

# TOWN OF MILFORD

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



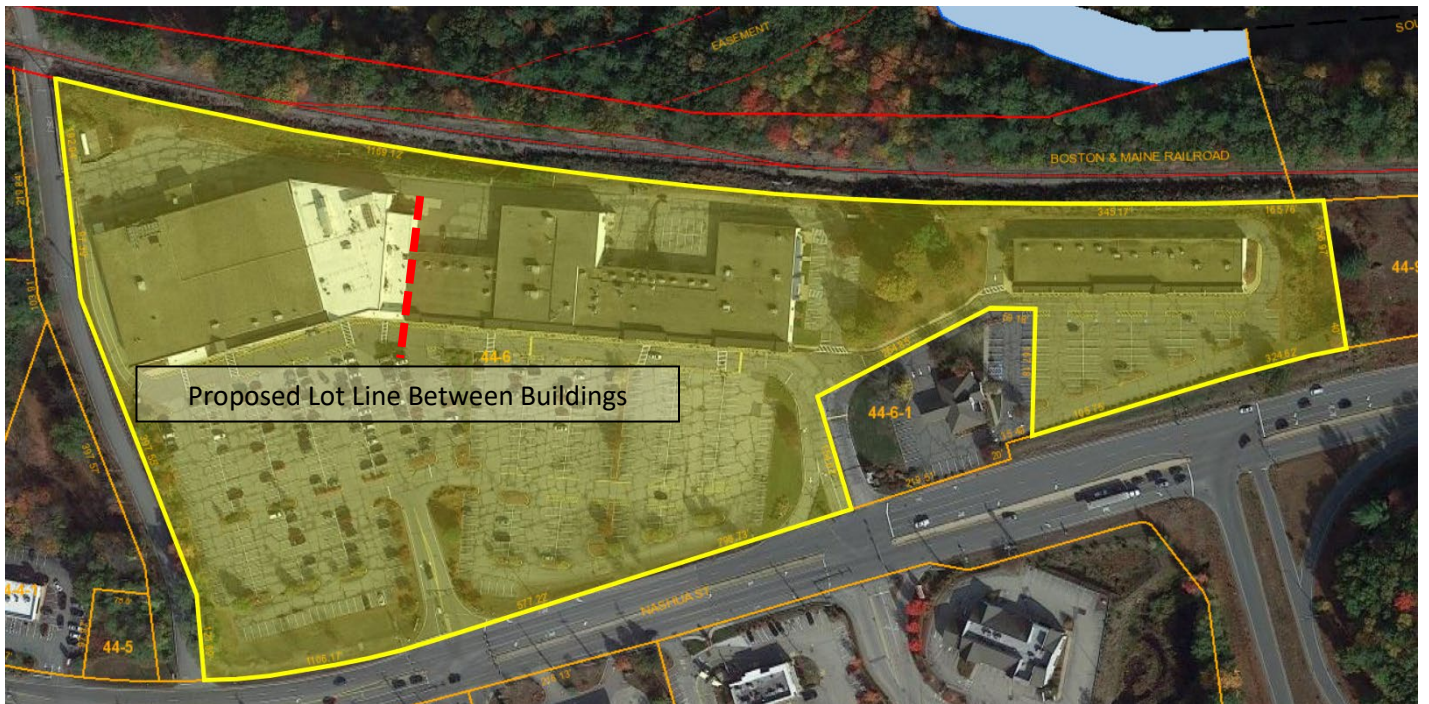
## Administrative Review

**Date:** January 3, 2022  
**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. (*Cont. from 12/2/21*)

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.
5. At the December 2, 2021 meeting, the Board requested additional information regarding parking calculations, cross easements, and shared maintenance agreements.

**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**

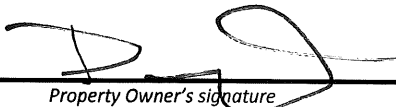
Name: B33 Lordens Plaza, LLC  
 Address: 9330 W. Sahara Ave., Suite 270  
 City/State/Zip: Las Vegas, NV 89117  
 Phone: (    )  
 Email: marko@bridge33capital.com

*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 <sup>10</sup>	\$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  
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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.

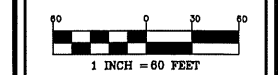
*E. Adequate appropriate facilities will be provided for the proper operation of the proposed use.*

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.



**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

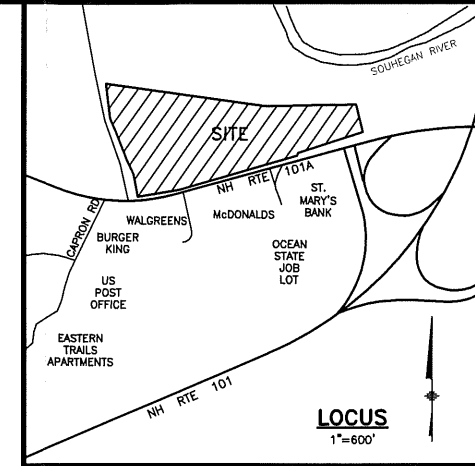
DRAWN BY: NIG/JAC  
 CHECKED BY: JAC  
 DATE: NOVEMBER 3, 2021  
 SCALE: 1"=60'  
 FILE: Subdiv-Lordens Plaza  
 DEED REF: -

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**



- 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. #1000

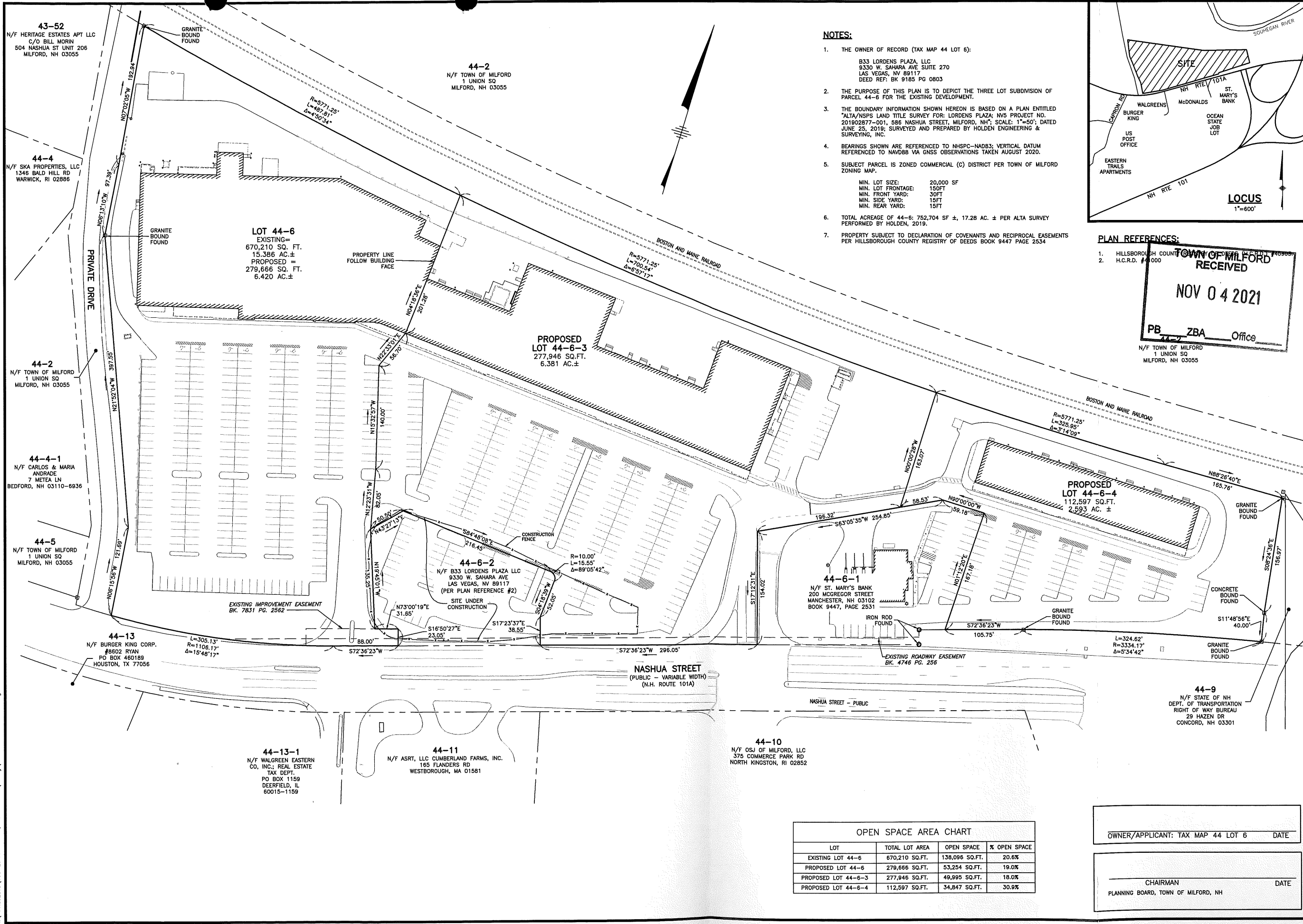
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 PB ZBA Office  
 N/F TOWN OF MILFORD  
 1 UNION SQ  
 MILFORD, NH 03055

**OPEN SPACE AREA CHART**

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



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