

Town of Milford
ZONING BOARD OF ADJUSTMENT



NOTICE OF HEARING

Town Hall
1 Union Square
Milford, NH 03055-4240
(603) 249-0620
Fax (603) 673-2273
www.milford.nh.gov
TDD Access:
Relay NH 1-800-735-2964

Notice is hereby given for a Public Hearing to be held on June 21, 2012 at 7:00 PM in the Board of Selectmen's Meeting Room.

Ducal Development, LLC owner of 15 North River Rd, Map 8, Lot 52, in the Residence "A" district, is requesting a Special Exception from Article V, Section 5.02.2:A.12 in conjunction with Article VII, Section 7.07.0, to construct and operate a Senior Housing Development containing up to 30 units or 60 bedrooms.

Case # 2012-14

Dated: June 15, 2012

Kevin Johnson
Kevin Johnson, Chairman

Owner/authorized representative must attend hearing; abutters requested to attend.



Town of Milford
Zoning Board of Adjustment

Date Received:	5/10/12
Case #:	2012-14
Application #:	20120704
Payment amount:	
Date:	5/9/12

Application for Special Exception

8124
916818

Name of Applicant: Ducal Development, LLC Phone #: (603)801-2204

Email: [REDACTED]

Address: 2 Sky Meadow Drive, Nashua, New Hampshire 03063

Owner: Same
(If same as applicant, write "Same")

Owner's Address: Same
(If same as applicant, write "Same")

Property Location: 15 North River Road Map 8 Lot 52
(Number and Street)

Description of property: A single family home and barn located on a 5 +/- acre parcel of land. The Applicant proposes to subdivide (and renovate) the existing single family home from the parcel leaving the barn and 4.084 acres of land.
(Lot dimension, total area, present use)

This application is not considered acceptable unless all required statements have been made and all sections completed. Additional information may be supplied on separate sheets if necessary.

Fees: \$75.00 per case plus abutter fees, including owner and representative (if applicable).

Section 1 - APPLICATION FOR SPECIAL EXCEPTION

A Special Exception, as specified in Article **V** Section **5.02.2A.12** of the Zoning Ordinance, is requested to permit:

Construction and operation of a Senior Housing Development (Article 7.07.0 of the Ordinance) in the Residence "A" District, containing up to 30 Units or 60 Bedrooms.

Explain how the proposal meets the Special Exception criteria as specified in Article X, Section 10.02.1 of the Zoning Ordinance:

A. The proposed use is similar to those permitted in the district because:

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

Section 2 - ABUTTERS

See attached sheet.

Section 3 - ATTACHMENTS

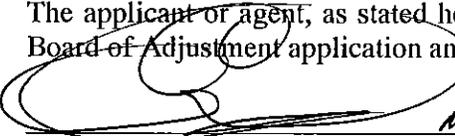
- A. A plan of the property and all buildings, drawn to scale, is required.
- B. A Building Permit Application as needed (to be determined by the building official.)
- C. Additional explanations, justification, abutters' statements, letters, etc.

Section 4 - REPRESENTATION

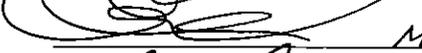
Owner(s) authorization for the applicant or other agent to represent the owner at the proceedings:

8274 JAMES CALLAHAN, ESQ., KEN CLINTON, L.L.S 4318
 Print the name of the person or party representing the owner(s)

The applicant or agent, as stated hereon, has authorization from the property owner to submit this Zoning Board of Adjustment application and to represent the property owner on matters relative to said process.

 MEMBER 5/10/2012
 Owner's Signature - ERAL DYMAZAL Date

Section 5 - SIGNATURES

Signature of Applicant  MEMBER Date 5/10/2012
 Signature of Owner  MEMBER Date 5/10/2012
 Signature of Zoning Official Bill Parker Date 05/21/12
 COMMUNITY DEVELOPMENT DIRECTOR/
 ZONING ADMINISTRATOR

For office use only

Code Enforcement Officer's decision and comments:



ENGINEERS
LAND SURVEYORS
SCIENTISTS
LAND PLANNERS

Office: 31 Old Nashua Road, Suite 2, Amherst, NH 03031
Mailing: PO Box 118, Milford, NH 03055
Phone: 603-673-1441 * Fax 603-673-1584
www.MeridianLandServices.com

May 10, 2012
MLS 101.06 (KCC)

**List of Abutters
Tax Map 8 Lot 52
Milford, New Hampshire**

008-052-000-000
DUCAL DEVELOPMENT, LLC
2 SKY MEADOW ROAD
NASHUA, NH 03062

008-011-000-000
TOWN OF MILFORD
36 NORTH RIVER RD
1 UNION SQ
MILFORD, NH 03055-4230

008-011-001-000
SOUHEGAN NURSING
ASSOCIATION, INC.
24 NORTH RIVER RD
MILFORD, NH 03055-4216

008-012-000-000
SUSAN J. RANCK
16 NORTH RIVER RD
MILFORD, NH 03055-4216

008-013-000-000
STARR SAM TROMBLY
95 NORTH RIVER RD
MILFORD, NH 03055-4253

008-014-000-000
PAMELA J. HOLT REV. TRUST
8 NORTH RIVER RD
MILFORD, NH 03055

008-018-000-000
JAMES D. MAHONEY &
MARGARET R. DIETZ
114 MONT VERNON RD
MILFORD, NH 03055-4117

008-053-005-000
DAVID L. & DAWN M. MALLOWS
35 NORTH RIVER RD
MILFORD, NH 03055-4217

008-084-000-000
GRANITE HOUSE GROUP, LLC
P O BOX 187
MILFORD, NH 03055-0187

008-086-000-000
DAVID J. & DEBRA M. GIRARD
143 MONT VERNON RD
MILFORD, NH 03055-4125

008-087-000-000
JESSE J. & LISA M. ANDREASEN
137 MONT VERNON RD
MILFORD, NH 03055-4125

008-088-000-000
PATRICIA LEONARD
127 MONT VERNON RD
MILFORD, NH 03055

008-089-000-000
LEROY & LINDA M. CREIGHTON
125 MONT VERNON RD
MILFORD, NH 03055

008-090-000-000
JEAN L. & DEAN E. JR., SHANKLE
121 MONT VERNON RD
MILFORD, NH 03055-4125

008-053-004
PETER N. & MICHELE L. SIMO
148 MONT VERNON ROAD
MILFORD, N.H. 03055-4209

James M. Callahan, Esq.
Atkins Callahan, PLLC
20 Depot Street, Suite 220
Peterborough, NH 03458

*MERIDIAN LAND SERVICES
PO BOX 118
MILFORD, NH 03055*

- A. The proposed use is similar to those permitted in the district because:** This use is permitted by Special Exception as outlined in Article 5.02.2 A. 12. of the Zoning Ordinance. A Senior Housing Development (as defined in Article 7.07.0 of the Zoning Ordinance), Belmont Place, is located within the Residence “A” District with a much higher density than that proposed by the Applicant (12 Units on 1.146 acres). The Applicant’s proposed project is less than one (1) mile from the Belmont. A portion of another “Senior Housing Development,” LedgeWood, is located within the Residence “A” District. Most of the abutters are residences. A residential use is entirely similar to those uses.
- B. The specific site is an appropriate location for the proposed use because:** Under Section 2.01 of the Milford Master Plan, “encouraging tax-positive residential development [that] a., Implement flexible regulatory policies that promote retirement-living, elderly, and assisted – living opportunities;” has been identified as a “High Priority.” Also, Section 6.02 A. of the Master Plan, provides, [*to ensure the Town takes a proactive role in continuing to offer a variety of housing options, in areas of town that will best accommodate residential housing, promoting sense of community and the economic vitality of the Town*], “A. Evaluate areas of town to promote infill and/or higher density residential uses within a reasonable distance of the Oval, utilizing current infrastructure and encouraging a variety of housing type options (ex. Multifamily, townhouse, condominiums and single family dwellings.”

By Special Exception, the proposed use is allowed. In all material respects, the proposed use will be in compliance with applicable zoning and planning regulations. The Applicant intends to extend sewer to the site. *See Water/Wastewater Commissions’ April 10, 2012, meeting minutes agreeing to allow Applicant to tie into sewer attached hereto as Exhibit 1.* The site will be appropriately engineered for drainage, appropriate traffic flow, and will otherwise be in substantial compliance with all applicable setback (one notable exception is that that existing setback encroaches into the setback by seven feet) and density as well as life/safety requirements. Consistent with stated goals of the Milford Master Plan, the specific site is also an appropriate location for the proposed use because of its unique proximity to the Milford Oval, about ½ mile away. Project residences can walk to town on sidewalks the entire way in 10 or 15 minutes. The specific site is located in a mixed neighborhood near the intersection of three zones: Residence “A”, Commercial and Rural. Within ¼ mile of the specific site there is residential housing, retail businesses, a medical facility, a junk yard/auto repair shop, Milford Lumber. A relatively densely clustered residential development (Sunset Lane) is located near the proposed site. A medical/assisted living/hospice facility is located across the street from the proposed project. The proposed project will primarily consist of detached single family homes which is atypical of senior housing projects in Milford. The house design and landscaping will blend the project into the surrounding area. An artist’s rendering of the site will be provided at the hearing. The development of this site could be considered “infill” consistent with the Master Plan’s stated goal.

The site is also appropriate given its location. The ball fields across the street are unlikely to be developed further

- C. The use as developed will not adversely affect the adjacent area because:** The proposed site will be professionally engineered, constructed and landscaped. Appropriate landscaping will be provided to screen aspects of the development from adjacent properties. The Applicant is making inquiry whether natural gas can be expanded to the site. If this gas line extension is permitted, abutters can take advantage of this amenity. The same is true for the sewer line extension. Should residential septic systems start to fail, local residences will have the opportunity to tie into the public sewer. The Applicant will present evidence at its hearing that property values may be enhanced by this project. *Please see attached photographs of many adjacent properties as well as an architectural rendition of a typical unit on the site attached hereto as Exhibit 2 and Exhibit 3.* The Applicant will also present evidence that traffic generated from the site will be reasonable based on actual data from a similar project. In addition, some of the local businesses will benefit for added foot traffic.
- D. There will be no nuisance or serious hazard to vehicles or pedestrians because:** The NH DOT has stated on a preliminary basis that there are up to three points on the site of access onto Route 13 and that upon receipt of a completed application will issue driveway permits for no more than three points of access on Route 13 and no more than three points of access onto North River Road. All points of access require safe sight distance of 400 feet in both directions. This location provides appropriate safe sight distance and on a preliminary basis, the Applicant proposes putting two curb cuts on Route 13. The site is accessed by sidewalks that will allow residents to access easily the Oval and local businesses by foot. *Please see attached e-mail from Scott Looney of NH DOT dated May 9, 2012, regarding this site attached hereto as Exhibit 4.*
- E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:** Appropriate facilities will be provided for the proper operation of the proposed use. The Applicant will provide water, sewer, and, hopefully, natural gas to the site. The site will be served by cable television and broadband access. Building construction will be state of the art, energy efficient, and in conformance of all applicable building code and life/safety codes. The site will be engineered to insure that there are no drainage or snow removal/storage problems. There will be adequate parking and traffic design to operate the facility. The property will be professionally landscaped to insure that natural resources are highlighted and that the property is aesthetically pleasing.

Exhibit 1

Water/Wastewater Commissioners'

Meeting Minutes

April 10, 2012

Present: Robert E. Courage, Chairman

Dale A. White, Vice-Chairman

Michael E. Putnam, Member

Evelyn Gendron

Absent: David Boucher, Superintendent

Call to Order:

Chairman Courage called the meeting to order at 6:00 p.m.

Appointments:

Chairman Courage welcomed Mr. Erol Duymazlar of Ducal Development, located in Nashua, NH. Mr. Duymazlar explained he would be meeting with the Milford Planning Board on April 17 regarding plans to construct a subdivision of 20 – 24 single and duplex living units intended for one or two individuals per unit aged 55+ situated near the intersection of Mont Vernon Street and North River Road. He would appreciate information regarding the distance necessary to extend the sewer on Mont Vernon Street. This would be preferable for the new construction versus installing septic tanks. Mr. Duymazlar asked whether it would be necessary to extend the sewer to the furthest end of the purchased property in order to facilitate future sewer connections along North River Road, or would plans to extend the sewer approximately 800 feet from Sunset Circle to connect this subdivision be sufficient, with notification to existing neighbors inviting them to tie in, and the cost to participate in, the proposed sewer line extension. Mr. Duymazlar recognizes that the corner of the land nearest Rt. 13 and North River Road would require grading to avoid standing water in the spring. Reviewing the maps, the commissioners and Mr. Duymazlar noted the location of the state's drain line, and previous preliminary plans for design of a gravity sewer line. Vice-Chairman White said it is important to be consistent in requiring property owners to extend sewer lines to the furthest lot boundary. Mr. Duymazlar said it was his opinion that beyond this property the line gets too high for future tie-ins to a gravity sewer line. Commissioner Putnam said that in the past, owners of properties had been required to extend the sewer line to the furthest point of their properties where the land promised a higher level of future development. Mr. Duymazlar said it was his hope to obtain the commissioners' position on his plans to extend the sewer to accommodate construction plans, as he would like to submit information for the next Planning Board agenda. Mr. Duymazlar was given a schedule of per-unit water and sewer entrance fees and was told payment would be due when the certificate of occupancy is issued. Commissioner Putnam asked about the possibility of sewer tie-ins of water customer properties. Chairman Courage explained to Mr.

Duymazlar that there would be no reimbursement of sewer line extension costs should others tie into the sewer line in the future, after town acceptance. Others could cost-share to tie in up-front of the construction project. Mr. Duymazlar acknowledged understanding there would be no reimbursement expected at a later date. Commissioner Putnam asked what Mr. Duymazlar's plan would be if he were denied approval for the 55+ multi-unit housing. Mr. Duymazlar said he would drop back to planning to build three houses. Chairman Courage said there is a 12" water main right there; Mr. Duymazlar said the hydrants and fire protection details are yet to be determined by the engineers. These will be reviewed by the commissioners in the future. Ducal Development will be responsible for all costs of construction, road repairs and on-site inspection services associated with the sewer extension.

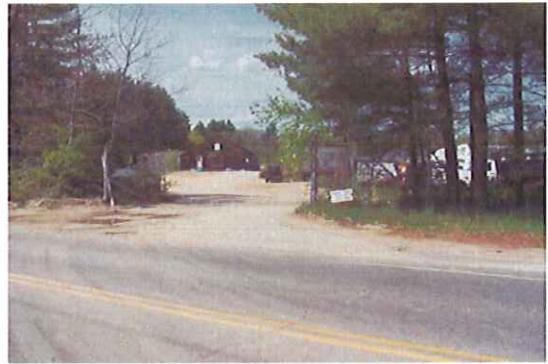
Commissioner Putnam made the motion to allow Mr. Duymazlar's plans to extend the sewer to Manhole Station 2+80, to be located and not beyond 300 feet of the closest manhole. Vice-Chairman White seconded them motion. All voted in favor. Chairman Courage asked Mr. Duymazlar to let Superintendent Boucher know when the preliminary design approvals have been received so that the abutters may be notified of tie-in opportunities. Mr. Duymazlar said he would appreciate a copy of the approved minutes of this meeting. The commissioners agreed to Mr. Duymazlar's request.

Ducal Development, LLC

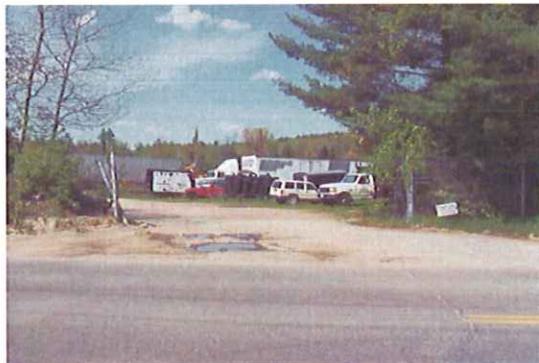
Senior Housing ZBA Special Exception
Exhibit of various property uses in vicinity of Tax Map 8 / Lot 52



#76 North River Road



#75 North River Road



#75 North River Road



#61 North River Road



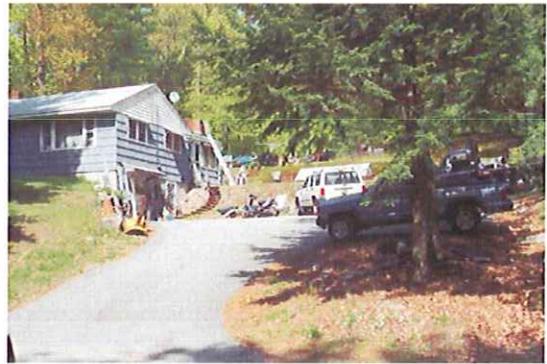
#61 & 67 North River Road



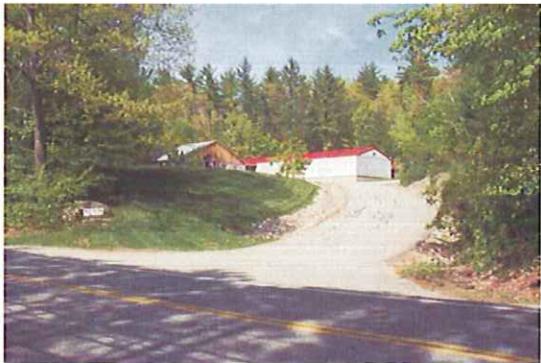
#75 & 67 North River Road



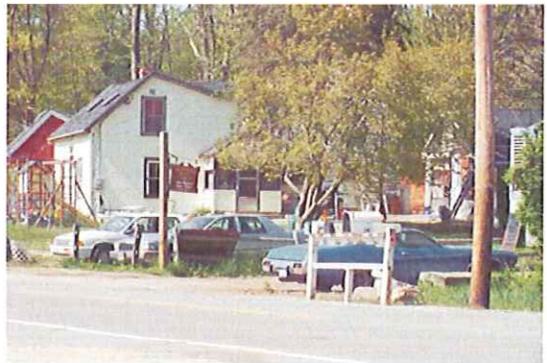
#24 North River Road



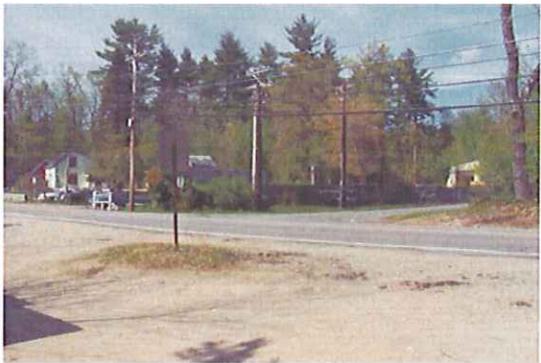
#143 Mont Vernon Road



#151 Mont Vernon Road



#199 Mont Vernon Road



#199 Mont Vernon Road



#211 Mont Vernon Road



#262 Mont Vernon Road

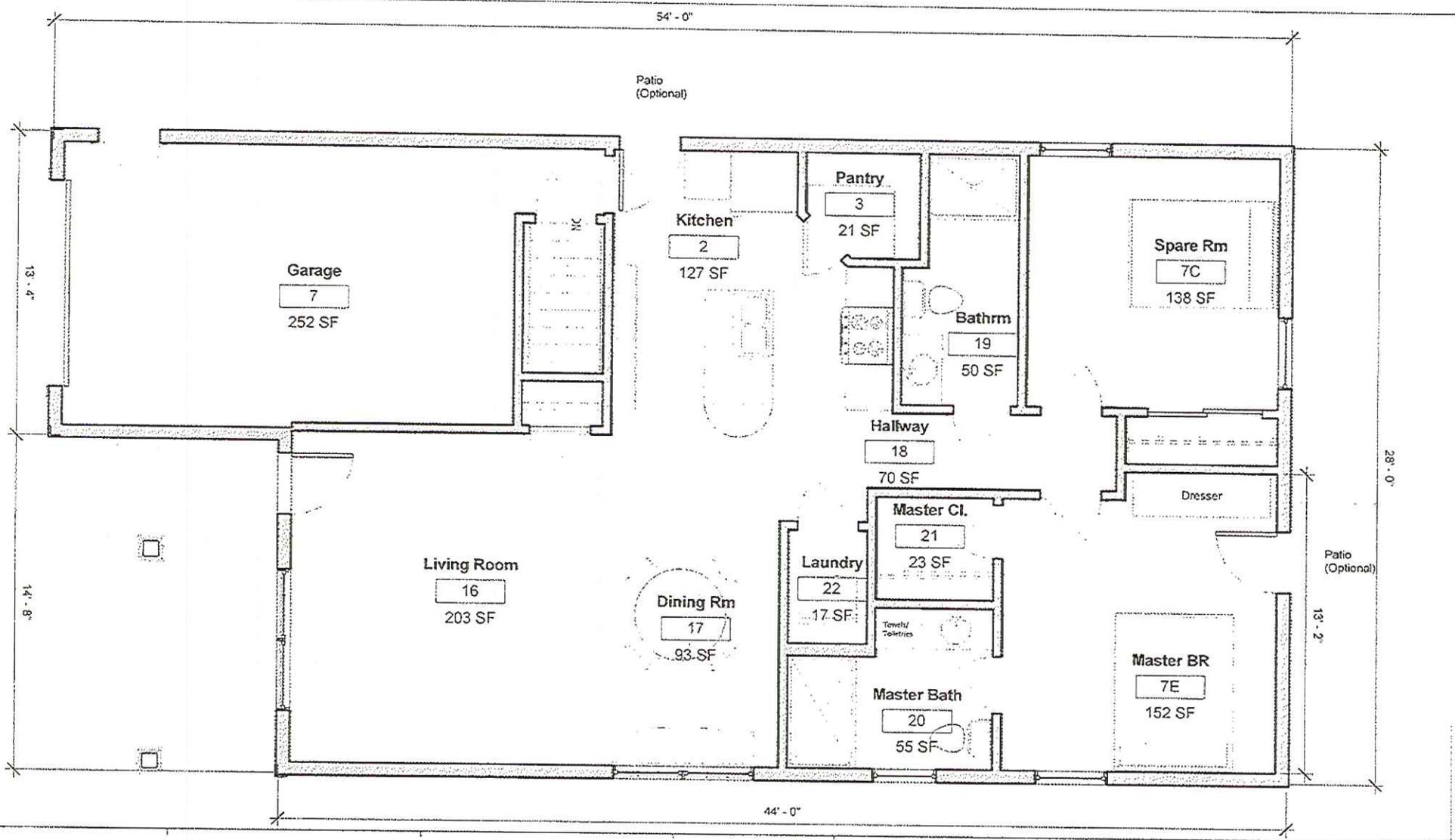


#248 Mont Vernon Road

Ducal Development, LLC
Tax Map 8 Lot 52
Senior Housing

Exhibit 3





James Callahan

From: James Callahan
Sent: Thursday, May 10, 2012 6:55 AM
To: James Callahan
Subject: FW: Ducal - NHDOT driveway access availability, 15 North River Road, Milford

From: Scott Looney [<mailto:slooney@dot.state.nh.us>]
Sent: Wednesday, May 09, 2012 11:50 AM
To: Jonathan G Lefebvre
Cc: Dave Rodrigue; Richard Radwanski; William O'Donnell
Subject: RE: Ducal - NHDOT driveway access availability, 15 North River Road, Milford

Meridian Land services
c/o Jonathan Lefebvre
31 Old Nashua Road
Amherst, NH 03031

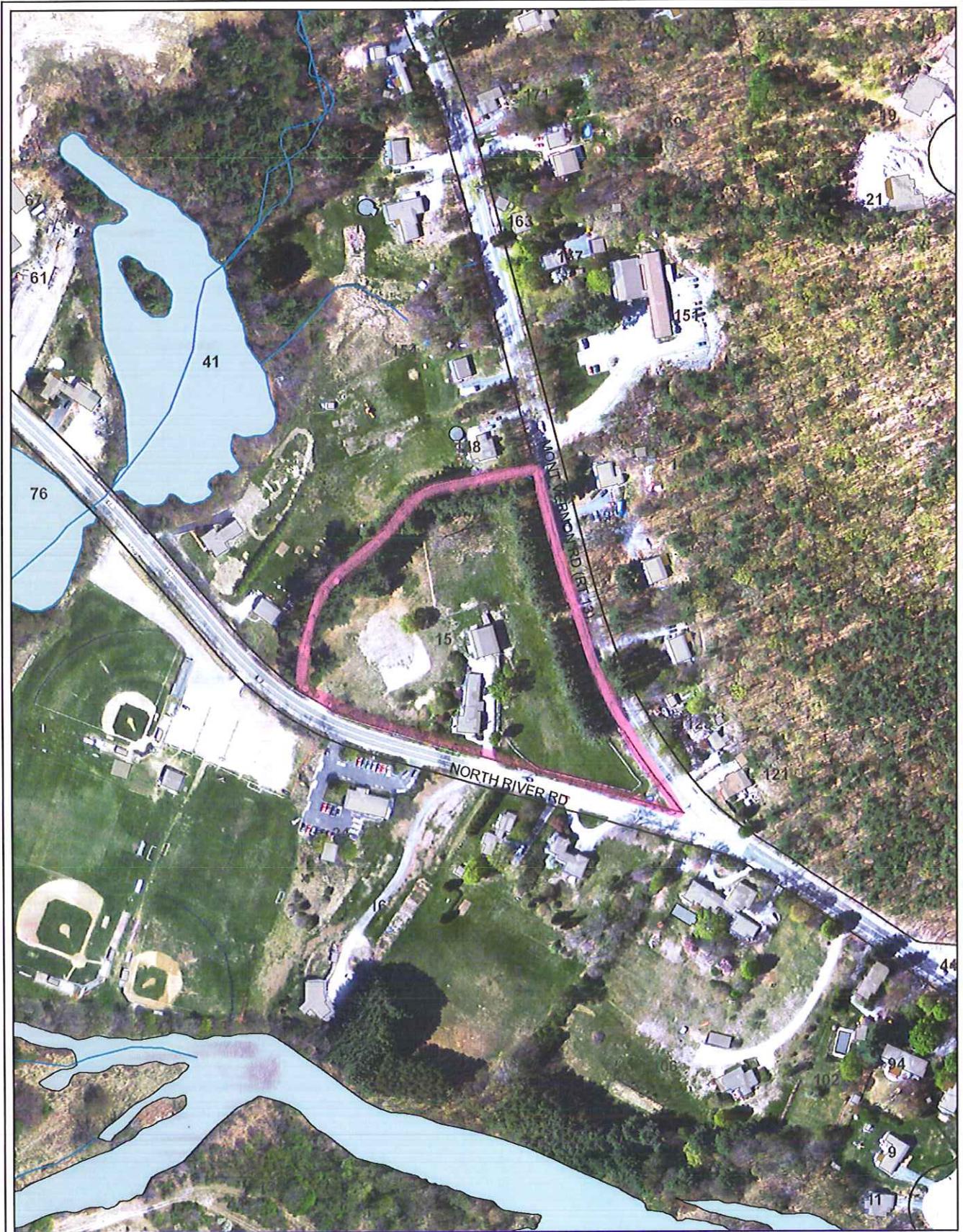
Dear Mr. Lefebvre,

Reference is made to your request for confirmation of access rights to Lot 8-52 from the west side of Route 13 and from the north side of North River Road, Milford, New Hampshire.

According to documents provided by Meridian Land Services and an on site review of the site referenced above, the NH DOT has determined that said Lot is eligible for up to three points of access on Route 13 and up to three points of access on North River Road. Upon receipt of a completed application and an acceptable plan at the District Five Office, the NH DOT will issue a driveway permit for no more than three points of access on route 13 and no more than three points of access on North River Road.

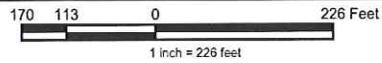
All proposed points of access will be subject to the criteria defined in RSA 236:13, paragraph III, section (b) which states "unless all season safe sight distance of 400 feet in both directions along the highway can be obtained, the commissioner shall not permit more than one access to a single parcel of land, and this access shall be at that location which the commissioner determines to be safest. The commissioner shall not give final approval for use of any additional access until it has been proven to him that the 400 foot all season safe sight distance has been provided.

Scott Looney
Access Technician
NH DOT



Milford, NH

This map was produced from Milford, NH's Geographic Information System. The Town of Milford expressly disclaims any liability that may result from the use of this map. Copyright © Milford, NH. All rights reserved. Printed on: 6/12/2012.



Case # 2012-14

15 North River Road



1 inch = 300 feet



This document has been prepared to show approximate lot location only. Information shown is not to be used for deed descriptions.

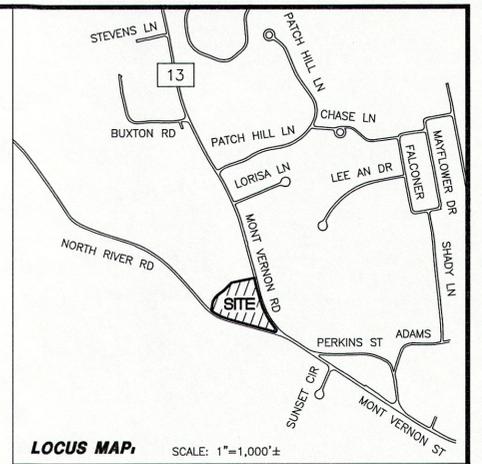
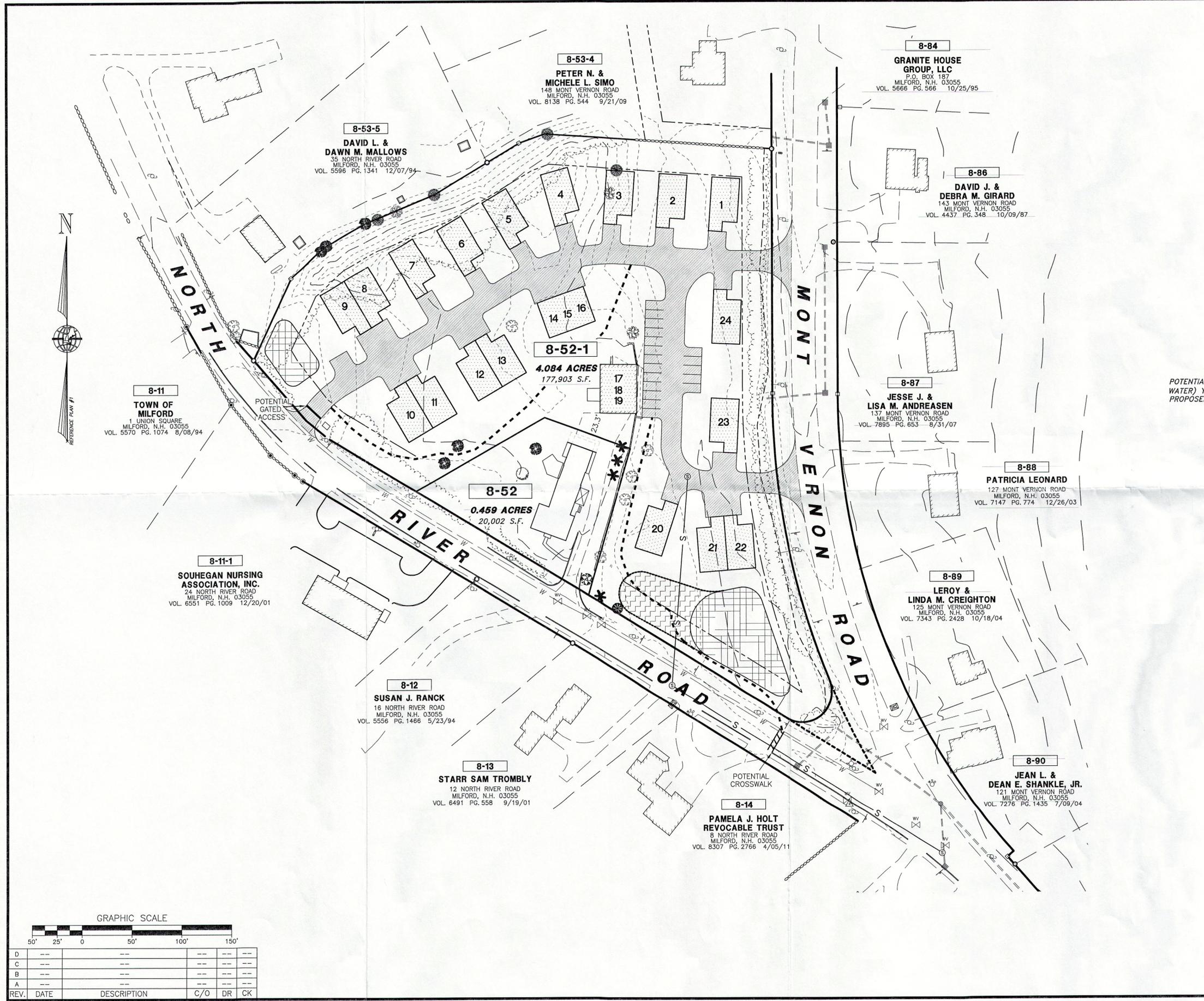
MILFORD, NH

The Community Development Department maintains a continuing program to identify and correct errors. The Department makes no claims to the validity or reliability, or to any implied uses of this representation.

C4	C5	
D4	D5	D6
E4	E5	E6

DATE:
April 2012

D5
8,9,17,19
21,22,25



POTENTIAL DENSITY: 4.084 ACRES X 30 BEDROOMS PER ACRE (WITH MUNICIPAL SEWER & WATER) YIELDS 122 BEDROOMS.
 PROPOSED DENSITY: MAXIMUM OF 60 BEDROOMS IN UP TO 30 INDEPENDENT UNITS.

SENIOR HOUSING CONCEPT PLAN
 LAND OF:
DUCAL DEVELOPMENT, LLC
 TAX MAP 8 LOT 52
 MILFORD, NEW HAMPSHIRE

SCALE: 1" = 50' APRIL 13, 2012

ENGINEERS
 LAND SURVEYORS
 SCIENTISTS
 LAND PLANNERS

OFFICE: 31 OLD NASHUA ROAD
 AMHERST, NEW HAMPSHIRE 03110 TEL: 603-673-1441
 MAILING P.O. BOX 118 FAX: 603-673-1584
 ADDRESS: MILFORD, NEW HAMPSHIRE 03055 MERIDIAN@MERIDIANLANDSERVICES.COM



REV.	DATE	DESCRIPTION	C/O	DR	CK
D	---	---	---	---	---
C	---	---	---	---	---
B	---	---	---	---	---
A	---	---	---	---	---