



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: Zoning Board of Adjustment
From: Terrence S. Dolan, Director of Community Development *TSD*
Subject: **Staff Memorandum for Special Exception Request Case #2023-14, and required Variance Case #2023-15:** For property located at 72 Federal Hill Road, Tax Map 48, Lot 44

- Request for a required Special Exception to allow for an existing one-bedroom detached Accessory Dwelling Unit (ADU), built in 2006, prior to the implementation of ADU regulations for the Town (2008), located on an existing single-family residence lot.
- Companion Variance Request for the approval of the required Variance for the ADU living area to retain its existing 1,100 sq foot floor area. Only if the above Special Exception is granted, shall the Variance Request then be considered by the Board.

Special Exception Case #2023-14 Raymond Nichols, 72 Federal Hill Road Street, Milford Tax Map 48, Lot 44, (Res "A" Zoning)

Request#1:
Special Exception Application to allow for the existing, non-permitted Accessory Dwelling Unit above existing 3-Bay Garage (attached via breezeway to primary residence).

Introduction:

The applicant is before the Board of Adjustment seeking a Special Exception from the Milford Zoning Ordinance, (Article X, Sections, 10.2.1), with special emphasis for required compliance with Section 10.2.6.C (See Variance Request) to allow for the **existing 1,100 square foot, one (1) bedroom accessory dwelling unit to be approved as an ADU, under current regulations.**

This living area space construction was performed in 2006, prior to the Town of Milford implementing regulations for Accessory Dwelling Units (ADU's-2008), thus the use of this created, additional living space was never approved for ADU usage. The garage's second level existing living area, built in 2006, pre-dated any ADU zoning regulations for the town. However, at the time, the only construction permitted (per the Town's Building Department records) in regard to this additional living space was for a laundry suite and a full bathroom in 2006, to be built above the existing garage. No town building records exist for the other existing built aspects and uses in this living area such as the kitchen area, the singular bedroom or for the other living area/crafts room.

The existing ADU space does not encroach into any required lot setbacks, nor are there any non-conformities with the property-with the noted exception of comprehensive building permits being properly filed and approved (in 2006), to complete the living space as it presently exists in its finished form.

According to the applicant, this living space was created solely for family members, and was never rented (through its existing 16 years) as residential apartment space. The Community Development Office has no records through those years of any nuisance complaints for this property.

When originally contacted by the applicant (due to a pending sale of the property by the applicant), inquiring how best to resolve this matter to bring the residence into town compliance, a June 27, 2023 letter was prepared and transmitted to the applicant by the Director of Community Development, with specific requests and requirements for the applicant to meet.

These letter instructions are generally summarized as follows:

- I. The Town only has one *solution pathway* available (short of you as Owner, completely removing and certifying the demolition of the existing (i.e. advertised), but not-permitted “*In-Law Suite*”, including its full built-out kitchen area, the bedroom, the gas fire place and its office area (from the referenced “*above garage*” living space-MLS Listing), in order to bring this dwelling space back into full compliance with its existing issued permit(s).
- II. In lieu of electing to perform the physical dismantling process described above, you as owner of the property will be required to immediately make a full application to our offices to seek approval from the Town of Milford’s ***Zoning Board of Adjustment*** (ZBA) for the required ***Special Exception***, pursuant to Section 5.04.02.1 (Under the “R” Zoning District Criteria, Section 5.04.2-Special Exception, for a Two-Family Dwelling Unit).

(Staff Note: Property @ 72 Federal Hill Road was later discovered to actually be zoned ***Res “A”***, subject to Zoning Regulations in Section 5.02.0, and not those regulations within Sec. 5.04 ***Res “R”***)

This Option shall involve first retaining a licensed *Third-Party Inspector* (as hired by you), to sign and provide an Affidavit to the effect that all existing work on the referenced *In-Law Suite* was reviewed, and inspection(s) were performed, (above and beyond the already-permitted and town-inspected laundry and full bath areas).

- III. Your Inspector shall need to provide a formal “***Opinion***” that all work was found to now be *Town Code Compliant*.
This Option shall require an initial meeting between any retained (licensed) individual to first meet with our Building Dept. staff to clarify what all would be required to achieve the possible “*After the Fact*” Building Dept. Approvals.
- IV. Lastly, a modification to the (most recently issued *2018 NHDES Septic System Permit* for your residence will have to be re-submitted, evaluated and approved by the State of New Hampshire’s Department of Environmental Services (NHDES).

Be advised that this permit modification “may” include the possibility of increased septic tank sizing, and a modification of the total area for the dedicated leach field (tbd), due to the existing fourth bedroom, if you were to retain it (the living space).

Once approved, a copy of the modified NHDES State Permit must be forwarded to our Building Department, for the record prior to the required ZBA Hearing Commencement.

Staff may now report that the applicant was fully compliant with all requests made of him in this matter.

(Please see attached **NHDES Septic Permit Amendment, (dated July 7, 2023)** and the required ***Third Party Inspection Report***, (dated 7/14/23)....

The above referenced inspection report was a detailed and favorable report, prepared by "***Home Smart Inspections***", for the review of all residential building code requirements for the **previously unpermitted** "***In Law Quarters***" construction work. The final report was received and reviewed by our Building Department Inspectors.

Subsequent to its receipt, (on July 27, 2023) both Milford Building Department Inspectors conducted their own inspections of the existing living space, and confirmed all work performed to be code-compliant with all required building codes. (see attached e-mail from Mr. Jamie Ramsay (Milford Lead Building Dept. Inspector)

1. Existing Conditions:

- a. The subject property is approximately 2.5 acres in area, with approximately 220 linear feet of frontage on Federal Hill Road.
- b. The property's existing residence consists of a 1.5-story, 3-bedroom/3-Bath single-family residence (orig. built: **1978**), and is serviced by potable well and a septic system.
- c. The subject property is situated along the northerly portion of Federal Hill Road, within a mix of large lot single-family residential homes (transitioning to "R" Zoning as development progresses to the south of this residence. However, this specific lot is zoned Residence "A".
- d. The home contains approximately 3,453 sq feet of living space.
- e. The property also borders the more intensely developed residential condominium development known as ***The Reserve***, (comprised of **.25 to .3-acre** homesites). Zoning is Res "A" for The Reserve's residential lots.
- f. 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.

Request #2-Variance Request (Case #2023-15)

Raymond Nichols, 72 Federal Hill Road Street, Milford Tax Map 48, Lot 44, (Res "A" Zoning)

Upon reviewing the (*after the fact*) application and subsequently the requested materials provided by the applicant, pursuant to the **Section 10.02.6.A (Accessory Dwelling Units (originally instituted in 2008, with language revised in 2017), and Section 10.06.C (Existing Unpermitted Accessory Dwelling Units)**, the submittal meets the minimum requirements of the Zoning Ordinance with the exception of **Item 1** below:

1. The existing floor area for the referenced, living space (for the ADU) is 1,100 square feet. The attached *Variance Application Request* is a portion of the "Companion Case", requiring review and approval by the Zoning Board of Adjustment. The existing (+/-16-year-old living area) measures 350 square feet over and above the 750 sq. foot maximum threshold for an ADU.

No ADU criteria had yet to be established by the town when this work was undertaken (2006); thus, no *ADU square footage limits* had been instituted (until the initial 2008 regulations took effect).

Due to the *over-sized* existing living area of 1,100 sq. feet, staff recommends that a Variance Request is triggered and should now be considered by the ZBA to allow and retain this requested living space (as-built) in this instance to properly establish the record.

To reiterate, both a mandated 3rd Party Inspection was performed for the living space, and a favorable report was then submitted (as requested). The Town's Building Dept. inspectors conducted a follow-up building inspection and concurred with the independent inspector's report findings. (Note: Although the applicant had elected to file an *Equitable Waiver Request* late in the process, staff felt the *Variance Request* was the more appropriate legal mechanism for this (*after the fact*) case request, where the work was complete prior to any ADU criteria being set forth by the Town, as stated above.

Note: As an informational item only: The overall residence is under contract, and in the process of being sold to a *multi-generational* local family. The pending purchasers, the Bailey Family, has provided the town with a signed letter indicating that their intended use of the designated ADU space shall solely be used as a residence for a portion of their family co-purchasing the property. In its entirety, the overall residential property shall continue to be owned and occupied by the new (pending) property owners, as recently affirmed by the purchasers (see attached one-page letter).

2. The provided interior images and floor plan appear to be consistent with the existing residence. (see attached). The layout, access, and egress meet the minimum requirements of the ordinance.
3. The property appears to have sufficient and ample parking to accommodate both the single-family residence and the (accessory dwelling unit) living space.

Included you shall find the following:

1. Special Exception Criteria (Article X, Section 10.02.6) Justification Responses, prepared by the Applicant.
2. Variance Criteria (Article X, Section 10.01 General Criteria and Section 10.02.06.C (Existing Unpermitted Accessory Dwelling Units)
3. Site Plan Exhibits, showing floor of the existing living space, to be designated as the ADU.
4. Map location graphic and the town's GIS aerial image for 72 Federal Hill Road.
5. Color Street View Image of 72 Federal Hill Road.

Thank you for your time and consideration.



ZBA Application - Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

PROPERTY INFORMATION

Street Address: 72 Federal Hill Rd Milford NH

Tax Map / Parcel #: 48-44

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.

Date Received: _____

Case Number: _____

Application #: _____

Date Complete: _____

Hearing Date: _____

Decision Date: _____

Decision: 2023 09 57

**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

2-family in R zone

General Criteria Section 10.02.1

Describe the project you are requesting a Special Exception for:

Please see attached responses

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:



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)

1. Retail sales of goods incidental to Home Business are allowed. Please explain if there will be retail sales of goods incidental to Home Business.
2. 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.
3. 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.
4. 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.
5. 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?
2. Has a Building Permit application been made? Copy of permit application attached?
3. Is the ADU developed in a manner which does not alter the character/appearance of the principal use as a single-family residence?
4. Is the ADU intended to be secondary and accessory to a principal single-family dwelling unit?
5. Does the ADU impair the residential character of the premises or the reasonable use, enjoyment and value of neighborhood?
6. Is there adequate off-street parking? How many spaces?
7. Are any additional curb cuts being proposed?
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.

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.
2. Is there only one (1) ADU on the property?
3. Is the ADU no more than 750 square feet gross floor area? How many square feet is the ADU?
4. Does the ADU have no more than two (2) bedrooms? Please show on plans.
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.
6. If a connecting hall is proposed, is the hallway at least 36 inches wide? Please show on plans.
7. Has a Code Compliance inspection been conducted by the Building Inspector? Please include inspection report.
8. Is the ADU in compliance with Section 10.02.6:A of the Milford Zoning Ordinance? How so?
9. If no, has a Variance from Section 10.02.6:A been granted by the ZBA?

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: _____

BROWN, NORMAN III & LINDA
6 RESERVE WAY
MILFORD, NH 03055

FAINT, DALE TRSTEE
FAINT, DALE F RVCBL TRST
2 RESERVE WAY
MILFORD, NH 03055-3579

FAY FAMILY TRUST
SUCCESSOR TRUSTEE
64 FEDERAL HILL RD
MILFORD, NH 03055

GENOVA, MARY B TRUSTEE
, MARY B GENOVA TRUST
2 COLONIAL CT
MILFORD, NH 03055

HAMPSHIRE HILLS RACQUET C
50 EMERSON RD
PO BOX 404
MILFORD, NH 03055-3516

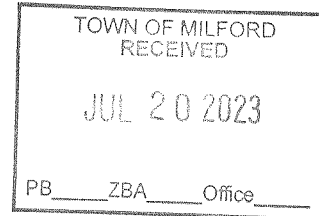
HILBURN, SUSAN A
4 RESERVE WAY
MILFORD, NH 03055

KENDALL, JOHN L & CATHERI
75 FEDERAL HILL RD
MILFORD, NH 03055-3519

KUNSELMAN, PATRICIA M TRS
KUNSELMAN, PATRICIA LIVIN
3 COLONIAL CT
MILFORD, NH 03055-3580

Special Exception request for 72 Federal Hill Rd

Ray Nichols and Jenn Parent-Nichols



General Criteria Section 10.02.1

In approximately 2006 we worked with Jeff Lyttle of Federal Hill Construction to add a third bay to our garage and a living space above of approximately 1,100 square feet. Based on input from the town we adjusted our initial plans to include a door from our living room to the stairwell to avoid issues with this space being classified as an accessory dwelling unit ("ADU"). Jeff Lyttle and I recall the town of Milford inspecting the foundation, framing, plumbing and electrical work that was done as part of this project. In approximately 2021 we did significant permitted upgrades to our home, including expanding the deck on the second floor.

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:
 - a. This neighborhood has a mix of multi-family, multi-generational, commercial and condominium properties. Our abutters to the North have used their property in a similar manner for years.
- B. The specific site is an appropriate location for the proposed use because:
 - a. This home is located in the Residence A district. After this work was completed the Residence A ordinance was adjusted to allow for this type of use of property to accommodate multi-generational living.
- C. The use as developed will not adversely affect the adjacent area because:
 - a. This work was completed over 15 years ago and there have been no reported adverse affects on the area by our neighbors. Additionally, the approximate \$250,000 investment modernized the structure adding to its and the neighboring properties value. Moreover, before the construction began, we had conversations with the primary abutters (Doris Fay and John and Katherine Kendall) to ensure that they did not have concerns with us making this change.
- D. There will be no nuisance or serious hazard to vehicles or pedestrians because:
 - a. Since this work was completed there have been no incidents involving vehicles or pedestrians entering or exiting this location. The driveway is double wide and has plenty of garaged and ungaraged parking for all occupants.
- E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:
 - a. The property has town water. The septic system was recently updated and was over-engineered to ensure there would be no issues. However, Meridian Land Services has developed and the state has approved an alternative 4.5 bedroom septic plan in the event that an issue does arise.

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

WETLAND AND WETLAND BUFFER IMPACT 6.02.6

We believe this section is inapplicable as we are unaware of any wetland, wetland buffer or surface waters on this property

HOME BUSINESS CRITERIA 7.12.6

This project did not involve the addition of a home business.

HOME BUSINESS CRITERIA 7.12.6 (Continued)

This project did not involve the addition of a home business.

ACCESSORY DWELLING UNITS 10.02.06

We believe this section may be inapplicable as we are not requesting the addition be identified as an ADU, however, we are providing the requested information to provide context for the project.

1. Is the property going to be owner occupied? Yes
2. Has a building permit application been made? Yes
3. Will it alter the character or appearance as a single-family dwelling? No, pictures provided to Terrey Dolan.
4. Is the ADU intended to be secondary and accessory to the principal single family dwelling unit?
Yes
5. Does the ADU impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other property in the neighborhood? No, it does not impair these items.
6. Is there adequate off- street parking? If so, how many spaces? 3 Garage bays plus 8 more cars will fit in the driveway.
7. Are any additional curb cuts being proposed? No
8. Are all necessary additional entrances or exits located to the side or rear of the building when possible? Yes. There was an existing access from the garage to the stairway. An additional entrance that is not visible from the street was added from the porch.

ACCESSORY DWELLING UNITS 10.02.6 (Continued)

We believe this section may be inapplicable as we are not requesting the addition be identified as an ADU, however, we are providing the requested information to provide context for the project.

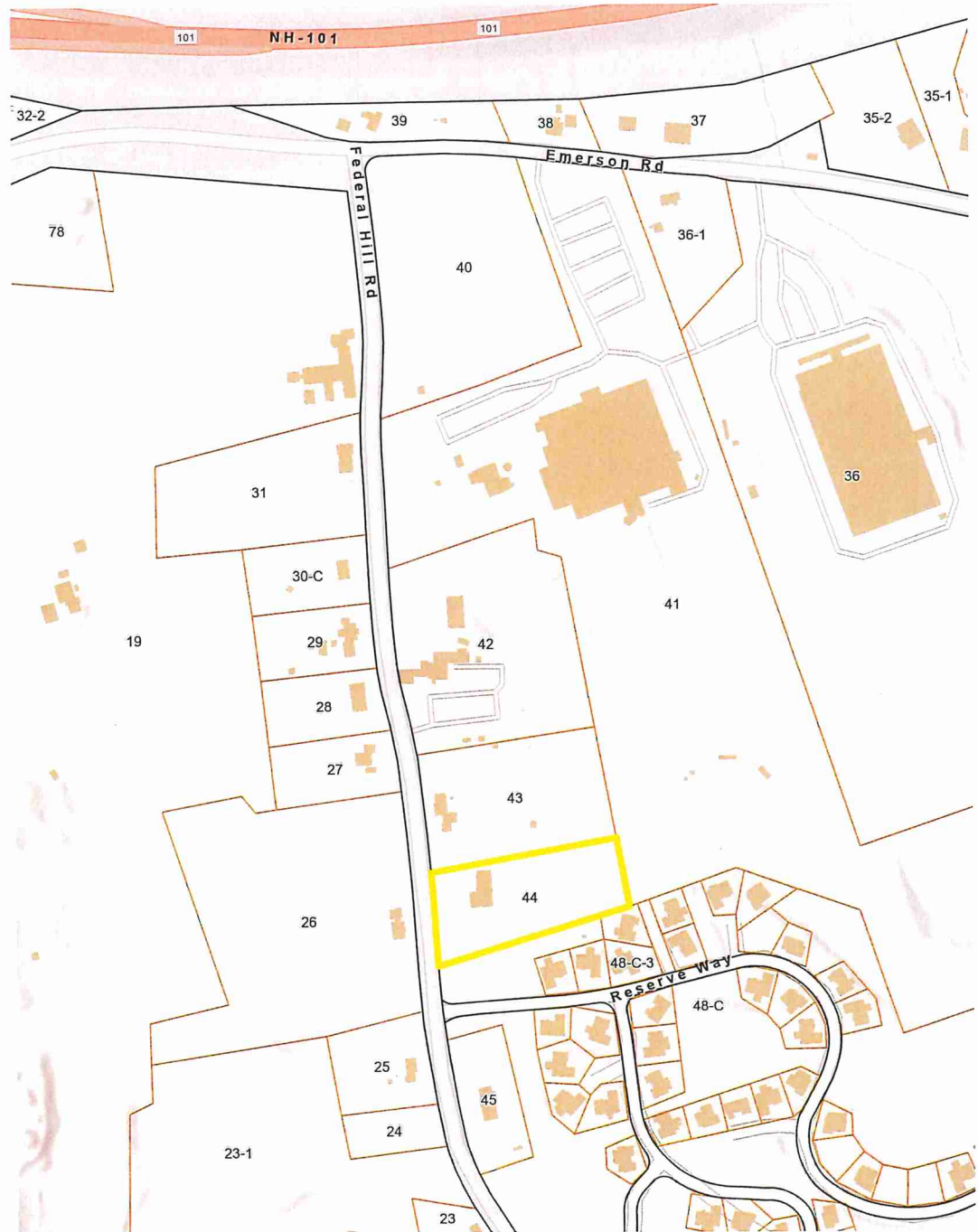
1. Is there adequate sewer/septic and water for the additional inhabitants? Please include septic/sewer approval
 - a. The home has town water.
 - b. The septic was upgraded in the last 5 years and there have been no issues. Additionally, Meridian land services had designed and the state has approved a 4.5 bedroom septic plan should there be an issue.
2. Is there only one (1) ADU on the property?
 - a. One (1) living space was added.
3. Is the ADU no more than 750 square feet gross floor area? How many square feet is the ADU?
 - a. No.

- b. The living space is approximately 1,100 square feet gross.
- 4. Does the ADU have no more than two (2) bedrooms? Please show on plans
 - a. The living space has one (1) bedroom as shown on the plan.
- 5. If inside the existing dwelling, is there at least one common wall with a door between the two space at least 32 inches wide? Please show on plans.
 - a. Yes, as originally requested by the town, there is a door between the first floor living area and the stair way to the second floor that is over 32 inches wide as shown in pictures provided to Terrey Dolan.
- 6. If a connecting hall is proposed, is the hallway at least 36 inches wide? Please show on plans.
 - a. There is not a connecting hall.
- 7. Has a Code Compliance Inspection been conducted by the Building Inspector? Please include inspection report?
 - a. The general contractor, Jeff Lyttle and the homeowners recall inspections were done for the foundation, the framing, the plumbing and the electrical work. However, some of these records do not seem to be in the town's files. At the town's request, the homeowners hired a private inspector who found no code violations during his inspection and provided his report to the town.
- 8. Is the ADU in compliance with section 10.02.6:A of the Milford Zoning Ordinance? How so?
 - a. Only one ADU shall be allowed per property.
 - i. Yes
 - b. Either the principal dwelling or the ADU must be owner occupied.
 - i. Yes
 - c. Shall be no larger than 750 square feet.
 - i. No
 - d. Shall include no more than 2 bedrooms.
 - i. Yes
 - e. No additional curb cut was added.
 - i. Yes
 - f. One common interior access with a doorway 32 inches wide.
 - i. Yes
 - g. An existing non-conforming single family residential structure or its detached accessory structure shall not be made more non-conforming and shall meet all applicable local and state building, fire and health safety codes.
 - i. N/A the existing structure was conforming.
 - h. Shall be located in an existing single-family dwelling.
 - i. Yes
 - i. Adequate provision of water supplies and sewage disposal method for the ADU.
 - i. Yes as described above.
 - j. Did not alter the character or appearance as a single-family dwelling.
 - i. Yes, pictures provided to Terrey Dolan.
 - k. It is intended to be secondary and accessory to the principal single family dwelling unit.
 - i. Yes
 - l. Shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other property in the neighborhood.

- i. Yes
 - m. Adequate off-street parking was provided.
 - i. Yes, 3 garage bays plus 8 other parking spots
 - n. Any additional entrances or exits shall be located to the side or rear of the building when possible.
 - i. Yes. There was an existing access from the garage to the stairway. An additional entrance that is not visible from the street was added from the porch.
- 9. If no, have a Variance from Section 10.02.6:A been granted by the ZBA?
 - a. A variance has not been granted.

OFFICE IN THE RESIDENCE A AND B DISTRICTS 10.02.7

This project did not involve the addition of an office.





72 FEDERAL HILL RD
MILFORD NH 03055
2nd Fl.



"Balcony 2nd Fl. Deck 13'x6' expanded to 13'x8' in 2021"

CRAFT ROOM

LIVING ROOM

DINING ROOM

BATHROOM/LAUNDRY

CLOSET

BEDROOM

CLOSET

Garage

Porch & Ground Level

TO ATTIC

16'

10'

8'

12'

12'

12'

17'

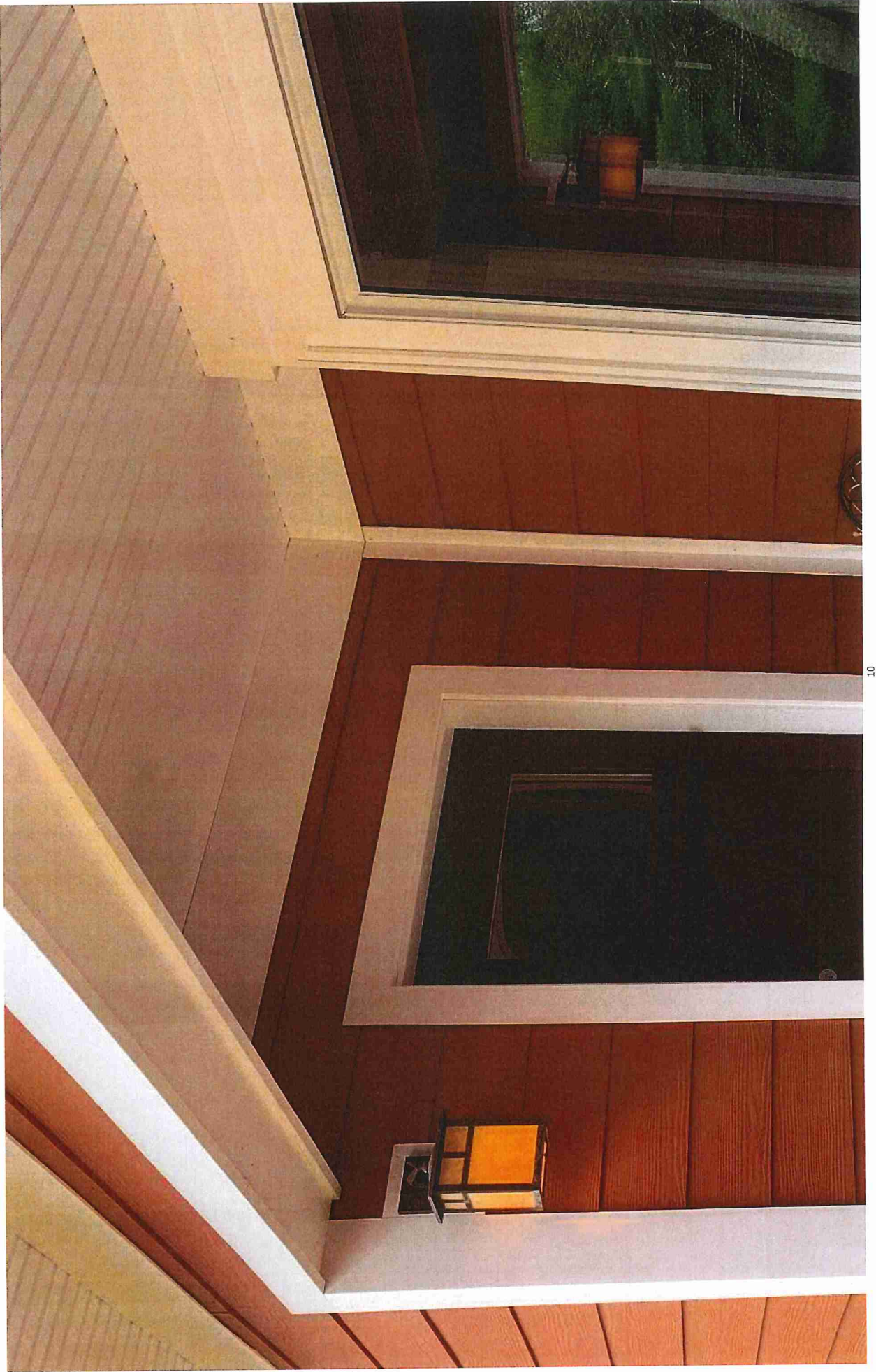
10'

39'





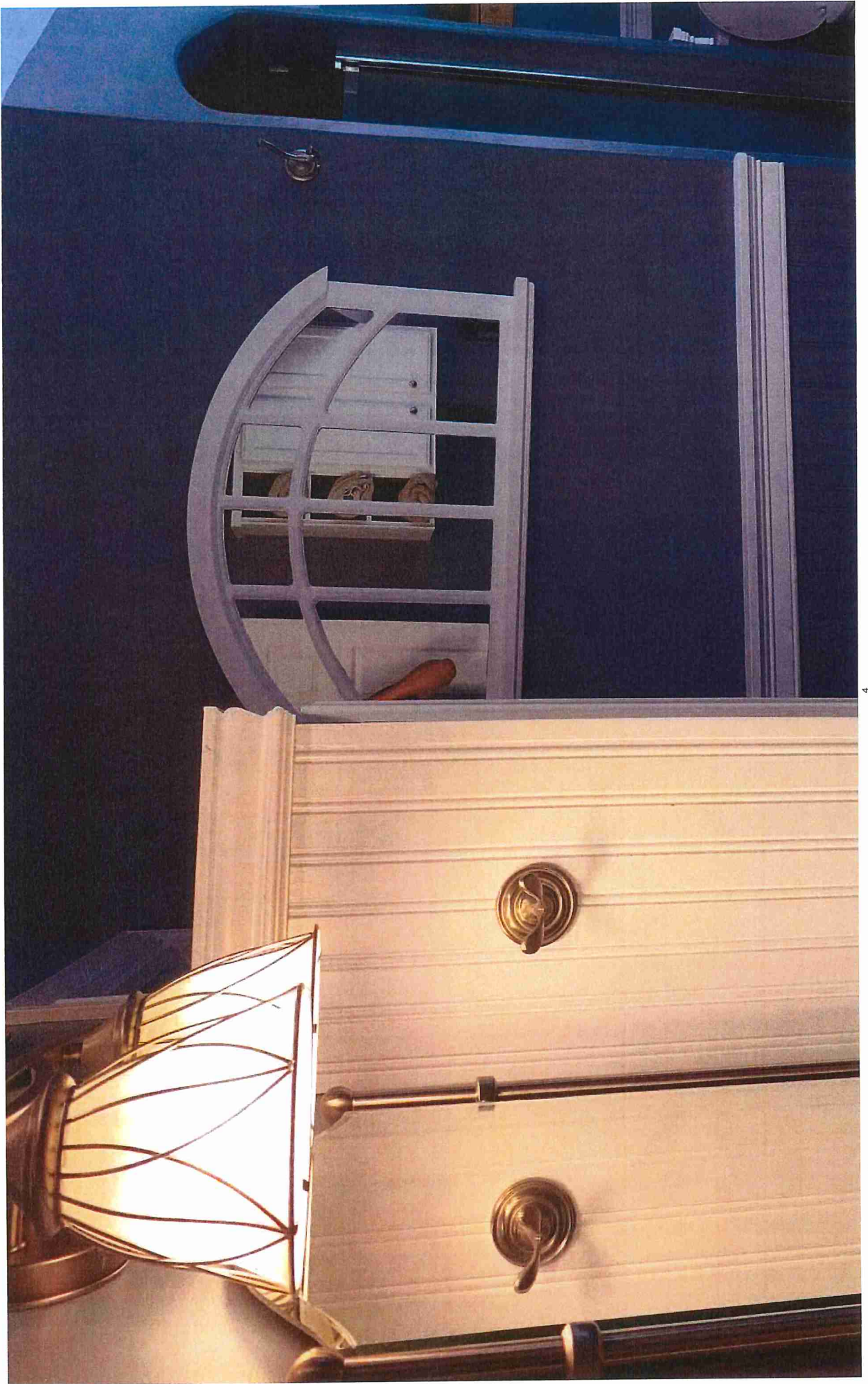


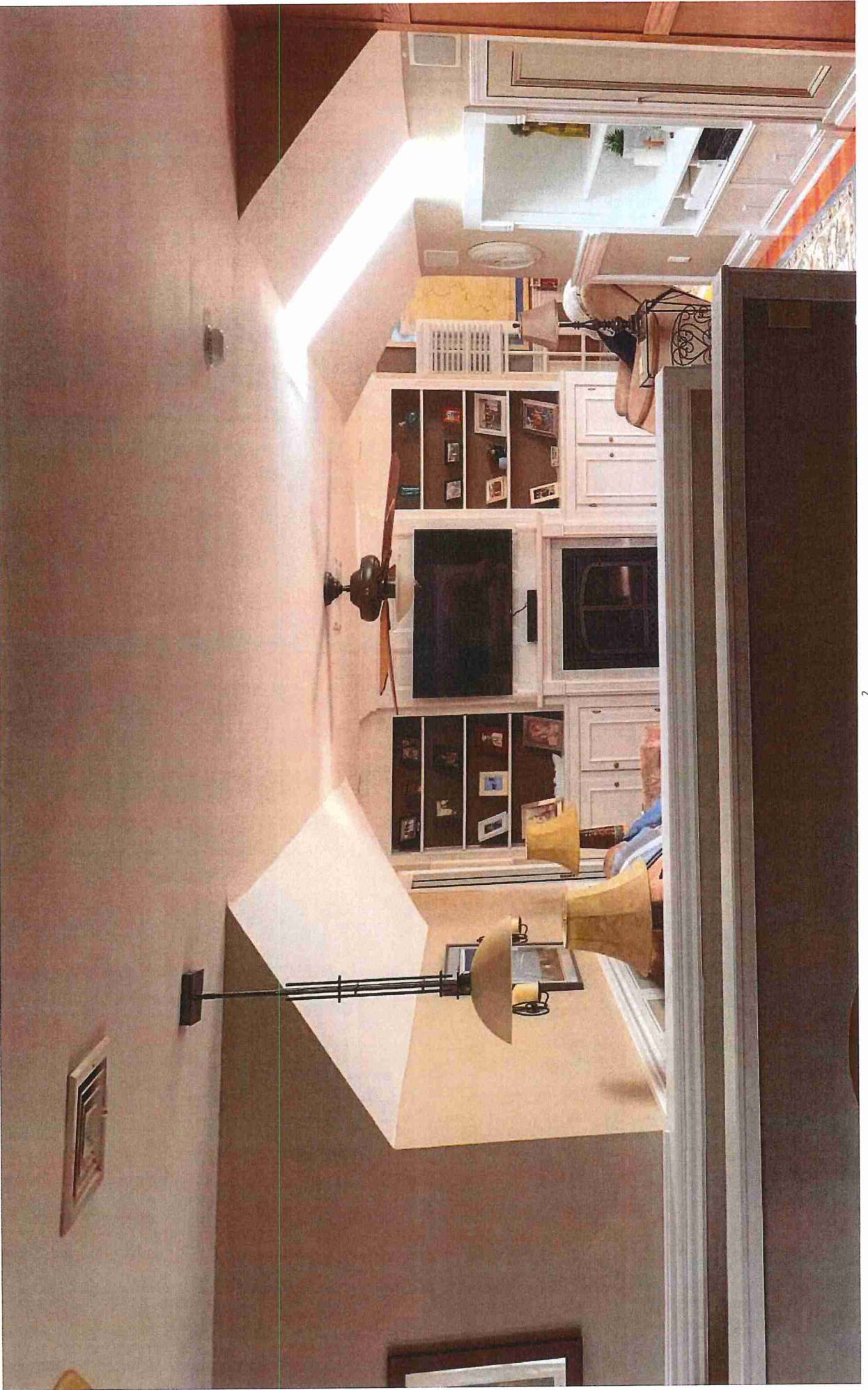


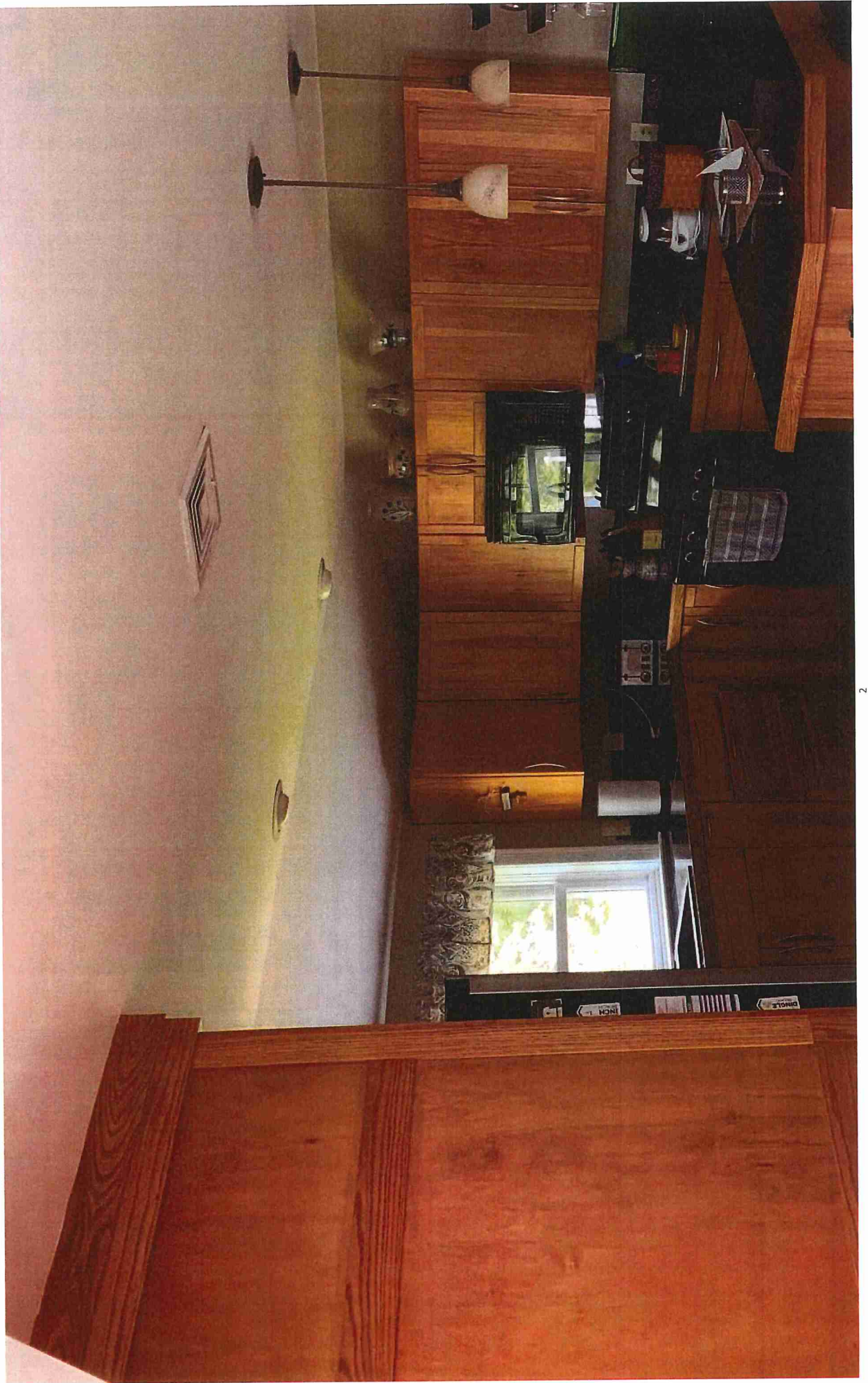


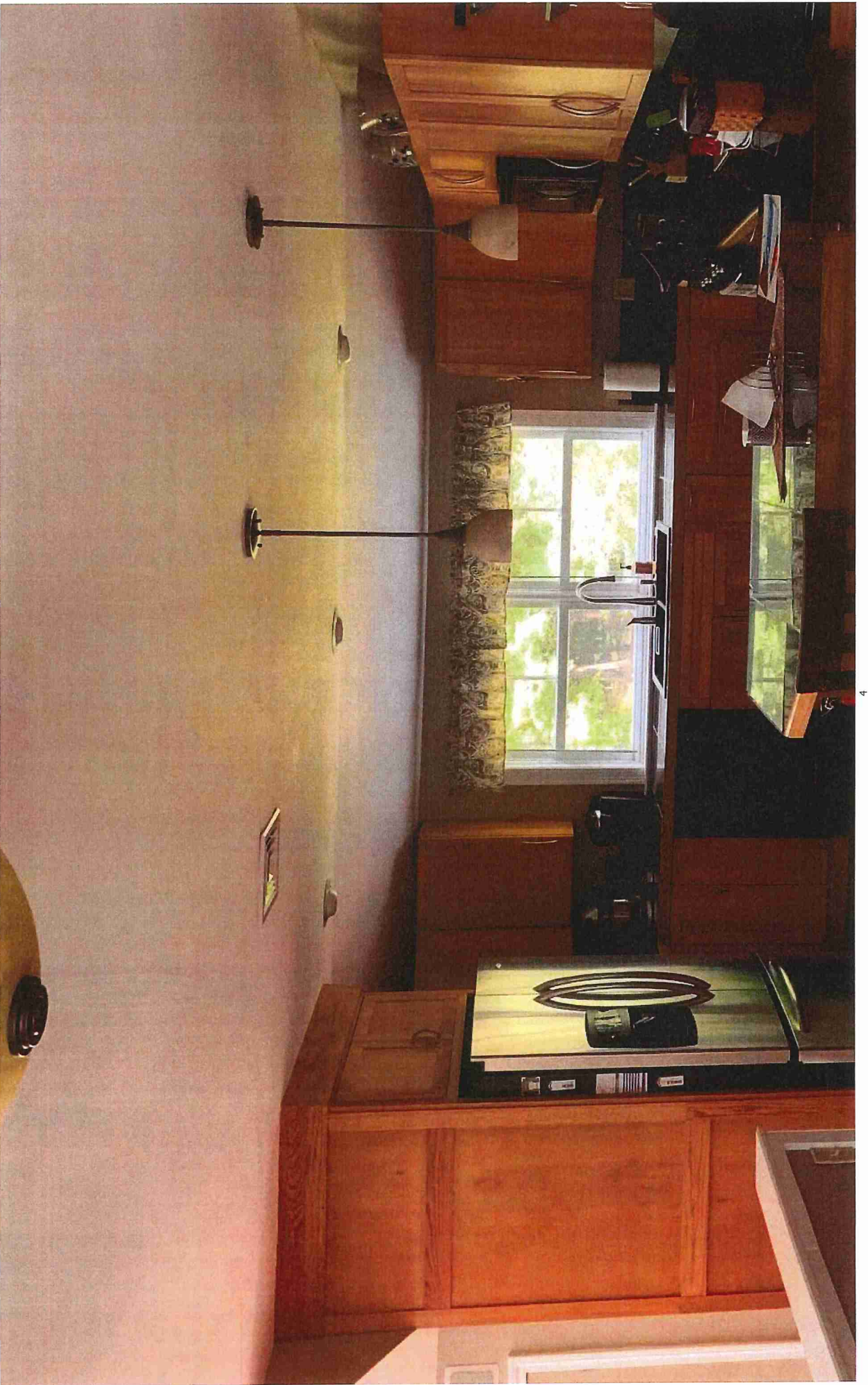














INVOICE

HomeSmart Inspections

1 Hardy Rd., #219
Bedford, NH 03110
603-494-4227

Inspected By: David S. Paul

Inspection Date: 7/14/2023

Report ID: Fri-1pmFederalHillRd-In-LawApt

Customer Info:	Inspection Property:
Ray Nichols Customer's Real Estate Professional: Marcel O'Neil	72 Federal Hill Rd.- In-Law Apartment Milford NH 03055

Inspection Fee:

Service	Price	Amount	Sub-Total
			Tax \$0.00
			Total Price \$0.00

Payment Method:

Payment Status:

Note:



Inspection Report

Ray Nichols

Property Address:

72 Federal Hill Rd.- In-Law Apartment
Milford NH 03055



HomeSmart Inspections

**1 Hardy Rd., #219
Bedford, NH 03110
603-494-4227**

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Heat/Cool Issues

1. Heating / Central Air Conditioning

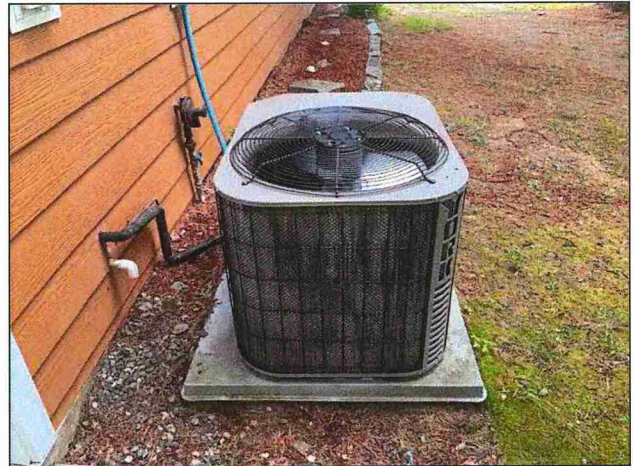
1.0 Heating Equipment

Maintenance/Attention Needed

Service furnace and ac unit once per year by licensed HVAC contractor- change air filter every 3 months as needed, have heat tech replace foam insulation on ac exterior condenser at next service- Unit has been serviced this year.



1.0 Item 1(Picture)



1.0 Item 2(Picture)



1.0 Item 3(Picture)

Prepared Using HomeGauge <http://www.HomeGauge.com> : Licensed To David S. Paul

Plumbing Issues

9. Bathroom and Components

9.0 Plumbing Water Supply, and Fixtures; sink faucets, bathtub, toilet valves

Maintenance/Attention Needed

Bathroom sink faucet hot handle is slightly loose- needs tightening of set screw



9.0 Item 1(Picture)

Prepared Using HomeGauge <http://www.HomeGauge.com> : Licensed To David S. Paul

General Summary

4. Roof System & Chimneys

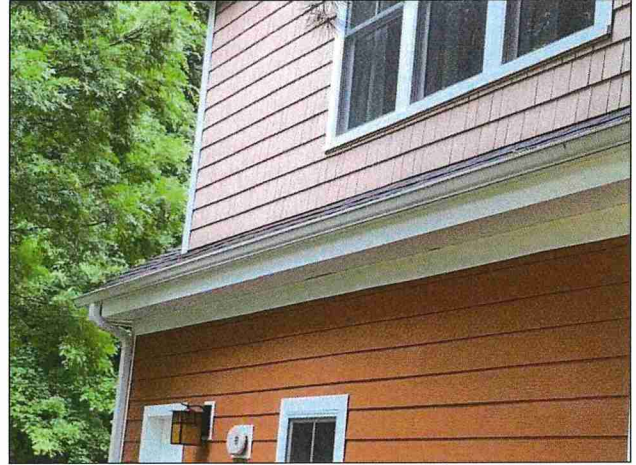
4.4 Gutters & Downspouts

Maintenance/Attention Needed

Gutters full of debris- maintenance needed



4.4 Item 1(Picture)



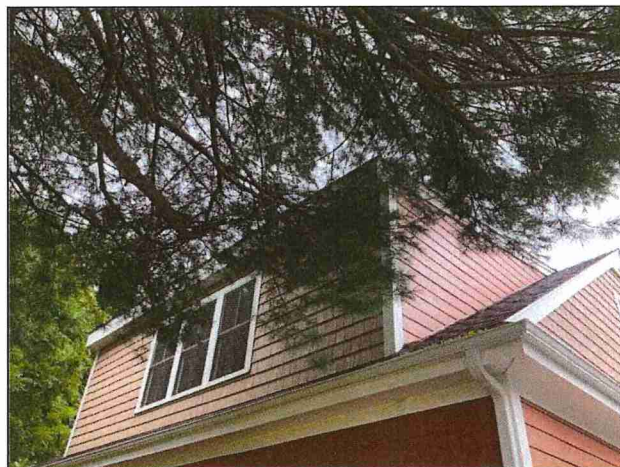
4.4 Item 2(Picture)

6. Exterior

6.0 Vegetation, and Grading (with respect to effect on building)

Unsatisfactory

Tree improperly overhanging roof- recommend trimming branches away from house



6.0 Item 1(Picture)

9. Bathroom and Components

9.5 Windows

Unsatisfactory

Bathroom front outside window pulley broken in track; difficult to operate- needs repair



9.5 Item 1(Picture)

11. Interior Rooms

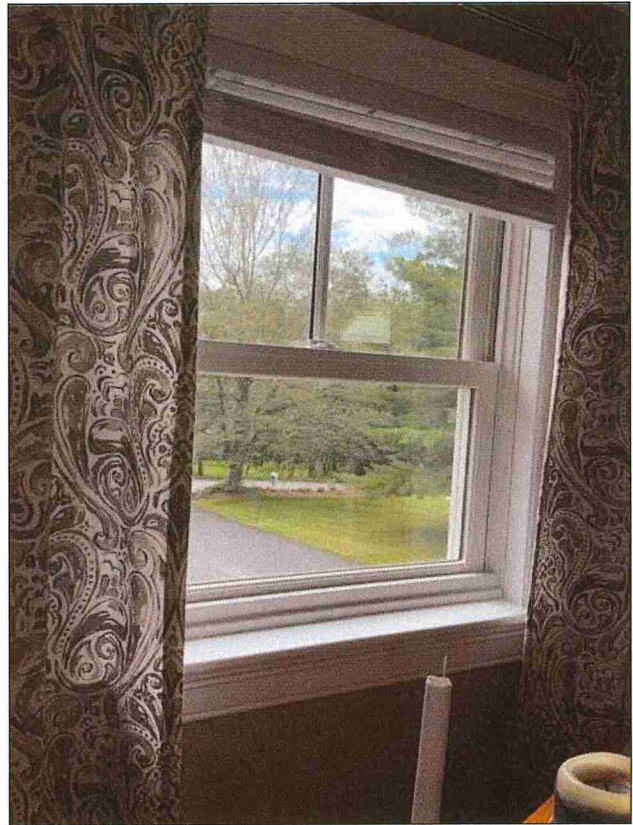
11.1 Windows (representative number)

Unsatisfactory

Bedroom side left (front) window upper sash pulleys broken; window falls when unlocked- needs repair for safety. Dining room front center and front left windows upper sash pulleys are broken; windows fall when unlocked (2)- need repair for safety



11.1 Item 1(Picture)



11.1 Item 2(Picture)



11.1 Item 3(Picture)

11.2 Doors (representative number)

Maintenance/Attention Needed

Bedroom rear glass door knob does not latch, and door bottom rubs slightly on floor- repairs, adjustments needed



11.2 Item 1(Picture)



11.2 Item 2(Picture)

Prepared Using HomeGauge <http://www.HomeGauge.com> : Licensed To David S. Paul

Date: 7/14/2023	Time: 01:00 PM	Report ID: Fri-1pmFederalHillRd-In-LawApt
Property: 72 Federal Hill Rd.- In-Law Apartment Milford NH 03055	Customer: Ray Nichols	Real Estate Professional: Marcel O'Neail

Comment Key or Definitions

The following definitions of comment descriptions represent this inspection report. All comments by the inspector should be considered before purchasing this home. Any recommendations by the inspector to repair or replace suggests a second opinion or further inspection by a qualified contractor. All costs associated with further inspection fees and repair or replacement of item, component or unit should be considered before you purchase the property.

Satisfactory (S) = I visually observed the item, component or unit and if no other comments were made then it appeared to be functioning as intended allowing for normal wear and tear.

Unsatisfactory (Un) = The item, component or unit is not functioning as intended, or needs further evaluation or repair by qualified contractor. Items, components or units that can be repaired to satisfactory condition may not need replacement.

Maintenance/Attention (Attn) = The item, component or unit needs minor attention or maintenance, but if not attended to could become a future problem.

In Attendance:

Customer and their agent

Approximate age of building:

Over 25 Years

Temperature:

80's

Weather:

Cloudy

Ground/Soil surface condition:

Damp

Rain in last 3 days:

Yes

Radon Test:

No

Water Test:

No

1. Heating / Central Air Conditioning

Styles & Materials

Heat System Brand: YORK	Heat Type: Furnace	Energy Source: Propane
Ductwork: Insulated	Filter Type: Disposable	Filter Size: 14x25
Types of Fireplaces: Gas Fireplace	Operable Fireplaces: One	Number of Woodstoves: None
Cooling Equipment Type: Air conditioner Integral with Heating System with Exterior Condenser	Cooling Equipment Energy Source: Electricity	Number of AC Only Units: One
Central Air Brand: YORK		

		S	UN	ATN	NI
1.0	Heating Equipment			•	
1.1	Normal Operating Controls	•			
1.2	Automatic Safety Controls	•			
1.3	Distribution Systems (Forced Air Systems, Hydronic Systems, Steam Systems, and Radiant)	•			
1.4	Presence of Installed Heat Source in Each Room	•			
1.5	Chimneys, Flues and Vents (for water heaters or heat systems)	•			
1.7	Gas/LP Firelogs and Fireplaces	•			
1.8	Cooling and Air Handler Equipment			•	
1.9	Normal Operating Controls	•			
1.10	Presence of Installed Cooling Source in Each Room	•			
1.11	Fuel Storage (oil tanks, gas tanks)	•			
		S	UN	ATN	NI

S= Satisfactory, UN= Unsatisfactory, ATN= Maintenance/Attention Needed, NI= Not Inspected

Comments:

1.0 Service furnace and ac unit once per year by licensed HVAC contractor- change air filter every 3 months as needed, have heat tech replace foam insulation on ac exterior condenser at next service- Unit has been serviced this year.



1.0 Item 1(Picture)

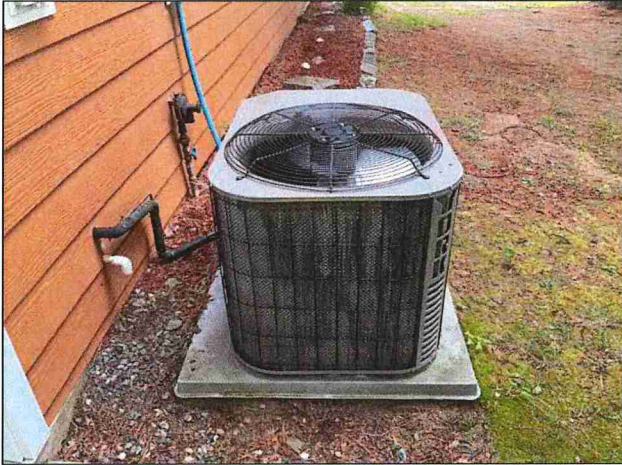


1.0 Item 2(Picture)



1.0 Item 3(Picture)

1.8 Service ac unit for replacement of foam insulation on cold copper condenser piping



1.8 Item 1(Picture)



1.8 Item 2(Picture)

The home inspector shall observe permanently installed heating and cooling systems including: Heating equipment; Cooling Equipment that is central to home; Normal operating controls; Automatic safety controls; Chimneys, flues, and vents, where readily visible; Solid fuel heating devices; Heat distribution systems including fans, pumps, ducts and piping, with supports, insulation, air filters, registers, radiators, fan coil units, convectors; and the presence of an installed heat source in each room. The home inspector shall describe: Energy source; and Heating equipment and distribution type. The home inspector shall operate the systems using normal operating controls. The home inspector shall open readily openable access panels provided by the manufacturer or installer for routine homeowner maintenance. The home inspector is not required to: Operate heating systems when weather conditions or other circumstances may cause equipment damage; Operate automatic safety controls; Ignite or extinguish solid fuel fires; or Observe: The interior of flues; Fireplace insert flue connections; Humidifiers; Electronic air filters; or The uniformity or adequacy of heat supply to the various rooms.

2. Electrical System

Styles & Materials

Electrical Service Cable: Below ground	Panel Capacity: 100 AMP SUB-PANEL	Panel Type: Circuit breakers
Electric Panel Manufacturer: GENERAL ELECTRIC	Branch wire 15 and 20 AMP: Copper	Wiring Methods: Romex
Meter Box: Underground Service Appears Proper Meter Box Appears In Good Working Order	Main Panel Box Location: Basement Main Panel, Sub-panel in Addition	

		S	UN	ATN	NI
2.0	Service Entrance Cable	•			
2.1	Exterior Electrical Meter Box	•			
2.2	Electrical Main Panel Box, Sub-panel Boxes, Main Overcurrent Device	•			
2.3	Branch Circuits and Conductors, Branch Wiring & Overcurrent Devices	•			
2.4	Connected Devices and Fixtures (Observed from a representative number operation of fixtures, switches and receptacles located inside the house)	•			
2.5	Polarity and Grounding of all receptacles on walls of inspected structure without moving furniture	•			
2.6	Operation of GFCI (Ground Fault Circuit Interrupters)	•			
2.7	Operation of AFCI (ARC Fault Circuit Interrupters)	•			
2.8	Location of Main and Distribution Panels	•			
2.9	Smoke Detectors	•			
2.10	Carbon Monoxide Detectors	•			
		S	UN	ATN	NI

S= Satisfactory, UN= Unsatisfactory, ATN= Maintenance/Attention Needed, NI= Not Inspected

Comments:

2.10 INSTALL CARBON MONOXIDE DETECTORS ON EACH LEVEL

The home inspector shall observe: Service entrance conductors; Service equipment, grounding equipment, main over current device, and main and distribution panels; Amperage and voltage ratings of the service; Branch circuit conductors, their over current devices, and the compatibility of their ampacities and voltages; The operation of a representative number of installed ceiling fans, lighting fixtures, switches and receptacles located inside the house, garage, and on the dwelling's exterior walls; The polarity and grounding of all receptacles within six feet of interior plumbing fixtures, and all receptacles in the garage or carport, and on the exterior of inspected structures; The operation of ground fault circuit interrupters; and Smoke detectors. The home inspector shall describe: Service amperage and voltage; Service entry conductor materials; Service type as being overhead or underground; and Location of main and distribution panels. The home inspector shall report any observed aluminum branch circuit wiring. The home inspector shall report on presence or absence of smoke detectors, and operate their test function, if accessible, except when detectors are part of a central system. The home inspector is not required to: Insert any tool, probe, or testing device inside the panels; Test or operate any over current device except ground fault circuit interrupters; Dismantle any electrical device or control other than to remove the covers of the main and auxiliary distribution panels; or Observe: Low voltage systems; Security system devices, heat detectors, or carbon monoxide detectors; Telephone, security, cable TV, intercoms, or other ancillary wiring that is not a part of the primary electrical distribution system; or Built-in vacuum equipment.

3. Plumbing System

Styles & Materials

Water Source: Well	Water Filters: None	Plumbing Water Supply (into home): Poly
Plumbing Water Distribution (inside home): Copper PEX	Washer Drain Size: 2" Diameter	Plumbing Waste: PVC
Water Heater Power Source: Electric	Water Heater Location: Attic Concealed Closet	Water Heater Capacity: 50 Gallon (2-3 people)

WH Manufacturer:
WHIRLPOOL

		S	UN	ATN	NI
3.0	Plumbing Drain, Waste and Vent Systems	•			
3.1	Plumbing Water Supply; Water Main Pressure Tank/Water Meter	•			
3.2	Hot Water Systems, Controls, Chimneys, Flues and Vents	•			
3.3	Main Water Shut-off Device (Describe location)	•			
3.5	Main Fuel Shut-off (Describe Location)	•			
		S	UN	ATN	NI

S= Satisfactory, UN= Unsatisfactory, ATN= Maintenance/Attention Needed, NI= Not Inspected

The home inspector shall observe: Interior water supply and distribution system, including: piping materials, supports, and insulation; fixtures and faucets; functional flow; leaks; and cross connections; Interior drain, waste, and vent system, including: traps; drain, waste, and vent piping; piping supports and pipe insulation; leaks; and functional drainage; Hot water systems including: water heating equipment; normal operating controls; automatic safety controls; and chimneys, flues, and vents; Fuel storage and distribution systems including: interior fuel storage equipment, supply piping, venting, and supports; leaks; and Sump pumps. The home inspector shall describe: Water supply and distribution piping materials; Drain, waste, and vent piping materials; Water heating equipment; and Location of main water supply shutoff device. The home inspector shall operate all plumbing fixtures, including their faucets and all exterior faucets attached to the house, except where the flow end of the faucet is connected to an appliance. The home inspector is not required to: State the effectiveness of anti-siphon devices; Determine whether water supply and waste disposal systems are public or private; Operate automatic safety controls; Operate any valve except water closet flush valves, fixture faucets, and hose faucets; Observe: Water conditioning systems; Fire and lawn sprinkler systems; On-site water supply quantity and quality; On-site waste disposal systems; Foundation irrigation systems; Spas, except as to functional flow and functional drainage; Swimming pools; Solar water heating equipment; or Observe the system for proper sizing, design, or use of proper materials.

4. Roof System & Chimneys

Styles & Materials

Roof Covering Material:

Architextural

Flashings/Drip Edge:

Roof flashing drip edge appears in good condition

Chimney Exterior:

N/A

Skylight:

Two

Approximate Age:

Less than 3 years old

Plumbing Vent Pipe Flashing/Roof Penetrations:

Plumbing vent pipe weathertight

		S	UN	ATN	NI
4.0	Roof coverings	•			
4.1	Flashings	•			
4.2	Roof Penetrations: Chimneys, Vent Pipes, Skylights	•			
4.3	Ventilation of Roof/Attic	•			
4.4	Gutters & Downspouts			•	
4.5	Plumbing Vent Pipe & Roof Penetrations	•			
		S	UN	ATN	NI

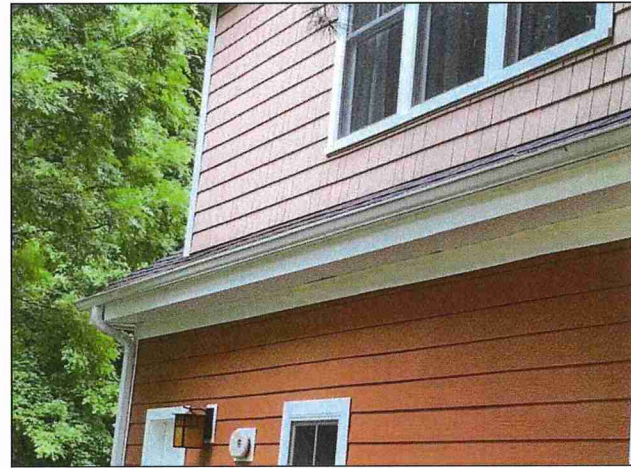
S= Satisfactory, UN= Unsatisfactory, ATN= Maintenance/Attention Needed, NI= Not Inspected

Comments:

4.4 Gutters full of debris- maintenance needed



4.4 Item 1(Picture)



4.4 Item 2(Picture)

The roof of the home was inspected and reported on with the above information. While the inspector makes every effort to find all areas of concern, some areas can go unnoticed. Roof coverings and skylights can appear to be leak proof during inspection and weather conditions. Our inspection makes an attempt to find a leak but sometimes cannot. Please be aware that the inspector has your best interest in mind. Any repair items mentioned in this report should be considered before purchase. It is recommended that qualified contractors be used in your further inspection or repair issues as it relates to the comments in this inspection report.

The home inspector shall observe: Roof covering; Roof drainage systems; Flashings; Skylights, chimneys, and roof penetrations; and Signs of leaks or abnormal condensation on building components. The home inspector shall: Describe the type of roof covering materials; and Report the methods used to observe the roofing. The home inspector is not required to: Walk on the roofing; or Observe attached accessories including but not limited to solar systems, antennae, and lightning arrestors.

5. Attic & Structural

Styles & Materials

Attic Insulation:

Fiberglass
R-30 or better

Ventilation of Roof Plane:

Ridge vents
Soffit Vents

Roof Structure/Rafters/Sheathing:

2 X 10 Rafters

Method used to observe attic:

No Attic Access

Bathroom exhaust fans:

Vented properly to exterior vent cover

Signs of Pest Intrusion:

No Signs of Pests Observed-
Recommend Pest Prevention as
Precaution

Type of Roof Style:

GABLE ROOF

		S	UN	ATN	NI
5.0	Roof Sheathing; attic ceiling material (any signs of moisture/condensation)	•			
5.1	Attic Entry & Accessibility				•
5.2	Roof Penetrations; Chimneys, Skylights, Vent Pipes				•
5.3	Ventilation of Roof/Attic Sufficient	•			
5.5	Roof/Attic Structure; rafters, beams, joists, etc.	•			
5.6	Insulation/Ventilation of Attic Floor & Roof Plane	•			
		S	UN	ATN	NI

S= Satisfactory, UN= Unsatisfactory, ATN= Maintenance/Attention Needed, NI= Not Inspected

The roof of the home was inspected and reported on with the above information. While the inspector makes every effort to find all areas of concern, some areas can go unnoticed. Roof coverings and skylights can appear to be leak proof during inspection and weather conditions. Our inspection makes an attempt to find a leak but sometimes cannot. Please be aware that the inspector has your best interest in mind. Any repair items mentioned in this report should be considered before purchase. It is recommended that qualified contractors be used in your further inspection or repair issues as it relates to the comments in this inspection report.

The home inspector shall observe: Roof covering; Roof drainage systems; Flashings; Skylights, chimneys, and roof penetrations; and Signs of leaks or abnormal condensation on building components. The home inspector shall: Describe the type of roof covering materials; and Report the methods used to observe the roofing. The home inspector is not required to: Walk on the roofing; or Observe attached accessories including but not limited to solar systems, antennae, and lightning arrestors.

6. Exterior

Styles & Materials

Siding Style:

Clapboard

Siding Material:

Vinyl
Cement-Fiber

Exterior Entry Doors:

Steel

Sunrooms/Porch/Decks/Balconies: Driveway & Walkways:

Deck

Concrete
Asphalt

Dryer Vent Duct Cover:

Appears Clear

Windows:

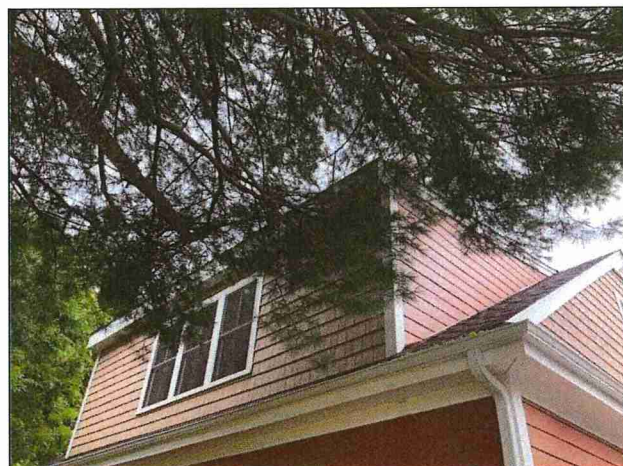
EXTERIOR CLAD/INTERIOR WOOD

		S	UN	ATN	NI
6.0	Vegetation, and Grading (with respect to effect on building)		•		
6.1	Driveways, Walkways and Retaining Walls	•			
6.2	Wall Siding and Trim	•			
6.3	Eaves, Soffits and Fascias	•			
6.4	Doors (Exterior)	•			
6.5	Windows	•			
6.6	Decks, Balconies, Steps, Porches, and Railings	•			
6.7	Water faucets (hose bibs)	•			
6.8	Light fixtures and electrical outlets (exterior)	•			
		S	UN	ATN	NI

S= Satisfactory, UN= Unsatisfactory, ATN= Maintenance/Attention Needed, NI= Not Inspected

Comments:

6.0 Tree improperly overhanging roof- recommend trimming branches away from house



6.0 Item 1(Picture)

The home inspector shall observe: Wall cladding, flashings, and trim; Entryway doors and a representative number of windows; Garage door operators; Decks, balconies, stoops, steps, areaways, porches and applicable railings; Eaves, soffits, and fascias; and Vegetation, grading, drainage, driveways, patios, walkways, and retaining walls with respect to their effect on the condition of the building. The home inspector shall: Describe wall cladding materials; Operate all entryway doors and a representative number of windows; Operate garage doors manually or by using permanently installed controls for any garage door operator; Report whether or not any garage door operator will automatically reverse or stop when meeting reasonable resistance during closing; and Probe exterior wood components where deterioration is suspected. The home inspector is not required to observe: Storm windows, storm doors, screening, shutters, awnings, and similar seasonal accessories; Fences; Presence of safety glazing in doors and windows; Garage door operator remote control transmitters; Geological conditions; Soil conditions; Recreational facilities (including spas, saunas, steam baths, swimming pools, tennis courts, playground equipment, and other exercise, entertainment, or athletic facilities); Detached buildings or structures; or Presence or condition of buried fuel storage tanks. The home inspector is not required to: Move personal items, panels, furniture, equipment, plant life, soil, snow, ice or debris that obstructs access or visibility.

7. Garage

Styles & Materials

Garage Door Type:

Three automatic

Garage Door Material:

Wood

Auto-opener Manufacturer:

CHAMBERLAIN

Electrical Outlets:

Electrical Outlets Properly GFCI

Protected

		S	UN	ATN	NI
7.0	Garage Ceilings	•			
7.1	Garage Walls (including Firewall Separation)	•			
7.2	Garage Floor	•			
7.3	Garage Door(s); Door Panels	•			
7.4	Garage window (s)	•			
7.5	Occupant Door (fire-rated- garage to house)	•			
7.6	Garage Door Operators (require photo reverse sensors)	•			
7.7	Garage Door Jamb Trim, Casing Trim, and Weatherstrip Trim	•			
		S	UN	ATN	NI

S= Satisfactory, UN= Unsatisfactory, ATN= Maintenance/Attention Needed, NI= Not Inspected

8. Kitchen Components and Appliances

Styles & Materials

Disposer Brand: NONE	Dishwasher Brand: KITCHEN AIDE	Range/Oven: BOSCH
Exhaust/Range hood/Microwave: AMANA	Cabinetry: Wood	Countertop: Tile Granite
Refrigerator: MAYTAG		

		S	UN	ATN	NI
8.0	Outlets, Switches and Fixtures	•			
8.1	Dishwasher	•			
8.2	Plumbing Water Supply, Shut-off Valves and Fixtures	•			
8.3	Plumbing Drain, Waste and Vent Systems	•			
8.5	Ranges/Ovens/Cooktops	•			
8.6	Microwave Cooking Equipment	•			
8.7	Range Hood (s)	•			
8.8	Counters and Cabinets (representative number)	•			
8.9	Windows	•			
8.10	Ceiling	•			
8.11	Walls	•			
8.12	Floors	•			
		S	UN	ATN	NI

S= Satisfactory, UN= Unsatisfactory, ATN= Maintenance/Attention Needed, NI= Not Inspected

The built-in appliances of the home were inspected and reported on with the above information. While the inspector makes every effort to find all areas of concern, some areas can go unnoticed. Please be aware that the inspector has your best interest in mind. Any repair items mentioned in this report should be considered before purchase. It is recommended that qualified contractors be used in your further inspection or repair issues as it relates to the comments in this inspection report.

The home inspector shall observe and operate the basic functions of the following kitchen appliances: Permanently installed dishwasher, through its normal cycle; Range, cook top, and permanently installed oven; Trash compactor; Garbage disposal; Ventilation equipment or range hood; and Permanently installed microwave oven. The home inspector is not required to observe: Clocks, timers, self-cleaning oven function, or thermostats for calibration or automatic operation; Non built-in appliances; or Refrigeration units. The home inspector is not required to operate: Appliances in use; or Any appliance that is shut down or otherwise inoperable.

9. Bathroom and Components

Styles & Materials

Exhaust Fans:

Fan with light

Outlets/ fixtures:

GFCI Outlet functions properly

Flooring:

Tile

Bathtub/Shower Surround:

Tiles

Countertops/Cabinets:

Granite

Dryer Vent Duct:

Recommend Cleaning Duct Now and Annually for Safety

Dryer Power Source:

Electrical 220 Volt

		S	UN	ATN	NI
9.0	Plumbing Water Supply, and Fixtures; sink faucets, bathtub, toilet valves			•	
9.1	Plumbing Drain, Waste and Vent Systems; sinks, bathtubs, toilets	•			
9.2	Outlets, Switches and Fixtures	•			
9.3	Counters, sink tops and Cabinets	•			
9.4	Exhaust fan	•			
9.5	Windows		•		
9.6	Ceiling	•			
9.7	Walls	•			
9.8	Floors	•			
9.9	Doors	•			
		S	UN	ATN	NI

S= Satisfactory, UN= Unsatisfactory, ATN= Maintenance/Attention Needed, NI= Not Inspected

Comments:

9.0 Bathroom sink faucet hot handle is slightly loose- needs tightening of set screw



9.0 Item 1(Picture)

9.5 Bathroom front outside window pulley broken in track; difficult to operate- needs repair



9.5 Item 1(Picture)

10. Basement & Structural Components

Styles & Materials

Ceiling Structure:

Not visible

Wall Structure:

Poured Concrete

Columns or Piers:

Concrete piers

Foundation Type/Material:

Poured concrete

Method used to observe

Crawlspace:

No crawlspace

Floor Structure and Moisture

(moisture removal/sump pumps):

Slab

Floor System Insulation:

NONE

		S	UN	ATN	NI
		S	UN	ATN	NI

S= Satisfactory, UN= Unsatisfactory, ATN= Maintenance/Attention Needed, NI= Not Inspected

The Home Inspector shall observe structural components including foundations, floors, walls, columns or piers, ceilings and roof. The home inspector shall describe the type of Foundation, floor structure, wall structure, columns or piers, ceiling structure, roof structure. The home inspector shall: Probe structural components where deterioration is suspected; Enter under floor crawl spaces, basements, and attic spaces except when access is obstructed, when entry could damage the property, or when dangerous or adverse situations are suspected; Report the methods used to observe under floor crawl spaces and attics; and Report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components. The home inspector is not required to: Enter any area or perform any procedure that may damage the property or its components or be dangerous to or adversely effect the health of the home inspector or other persons.

11. Interior Rooms

Styles & Materials

Ceiling Materials:

Drywall

Wall Material:

Drywall

Floor Covering(s):

Hardwood T&G
Tile

Interior Doors:

Raised panel
Wood

Window Types:

Double-hung

Window Manufacturer:

MARVIN

		S	UN	ATN	NI
11.0	Steps, Stairways, Balconies and Railings	•			
11.1	Windows (representative number)		•		
11.2	Doors (representative number)			•	
11.3	Outlets, Switches and Fixtures	•			
11.4	Floors	•			
11.5	Ceilings	•			
11.6	Walls	•			
		S	UN	ATN	NI

S= Satisfactory, UN= Unsatisfactory, ATN= Maintenance/Attention Needed, NI= Not Inspected

Comments:

11.1 Bedroom side left (front) window upper sash pulleys broken; window falls when unlocked- needs repair for safety. Dining room front center and front left windows upper sash pulleys are broken; windows fall when unlocked (2)- need repair for safety



11.1 Item 1(Picture)



11.1 Item 2(Picture)



11.1 Item 3(Picture)

11.2 Bedroom rear glass door knob does not latch, and door bottom rubs slightly on floor- repairs, adjustments needed



11.2 Item 1(Picture)



11.2 Item 2(Picture)

The home inspector shall observe: Walls, ceiling, and floors; Steps, stairways, balconies, and railings; Counters and a representative number of installed cabinets; and A representative number of doors and windows. The home inspector shall: Operate a representative number of windows and interior doors; and Report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components. The home inspector is not required to observe: Paint, wallpaper, and other finish treatments on the interior walls, ceilings, and floors; Carpeting; or Draperies, blinds, or other window treatments.

Jamie Ramsay

From: Jamie Ramsay
Sent: Friday, August 11, 2023 3:19 PM
To: Terrence Dolan
Cc: Darlene Bouffard; Jerry O'Connor
Subject: RE: Text to use and expound upon for the needed e-mail from you as Lead Building Inspector....thanks!

Terry -
Paul Gleneck (Elec. Inspector) and I (Building Inspector) went to 72 Federal Hill Road for Inspection/Walk-Through/Viewing of the property on the afternoon of Thursday, 7/27/2023.

In general, all physical conditions of the occupied space in question are Compliant within IRC (International Residential Code) Requirements & Directives for Occupancy as including Structure, Entrance & Egress, Mechanical/Electrical/Plumbing Systems (MEP), Thermal Insulation, Drywall/Plaster/Painting, Interior Trim/Woodwork/Cabinetry Construction, and Decorative Finishes, etc. There was little if any "Deferred Maintenance" in evidence ... the space is obviously well maintained ... and I am thus in agreement with and acceptance of all points enumerated in the Third Party Inspection Report as generated by Home Smart Inspections of Bedford, NH dated 7/14/2023.

However, the "Unpermitted" component of this Violation becomes amply clear in understanding that all that was Approved for construction, by Permit/s, for the space in question was a Bathroom and Laundry Room. As quite otherwise, most of the useable space contained within the upper level of the Garage has been realized as nothing less than a spacious and comfortably well-appointed One-Bedroom Apartment.

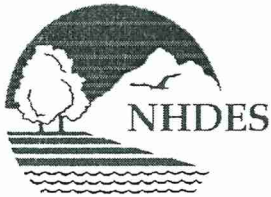
To this I shall add that in recent conversations with both former Town of Milford Building Inspectors during the time of this Project, both have stated, and I concur, that there is no possibility that such extensive levels of interior "build-out" would have been authorized, for progress and completion, by "Verbal Directive." To the contrary, this would only have been authorized for construction under standard processes of Review & Approval of Permit Applications, Release of task-related Permits, periodic Progress Inspections throughout the course of construction, Final Inspections and, finally, Departmental Release of a Certificate of Occupancy.

Thanks, Terry, for your consideration of my commentary.
Jamie

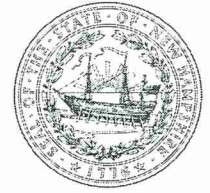
From: Terrence Dolan <tdolan@milford.nh.gov>
Sent: Tuesday, August 8, 2023 11:15 AM
To: Jamie Ramsay <jramsay@milford.nh.gov>
Subject: Commentary as needed from you as Lead Building Inspector....thanks!

Under Milford Zoning Ordinance
Section 10.02.6 (Accessory Dwelling Units (2017-last revised)
C. Existing Unpermitted Accessory Dwelling Units:

Unpermitted Accessory Dwelling Units found to be in existence prior to the passage of this Section and are not legally non-conforming, must obtain Special Exception approval to continue to be occupied in accordance with the following criteria: (2010)



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

APPROVAL FOR CONSTRUCTION OF INDIVIDUAL SEWAGE DISPOSAL SYSTEM (ISDS)

Map 48 / Lot 44

AS AUTHORIZED BY THE NH DEPARTMENT OF ENVIRONMENTAL SERVICES, WATER DIVISION PURSUANT TO RSA 485-A, WATER POLLUTION AND WASTE DISPOSAL AND ENV-WQ 1000, SUBDIVISION AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM DESIGN RULES.

APPLICATION APPROVAL DATE: 7/7/2023

APPROVAL NUMBER: eCA2023070719

I. PROPERTY INFORMATION

Address: 72 FEDERAL HILL ROAD
MILFORD NH 03055
Subdivision Approval No.: PRE-1967
Subdivision Name:
County: HILLSBOROUGH
Tax Map/Lot No.: 48/44

II. OWNER INFORMATION

Name: RAYMOND NICHOLS
Address: 72 FEDERAL HILL ROAD
MILFORD NEW HAMPSHIRE 03055

III. APPLICANT INFORMATION

Name: SPENCER C TATE
Address: PO BOX 118
MERIDIAN LAND SERVICES
MILFORD NH 03055

IV. DESIGNER INFORMATION

Name: SPENCER C TATE
Address: PO BOX 118
MERIDIAN LAND SERVICES
MILFORD NH 03055
Permit No.: 01837

V. SPECIFIC TERMS AND CONDITIONS: Applicable to this Approval for Construction
Please read **VI. General Terms and Conditions** on the reverse side of this approval.

- A. TYPE OF SYSTEM:** INFILTRATOR
- B. NO. OF BEDROOMS:** 3
- C. APPROVED FLOW:** 675 GPD
- D. OTHER CONDITIONS AND WAIVERS:**

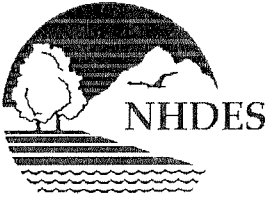
- 1. This approval is valid for 4 years from date of approval, per Env-Wq 1004.13.
- 2. Approval for a three bedroom house and a one bedroom studio apartment.
- 3. The following waivers have been approved:
 - A. Rule: Env-Wq 1010 Section: 07 Inlet and Outlet Baffles

Eric J. Thomas
Subsurface Systems Bureau

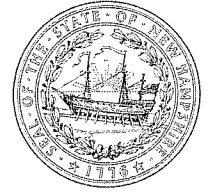
VI. GENERAL TERMS AND CONDITIONS: Applicable to all Approvals for Construction

- A. This Approval for Construction is issued to construct the ISDS as identified on Page 1 of this Approval.
- B. This Approval is valid until 7/7/2027, unless an Approval for Operation has been granted.
- C. By exercising any rights under this approval, the parties have agreed to all terms and conditions.
- D. No liability is incurred by the State of New Hampshire by reason of any approval of any Approval for Construction. Approval by the Department of Environmental Services of sewage and waste disposal systems is based on plans and specifications supplied by the Applicant.
- E. The system must be constructed in strict accordance with the approved plans and specifications.
- F. The installed system must be left uncovered and cannot be used after construction until it is inspected and has received an Approval for Operation of Individual Sewage Disposal System (ISDS) by an authorized agent of the Department.
- G. **This system must be installed by an installer holding a valid permit. An owner may install the system for his or her domicile. Env-Wq 1002.18 defines "Domicile" as that place where an individual has his or her true, fixed, and permanent home and principal establishment, and to which, whenever he or she is absent, he or she has the intention of returning. An individual might have more than one residence, but has only one domicile. Accordingly, an owner may only install a replacement system and may not install the system at a property he or she intends to make their future domicile. A person's domicile is considered to be at the address listed on his or her driver's license and/or where he or she is registered to vote.**
- H. This Approval for Construction does not supersede any equivalent or more stringent local ordinances or regulations. State standards are minimal and must be met statewide.

WORK NUMBER: 202303230
APPROVAL NUMBER: eCA2023070719
RECEIVED DATE: July 7, 2023
TYPE OF SYSTEM: INFILTRATOR
NUMBER OF BEDROOMS: 3



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

NOTICE OF ACCEPTANCE OF PERMIT APPLICATION

JULY 7, 2023

BUILDING INSPECTOR
1 UNION SQ
MILFORD NH 03055

RE: Subsurface Systems Bureau Application for Individual Subsurface Disposal System (RSA 485:A)
Work Number: 202303230
Subject Property: 72 FEDERAL HILL ROAD
MILFORD NH 03055
TAX MAP: 48, TAX LOT: 44

Dear Municipal Clerk:

Pursuant to RSA 541-A:39, please be advised that the Department of Environmental Services (NHDES) accepted an application for an Individual Subsurface Disposal System (ISDS) on July 7, 2023 for the subject property referenced above.

This is not an authorization to proceed or permit to do work.

Please provide a copy of this notice to all interested departments, boards and commissions. Also note that under current state law and regulations, NHDES is not authorized to consider local zoning and regulatory issues pertaining to a project; these must be addressed at the local level.

If you have any questions, please contact the NHDES Subsurface Systems Bureau at (603) 271-3501.

Sincerely,

Subsurface Systems Bureau
Land Resources Management



ZBA Application - Variance
MILFORD ZONING BOARD OF ADJUSTMENT

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

PROPERTY INFORMATION
Street Address: 72 Federal Hill Rd
Tax Map / Parcel #: H6 48-44
<i>A Variance is a use which is not permitted by the Zoning Ordinance. Approval from the Zoning Board of Adjustment is required to allow any use or deviation from the Zoning Ordinance. Please work with the Zoning Administrator to make sure your application is complete and you know what will be required of you at the hearing.</i>
What section of the Zoning Ordinance are you asking to be varied? Article <u>10</u> Section <u>.02.6A1c</u>
Describe the variance you are requesting under the above section of the Ordinance. An existing ADU that exceeds the 750 sq ft limit by approximately 350 sq ft was constructed before the town adopted the current ADU standards in 2008. The applicants respectfully suggest that the ZBA may grant an equitable waiver without finding the applicants have met the variance criteria listed below. See Dietz v. Tuftonburo.

General Criteria Section 10.01

Explain how the proposal meets the following conditions per New Hampshire RSA 674:33.1

1. Granting the Variance would not be contrary to the public interest because:
 ADUs are now explicitly permitted by special exception in Residence A. This ADU has only 1 bedroom and meets all of the other current criteria except the size limitation.

2. If the Variance were granted, the spirit of the ordinance would be observed because:
 The ADU was added at the same time that a third bay was added to the garage. No issues have been raised due to this added garage bay. The space that exceeds the limit is in previously unused space on the second floor of the existing home. The home has the look and feel of a single family craftsman style home with dormers.

3. Granting the Variance would do substantial justice because:
 The owners and their contractor, Jeff Lyttle, believed that the space that was added was consistent with Milford building requirements in 2006/07. Although records do not exist, the applicants and their contractor recall at least 4 inspections by at least 2 town inspectors. This work was completed over 10 years ago and meets the standards for an equitable waiver.

4. Granting the Variance would not diminish the value of surrounding properties because:
 This home is located in a unique area of town where several zoning districts come together. There is a mix of agricultural, commercial, multi-family, condominium and residential homes. Many of the newer residences appear significantly larger than this residence. The owners frequently receive compliments on the appearance of the residence.

5. Unnecessary Hardship:
This section is the central portion of your argument and is the critical factor that the Zoning Board of Adjustment will need to determine what is unique to your property and not generally applicable to other properties in the area or in town.



ZBA Application - Variance
MILFORD ZONING BOARD OF ADJUSTMENT

<p>A. Owing to special conditions of the property that distinguish it from other properties in the area; denial of the Variance would result in unnecessary hardship because:</p>
<p>i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because :</p>
<p>To limit this ADU to 750 sq ft would require that the kitchen and dining area be relocated and a new wall be created. This relocation would involve removing and moving electrical, plumbing and heating systems and is estimated at a minimum to cost \$100,000. However, this change would not impact the exterior appearance of the home nor decrease the number of people living in this space.</p>
<p>AND</p>
<p>ii. The proposed use is a reasonable one because:</p>
<p>This ADU has been used and the proposed buyers have stated that it will only be used for multi-generational living. In the 16 years since it has been completed the owners have received no complaints from neighbors regarding it's use, look and feel or impact on the neighborhood.</p>
<p>(B) Explain how, if the criteria in paragraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the Ordinance, and a Variance is therefore necessary to enable a reasonable use of it:</p>
<p>N/A</p>
<p>(C) Notwithstanding paragraph (B) above, a Variance may be granted without finding a hardship arising from the terms of the Zoning Ordinance when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:</p>
<p>N/A</p>
<p>1. The Variance requested under this paragraph shall be in harmony with the general purpose and intent of the Zoning Ordinance because:</p>
<p>N/A</p>
<p>In addition, Variances may have extra criteria that must be met. This includes, but is not limited to: 6.03.5 Floodplain Management: The criteria for evaluation is listed in 6.03.5:B General Conditions and the applicable conditions are listed in 6.03.5:C. If your project is covered by this regulation, include your answers to the required criteria as specified in the referenced Section of the Milford Zoning Ordinance as an attachment under Section 3 C. of this application.</p>
<p>ATTACHMENTS – additional information may be needed to help the Zoning Board of Adjustment fully understand your petition. A. A plan of the property and all buildings, drawn to scale, is required. B. A Building Permit Application as needed (to be determined by the building official.) C. Additional explanations, justification, abutters' statements, letters, etc.</p>

* Letter provided by pending property purchasers

August 3, 2023

To: The Town of Milford Zoning Board and others to whom it may concern,

RE: SALE/PURCHASE OF 72 FEDERAL HILL ROAD, MILFORD, NH 03055

This letter is in reference to the sale/purchase of the property located at 72 Federal Hill Rd. Milford, New Hampshire. I, Mark Bailey, am writing this letter on behalf of myself, my wife Dawna Bailey, my son Adam Bailey, and my daughter-in-law Stephanie Bailey. Together we are in the process of purchasing said property.

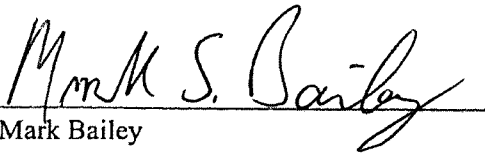
We are purchasing the property for multi-generational living. My son and his family will occupy the main house. My wife and I will occupy the Inlaw apartment located on the second level. We alone will occupy the property in total, no other family units will live there. We will not use the property for rental income. It will be our main legal residence.

My wife and I have lived in Milford for 29 years. We have raised three children here. My son Adam and his wife have owned a home in Milford for 7 years. We both have fully executed Purchase and Sales Agreements on our current homes in order to purchase this property.

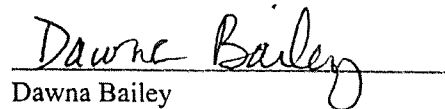
I hope this letter will provide meaningful information towards the successful approval of the zoning variance being requested by the current owners. This approval is a contingency in the Purchase and Sale Agreement for the property with a scheduled closing date of 8/24/2023.

Thank you for your consideration and quick action on this matter. Feel free to contact me for any other information needed.

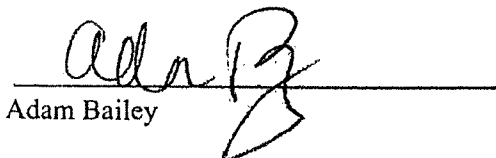
Sincerely,



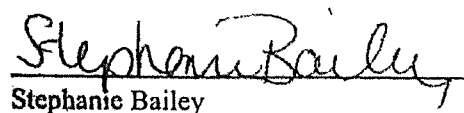
Mark Bailey
34 Berkeley Place
Milford New, Hampshire
(603) 966-7311
msbailey603@gmail.com



Dawna Bailey



Adam Bailey



Stephanie Bailey