



Milford Zoning Board of Adjustment

Staff Review

Date: July 14, 2023

To: Zoning Board of Adjustment

From: Terrence S. Dolan, Director of Community Development

TS

Subject: Case #2023-10-Special Exception Request for the replacement of an existing fire-damaged 14' wide by 68' long Single-Wide Mobile Home with a 26' 8" wide by 52' long Double-Wide Mobile Home, with a 10' x 12' Deck, located @ 26 Melendy Road, in the Leisure Acres Mobile Home Park, Lot 11, Residence "A" Zoning District, Map 42, Blk 73-00M-L011

For the ZBA's information and consideration, the following provides my review of the above referenced case:

1. The Applicant has filed a necessary *Special Exception* Request to seek approval for the replacement of an existing (fire-damaged) 14' wide by 68' long *Single-wide* mobile home with a 26' 8" wide by 52' long *Double-wide* mobile home, along with a new 10' x 12' Deck.
2. Sufficient space is available for the replacement double-wide mobile home to be installed on this lot. The newer double-wide mobile home is 16' shorter than the existing (fire-damaged) single-wide unit, but is 12'8" greater in overall width.
3. The lot size is approximately 10,500 sq feet (.25 acre).
4. The property is served by the mobile home park's community sewer system, and is supplied with town water.
5. No existing site vegetation was proposed for removal.
6. Attached within the Agenda Item package is a guidance for the ZBA to consider for the issuance of a Special Exception, as contained within the responses provided in the Application Form.
7. Various graphics of the Leisure Acres Mobile Home Park location, the lot plan, and several recent photos are included to assist in your review.

Thank You

Cc: file



ZBA Application - Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

Agent: Richard Cane,
Authorized Agent
for LAMHP Assocs.

RLCane@
aol.com

Date Received:	TOWN OF MILFORD RECEIVED
Case Number:	
Application #:	JUN 20 2023
Date Complete:	
Hearing Date:	PB ZBA Office
Decision Date:	
Decision:	7/20/23

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

PROPERTY INFORMATION

Street Address: 26 MELENDY RD, LOT 11

Tax Map / Parcel #: 73 - M - 011

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 203 Section 1.C.

Describe the use you are proposing under the above section of the Ordinance.

REPLACEMENT OF EXISTING FIRE DAMAGED UNINHABITABLE 14'x68' MOBILE HOME WITH A 26'-8" x 52' DOUBLE WIDE MOBILE HOME WITH A 10' x 12' DECK A 10,500 SF LOT

General Criteria Section 10.02.1

Describe the project you are requesting a Special Exception for: REPLACE AN EXISTING FIRE DAMAGED 14' x 68' MOBILE HOME WITH A 26'-8" x 52' DOUBLE WIDE MOBILE HOME WITH A 10' x 12' DECK AND SHEED

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: PROPOSED DOUBLE WIDE UNIT CAN BE FOUND IN OTHER MOBILE HOME PARKS SUCH AS TOWN AND COUNTRY AND IS SIMILAR IN USE AND APPEARANCE TO WHAT IS FOUND IN BOTH LAMHP AND THE GENERAL NEIGHBORHOOD.
- B. The specific site is an appropriate location for the proposed use because: THE USE IS THE SAME AS THE EXISTING USE ON LOT 11 AND IS CONSISTENT WITH USES FOUND WITHIN LAMHP, OTHER MOBILE HOME PARKS IN MILFORD AND THE GENERAL NEIGHBORHOOD.
- C. The use as developed will not adversely affect the adjacent area because: THE USE WILL NOT ADVERSELY AFFECT THE ADJACENT AREA AS IT CANNOT BE SEEN OUTSIDE THE PARK AND THE USE IDENTICAL USE IS CONSISTENT WITH USES IN THE PARK AND GENERAL NEIGHBORHOOD.
- D. There will be no nuisance or serious hazard to vehicles or pedestrians because: AS THIS USE IS THE SAME AS THE CURRENT USE OF LOT 11 RESIDENTIAL USE, IT WILL NOT CREATE A NUISANCE OR SERIOUS HAZARD TO CARS OR PEDESTRIANS.
- E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because: THE USE IS THE SAME AS THE EXISTING USE ON LOT 11 AND HAS ADEQUATE FACILITIES INCLUDING TRUNK WATER, A COMMUNITY SEWER SYSTEM AND OFF STREET PARKING.



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Explain how the proposal meets the specific criteria of the Zoning Ordinance for each section: *N.A.*

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 *N.A.*

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.



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HOME BUSINESS CRITERIA 7.12.6 (Continued)

6. Retail sales of goods incidental to Home Business are allowed. Please explain if there will be retail sales of goods incidental to Home Business.
7. 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.
8. 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.
9. 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.
10. 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

N.A.

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.

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ACCESSORY DWELLING UNITS 10.02.6 (Continued) N.A.
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 N.A.
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: _____

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:


RICHARD CAVE
 Print the name of the person or party representing the owner(s)

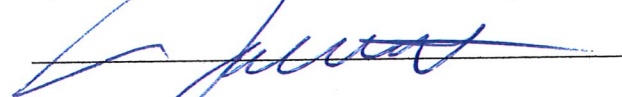
The applicant or agent, as stated hereon, has authorization from the property owner to submit this Zoning Board of Adjustment application and to represent the property owner on matters relative to said process.


 Owner's Signature

6/20/23
 Date

Section 5 - SIGNATURES

Signature of Applicant  Date 6-20-23

Signature of Owner  Date 6-20-23

Signature of Zoning Official _____ Date _____

For office use only

Code Enforcement Officer's decision and comments:



This document is now complete

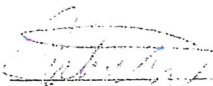
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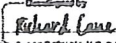
DESIGNATION BY LAMHP ASSOCIATES OF RICHARD CANE
AS AUTHORIZED AGENT

LAMHP Associates, owners of Leisure Acres Mobile Home Park at 26 Melendy Road, Milford, NH, hereby authorize Richard Cane of 22 Sandpiper Lane, Merrimack, NH 03054, as it's duly authorized agent for the purposes of applying for demolition, variance and building permits from the Town of Milford for Lot 11 at Leisure Acres Mobile Home Park.

In addition, Mr. Cane is authorized to negotiate on behalf of LAMHP for a replacement unit on Lot 11, subject to LAMHP Associates' approval of the final price and unit selected for purchase.


John Stabile, LAMHP General Partner

6/16/23
Date

Designated by

Richard Cane, LAMHP Lot 11 Authorized Agent

6/16/2023
Date

DocuSign Envelope ID: ABA50C55-5A15-480F-A395-0E2207EBC824

CLOSE



ABUTTER LIST

Abutter - Any person whose property is located in New Hampshire and adjoins or is directly across the street, stream, or active railroad property from the land under consideration by the local land use board. The term "abutter" shall also include the owner and the applicant.

Map	Lot	Property Owner	Mailing Address	Town	State	Zip Code
42	48	NATIONAL GUARD ARMORY	154 OSGOOD ROAD	MILFORD	NH	03055
47	11	TINA DECOTEAU	67 MELENDY ROAD	MILFORD	NH	03055
42	66-1	AMY & DOUGLAS HOWE	1 OX BERRY WOODS ROAD	MILFORD	NH	03055
42	66-2	SANDRA SWANBERG-SMITA	45 MELENDY ROAD	MILFORD	NH	03055
42	71	SCOTT DEIRO	186 OSGOOD ROAD	MILFORD	NH	03055
42	72	IRVING D. HOWE	176 OSGOOD ROAD	MILFORD	NH	03055
42	74	JUSTIN MAZIMPAKA	190 ARMORY ROAD	MILFORD	NH	03055
42	75	MICHAEL CAMPBELL	168 ARMORY ROAD	MILFORD	NH	03055
42	76	TOWN OF MILFORD	1 UNION SQUARE	MILFORD	NH	03055
42	50-7	GENDALE HOMES, INC.	159 OSGOOD ROAD	MILFORD	NH	03055
47	13	FRANKS & SON, INC. FRANKS CO. TRUSTEES	100 MELENDY ROAD	MILFORD	NH	03055
47	13-1	BRUCE & LEIGH ALDRICH	78 MELENDY ROAD	MILFORD	NH	03055
47	15	162 ARMORY ROAD LLC	162 ARMORY ROAD	MILFORD	NH	03055
47	10	RAMONIS & VERRIET RIENDEAU	340x BERRY WOODS ROAD	MILFORD	NH	03055
42	73-N	LANNAP ASSOCIATES	20 COTTON ROAD	MILFORD	NH	03063
42	75	HEATHER STEARNS	26 MELENDY RD, LOT 10	MILFORD	NH	03055
42	75	KENNETH WICKI BEERS	26 MELENDY RD, LOT 12	MILFORD	NH	03055
42	73-116	LANA ARMAROTTO	26 MELENDY RD, LOT 16	MILFORD	NH	03055
42	73M	DR. DIO BOURGAIN	26 MELENDY RD, LOT 17	MILFORD	NH	03055

The above abutter listing reflects the most current assessing records and the Milford Zoning Board of Adjustment is released from any responsibility for inaccurate information or incorrect abutter notification.

Signature of Applicant: Richard Carve Date: 6-20-23 Map & Lot: 42-73-111

NATIONAL GUARD ARMORY
154 OSGOOD RD
MILFORD NH 03055

BRUCE & LEIGH ALDRICH
78 MELENDY RD
MILFORD NH 03055

TINA DECOTEAU
67 MELENDY RD
MILFORD NH 03055

162 ARMORY LLC
162 ARMORY RD
MILFORD NH 03055

AMY & DOUGLAS HOWE
1 OX BROOK WOODS RD
MILFORD NH 03055

RAYMOND & HARRIET
RIENDEAU
34 OX BROOK WOODS RD
MILFORD NH 03055

SANDRA SWANBORN-SMITH
45 MELENDY RD
MILFORD NH 03055

LEISURE ACRES MOBILE
HOME PARK
100 COTTON RD
NASHUA NH 03063

SCOTT QEIPO
186 OSGOOD RD
MILFORD NH 03055

HEATHER STEARNS
26 MELENDY RD UNIT 10
MILFORD NH 03055

HAROLD HOCHÉ
176 OSGOOD RD
MILFORD NH 03055

KENNETH & VICKI BEERS
26 MELENDY RD UNIT 12
MILFORD NH 03055

JUSTIN MAZIMPAKA
190 ARMORY
MILFORD NH 03055

LANA ARMIROTTA
26 MELENDY RD UNIT 16
MILFORD NH 03055

MICHAEL CAMPBELL
168 ARMORY RD
MILFORD NH 03055

DAVID BOURGART
26 MELENDY RD UNIT 17
MILFORD NH 03055

GLENDALE HOMES INC
159 OSGOOD RD
MILFORD NH 03055

TOWN OF MILFORD
1 UNION SQUARE
MILFORD NH 03055

JAMES & DONNA FLANDERS
CO-TRUSTEES
100 MELENDY RD
MILFORD NH 03055

Leisure Acres MHP

26 Melendy Rd. Unit #11



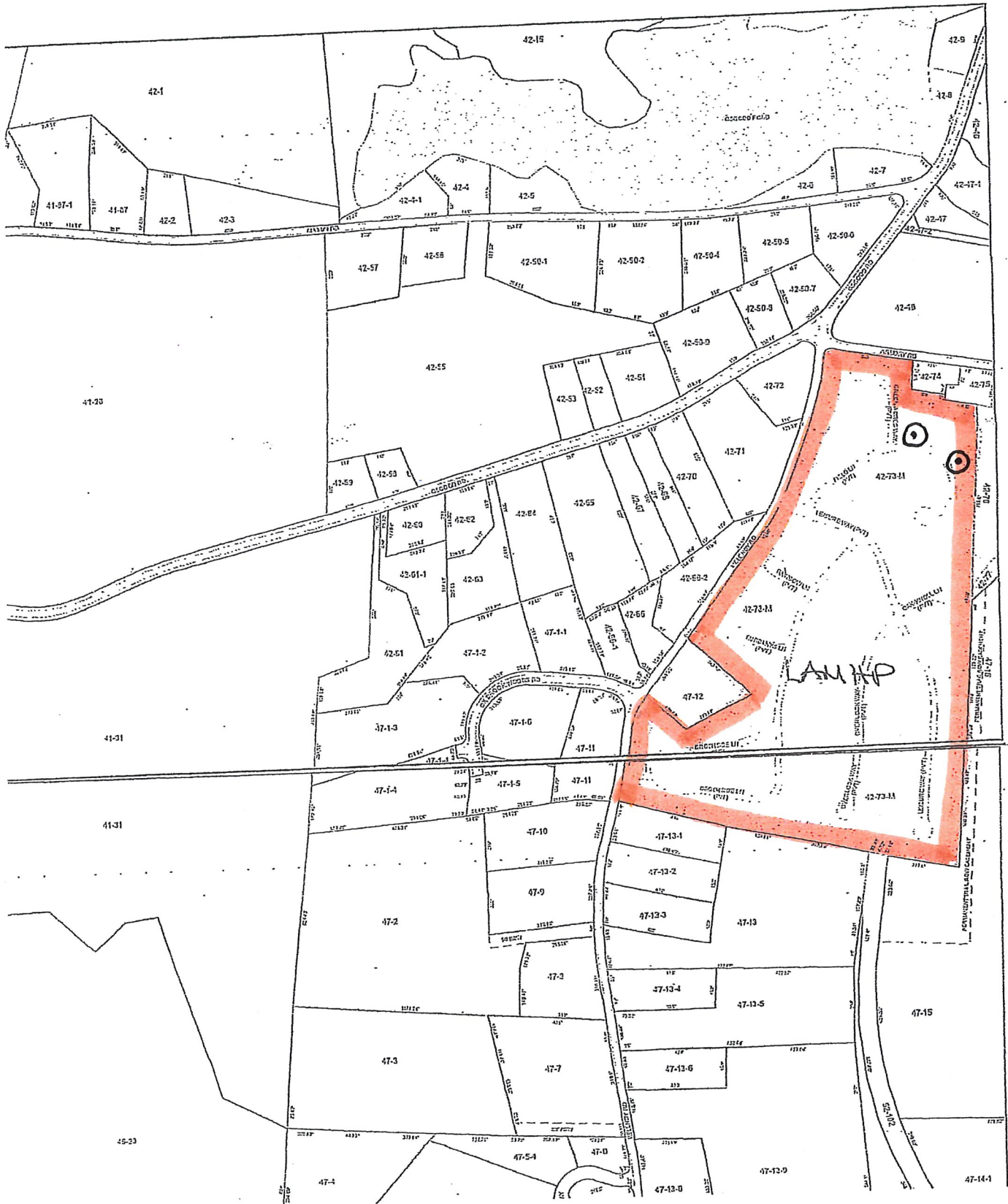


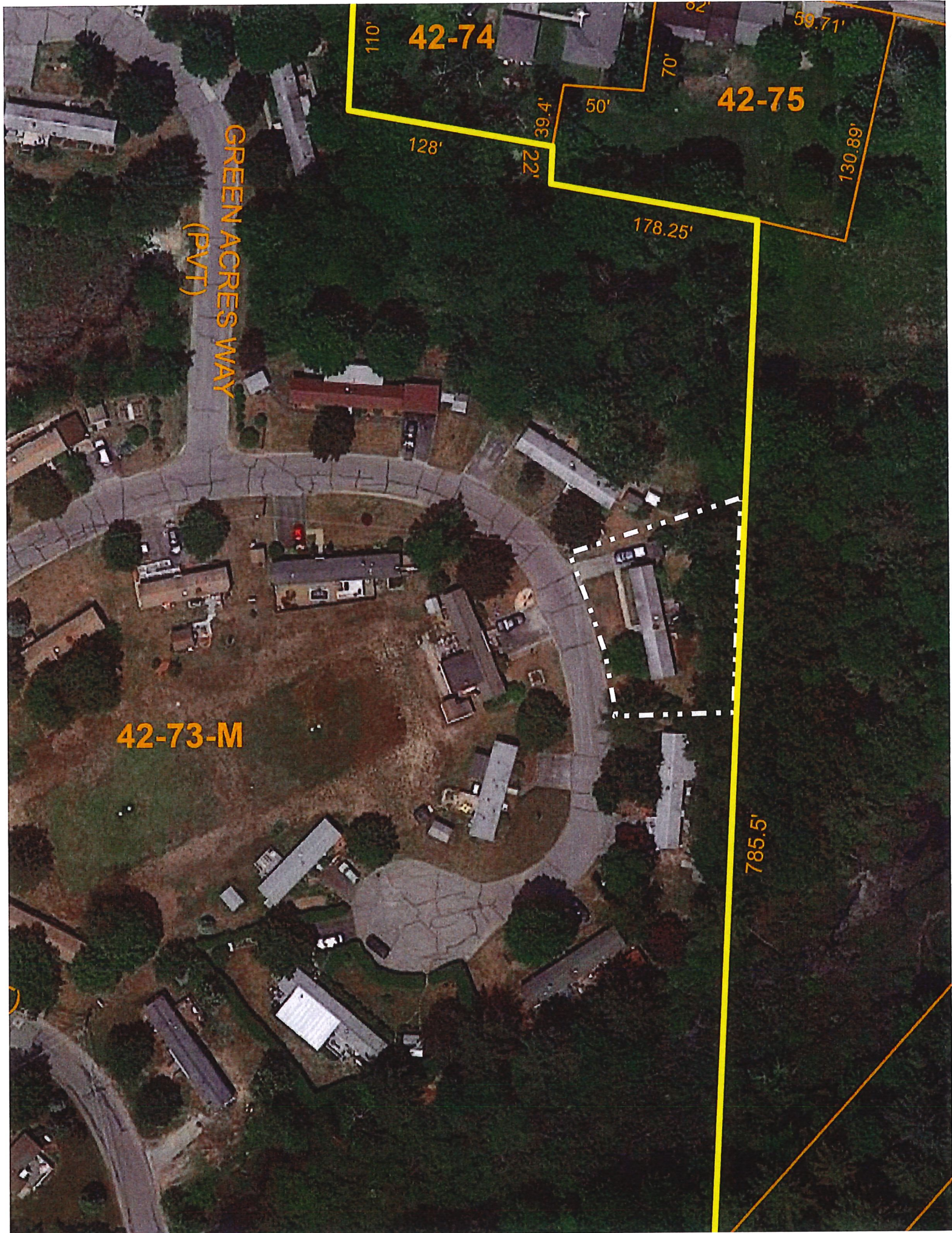
Existing Lot || Mobile Home



PROPOSED TYPICAL
MOBILE HOME - LOT 11

ACTUAL LOT 63 HOME





GREEN ACRES WAY
(PVT)

42-74

42-75

42-73-M

110'

128'

36.66'
22'

50'

178.25'

70'

59.71'

130.89'

785.5'

