

TOWN OF MILFORD

Office of Community Development
Planning • Zoning • Building Safety • Code Enforcement • Health
Economic Development • Active Projects



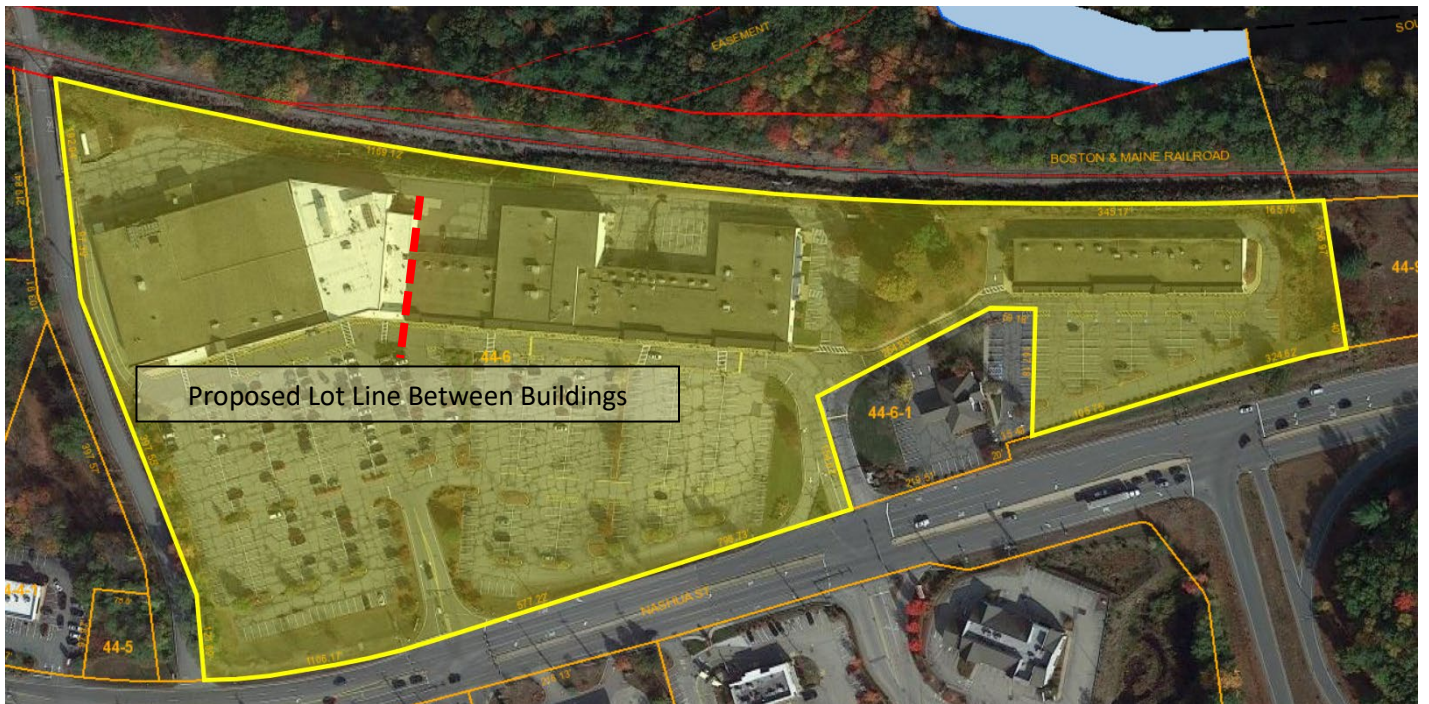
Administrative Review

Date: November 28, 2021
To: Jason Plourde, Chair, Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2021-27:** Dubai Group, Inc./Doug McGuire, 586 Nashua Street, Milford Tax Map 44, Lot 6 – Special Exception Application, Dimensional Setback. (*New Application*)

The applicant is before the Board of Adjustment seeking a Special Exception from Milford Zoning Ordinance, Article V, Section 5.05.5 to allow a zero side dimensional setback and permit a proposed subdivision line delineated through an existing plaza building where 15 feet is required in the Commercial ‘C’ Zoning District. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
 - a. The subject property is approximately 15.386 acres with more than 600 linear feet of frontage on Nashua Street. The property is fully developed with minimal open space.
 - b. The property consists of two large, large multi-tenant plaza buildings. The property is access via of two dedicated signalized intersections on Nashua Street and serviced by municipal water and waste water.
 - c. The subject property is situated along the Town’s primary commercial and multi-family corridor. To the west and south, the property is bounded by both residential and commercial uses. The Milford waste water treatment facility, Pan Am Railroad, and the Souhegan River lie to the north. To the east, the property abuts Nashua Street ant Route 101.
2. The proposal calls for the subdividing the parent lot into three total lots, 44-6, 44-6-3, and 44-6-4. For purpose of this application, the Special Exception request applies only to the easterly plaza building. The lot line between lots 44-6 and 44-6-3 is being proposed along the shared wall between Shaw’s Supermarket and the abutting tenants. The applicant requires a Special Exception as the respective sections of the plaza building will no longer meet the required 15 foot side dimensional setback in the Commercial ‘C’ Zoning District. Please refer to the Applicant’s application narrative for a summary of the purpose and intent of the proposed subdivision to create three total lots.
3. Pursuant to Article V, Sections 5.05.5 and 5.05.2.A.3, a structure can be placed within the side (15’) dimensional setback within the Commercial ‘C’ Zoning District with the issuance of a Special Exception by the Board of Adjustment.
4. The applicant should be prepared to provide information regarding any/all alternative subdivision plans considered for the plaza buildings.

Aerial Photos of Subject Property:



Street Photos of Subject Property:





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

TOWN OF MILFORD
 RECEIVED
 NOV 04 2021
 PB ZBA Office

Date Received: 11-4-21
 Case Number: 2021-27
 Application Number: 20211650
 Hearing Date: _____
 Decision Date: 12-2-21
 Decision: _____

PROPERTY INFORMATION

Street Address: 586 Nashua Road
 Tax Map / Parcel #: Map 44/Lot6 Lot Size: 15.41 Acres

PROPERTY CURRENTLY USED AS

Commerical use

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

PROPERTY OWNER

Name: B33 Lordens Plaza, LLC
 Address: 9330 W. Sahara Ave., Suite 270
 City/State/Zip: Las Vegas, NV 89117
 Phone: ()
 Email:
 marko@bridge33capital.com

The applicant is the person who is making this proposal on behalf of themselves, the owner or a third party. This is usually the same as the property owner, but might be a tenant, someone who plans to purchase the property, an engineer or lawyer, etc. If the applicant is the same as the owner, just check "Same as owner" and leave the rest of this section blank.

APPLICANT/REPRESENTATIVE

SAME AS OWNER
 Name: Doug MacGuire; The Dubai Group, Inc.
 Address: 136 Harvey Road, Bldg B101
 City/State/Zip: Londonderry, NH 03053
 Email: doug@thedubaygroup.com
 Phone: (603) 458-6462 Cell: ()

The undersigned property owner(s) hereby authorize(s) the filing of this application and agree to comply with all code requirements applicable to this application.

Property Owner's signature

11/4/21
 Date:

Zoning District (check one):

- Residence A
- Residence B Residence R
- Commercial
- Limited Commercial
- Industrial
- Integrated Commercial-Industrial
- Integrated Commercial-Industrial-2

Overlay District (check any that apply):

- West Elm Street Overlay
- Nashua/Elm Street Overlay
- Commerce & Community Overlay
- Open Space & Conservation
- Wetlands Conservation
- Groundwater Protection
- Floodplain Management

APPLICATION FEES

Application Fee:	\$75.00
Abutters Fee: \$4 x ¹⁰	\$40
Amount received:	\$115
Date Received:	

Check Cash
OK # 1675

THE FEES ASSOCIATED WITH THIS APPLICATION DO NOT APPLY TO ANY OTHER FEES REQUIRED FOR APPROVAL OF THIS PROJECT. PLANNING, IMPACT, BUILDING AND OTHER FEES MAY APPLY.



ZBA Application - Special Exception

MILFORD ZONING BOARD OF ADJUSTMENT

TOWN OF MILFORD
RECEIVED
NOV 04 2021
PB ZBA Office

Date Received: 11-4-21
Case Number: _____
Application #: 2021 1650
Date Complete: _____
Hearing Date: 12-2-21
Decision Date: _____
Decision: _____

PROPERTY INFORMATION

Street Address: 586 Nashua Road

Tax Map / Parcel #: Map 44/Lot 6

A Special Exception is a use which is permitted by the Zoning Ordinance, but requires approval from the Zoning Board of Adjustment. Most special exceptions have a list of additional criteria that must be met in order for the ZBA to approve the application.
***Note that in addition to the specific criteria that may be listed for a particular special exception, all special exceptions are subject to the general criteria in Section 10.02.1 of the Zoning Ordinance.**

What section of the Zoning Ordinance are you applying under?

Article 5 Section 5.05.5 Yard Requirements
Describe the **use** you are proposing under the above section of the Ordinance.
The current and proposed use is commercial.

**Application for
(check all that apply):**

- Change/Expansion of Non-conforming Use/Structure (2.03.1.C)
- Wetland Buffer Impact (6.02.6)
- Accessory Dwelling Unit (10.2.6)
- Office in Res-A & B (10.2.7)
- Home Business (7.12.6)
- Side/Rear Yard Setback Reduction (Zoning District Specific)
- Other

General Criteria Section 10.02.1

Describe the project you are requesting a Special Exception for:
See Attached

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:
See Attached

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

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

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

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



The Dubai Group, Inc.

136 Harvey Road Bldg B101

Londonderry, NH 03053

603-458-6462 thedubaygroup.com

TOWN OF MILFORD
RECEIVED

NOV 04 2021

PB ZBA Office

MEMORANDUM

To: Milford Zoning Board

Date: November 4, 2021

From: The Dubai Group, Inc
Doug MacGuire, PE

Re: Special Exception Request
Side Setback Requirement

The applicant is respectfully requesting the Zoning Board of Adjustment consider a special exception from **Article V, Section 5.05.5 Yard Requirements** to permit a proposed subdivision line to be delineated through an existing plaza building. This results in a side setback of zero feet for proposed lots 44-6 and 44-6-3. The subject parent parcel is an existing developed site located in the Commercial "C" zoning district. The 15.386 acre property has two buildings on site, with supporting infrastructure. As the owner continues to maintain the overall parcel's functions, it has become evident that subdividing the parcel between the building uses is most convenient to the ongoing operations of the site. The applicant feels this is a reasonable request because the proposed lot line located through the building is placed based upon the tenants within. Therefore, the subdivision line creates two lots (44-6 and 44-6-2) for the tenants within the plaza building in question. In particular, one proposed lot (westmost lot) is intended only for the Shaw's business. Conditions for the variance are detailed below.

A. The proposed use shall be similar to those permitted in the district.

The proposed use shall remain as the existing use on-site, which is similar to other lots within the Commercial "C" District. There is no proposed alteration to the use of the existing development.

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

The proposed use does not alter the existing use/development on-site. The proposed subdivision line is consistent with the commercial use on-site, and provides a feasible delineation of lots based on the tenants' use within the plaza building.

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

The proposed subdivision line will not adversely affect adjacent areas because the developed site will not be changed. The reduction in setback is created internally between existing uses on site and therefore have no impact on adjacent areas.



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

No nuisance or serious hazard shall occur based on the development remaining unchanged with the proposed subdivision. All traffic circulation and pedestrian travel areas shall remain consistent.

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

Appropriate facilities shall remain on-site as the existing development is to be unchanged. The proposed lot line is appropriate for proper operation because it accurately reflects the uses of the building and the delineation between the tenants.

43-52
N/F HERITAGE ESTATES APT LLC
C/O BILL MORIN
504 NASHUA ST UNIT 206
MILFORD, NH 03055

44-2
N/F TOWN OF MILFORD
1 UNION SQ
MILFORD, NH 03055

44-4
N/F SKA PROPERTIES, LLC
1346 BALD HILL RD
WARWICK, RI 02886

LOT 44-6
EXISTING=
670,210 SQ. FT.
15.386 AC.±
PROPOSED =
279,666 SQ. FT.
6.420 AC.±

PROPOSED
LOT 44-6-3
277,946 SQ.FT.
6.381 AC.±

44-2
N/F TOWN OF MILFORD
1 UNION SQ
MILFORD, NH 03055

44-4-1
N/F CARLOS & MARIA
ANDRADE
7 METEA LN
BEDFORD, NH 03110-6936

44-5
N/F TOWN OF MILFORD
1 UNION SQ
MILFORD, NH 03055

44-6-2
N/F B33 LORDENS PLAZA LLC
9330 W. SAHARA AVE
LAS VEGAS, NV 89117
(PER PLAN REFERENCE #2)

44-6-1
N/F ST. MARY'S BANK
200 MCGREGOR STREET
MANCHESTER, NH 03102
BOOK 9447, PAGE 2531

PROPOSED
LOT 44-6-4
112,597 SQ.FT.
2.593 AC.±

44-13
N/F BURGER KING CORP.
#8602 RYAN
PO BOX 460189
HOUSTON, TX 77056

NASHUA STREET
(PUBLIC - VARIABLE WIDTH)
(N.H. ROUTE 101A)

44-9
N/F STATE OF NH
DEPT. OF TRANSPORTATION
RIGHT OF WAY BUREAU
29 HAZEN DR
CONCORD, NH 03301

44-13-1
N/F WALGREEN EASTERN
CO., INC.; REAL ESTATE
TAX DEPT.
PO BOX 1159
DEERFIELD, IL
60015-1159

44-11
N/F ASRT, LLC CUMBERLAND FARMS, INC.
165 FLANDERS RD
WESTBOROUGH, MA 01581

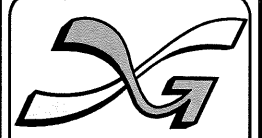
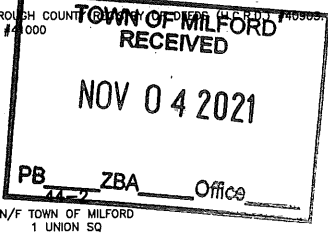
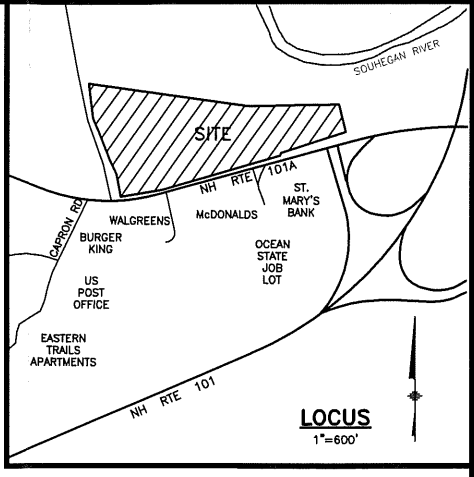
44-10
N/F OSJ OF MILFORD, LLC
375 COMMERCE PARK RD
NORTH KINGSTON, RI 02852

NOTES:

- THE OWNER OF RECORD (TAX MAP 44 LOT 6):
B33 LORDENS PLAZA, LLC
9330 W. SAHARA AVE SUITE 270
LAS VEGAS, NV 89117
DEED REF: BK 9185 PG 0803
- THE PURPOSE OF THIS PLAN IS TO DEPICT THE THREE LOT SUBDIVISION OF PARCEL 44-6 FOR THE EXISTING DEVELOPMENT.
- THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON A PLAN ENTITLED "ALTA/NSPS LAND TITLE SURVEY FOR: LORDENS PLAZA; NV5 PROJECT NO. 201902877-001, 586 NASHUA STREET, MILFORD, NH"; SCALE: 1"=50'; DATED JUNE 25, 2019; SURVEYED AND PREPARED BY HOLDEN ENGINEERING & SURVEYING, INC.
- BEARINGS SHOWN ARE REFERENCED TO NAD83; VERTICAL DATUM REFERENCED TO NAVD88 VIA GNSS OBSERVATIONS TAKEN AUGUST 2020.
- SUBJECT PARCEL IS ZONED COMMERCIAL (C) DISTRICT PER TOWN OF MILFORD ZONING MAP.
MIN. LOT SIZE: 20,000 SF
MIN. LOT FRONTAGE: 150FT
MIN. FRONT YARD: 30FT
MIN. SIDE YARD: 15FT
MIN. REAR YARD: 15FT
- TOTAL ACREAGE OF 44-6: 752,704 SF ±, 17.28 AC. ± PER ALTA SURVEY PERFORMED BY HOLDEN, 2019.
- PROPERTY SUBJECT TO DECLARATION OF COVENANTS AND RECIPROCAL EASEMENTS PER HILLSBOROUGH COUNTY REGISTRY OF DEEDS BOOK 9447 PAGE 2534

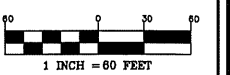
PLAN REFERENCES:

- HILLSBOROUGH COUNTY REGISTRY OF DEEDS BOOK 9447 PAGE 2534
- H.C.R.D. #4000



The Dubai Group, Inc.
136 Harvey Rd. Bldg B101
Londonderry, NH 03053
603-458-6462

Engineers
Planners
Surveyors
TheDubayGroup.com



REVISIONS:

REV.	DATE	COMMENT	BY

DRAWN BY: NIG/JAC
CHECKED BY: JAC
DATE: NOVEMBER 3, 2021
SCALE: 1"=60'
FILE: Subdiv-Lordens Plaza
DEED REF: -

PROJECT:
586 NASHUA ST
MAP 44 LOT 6
586 NASHUA STREET
MILFORD, NH 03055

PREPARED FOR/OWNER

B33 LORDENS
PLAZA, LLC
9330 W. SAHARA AVE.
SUITE 270
LAS VEGAS, NV 89117

SHEET TITLE:

**SUBDIVISION
PLAN**

LOT	TOTAL LOT AREA	OPEN SPACE	% OPEN SPACE
EXISTING LOT 44-6	670,210 SQ.FT.	138,096 SQ.FT.	20.6%
PROPOSED LOT 44-6	279,666 SQ.FT.	53,254 SQ.FT.	19.0%
PROPOSED LOT 44-6-3	277,946 SQ.FT.	49,995 SQ.FT.	18.0%
PROPOSED LOT 44-6-4	112,597 SQ.FT.	34,847 SQ.FT.	30.9%

OWNER/APPLICANT: TAX MAP 44 LOT 6 DATE _____

CHAIRMAN _____ DATE _____
PLANNING BOARD, TOWN OF MILFORD, NH