PROPERTY OWNER

Name: Sky Croswell

Address: 185 Badger Hill Drive

City/State/Zip: Milford NH 03055

Phone: (603) 913-4832

Email: skycroswell@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.

[Signature] 7/10/23

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>X</u>	<u>51.75</u>
Amount received:	<u>226.75</u>
Date Received:	<u>7/10/23</u>
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 – General Information

MILFORD ZONING BOARD OF ADJUSTMENT

This application must be complete and filed in the Milford Office of Community Development, along with an abutter list, and with all fees paid, on the official submittal date for the meeting at which the application is to be considered. An application shall not be deemed complete unless all materials have been submitted and necessary fees have been paid.

If you have any questions about how to complete this application, please contact the Office of Community Development. We will be happy to help you understand the Zoning Board application process and legal requirements, but we cannot give you legal advice. If you are uncertain about how the zoning laws apply to your case, we recommend that you obtain professional advice.

General Instructions

Use this form for all applications to the Milford Zoning Board of Adjustment, except:

- If the Selectmen, Planning Board, Building Inspector, or any other town board or official has made a decision to allow someone else to do something that you do not think they should be allowed to do. In that case, use the ***Third-Party Appeal of Administrative Decision*** form.
- To ask the Zoning Board to hold a new hearing to reconsider a decision that was made at a previous meeting, use the ***Request for Rehearing*** form.

Contents of an Application

Your application must include the “General Information” section and at least one application for a special exception, variance, equitable waiver, or appeal of administrative decision.

You may include more than one application section, as long as they are all for the same proposed use.

For example, you might appeal an administrative decision, and also apply for a variance that would permit the same use, in case the appeal is denied; or you might have a proposed use that would require several variances and special exceptions.

Please work with the Office of Community Development to help you determine what you are applying for or asking relief from.

Fee

The fee is \$100 for the application, plus \$5.75 for each abutter.

Abutter List

The abutter list must include the name and mailing address of:

- the applicant,
- the property owner or owners,
- every person who owns property which touches any lot involved in the application (even at a corner) or is directly or diagonally across a road, stream, river, or railway right-of-way from a lot involved in the application, **and**
- the holders of any conservation, preservation, or agricultural preservation restrictions on any of the lots involved in the application.

It is your responsibility to provide an accurate abutter list. A Zoning Board decision that is made without notifying all abutters may not be valid and an abutter who was not properly notified may be able to have the decision overturned.



ZBA Application – General Information **MILFORD ZONING BOARD OF ADJUSTMENT**

Preparing an Abutters List

1. Here are some guidelines to help you prepare an abutters list.
 - a. Find the lot(s) you are interested in and their abutting lots from the tax maps in the Community Development or Assessors Offices.
 - b. Go to the Milford Assessors Office to check whether the town has a record of any of the abutting lots having been sold more recently than the records available online through the Milford GIS or Vision software.
 - c. Check whether there is any conservation, preservation, or agricultural preservation parcels that are adjacent to your lot. Make sure you get the correct mailing address for the entity that holds the title to this type of lot. It may be a home owners association, a conservation group or the Town of Milford.
2. For the purpose of notification by the Town of Milford Zoning Board of Adjustment, any property being,
 - a. Under a condominium or other collective ownership, the term “abutter” means the officers of the collective or association, as defined in RSA 356-B:3XXIII
 - b. Under a manufactured housing park form of ownership defined in RSA 205-A:1, the term “abutter” includes the manufactured housing park owner and tenants who own manufactured housing which adjoins or is directly across the street, stream, or active railroad from the land under consideration by the Zoning Board of Adjustment.
 - c. An active railroad property, the owner of which shall be notified.

In cases where the applicant is different from the owner of the land under consideration by the Zoning Board of Adjustment, the term “abutter” shall include the owner AND the applicant.

For the purpose of receiving testimony only, and not for the purpose of notification, the term “abutter” shall include any person who is able to demonstrate that their land will be directly affected by the proposal under consideration by the Zoning Board of Adjustment.

Addition information

1. The Town of Milford only has lot and owner information for properties located within the Town of Milford. If the lot under consideration abuts an adjoining town you will need to go to that municipality for abutter information.

Burden of Proof

The applicant shall have the burden of proving any historical facts relevant to a case before the Zoning Board. Such relevant facts include, but are not limited to, the date on which a lot, structure, or use came into existence, violation history, open permits or applications.

The existence of a structure or use on a particular date may be established by testimony or by documentary evidence.

Supporting Documents

The following information may be required to deem your application “complete.”

1. Floor Plans
2. Plot Plans
3. Conservation Commission Report
4. Septic system analysis
5. Any additional information that supports your application as determined by the Community Development Office



ZBA Application – Special Exception

MILFORD ZONING BOARD OF ADJUSTMENT

Date Received: 7-10-23
 Case Number: 2023-13
 Application #: TOWN OF MILFORD RECEIVED
 Date Complete: JUL 10 2023
 Hearing Date: 9/2/23
 Decision Date: PB ZBA Office
 Decision: _____

PROPERTY INFORMATION

Street Address: 185 Badger Hill Drive

Tax Map / Parcel #: Mblu: 51/ 26/ 90/ / PID: 4625

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 5.04.5 Section A

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

Requesting the allowance of a reduction to the front yard setback for a garage addition. The USE will be residential parking for the home.

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 **FRONT yard setback reduction**

General Criteria Section 10.02.1

Describe the project you are requesting a Special Exception for:

Requesting a special exception for a front yard setback reduction to accommodate the addition of an attached garage.

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:
Garage additions are common in the district. Granting this exception will not be a significant difference from the rest of the neighborhood and/or other similar residential homes in the district.
- B. The specific site is an appropriate location for the proposed use because:
The site is the best/only appropriate location to attach the garage to the house.
- C. The use as developed will not adversely affect the adjacent area because:
Garages are typical for homes in this neighborhood. The addition of an attached garage to this home does not encroach on or have any negative impact to neighboring property or the road.
- D. There will be no nuisance or serious hazard to vehicles or pedestrians because:
The garage addition will not alter street traffic from its current state in any way.
- E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:
The proposed driveway will be adequate for proper operation of the garage.



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.
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___ No___
Date of Conservation Commission Meeting attended: _____
n/a

HOME BUSINESS CRITERIA 7.12.6

1. Is the Home Business located in the Residential 'A', Residential 'B', or Residential 'R' Zoning District?
n/a
2. Please explain if the Home Business is conducted entirely within the dwelling or accessory structure.
n/a
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.
n/a
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.
n/a
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.
n/a

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.	n/a
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.	n/a
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.	n/a
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.	n/a
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.	n/a

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

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.	n/a
2. Is there only one (1) ADU on the property?	n/a
3. Is the ADU no more than 750 square feet gross floor area? How many square feet is the ADU?	n/a
4. Does the ADU have no more than two (2) bedrooms? Please show on plans.	n/a
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
6. If a connecting hall is proposed, is the hallway at least 36 inches wide? Please show on plans.	n/a
7. Has a Code Compliance inspection been conducted by the Building Inspector? Please include inspection report.	n/a
8. Is the ADU in compliance with Section 10.02.6:A of the Milford Zoning Ordinance? How so?	n/a
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.	n/a
2. Will the use as proposed adversely affect adjacent Residential areas? Please explain.	n/a
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.	n/a
4. Will there be any outside storage? Please explain.	n/a
5. Has the applicant made a site plan application to the Planning Board (hearing subsequent to Zoning Board approval)? Yes ___ No ___ Date of hearing: _____	n/a

NOTES:

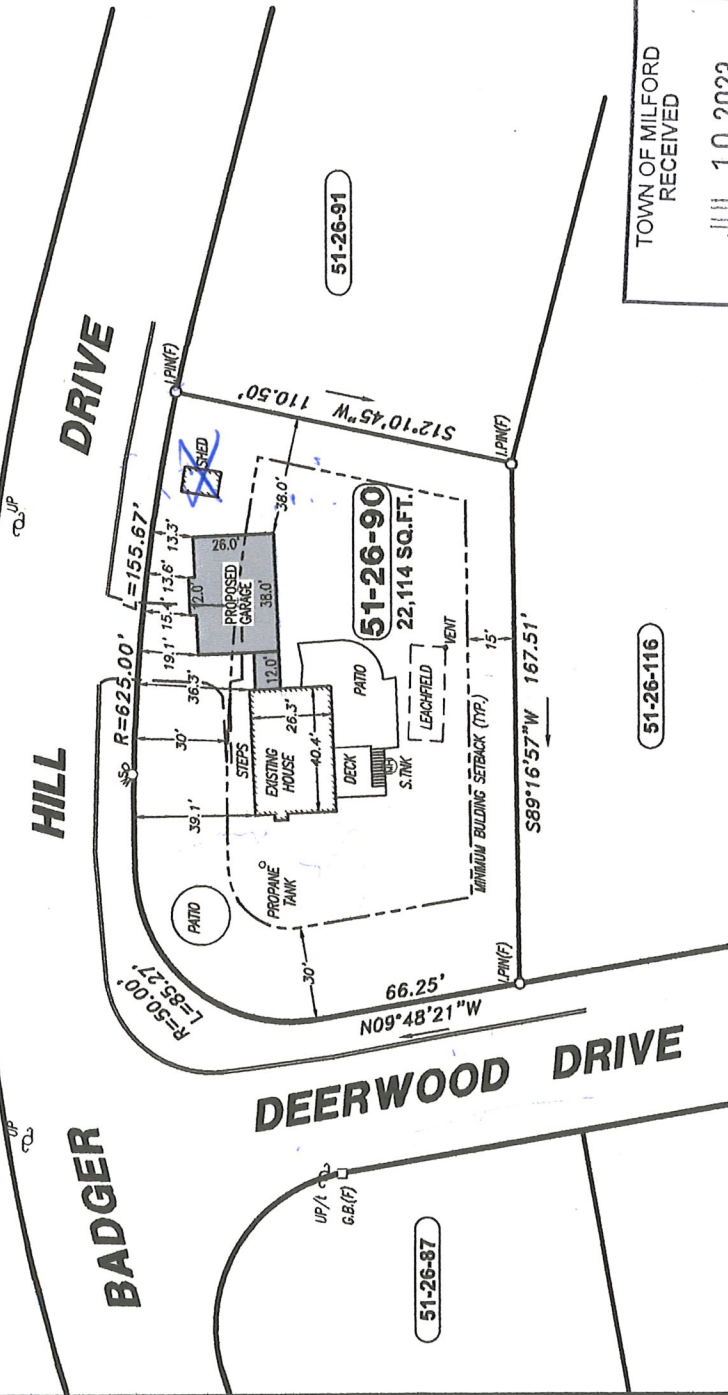
1. THE OWNER OF RECORD FOR TAX MAP 51 LOT 26-90 IS SKY M. CROSWELL, F/K/A/ SKY M. SOUZA, 185 BADGER HILL ROAD, MILFORD NH 03055. DEED REFERENCE TO THE PARCEL IS H.C.R.D. VOL. 8059 PG. 2723 DATED 02/23/2009.
2. THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING AND PROPOSED IMPROVEMENTS ON TAX MAP LOT 51-26-90 AS SHOWN.
3. ZONING FOR THE PARCEL IS RESIDENCE "R". MINIMUM REQUIREMENTS INCLUDE 87,120 SQ. FT. OF AREA WITH 200 FT. OF FRONTAGE. MINIMUM SETBACKS INCLUDE 30' FRONT AND 15' SIDE AND REAR.
4. THE EXISTING IMPROVEMENTS, MONUMENTS AND LINES OF OCCUPATION SHOWN ARE THE RESULT OF AN ON-SITE FIELD SURVEY PERFORMED BY THIS OFFICE ON JUNE 23, 2023.
5. PERIMETER INFORMATION SHOWN WAS COMPILED ENTIRELY FROM THE TOWN GIS AND THE REFERENCE PLAN NOTED HEREON AND IS NOT THE RESULT OF A PRECISE BOUNDARY SURVEY BY THIS OFFICE.

CERTIFICATION:

"I HEREBY CERTIFY THAT THE EXISTING HOUSE, IMPROVEMENTS AND PROPOSED GARAGE ARE LOCATED AS SHOWN, RELATIVE TO THE LOT LINES PER THE REFERENCE PLAN, DEED AND PHYSICAL EVIDENCE FOUND."

DATE: _____

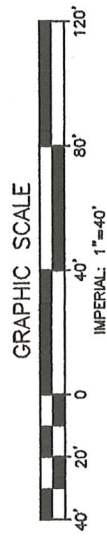
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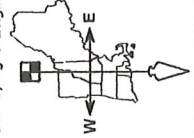
TOWN OF MILFORD RECEIVED
JUL 10 2023

REFERENCE PLAN:

"LOTLINE RELOCATION PLAN - BADGER HILL (PAGE 3) ZBASOOD RD/DRS MILFORD NH - PREPARED FOR: SEVAR CORPORATION - SCALE: 1"=100' DATED: JUNE 28, 2002. PREPARED BY: MAYNARD & PAQUETTE ENGINEERING ASSOCIATES, LLC AND RECORDED AT THE H.C.R.D. AS PLAN NO. 32140."



Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs



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

PROPOSED CONSTRUCTION PLOT PLAN

**TAX MAP 51 LOT 26-90
(185 BADGER HILL ROAD)
MILFORD, NEW HAMPSHIRE**

PREPARED FOR:

CHRIS BROWN

215 NORTH RIVER ROAD, MILFORD, NEW HAMPSHIRE

LAND OF:

SKY M. CROSWELL F/K/A SKY M. SOUZA
185 BADGER HILL ROAD MILFORD, NH 03055

SCALE: 1" = 40'

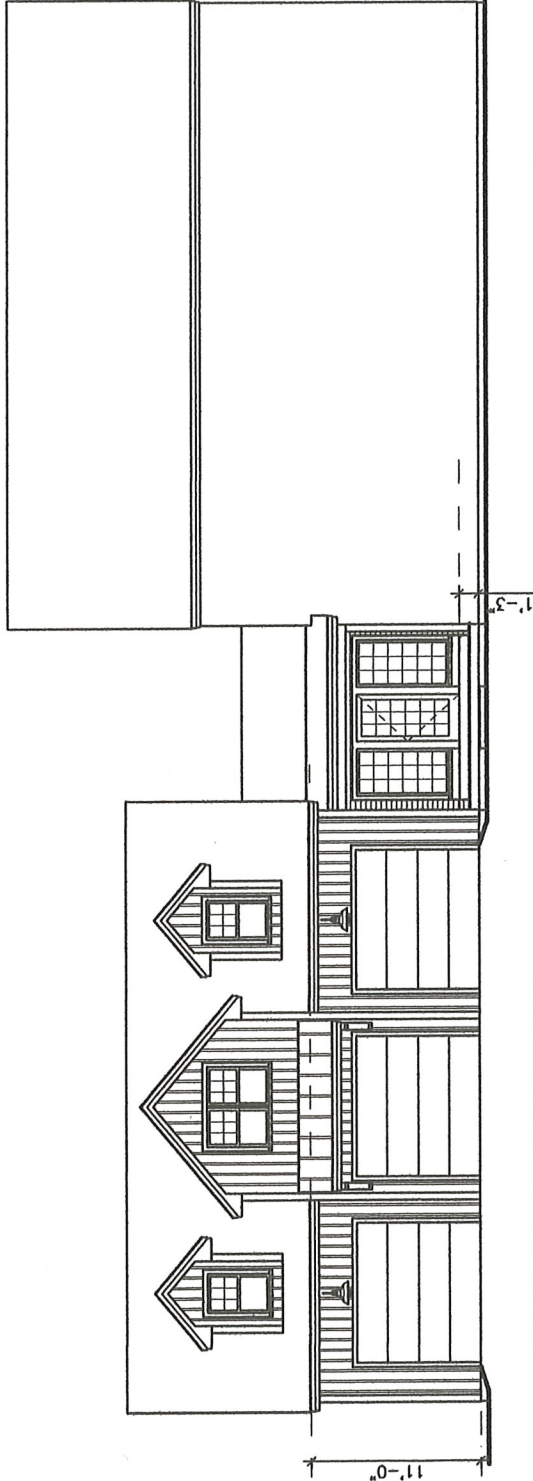
JULY 3, 2023

FILE: 3576CP00.dwg

PROJ. NO. 3576.00

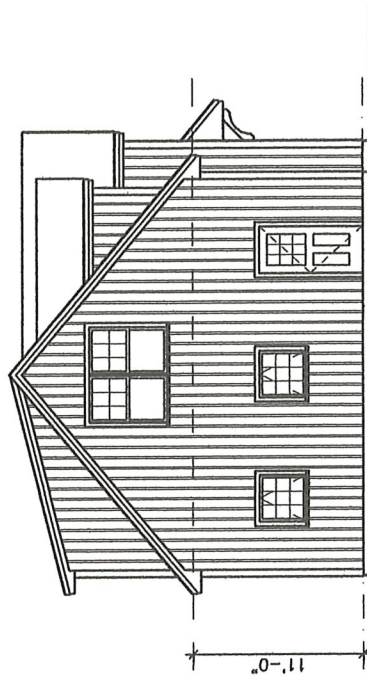
SHEET NO. 1 OF 1

REV.	DATE	DESCRIPTION	C/O	DR	CK



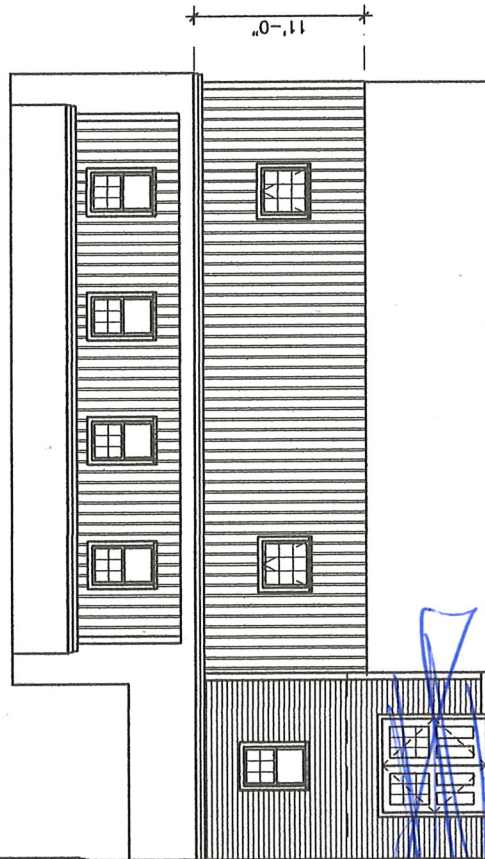
1 FRONT ELEVATION

SCALE: 1/8"=1'-0"



3 SIDE ELEVATION

SCALE: 1/8"=1'-0"



2 REAR ELEVATION

SCALE: 1/8"=1'-0"

TOWN OF MILFORD
RECEIVED

JUL 10 2023

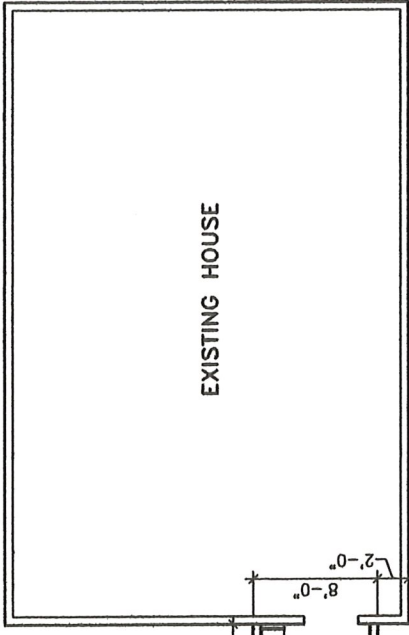
TOWN OF MILFORD
RECEIVED
JUL 10 2023
PB ZBA Office

PROJECT: CROSWELL RESIDENCE - GARAGE ADDITION
MILFORD, NEW HAMPSHIRE
DATE: 05/11/23

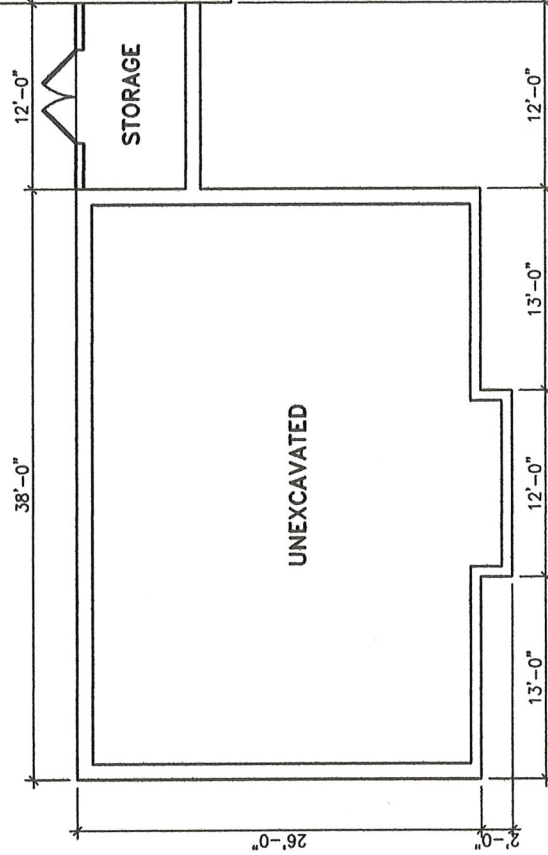
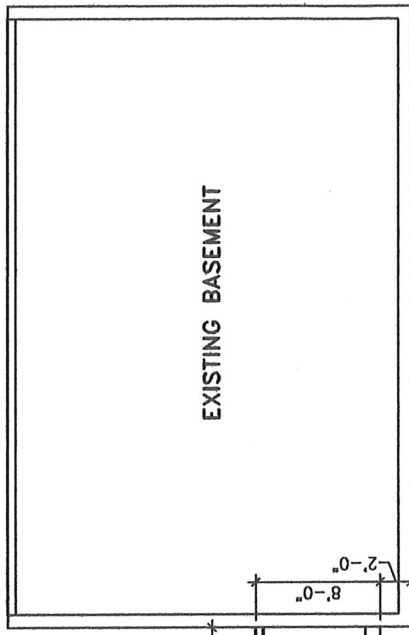
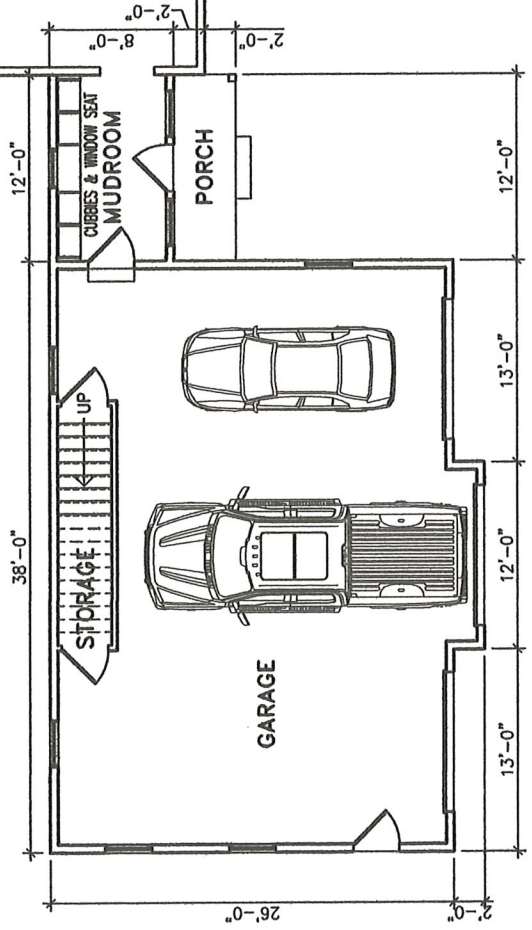
PROJECT: CROSWELL RESIDENCE - GARAGE ADDITION
MILFORD, NEW HAMPSHIRE
SCALE: AS NOTED
SCHEMATIC BASEMENT & FIRST FLOOR PLANS

CHAPPELL DESIGN
400 ROUTE 13 SOUTH
MILFORD, NH 03055
(603) 213-6935
chappelldesign.com

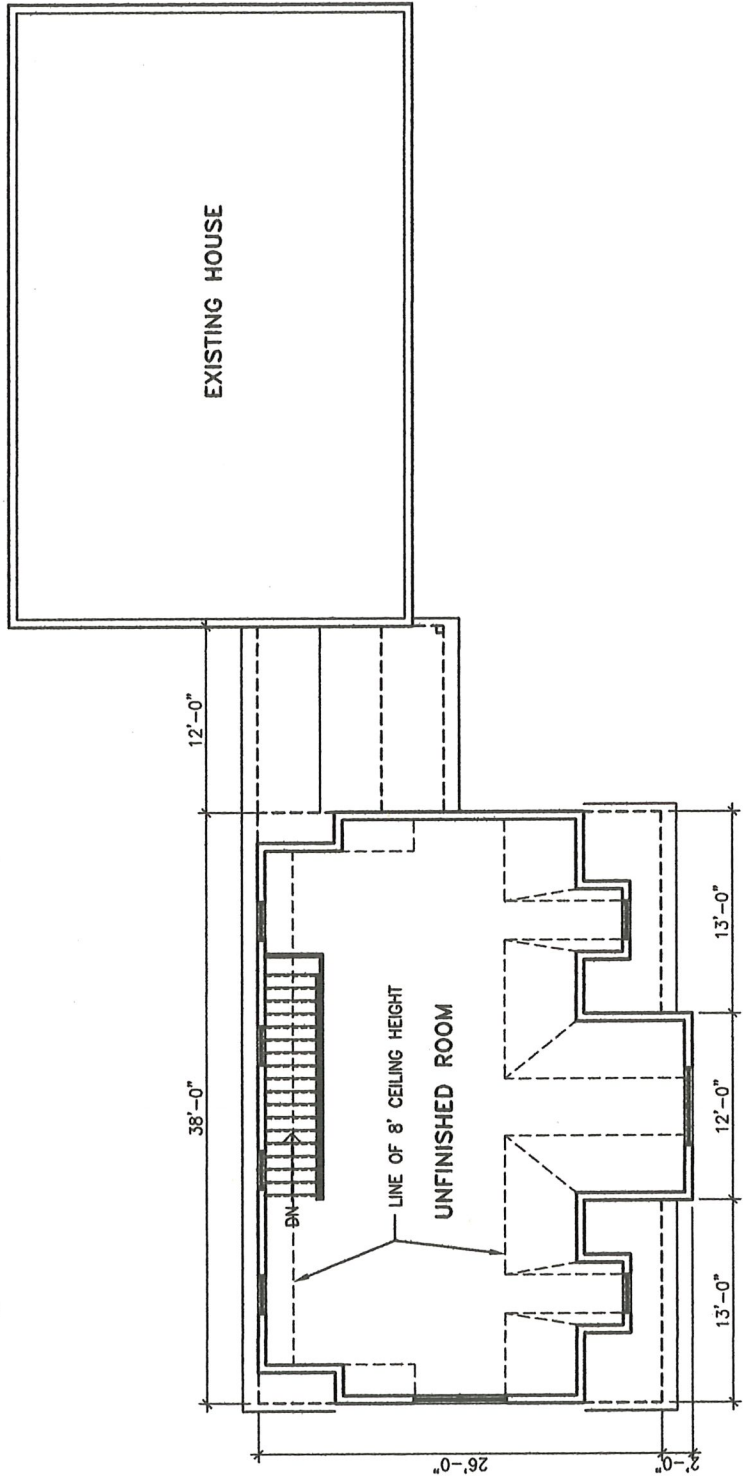
A1



2 FIRST FLOOR PLAN
SCALE: 1/8"=1'-0"



1 BASEMENT PLAN
SCALE: 1/8"=1'-0"



1 SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

TOWN OF MILFORD
RECEIVED
JUL 10 2023
PB ZBA Office





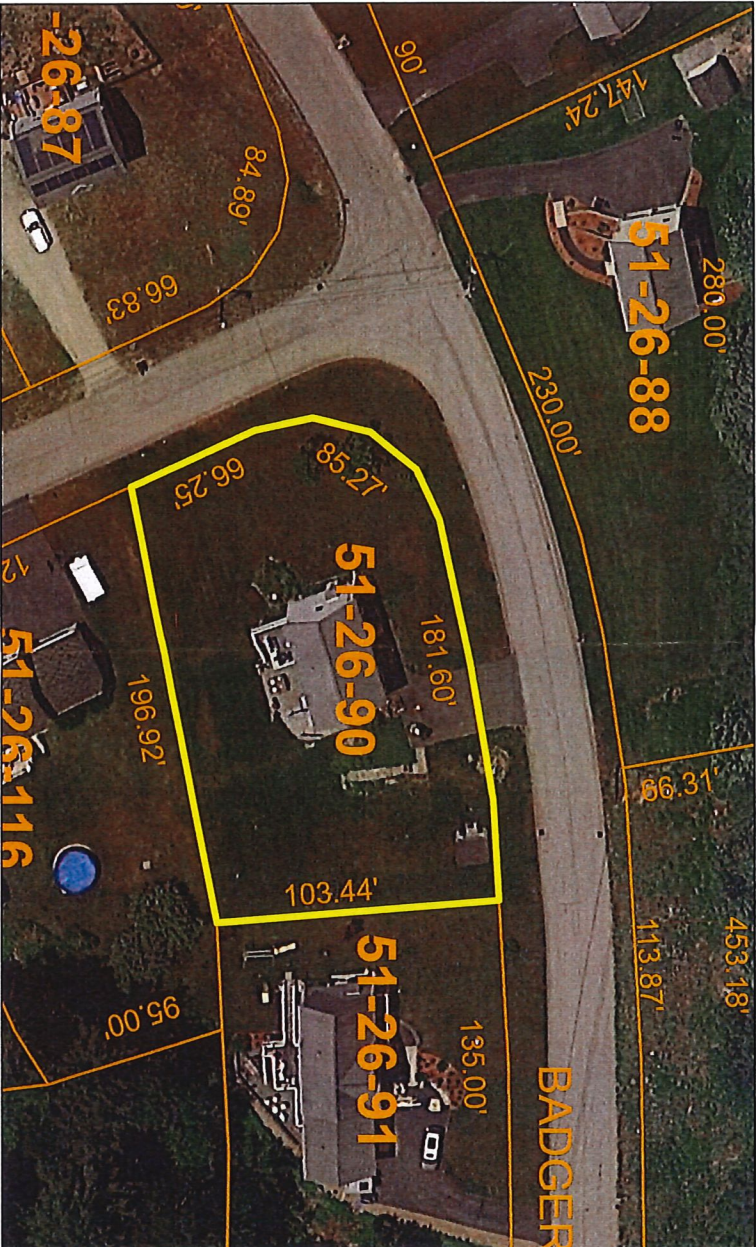
August 18, 2023

Town of Milford, NH

1 Inch = 47 Feet



www.cai-tech.com



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August 18, 2023

Town of Milford, NH

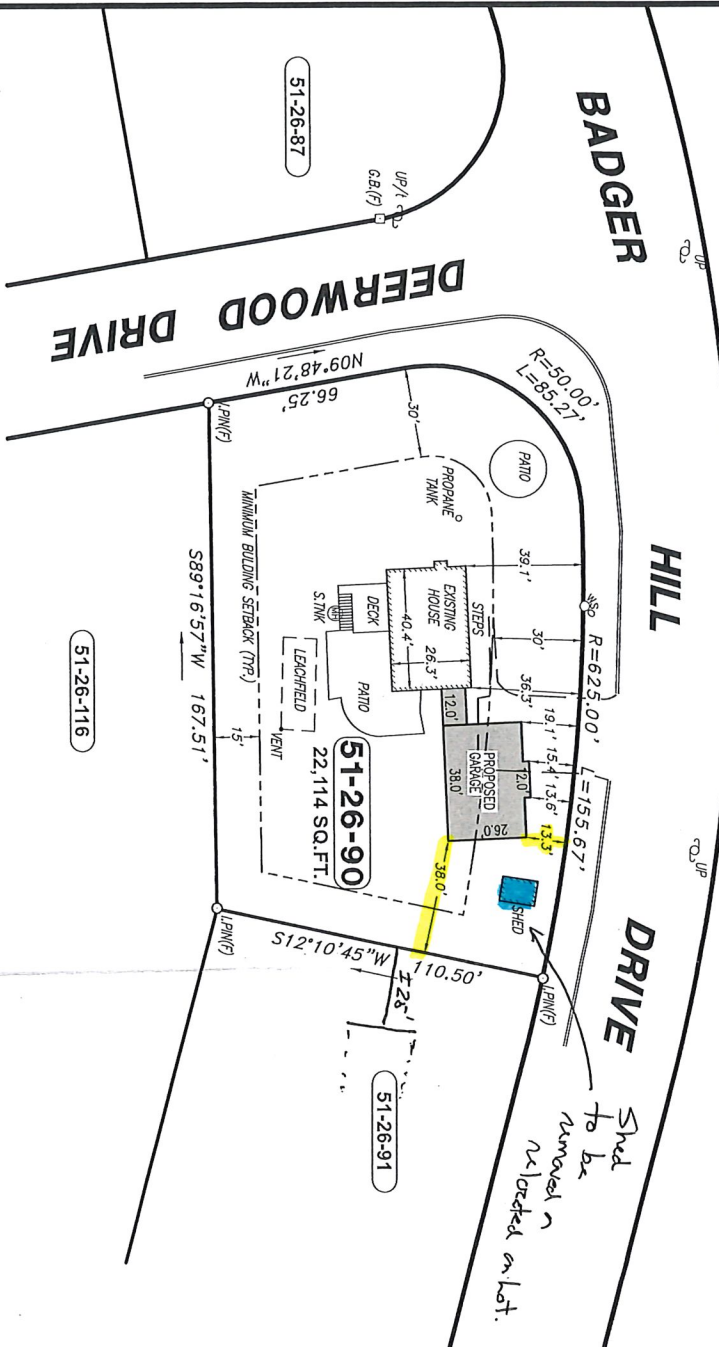
1 inch = 188 Feet



www.cai-tech.com



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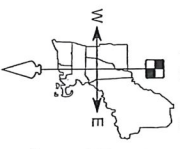


REV.	DATE	DESCRIPTION	C/O	DR	CK

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 DATED: JUNE 28, 2002, PREPARED BY: MAYNARD & PAQUETTE ENGINEERING ASSOCIATES, LLC AND RECORDED AT THE H.C.R.D. AS PLAN NO. 32140.

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
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NOTES:

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"I HEREBY CERTIFY THAT THE EXISTING HOUSE, IMPROVEMENTS AND PROPOSED GARAGE ARE LOCATED AS SHOWN, RELATIVE TO THE LOT LINES PER THE REFERENCE PLAN, DEED AND PHYSICAL EVIDENCE FOUND."

DATE: _____

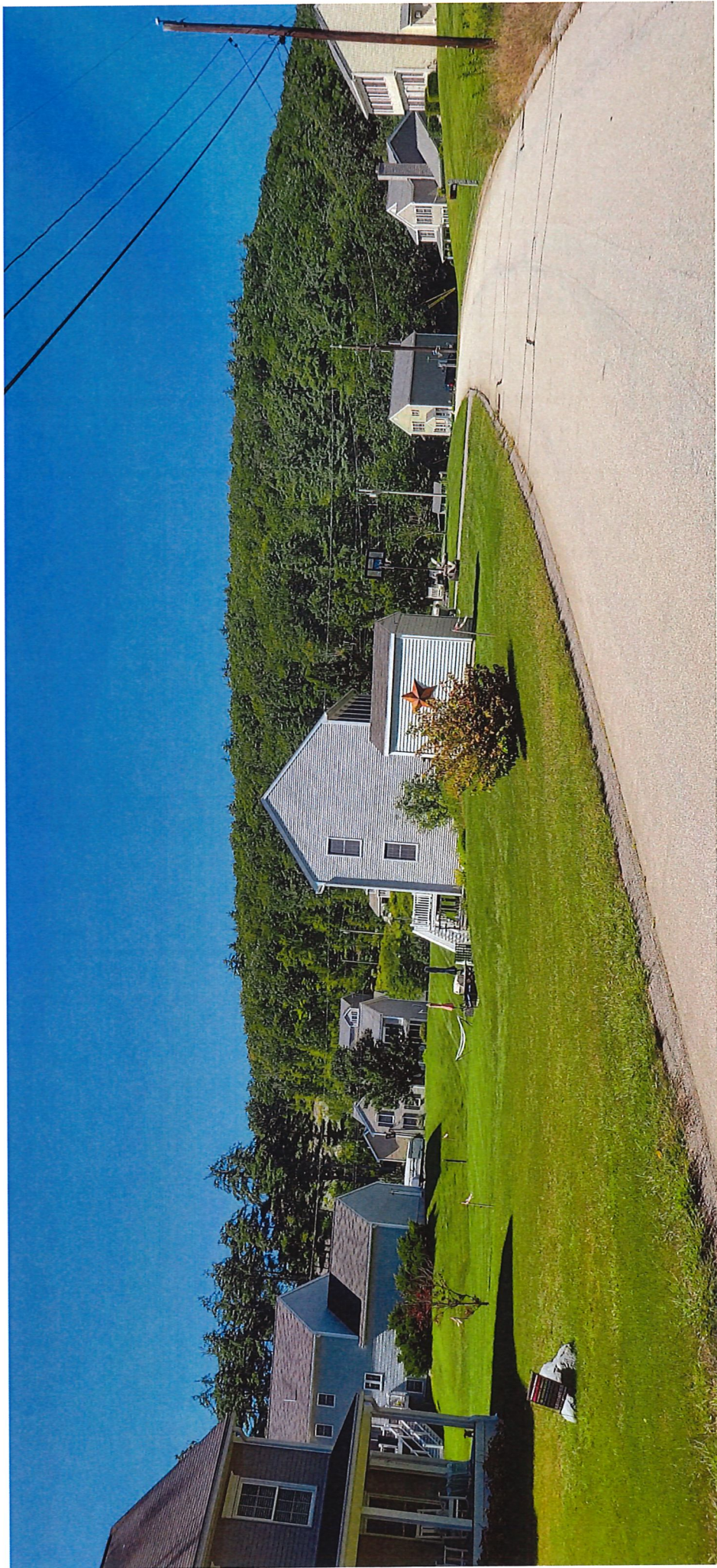
PROPOSED CONSTRUCTION PLOT PLAN

TAX MAP 51 LOT 26-90
(185 BADGER HILL ROAD)
MILFORD, NEW HAMPSHIRE

PREPARED FOR:
CHRIS BROWN

LAND OF:
215 NORTH RIVER ROAD, MILFORD, NEW HAMPSHIRE
SKY M. CROSWELL F/K/A SKY M. SOUZA
185 BADGER HILL ROAD MILFORD, NH 03055

SCALE: 1" = 40'
 JULY 3, 2023
 FILE: 3576CP00.dwg PROJ. NO. 3576.00 SHEET NO. 1 OF 1



Looking westerly along
Eastern side of 185
Badge Hill Rd. Property

(Unless otherwise noted, all
images shot Wed.
August 30, 2023)





185 Badger Hill
Rd.
Residence





Looking eastward
c 185 Badger Hill Rd
Corner lot frontage

Milford, New Hampshire

Google Street View

Aug 2013



Google

Image capture: Aug 2013 © 2023 Google



Older Images taken from
 Deerwood Drive @
 Near & Side Yards
 of 185 Badger Hill
 Rd. lot. (corner
 Lot)



Looking Eastah
@ 185 Badger
Hill Rd.
Near lot +
Side lot
from Deenwood
Dr.



8

0.00'

66.31'

453.18

113.87'

BAD

