

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 April 19, 2012 at 7:00 PM in the Board of Selectmen's Meeting Room.

The applicant, Dakota Partners, Inc, along with the owners 37 Wilton Road Milford, LLC and 282 Route 101, LLC of Map 6, Lot 13, located at 37 Wilton Rd, in the ICI district, are requesting a variance from Article V, Section 5.08, to permit up to 50 residential units in the ICI District.

Case # 2012-06

Dated: April 06, 2012

Kevin Johnson
Kevin Johnson, Chairman

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



Variance	
Date Received:	<u>04-05-2012</u>
Case #:	<u>2012-06</u>
Rehearing #:	_____
<i>APPLICATION 20120551</i>	
<i>CK #11563 3-22-12</i>	
<i>\$153.40</i>	

**Town of Milford
Zoning Board of Adjustment
Application for Variance**

Name of Applicant: Dakota Partners, Inc. Phone #: (617) 594-6032

#8177 Email: MDaigle@DakotaPartners.net

Address: 1264 Main Street, Waltham, MA 02451

Owner: 37 Wilton Road Milford, LLC and 282 Route 101, LLC
(If same as applicant, write "Same")

#915240 Owner's Address: 100 Elm Street, Nashua, New Hampshire 03060
(If same as applicant, write "Same")

Property Location: 37 Wilton Road, Wilton Road - vacant Map 6 Lot 13
(Number and Street) land

Description of property: Map 6, Lot 13: Pine Valley Mill, 5.5 +/- Acres

(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).

Town of Milford New Hampshire
One Union Square · Milford, NH 03055 · Phone (603) 249-0620 · Fax (603) 673-2273
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Section 1 – APPLICATION FOR VARIANCE

A variance is requested from Article V, Section 5.08 of the Zoning Ordinance to permit up to 50 residential units in the ICI District.

Facts supporting this request:

1. Granting the variance would not be contrary to the public interest because:

Provides new, affordable apartments; redevelopment of historic mill for mixed use development.

2. The use is not contrary to the spirit of the ordinance because:

Proposed use provides mixed use of properties – commercial and retail on a portion of the first floor of Pine Valley Mill; residential units on a portion of the first floor, and second and third floors; in character with neighborhood; senior housing allowed use by special exception.

3. Granting the variance would do substantial justice because:

Renovation of historic mill to mixed use of residential – retail – commercial; allows use of vacant spaces; provides Town with new, affordable housing stock.

4. The proposed use would not diminish surrounding property values:

Significant and quality investment in historic mill; improvements to Wilton Road, access, street scape.

5. Denial of the variance would result in unnecessary hardship.

(A). “Unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

- 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 (explain):

The proposal is to maintain commercial and retail uses as the mill and provide housing. This area of Wilton Road is not an industrial neighborhood. Residential supports most ICI uses and there is no fair and substantial reason to prohibit.

Section 1 – APPLICATION FOR VARIANCE

Page 2

ii. and; The proposed use is a reasonable one because (explain):

Allows for compatible uses – residential abutting residential, while creating mixed use of residential – retail – commercial to preserve the mill.

(B). If the criteria in Section (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. A variance is therefore necessary to enable a reasonable use of the property because:

The special conditions of this property, on the western border of the Town justify a variance:

- **although zoned ICI, the immediate abutters and neighbors to the west and north are all residential. A new residential neighborhood (Falcon Ridge) is across the street and will be built out over the next few years.**
- **the existing mill is a unique property surrounded by residential uses; long term viability of mill requires mix of business and residents to support the other.**
- **proposal would allow transitional area between neighboring houses and Souhegan River/Route 101.**

Section 3 – ABUTTERS

See attached sheet.

Section 4 – ATTACHMENTS

- A. Plan of property and all building, drawn to scale, is required.
- B. Building permit application as needed (to be determined by building official).
- C. Additional explanations, justification, abutter's statements, letters, etc.

Section 5 – REPRESENTATION

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

Andrew A. Prolman, Esq., Prunier & Prolman, P.A.

Print name of 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.

SEE NEXT PAGE
Owner's Signature

4-5-12
Date

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.

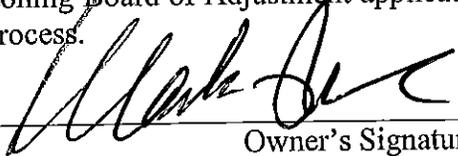
Section 4 - REPRESENTATION

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

ANDREW A. PROLMAN

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.



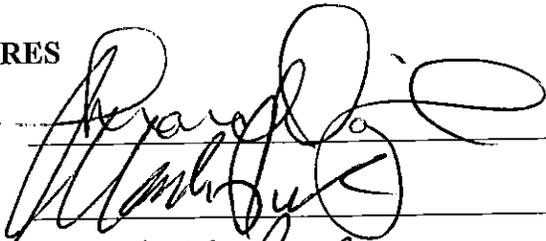
Owner's Signature

4-5-12

Date

Section 5 - SIGNATURES

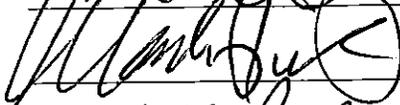
Signature of Applicant



Date

4-5-12

Signature of Owner



Date

4-5-12

Signature of Zoning Official

Bill Parker
Community Development
Director/Zoning Administrator

Date

04/06/12

For office use only

Code Enforcement Officer's decision and comments:

Variance request is for "use" in the ICI zone - seeking approval for residential apartments in the Pine Valley Mill as part of a plan for redevelopment of the property.

A variance for residential use was granted by the Zoning Board on Map 6/Lot 14 (10 SF lots) on October 21, 2010.

ABUTTER LIST

Map	Lot	Milford Address	Property Owner	Property Owner Address	Town	State	Zip Code
X 6	12	843 North River Road	Federal Home Loan Mortgage Corp	8200 Jones Branch Drive	McLean	VA	22102
X 6	11	3 Maple Street	Shearz Investment Properties, LLC	466 Sand Hill Road	Peterborough	NH	03458
X 6	48-2	10 Maple Street	Stephan C. Murrah	10 Maple Street	Milford	NH	03055-5003
X 6	14	Wilton Road	37 Wilton Road Milford, LLC 282 Route 101, LLC	100 Elm Street	Nashua	NH	03060
X 6	16	905 Elm Street	Milford Coop Bank c/o TD Bank	380 Wellington Street, 12 th Floor	London	ON	N6A 454
X 6	17	0 North River Road	Dawn J. Arnstein, Trustee River Bed Trust	P.O. Box 95	Wilton	NH	03086-0095
X 3	6	0 North River Road	William W. Cleaver, Trustee c/o Ann Lorden	633 Center Road	Lyndeborough	NH	03082-6315
X 11	9-1	0 Wilton Road	P&P Realty Trust	P.O. Box 95	Wilton	NH	03086-0095
X 6	13	Owner	37 Wilton Road Milford, LLC 282 Route 101, LLC	100 Elm Street	Nashua	NH	03060
6	13	Applicant	Dakota Partners, Inc.	1264 Main Street	Waltham	MA	02451

9 ABUTTERS
 1 @ \$14.95
 8 - \$46.40

ZONING BOARD OF ADJUSTMENT PLAN

THE PINE VALLEY MILL COMMERCIAL CENTER/ RESIDENCES AT THE MILL

WILTON ROAD - LOTS 6-13,14
MILFORD, NEW HAMPSHIRE

DEVELOPER
DAKOTA PARTNERS, INC.
1264 MAIN STREET
WALTHAM, MASSACHUSETTS

ARCHITECT
BURNELL JOHNSON ARCHITECTS
80 STARK STREET
MANCHESTER, NEW HAMPSHIRE

LANDSCAPE ARCHITECT/LAND PLANNER
BLACKWATER DESIGN, LTD.
85 FROST LANE
WEBSTER, NEW HAMPSHIRE

CIVIL ENGINEER
FIELDSTONE LAND CONSULTANTS, PLLC
778 ELM STREET
MILFORD, NEW HAMPSHIRE

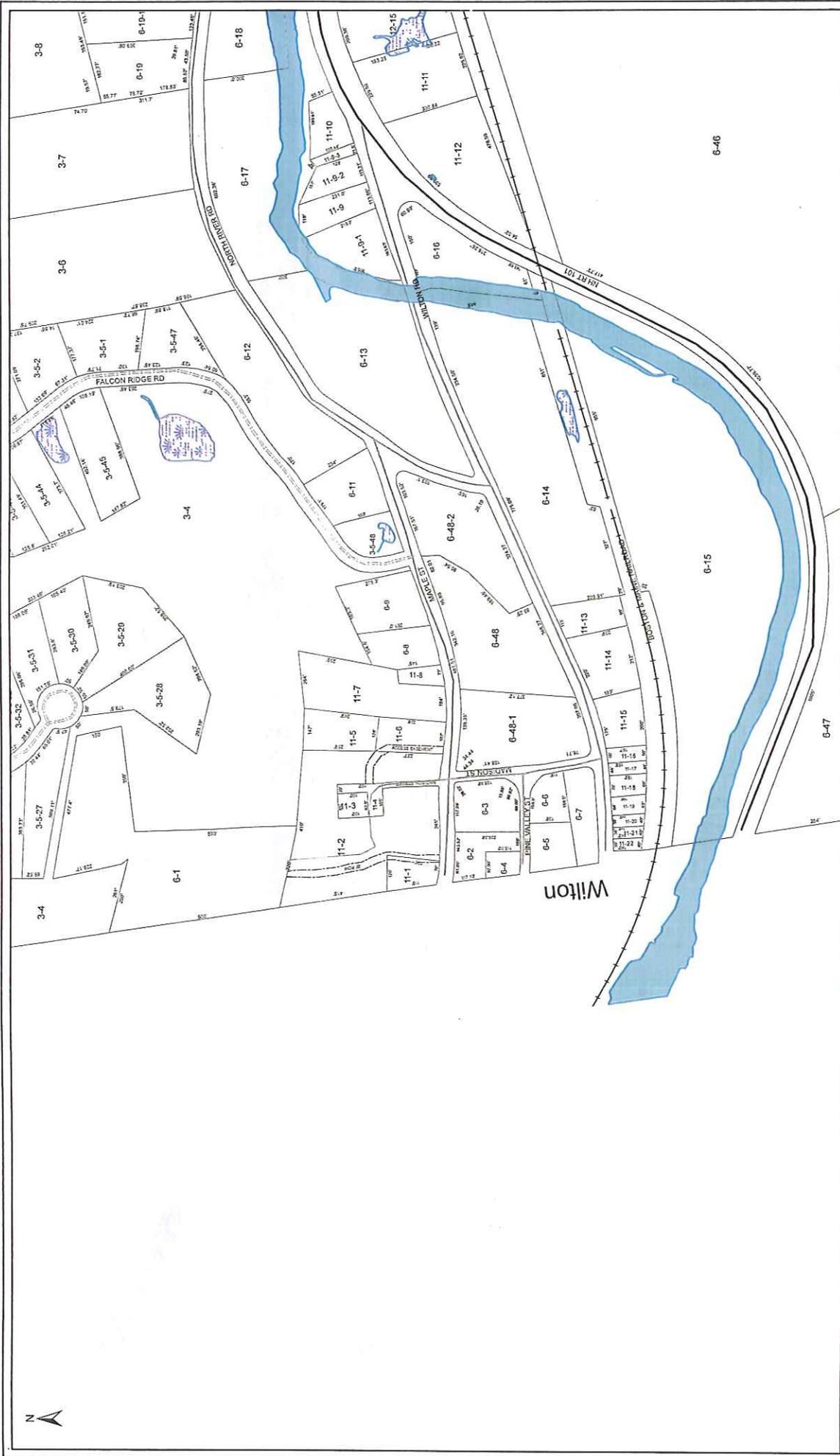
HISTORIC CONSULTANT
LM PRESERVATION
6 FIELD POND DRIVE
READING, MASSACHUSETTS



-----	CENTER LINE
-----	ROADS/PROPERTY LINES
-----	SHORELAND PROTECTION ZONE
-----	8' CMP PENSTOCK
-----	WATER LINE
-----	TRAIN TRACKS







D1
3,6,11,12

DATE:
April 1, 2011

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.

MILFORD, NH

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

