



## Milford Zoning Board of Adjustment

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### **Administrative Review**

**Date:** March 27, 2024

**To:** Zoning Board of Adjustment

**From:** Terrence S. Dolan, Town Planner

**Subject: Case #2024-03: Marmon Utilities, LLC for the property located at 53 Old Wilton Road, Tax Map 14, Lots 8 & 9. Variance Application from the Milford Zoning Ordinance, Article V, Section 5.06.6. (Open Space) to allow the utilization of adjacent Marmon/Hendrix-owned properties (Map 38-6 & Map 7, Lot 16-1) for providing required Open Space for the proposed site facilities expansion to their existing physical manufacturing plant on Map 14, Lots 8 & 9**

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### **Background:**

The applicant is before the Board seeking a Variance from the Milford Zoning Ordinance, Article V, Section 5.06.6. (Site-required Open Space). The applicant, Marmon Utilities, LLC (formerly known as Hendrix Wire & Cable) are the owners of all of the property lots under consideration with this Variance Request.

In reviewing the files for these properties, I offer the following comments:

1. Marmon Utilities have an existing, long-operating cable manufacturing plant facility along the north side of Old Wilton Road (Map 14 Lots 8 & 9), with a total combined acreage of 15.72 acres. A planned expansion to the existing plant building is proposed for 74,430 additional square feet (along three different portions of the plant building, located within the **Industrial ("I") Zoning District** (pursuant to Section 5.06.0 -Milford Zoning Regulations). The proposed expansion areas are a) 12,570 square feet along the western side of the plant facility, b) a 10,360 sq. foot expansion along the center area of the building, and c) a 51,500 sq. foot expansion along the eastern end of the plant building.
2. The planned manufacturing plant expansion areas are not intended, nor designed to be stand-alone facilities, and must be incorporated into strategic portions of the existing manufacturing facility on these two lots along the north side of Old Wilton Road for logistical reasons.

3. Adjacent to the two above-listed “*north lots*”, to the immediate south side of Old Wilton Road, Marmon Utilities, LLC also owns two more adjoining lots, Map 38, Lot 6 & Map 7 Lot 16-1. These two lots are currently vacant, undeveloped properties. Both lots, (zoned **Integrated Commercial -Industrial “ICI2”**), have a total combined acreage = 41.97 acres. One of the town’s more significant water tributary features is Tucker Brook that flows across each lot, ultimately out falling into the Souhegan River, to north of Elm Street.
4. The proposed combined 74,430 sq. foot plant expansion shall cause the further reduction of the existing, approved 27% Open Space for the manufacturing plant lots (pursuant to **Variance ZBA Case #2020-10, approved on June 8, 2020**). Therefore, the existing (2) northern lots are already below the minimum required 30 % Open Space for the Industrial Zoning District. If the Major Site Plan is ultimately approved by the Planning Board for the proposed 74,430 square foot plant expansion, the northern two developed plant lots shall then result in less than 5% of retained open space directly on the two lots.
5. Recognizing the further loss of (required) Open Space, a new Variance is now being requested by the applicant to seek approval for the utilization of their above-referenced, two southern (vacant) lots, along the immediate south side of Old Wilton Road. The proposal is to provide a dedicated set-aside of a five (5) acre permanent preserve along, and buffering the Tucker Brook open water course and associated floodplain.

The proposed preservation offering shall be dedicated to raise the northern plant site-required open space acreage (back up) to the required 30%. As stated, this set-aside of the proposed 5-acre portion of Marmon’s (two adjoining southern) lots shall be dedicated to serve as required Open Space solely for the existing manufacturing lots along the northern side of Old Wilton Road, and shall not be considered as providing for any of the required 30% Open Space for any potential (future) development activities directly within the two-referenced south lots.

6. As well, the applicant has proposed a 15-foot-wide pedestrian trail along the proposed five (5) acre preserve lands, for general public usage. As may be seen within the attached graphic (“**Open Space Exhibit Plan**”), the trail as currently proposed shall ultimately connect to town-owned lands located to the southwest of the proposed buffer site.
7. Attached, the Milford Conservation Commission met on March 14, 2024 to discuss this Open Space Allocation proposal, and has now provided an Opinion Memo dated March 26, 2024, advocating in favor of this proposal by Marmon Utilities, LLC.



# ZBA Application

## MILFORD ZONING BOARD OF ADJUSTMENT

### GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

#### PROPERTY INFORMATION

Street Address: 53 Old Wilton Road, Milford, NH 03055

Tax Map / Parcel #: Tax Map 14, Lots 8 & 9 | Lot Size: 15.57 acres

#### PROPERTY CURRENTLY USED AS

Manufacturing of electrical transmission and distribution cables, cable systems and accessories for aerial and underground utility applications.

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

#### PROPERTY OWNER

Name: Marmon Utility, LLC

Address: 53 Old Wilton Road

City/State/Zip: Milford, NH 03055

Phone: ( 603 ) 249-1202

Email: kboette@marmonutility.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: Thomas F. Quinn, Esquire

Address: Law Office of Thomas F. Quinn, Prof. Corp., 62 Elm Street

City/State/Zip: Milford, NH 03055

Email: tquinn@tfqtitle.com

Phone: ( 603 ) 554-1662

Cell: ( 603 ) 801-6585

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.  
Marmon Utility, LLC

By:   
Michael O'Shea, Vice President of Finance

February 22, 2024

Date:

Date Received:	TOWN OF MILFORD RECEIVED
Case Number:	
Application Number:	FEB 22 2024
Hearing Date:	
Decision Date:	ZBA Office
Decision:	2024 0416

#### 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:	\$100.00
Abutters Fee: <u>55</u> x <u>5.75</u>	316.25
Notice Fee	75.00
Amount received:	
Date Received:	\$491.25

Check \_\_\_\_\_ Cash \_\_\_\_\_

*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 - Variance**  
**MILFORD ZONING BOARD OF ADJUSTMENT**

TC  
 RECEIVED

Date Received: FEB 22 2024  
 Case Number: \_\_\_\_\_  
 Application #: ZBA Office: \_\_\_\_\_  
 Date Complete: \_\_\_\_\_  
 Hearing Date: \_\_\_\_\_  
 Decision Date: \_\_\_\_\_  
 Decision: \_\_\_\_\_

PROPERTY INFORMATION
Street Address: 53 Old Wilton Road, Milford, NH 03055
Tax Map / Parcel #: Tax Map 14, Parcels #8 and #9
<i>A Variance is a use which is not permitted by the Zoning Ordinance. Approval from the Zoning Board of Adjustment is required to allow any use or deviation from the Zoning Ordinance. Please work with the Zoning Administrator to make sure your application is complete and you know what will be required of you at the hearing.</i>
What section of the Zoning Ordinance are you asking to be varied? Article <u>V</u> Section <u>5.06.6</u>
Describe the variance you are requesting under the above section of the Ordinance. The Applicant is proposing the construction of an addition of approximately 10,360 square feet to an existing building on the site, another addition of approximately 12,570 square feet to another building on the site and an addition of approximately 51,500 square feet to another building. Also, there will be related improvements. The required open space under the Zoning Ordinance is 30% of the total lot area or 4.67 acres. A variance granted in 2020 permitted a reduction of the open space from 30% to 27%, or 4.2 acres. The proposed additions and related improvements will reduce the open space to below 5%, or less than one acre.

General Criteria Section 10.01
<b><i>Explain how the proposal meets the following conditions per New Hampshire RSA 674:33.1</i></b>
1. Granting the Variance would not be contrary to the public interest because: See attached.
2. If the Variance were granted, the spirit of the ordinance would be observed because: See attached.
3. Granting the Variance would do substantial justice because: See attached.
4. Granting the Variance would not diminish the value of surrounding properties because: See attached.
5. Unnecessary Hardship: <i>This section is the central portion of your argument and is the critical factor that the Zoning Board of Adjustment will need to determine what is unique to your property and not generally applicable to other properties in the area or in town. See attached.</i>



**ZBA Application - Variance**  
**MILFORD ZONING BOARD OF ADJUSTMENT**

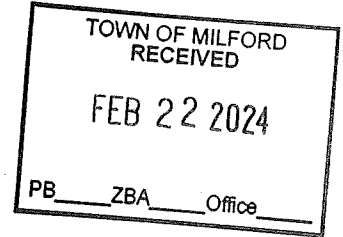
A. Owing to special conditions of the property that distinguish it from other properties in the area; denial of the Variance would result in unnecessary hardship because:
i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because :
See attached.
AND
ii. The proposed use is a reasonable one because:
See attached.
(B) Explain how, if the criteria in paragraph (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, and a Variance is therefore necessary to enable a reasonable use of it:
See attached.
(C) Notwithstanding paragraph (B) above, a Variance may be granted without finding a hardship arising from the terms of the Zoning Ordinance when reasonable accommodations are necessary to allow a person or persons with a recognized <b>physical disability</b> to reside in or regularly use the premises, provided that:
See attached.
1. The Variance requested under this paragraph shall be in harmony with the general purpose and intent of the Zoning Ordinance because:
See attached.
In addition, Variances may have extra criteria that must be met. This includes, but is not limited to: <b>6.03.5 Floodplain Management:</b> The criteria for evaluation is listed in 6.03.5:B General Conditions and the applicable conditions are listed in 6.03.5:C. If your project is covered by this regulation, include your answers to the required criteria as specified in the referenced Section of the Milford Zoning Ordinance as an attachment under Section 3 C. of this application.
<b>ATTACHMENTS – additional information may be needed to help the Zoning Board of Adjustment fully understand your petition.</b> 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.

Zoning Board of Adjustment

Case # \_\_\_\_\_

Application for Variance

Marmon Utility LLC



**Applicant's Application Material**

**BACKGROUND.**

The Applicant's property ("the Property") is located at 53 Old Wilton Road, Milford, New Hampshire. The Property is shown on Tax Map 14, Lots 8 and 9. The Applicant also owns the lot located across the street on the south side of Old Wilton Road. This lot ("the South Lot") is shown on Tax Map 38, Lot 6 and Tax Map 7, Lot 16-1. The Property is located in the Industrial District.

The Property contains approximately 15.57 acres of land. The Property is improved by several buildings that have been constructed over a period of forty years or more, together with related outside storage areas, parking areas, driveways and related improvements. Generally, the buildings themselves, most of which are connected to one another, cover almost six acres.

In 2020, the Applicant obtained a variance permitting the construction of an outdoor storage space for spools that reduced the open space from 31% to 27%.

The Applicant is a leader in the manufacture of electrical, distribution cables, cable systems, and accessories for aerial and underground utility applications. Its business continues to grow and demand for its products and services continues to expand. The Applicant has developed a new product line for which demand is strong. In order to introduce the new product line, while simultaneously meeting demand for existing products, the Applicant requires a substantial amount of additional space. And that space must be integrally connected to its existing space. Consequently, the Applicant must construct the building additions and related improvements as proposed.

**THE PROPOSAL.**

The Applicant proposes the construction of three additions to the existing buildings:

1. A 12,570 +/- square foot addition to the building on the west end of the Property;
2. A 10,360 +/- square foot addition to the center of the building; and
3. A 51,500 +/- square foot addition on the east end of the building;

as well as related improvements such as outdoor storage space, all as shown on a plan of land entitled, "Zoning Board Exhibit Plan, Tax Map Parcels 14-8 & 14-9 (53 Old Wilton Road) Milford, New Hampshire, Prepared for Marmon Utility, LLC, 53 Old Wilton Road, Milford, NH 03055, Land Of: Hendrix Wire & Cable, 53 Old Wilton Road, Milford, NH 03055", dated February 19, 2024, prepared by Fieldstone Land Consultants, Inc., and on other plans to be submitted.

The proposed construction will reduce the open space to approximately five percent (5%), or less.

Because the resulting open space will be less than the twenty-seven percent (27%) currently permitted, a variance is required.

## **VARIANCE CRITERIA**

### **1. AND 2.**

#### **THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST AND WILL BE CONSISTENT WITH THE SPIRIT OF THE ORDINANCE.**

The requirement that the variance not be contrary to the public interest is related to the requirement that it be consistent with the spirit of the ordinance and the two have for years been treated together by the State Supreme Court. See Malachy Glen Associates, Inc. v. Town of Chichester, 155 NH 102 (2007). Because the provisions of a zoning ordinance represent a declaration of public interest, any variance would be contrary thereto to some degree. Consequently, the Supreme Court has instructed that to determine whether a requested variance is not contrary to the public interest and is consistent with the spirit of the Ordinance, the Zoning Board of Adjustment (“ZBA”) must determine whether granting the variance “would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives”.

The Court has recognized two tests for determining whether granting a variance would violate an Ordinance’s basic zoning objectives. One is to determine whether the variance would “alter the essential character of the neighborhood”. The second is to determine whether granting the variance would “threaten the public health, safety or welfare.”

Granting the variance will not alter the essential character of the neighborhood. The Property is located in the Industrial District. The Property has been used as a manufacturing facility for at least forty years. The site has existed in its current developed configuration since at least 2008, when a small addition was added to the southwest corner of the building. In 2020, pursuant to a variance, the Applicant added an outdoor pool storage area. The neighborhood is characterized by industrial and commercial uses. The proposed additions are completely consistent with the use and development of the Property and the neighborhood.

Nor would granting the variance threaten the public health, safety or welfare. Construction of the proposed additions and improvements will be completed in accord with applicable health and safety regulations and will be consistent with the neighborhood.



### **3. GRANTING THE VARIANCE WOULD DO SUBSTANTIAL JUSTICE.**

“Perhaps the only guiding rule in this factor is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” Malachy Glen Assoc., Ibid.

As stated previously, the Property is situated in the Industrial District. The Applicant is a leading manufacturer of cable products nationally and throughout the world. It has been operating at the Property for over forty (40) years. Its business continues to grow. The development of a new product line has created the need for a substantial expansion of its facilities. The manufacture and production of its new product line simply cannot be accommodated in the existing facilities. Because the existing product lines and the new product are similar in nature, the new facilities must be integrally related to the existing facilities. Construction of its proposed building additions and related improvements is essential to the Applicant’s business.

The burden upon the Applicant arising from denial of the variance is very substantial. The benefit to the public from requiring the current open space is not substantial and does not outweigh the burden upon the Applicant.

### **4. GRANTING THE VARIANCE WILL NOT DIMINISH THE VALUE OF SURROUNDING PROPERTIES.**

The Property is located in the Industrial District and is located between the railroad right-of-way and Elm Street to the north and Old Wilton Road to the south. The surrounding properties are industrial or commercial uses. The Property consists of over 15.5 acres. The existing building is approximately 5.8 acres in size. The building has existed in its present configuration since 2008. The Property as developed is consistent with the area. Granting the variance will not significantly change the use, development or character of the Property as currently developed in the neighborhood and will have no negative impact on value on surrounding properties.

**5. OWING TO SPECIAL CONDITIONS OF THE PREMISES THAT DISTINGUISH IT FROM OTHER PROPERTIES IN THE AREA, DENIAL OF THE VARIANCE WOULD RESULT IN UNNECESSARY HARDSHIP BECAUSE 1) NO FAIR AND SUBSTANTIAL RELATIONSHIP EXISTS BETWEEN THE GENERAL PUBLIC PURPOSE OF THE ORDINANCE PROVISION AND THE SPECIFIC APPLICATION OF THAT PROVISION TO THE PREMISES, AND 2) THE PROPOSED USE IS REASONABLE.**

As recited above, the Applicant is a leader in the manufacture of electrical, distribution cables, cable systems, and accessories for aerial and underground utility applications. Its business continues to grow and demand for its products and services continues to expand. The Applicant has developed a new product line for which demand is strong. In order to introduce the new product line, while simultaneously meeting demand for existing products, the Applicant requires a substantial amount of additional space. And that space must be integrally connected to its existing space. Consequently, the Applicant must construct the building additions and related improvements as proposed.

Given the size of the Property, the unusual configuration of the existing buildings and the manner in which the Property is developed currently, it is not possible to construct the building additions and related improvements without reducing the open space as proposed.

And the proposed use of the Property is reasonable. The Property is located in the Industrial District, where manufacturing is a permitted use. The proposed construction of the building additions and related improvements are both necessary to the Applicant's business and a reasonable use of the Property.

LAW OFFICE OF  
**THOMAS F. QUINN**  
PROF. CORP.

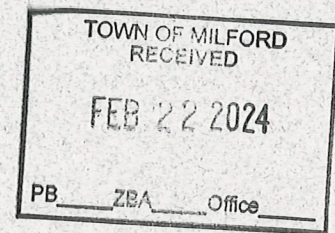
62 Elm Street  
Milford, NH 03055

E-MAIL: [tquinn@tfqttitle.com](mailto:tquinn@tfqttitle.com)

PH: 603-554-1662  
FAX: 603-554-1495

February 22, 2024

Terrence Dolan, Director of  
Community Development  
Town of Milford, NH  
One Union Square  
Milford, NH 03055



Re: Marmon Utility LLC  
Tax Map 14, Lots 8 and 9, 53 Old Wilton Road, Milford, NH

Dear Terrey:

Please find enclosed herewith an Application for Variance, together with supporting material. Also, enclosed please find our check for the filing, notice and abutters' fees.

Please review this submission and let me know if there is any additional information that you need. I look forward to seeing you at the hearing.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom", with a horizontal line above it.

Thomas F. Quinn

TFQ/djl  
Enclosures  
#24-0011

# TOWN OF MILFORD

## Zoning Board of Adjustment



**DATE:** June 8, 2020

**TO:** Marmon Utility, LLC.  
53 Old Wilton Road  
Milford, NH 03055

**RE:** ZBA Case #2020-10  
53 Old Wilton Road  
Tax Map 14, Lots 8 & 9

### NOTICE OF DECISION

You are hereby notified that on June 4, 2020, the Zoning Board of Adjustment **GRANTED** the request for a **VARIANCE** from the Milford Zoning Ordinance, Article V, Section 5.06.6 to reduce the existing total lot area open space from the minimum required 30% to 27% for the purpose of constructing a 32,924 square foot concrete storage area within the Industrial 'I' Zoning District.

Please note that this does not constitute Planning Board, Building Department or any other state and/or local approvals that may be required for your project.

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**Lincoln Daley**

*Community Development Director & Zoning Administrator*

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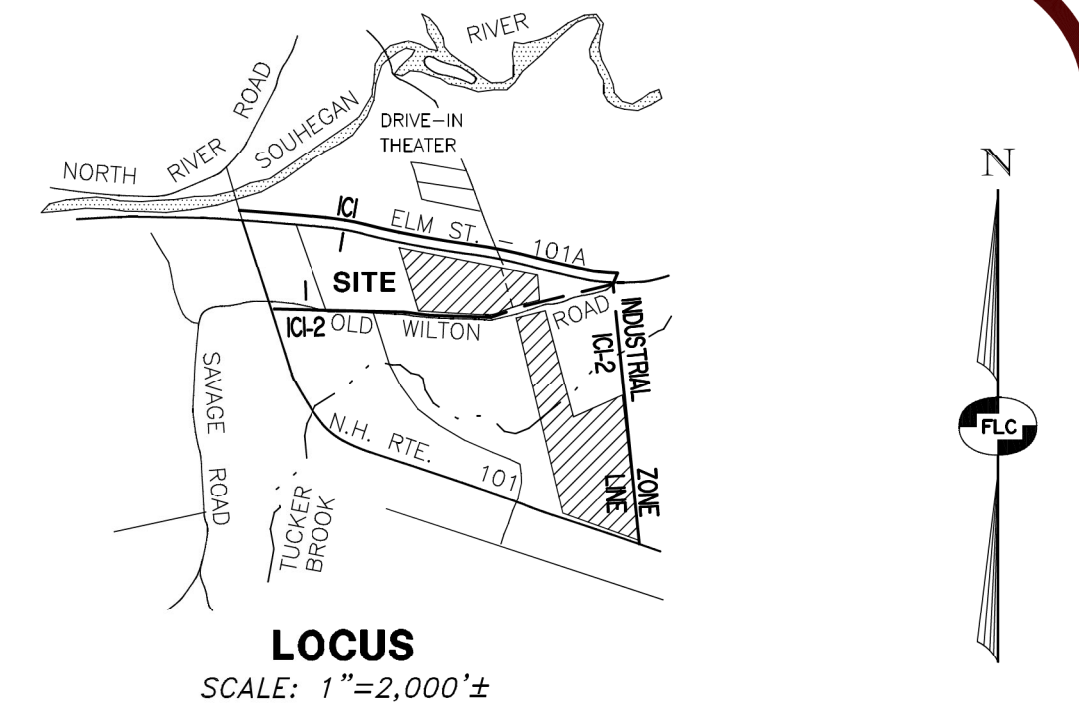
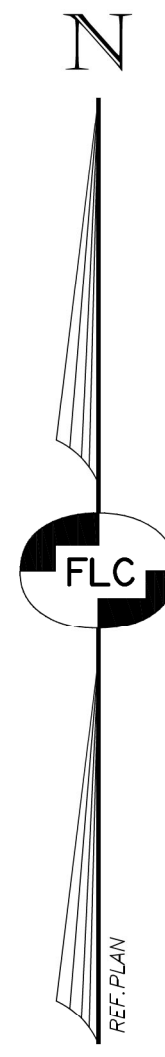
**Date**

In accordance with NH RSA 677:2, any person directly affected by this decision may make an application for a rehearing in this matter. ***Any application for rehearing must be received by the Board of Adjustment prior to close of business (4:30 p.m.) on July 6, 2020.***

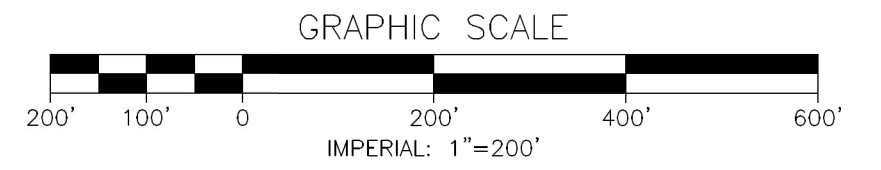
*In accordance with Article X, Section 10.060, this Variance is subject to expiration, if within two (2) years after the granting of a variance or special exception by the Board of Adjustment, none of the work required by a building permit covered by the variance or special exception has been executed, then such variance or special exception shall become null and void except in any case where legal proceedings relative to the variance or special exception shall have caused an undue delay in the execution of the required building permit. Only one, six-month extension may be granted for any variance or special exception. The applicant may apply for the extension at a regularly scheduled Zoning Board meeting.*

CC: Building Department  
Assessor

Planning Department  
File



- NOTES:**
- OWNER OF RECORD FOR TAX MAP 14 LOTS 8 & 9 IS HEN ACQUISITION CORP. - 225 WASHINGTON STREET, CHICAGO, IL 60606. THE DEED REFERENCE FOR BOTH LOTS IS VOL.5718 PG.351 DATED MAY 9, 1996 IN THE H.C.R.D.
  - THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED OPEN SPACE FOR THE DEVELOPMENT OVER TAX MAP PARCELS 14-8 AND 14-9 ON TAX MAP PARCELS 38-6 AND 7-16-1.
  - THE TOTAL AREA OF THE PARCELS 14-8 AND 14-9 IS 15,570 ACRES, OR 678,230 SQ.FT.. THE REQUIRED OPEN SPACE IN THE INDUSTRIAL DISTRICT IS 30% OR 4.67± ACRES.
  - THIS PLAN DETAILS AN OPEN SPACE AREA (RECREATIONAL EASEMENT) OVER TAX MAP PARCELS 38-6 AND 7-16-1 CONSISTING OF 5.0± ACRES. THIS AREA WILL BE PROTECTED TO ALLOW FOR FUTURE EXPANSIONS OVER TAX MAP PARCELS 14-8 AND 14-9. THIS PLAN ALSO DETAILS A 15-FOOT WIDE TRAIL EASEMENT ALONG THE AREA OF TUCKER BROOK.
  - THE SUBJECT LOTS ARE LOCATED IN THE INDUSTRIAL DISTRICT (I). THERE IS NO MINIMUM LOT SIZE OR FRONTAGE REQUIREMENT FOR LOTS WITH ACCESS TO MUNICIPAL SEWER AND WATER. THE FRONT SETBACK DISTANCE IS 30 FT. AND THE SIDE AND REAR SETBACK DISTANCES ARE 15 FT. LOTS 14-8 AND 14-9 ARE ALSO LOCATED IN THE GROUNDWATER PROTECTION OVERLAY DISTRICT AND THE WEST ELM STREET GATEWAY OVERLAY DISTRICT.
  - THE BOUNDARY AND SURFACE INFORMATION SHOWN WAS DEVELOPED FROM THE REFERENCE REFERENCE MATERIALS AND AVAILABLE GIS DATA.



REV.	DATE	DESCRIPTION	C/O	DR	CK
A	3/27/24	REVISIONS PER STAFF REVIEW		CEB	CEB

**OPEN SPACE EXHIBIT PLAN**  
**TAX MAP PARCELS 14-8, 14-9, 38-6 & 7-16-1**  
**(OLD WILTON ROAD)**  
**MILFORD, NEW HAMPSHIRE**

PREPARED FOR:  
**MARMON UTILITY, LLC**  
 53 OLD WILTON ROAD, MILFORD, NH 03055

SCALE: 1" = 60' MARCH 10, 2024

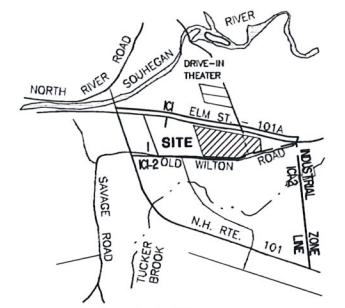
Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs

**FIELDSTONE**  
**LAND CONSULTANTS, PLLC**

206 Elm Street, Milford, NH 03055  
 45 Roxbury Street, Keene, NH 03431  
 Phone: (603) 672-5456 Fax: (603) 413-5456  
 www.FieldstoneLandConsultants.com

Mar 26, 2024 - 9:14am - fc-01  
 P:\02\_FLC\PROJECTS\3740\3740.dwg\DWG\

- S1 HANDICAP PARKING S01
- S2 TRUCKS ENTERING
- S3 7'0" TRUCKS BEHIND THIS POINT
- S4 MARMON UTILITY LLC
- S5 15' STOP PARKING
- S6 7'0" PARKING, FIRE LANE
- S7 NOTICE ASSEMBLY POINT "B"
- S8 7'0" PARKING BETWEEN SIGNS
- S9 TRUCK YARD 2"
- S10 2'0" SIGN, 4'0" SIGN
- S11 STOP, SOUND HORN, PROCEED WITH CAUTION
- S12 CAUTION DRIVER MUST CHECK WHEELS
- S13 RECEIVING
- S14 2'0" SIGN
- S15 NOTICE ASSEMBLY POINT "C"
- S16 2'0" SIGN



**LOCUS**  
SCALE: 1"=2,000'

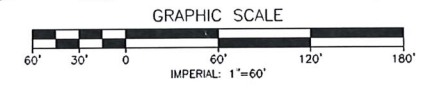


PROPOSED ADDITION  
(12,570± SF)  
(150'X200')

PROPOSED ADDITION  
(10,360± SF)  
(37'X280')

PROPOSED ADDITION  
(51,500 SF)  
(100'X515')

EXISTING PARKING  
SPACES=129  
PROPOSED=141



TOWN OF MILFORD  
 RECEIVED  
  
 FEB 22 2024  
  
 PB \_\_\_\_\_ ZBA \_\_\_\_\_ Office \_\_\_\_\_

REV.	DATE	DESCRIPTION	C/O	DR	CK

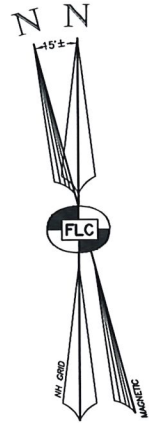
**ZONING EXHIBIT PLAN**  
**TAX MAP PARCELS 14-8 & 14-9**  
**(53 OLD WILTON ROAD)**  
**MILFORD, NEW HAMPSHIRE**  
 PREPARED FOR:  
**MARMON UTILITY, LLC**  
 53 OLD WILTON ROAD, MILFORD, NH 03055  
 LAND OF:  
**HENDRIX WIRE & CABLE**  
 53 OLD WILTON ROAD, MILFORD, NH 03055

SCALE: 1" = 60'      FEBRUARY 19, 2024

Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs

**FIELDSTONE**  
LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055  
45 Roxbury Street, Keene, NH 03431  
Phone: (603) 672-5456 Fax: (603) 413-5456  
www.FieldstoneLandConsultants.com

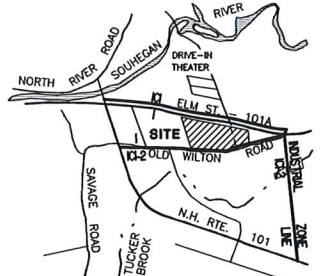


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RM=265.86  
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INV.OUT=258.05(SMH 2100)
- SMH 2100  
RM=265.35  
TABLE=258.25  
INV.IN=257.34(SMH 2101)  
INV.OUT=257.33(SMH 2030)
- SMH 2030  
RM=264.97  
TABLE=257.74  
INV.IN=256.79 (SMH 2100)  
INV.OUT=256.78 (SMH 1353)
- SMH 1353  
RM=264.17  
TABLE=257.12  
INV.IN=256.16 (SMH 2030)  
INV.OUT=256.11 (SMH 1202)
- SMH 1202  
RM=264.79  
TABLE=256.70  
INV.IN=255.83 (SMH 1353)  
INV.OUT=255.75 (SMH 1217)
- SMH 1217  
RM=264.77  
TABLE=256.21  
INV.IN=255.21 (SMH 1202)  
INV.OUT=255.20 (SMH 1119)
- SMH 1119  
RM=262.51  
TABLE=255.50  
INV.IN=254.58 (SMH1217)  
INV.OUT=254.40 (E)
- CB 1554  
RM=258.07  
SUMP=256.37  
INV.OUT=256.47 (NW)
- DMH 1965  
RM=260.85  
SUMP=253.20  
INV.IN=255.21 (CB 1942)  
INV.IN=255.60 (N86W)  
INV.IN=255.0 (S84W)  
INV.OUT=255.23 (N53E)
- CB 1942  
RM=259.94  
SUMP=252.70  
INV.IN=255.44(CB XXXX)  
INV.OUT=255.44 (DMH 1965)
- DMH 2172  
RM=263.82  
SUMP=253.75  
INV.IN=260.21 (DMH 3871)
- DMH 3871  
RM=263.63  
SUMP=259.87  
INV.IN=260.21 (CB 2169)  
INV.IN=260.23 (CB 2277)  
INV.OUT=260.16 (DMH 2172)
- CB 2277  
RM=262.92  
SUMP=258.95  
INV.IN=260.96 (DOCK 'M')  
INV.OUT=260.88 (DMH 3871)
- CB 3872  
RM=263.20  
SUMP=261.40  
INV.OUT=262.40 (CULV)
- CB 1168  
RM=260.96  
SUMP=257.80  
INV.OUT=257.15

PROPOSED ADDITION  
(12,570± SF)  
(50'X200')

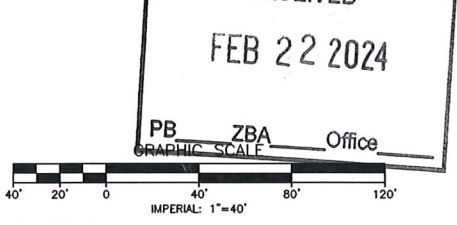
PROPOSED ADDITION  
(10,360± SF)  
(37'X280')

- S1 HANDICAP PARKING SIGN
- S2 "TRUCKS ENTERING"
- S3 "NO TRUCKS BEYOND THIS POINT"
- S4 "MILFORD UTILTY LLC"
- S5 "VISITOR PARKING"
- S6 "NO PARKING, FIRE LANE"
- S7 "NOTICE ASSEMBLY POINT 'B'"
- S8 "NO PARKING BETWEEN SIGNS"
- S9 "HEEL YARD 2"
- S10 "ED'S AUTO AG'S"
- S11 "STOP, SOUND HORN, PROCEED WITH CAUTION"
- S12 "CAUTION, DRIVER MUST CHOCK WHEELS"
- S13 "RECEIVING"
- S14 "DOCK"
- S15 "NOTICE ASSEMBLY POINT 'C'"
- S16 "DOCK"
- S17 "CAUTION FALLING ICE"



LOCUS  
SCALE: 1"=2,000'

- NOTES:**
1. OWNER OF RECORD FOR TAX MAP 14 LOTS 8 & 9 IS HEN ACQUISITION CORP. - 225 WASHINGTON STREET, CHICAGO, IL 60606. THE DEED REFERENCE FOR BOTH LOTS IS VOL.5718 PG.351 DATED MAY 9, 1996 IN THE H.C.R.D.
  2. THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING CONDITIONS OF TAX MAP LOTS 14-8 & 14-9 ALONG WITH THE PROPOSED EXPANSION WITH ASSOCIATED SITE IMPROVEMENTS.
  3. THE TOTAL AREA OF THE PARCELS IS 15,570 ACRES, OR 678,230 SQ.FT. WITH 1285.13 FEET OF FRONTAGE ALONG OLD WILTON ROAD PER REFERENCE PLAN #1.
  4. TAX MAP LOTS 14-8 & 14-9 ARE LOCATED IN THE INDUSTRIAL DISTRICT (I). THERE IS NO MINIMUM LOT SIZE OR FRONTAGE REQUIREMENT FOR LOTS WITH ACCESS TO MUNICIPAL SEWER AND WATER. THE FRONT SETBACK DISTANCE IS 30 FT. AND THE SIDE AND REAR SETBACK DISTANCES ARE 15 FT. LOTS 14-8 AND 14-9 ARE ALSO LOCATED IN THE GROUNDWATER PROTECTION OVERLAY DISTRICT AND THE WEST ELM STREET GATEWAY OVERLAY DISTRICT.
  5. THE BOUNDARY INFORMATION SHOWN WAS DEVELOPED FROM THE REFERENCE PLANS CITED HEREON TOGETHER WITH A PRECISE FIELD SURVEY PERFORMED BY THIS OFFICE IN JANUARY, 2024. HORIZONTAL ORIENTATION IS THE NH STATE PLANE COORDINATE SYSTEM. VERTICAL DATUM IS NAVD83. ORIENTATION AND DATUM WERE ESTABLISHED THROUGH A GPS CORS SOLUTION.
  6. THE SURFACE FEATURES AND SITE TOPOGRAPHY SHOWN ARE THE RESULT OF AN ON SITE FIELD SURVEY BY THIS OFFICE DURING THE MONTH OF JANUARY, 2024 TOGETHER WITH THE REFERENCE PLANS CITED HEREON.
  7. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN COMPILED IN PART FROM PLANS OF RECORD AND FIELD LOCATION. THE LOCATION OF UNDERGROUND UTILITIES SHOULD BE CONSIDERED APPROXIMATE AND SHALL BE FIELD VERIFIED PRIOR TO ANY EXCAVATION OR CONSTRUCTION ACTIVITIES.
  8. THE SUBJECT LOTS ARE NOT LOCATED IN A FLOOD HAZARD AREA (ZONE AE) AS DETERMINED FROM THE FLOOD INSURANCE STUDY (FIRM), HILLSBOROUGH COUNTY, CITY OF MILFORD, NEW HAMPSHIRE, COMMUNITY NO. 330068, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, MAP NUMBER: 33011C0454D, DATED SEPTEMBER 25, 2009.
  9. TAX MAP LOTS 14-8 & 14-9 ARE CURRENTLY SERVICED BY OVERHEAD UTILITIES, MUNICIPAL SEWER AND MUNICIPAL WATER LOCATED ON OLD WILTON ROAD.
  10. LOTS 14-8 & 14-9 ARE SUBJECT TO A SITE ACCESS AGREEMENT - SEE BK.5548 PG.422 DATED MAY 2, 1994 IN THE H.C.R.D. LOTS 14-8 & 14-9 ARE SUBJECT TO A NOTICE OF CONSENT DECREE - SEE BK.5567 PG.705 DATED MAY 2, 1994 IN THE H.C.R.D. TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE ARE NO OTHER KNOWLEDGEABLE RESTRICTIONS OR ENCUMBRANCES ON THE PROPERTY.



REV.	DATE	DESCRIPTION	C/O	DR	CK

**ZONING EXHIBIT PLAN**  
**TAX MAP PARCELS 14-8 & 14-9**  
**(53 & 31 OLD WILTON ROAD)**  
**MILFORD, NEW HAMPSHIRE**  
 PREPARED FOR:  
**MARMON UTILITY, LLC**  
 53 OLD WILTON ROAD, MILFORD, NH 03085  
 LAND OF:  
**HEN ACQUISITION CORP.**  
 225 WASHINGTON STREET, CHICAGO, IL 60606

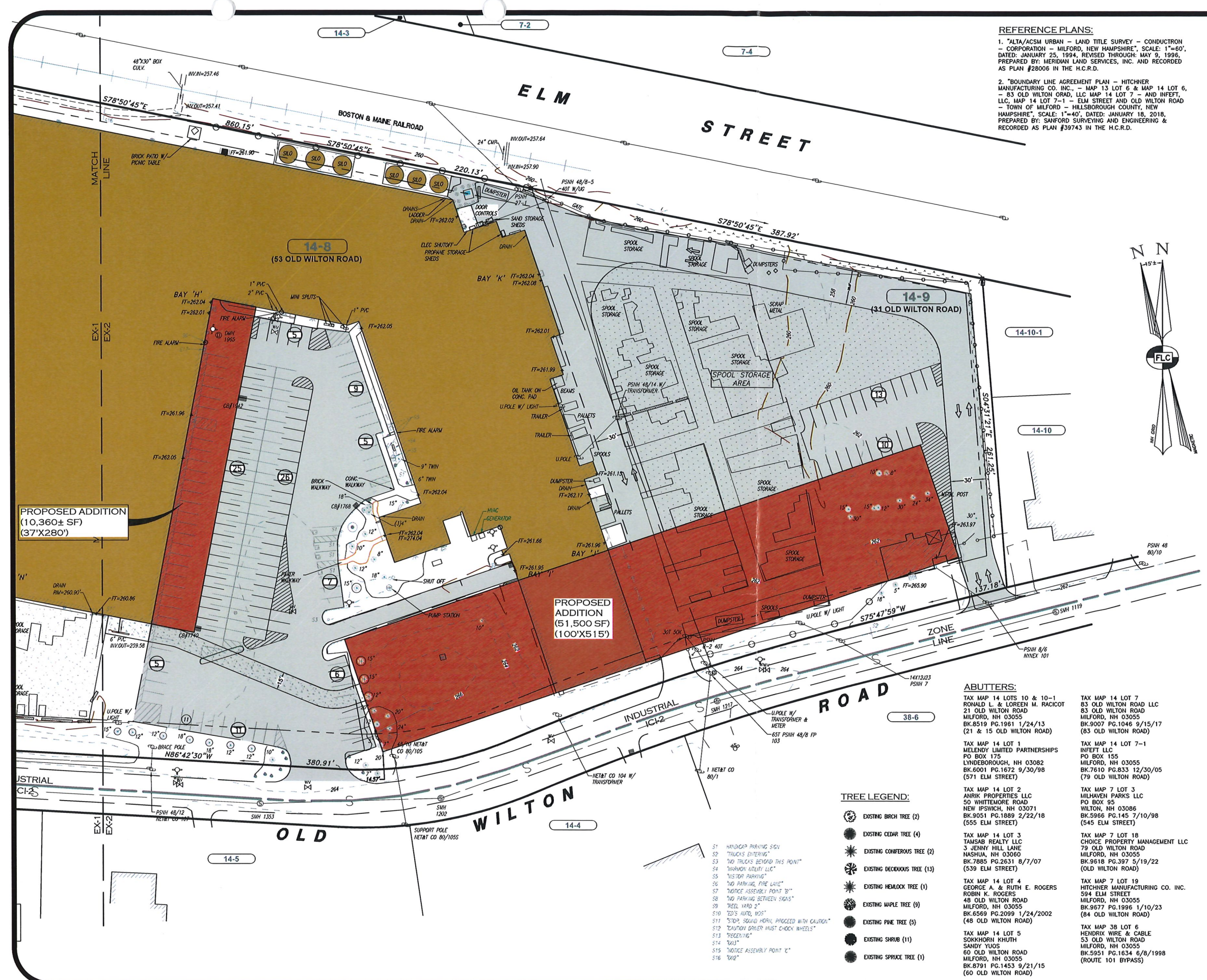
SCALE: 1" = 40'      FEBRUARY 19, 2024

Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs

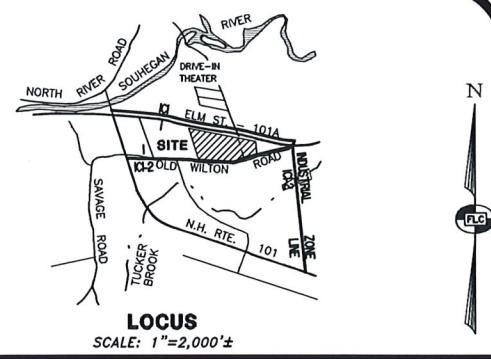


206 Elm Street, Milford, NH 03055  
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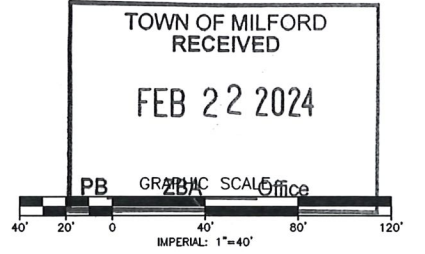
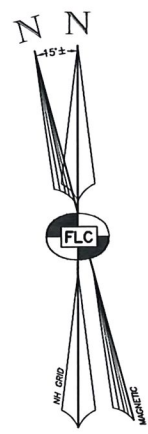


**REFERENCE PLANS:**  
 1. "ALTA/ACSM URBAN - LAND TITLE SURVEY - CONDUCTRON CORPORATION - MILFORD, NEW HAMPSHIRE", SCALE: 1"=60', DATED: JANUARY 25, 1994, REVISED THROUGH: MAY 9, 1996, PREPARED BY: MERIDIAN LAND SERVICES, INC. AND RECORDED AS PLAN #28006 IN THE H.C.R.D.  
 2. "BOUNDARY LINE AGREEMENT PLAN - HITCHNER MANUFACTURING CO. INC. - MAP 13 LOT 6 & MAP 14 LOT 6, - 83 OLD WILTON ROAD, LLC MAP 14 LOT 7 - AND INFECT, LLC, MAP 14 LOT 7-1 - ELM STREET AND OLD WILTON ROAD - TOWN OF MILFORD - HILLSBOROUGH COUNTY, NEW HAMPSHIRE", SCALE: 1"=40', DATED: JANUARY 18, 2018, PREPARED BY: SANFORD SURVEYING AND ENGINEERING & RECORDED AS PLAN #39743 IN THE H.C.R.D.



**LEGEND:**

—	RIGHT-OF-WAY LINE	○ G.B.(F)	GRANITE BOUND FOUND
—	BOUNDARY LINE	○ D.H.(F)	DRILL HOLE PER REF. PLAN
—	ABUTTING LOT LINE	—	UTILITY POLE & CUY
—	BUILDING SETBACK LINE	■	CATCH BASIN (SQUARE)
—	EDGE OF PAVED ROAD	○	CATCH BASIN (ROUND)
—	EDGE OF GRAVEL ROAD	○	DRAIN MAN-HOLE
—	CURB LINE	○	SEWER MAN-HOLE
—	STONE WALL	○	SEWER CLEAN-OUT
—	EDGE OF TREE LINE	○	WATER HYDRANT
—	10' CONTOUR INTERVAL	○	WATER VALVE
—	2' CONTOUR INTERVAL	○	WATER SHUT-OFF
—	CHAIN-LINK FENCE	○	SINGLE SIGN POST
—	THE COURSE LINE	○	HANDICAPPED PARKING
—	TRACT LINE	○	EXISTING BOLLARD
—	CULVERT	○	VENT
—	OVERHEAD UTILITY LINE	○	SECURITY CAMERA
—	UNDERGROUND UTILITY LINE	○	SPOT LIGHT
—	GAS LINE	○	FLAG POLE
—	WATER LINE	○	CONCRETE JERSEY BARRIER
—	SEWER LINE	○	
14-8	TAX MAP & LOT NUMBER		



REV.	DATE	DESCRIPTION	C/O	DR	CK

**ZONING EXHIBIT PLAN**  
**TAX MAP PARCELS 14-8 & 14-9**  
**(53 & 31 OLD WILTON ROAD)**  
**MILFORD, NEW HAMPSHIRE**  
 PREPARED FOR:  
**MARMON UTILY, LLC**  
 53 OLD WILTON ROAD, MILFORD, NH 03055  
 LAND OF:  
**HEN ACQUISITION CORP.**  
 225 WASHINGTON STREET, CHICAGO, IL 60606

SCALE: 1" = 40' FEBRUARY 19, 2024

Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs



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- ABUTTERS:**
- |   |   |
|---|---|
| TAX MAP 14 LOTS 10 & 10-1<br>RONALD L. & LOREEN M. RACICOT<br>21 OLD WILTON ROAD<br>MILFORD, NH 03055<br>BK.8519 PG.1961 1/24/13<br>(21 & 15 OLD WILTON ROAD)     | TAX MAP 14 LOT 7<br>83 OLD WILTON ROAD LLC<br>83 OLD WILTON ROAD<br>MILFORD, NH 03055<br>BK.9007 PG.1046 9/15/17<br>(83 OLD WILTON ROAD)      |
| TAX MAP 14 LOT 1<br>MELENDY LIMITED PARTNERSHIPS<br>PO BOX 175<br>LYNDEBOROUGH, NH 03082<br>BK.6001 PG.1672 9/30/98<br>(571 ELM STREET)                           | TAX MAP 14 LOT 7-1<br>INFECT LLC<br>PO BOX 155<br>LYNDEBOROUGH, NH 03055<br>BK.7610 PG.833 12/30/05<br>(79 OLD WILTON ROAD)                   |
| TAX MAP 14 LOT 2<br>ANRIK PROPERTIES LLC<br>50 WHITTEMORE ROAD<br>NEW IPSWICH, NH 03071<br>BK.9051 PG.1889 2/22/18<br>(555 ELM STREET)                            | TAX MAP 7 LOT 3<br>MILHAVEN PARKS LLC<br>PO BOX 95<br>WILTON, NH 03086<br>BK.5966 PG.145 7/10/98<br>(545 ELM STREET)                          |
| TAX MAP 14 LOT 3<br>TANISAB REALTY LLC<br>3 JENNY HILL LANE<br>NASHUA, NH 03060<br>BK.7885 PG.2631 8/7/07<br>(539 ELM STREET)                                     | TAX MAP 14 LOT 18<br>CHOICE PROPERTY MANAGEMENT LLC<br>79 OLD WILTON ROAD<br>MILFORD, NH 03055<br>BK.9618 PG.397 5/19/22<br>(OLD WILTON ROAD) |
| TAX MAP 14 LOT 4<br>GEORGE A. & RUTH E. ROGERS<br>ROBIN K. ROGERS<br>48 OLD WILTON ROAD<br>MILFORD, NH 03055<br>BK.6569 PG.2099 1/24/2002<br>(48 OLD WILTON ROAD) | TAX MAP 7 LOT 19<br>HITCHNER MANUFACTURING CO. INC.<br>594 ELM STREET<br>MILFORD, NH 03055<br>BK.9677 PG.1996 1/10/23<br>(84 OLD WILTON ROAD) |
| TAX MAP 14 LOT 5<br>SOKKHORN KHUTH<br>SANDY YUOS<br>60 OLD WILTON ROAD<br>MILFORD, NH 03055<br>BK.8791 PG.1453 9/21/15<br>(60 OLD WILTON ROAD)                    | TAX MAP 38 LOT 6<br>HENDRIK WIRE & CABLE<br>53 OLD WILTON ROAD<br>MILFORD, NH 03055<br>BK.5951 PG.1634 6/8/1998<br>(ROUTE 101 BYPASS)         |

- TREE LEGEND:**
- EXISTING BIRCH TREE (2)
  - EXISTING CEDAR TREE (4)
  - EXISTING CONIFEROUS TREE (2)
  - EXISTING DECIDUOUS TREE (13)
  - EXISTING HEMLOCK TREE (1)
  - EXISTING MAPLE TREE (9)
  - EXISTING PINE TREE (5)
  - EXISTING SHRUB (11)
  - EXISTING SPRUCE TREE (1)

- S1 HANDICAP PARKING SIGN
- S2 TRUCKS ENTERING
- S3 NO TRUCKS BEYOND THIS POINT
- S4 MARMON UTILITY LLC
- S5 VISITOR PARKING
- S6 NO PARKING FIRE LANE
- S7 NOTICE ASSEMBLY POINT B
- S8 NO PARKING BETWEEN SIGNS
- S9 TRUCK YARD 2"
- S10 TED'S AUTO, MOB
- S11 STOP SQUARE HOV1, PROCEED WITH CAUTION
- S12 CAUTION DRIVER MUST CHECK WHEELS
- S13 PREGGING
- S14 "X" SIGN
- S15 NOTICE ASSEMBLY POINT C
- S16 "X" SIGN



Town of Milford  
CONSERVATION COMMISSION

Town Hall  
1 Union Square  
Milford, NH 03055-4240  
(603) 249-0628  
Fax (603) 673-2273  
www.milford.nh.gov  
conservation@milford.nh.gov



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## MEMORANDUM

March 26, 2024  
To: Zoning Board of Adjustment

**Re: Request for Variance from Open Space Requirements  
Map14Lot8 Hendrix Marmon Utility Plan**

To the Board,

The Conservation Commission met with the applicant at their March 14, 2024 meeting. Tom Quinn, applicant attorney, explained that Marmon Utility LLC (Hendrix Wire and Cable) needs to expand their facility on Map14 Lot8. This expansion will nearly eliminate the open space required for a developed parcel in this zoning district.

The applicant owns two adjacent lots Map38 Lot6 and Map7 Lot16-1, located to the south of their developed lot. The applicant is offering to provide mitigation for the loss of open space on ML14/8 by setting aside approximately 5 acres of ML38/6 and ML7/16-1 for a permanent open space and a trail right-of-way. This proposed open space will be documented in a conservation and trail easement and will not be included in any open space calculations for future development on ML38/6 or ML7/16-1.

The Commission members heard the applicant's presentation and supports their request for a variance to the open space requirements for ML14/8 by providing mitigation through a permanent open space protection and trail right-of-way on their adjacent lots, ML38/6 and ML7/16-1. This permanent and dedicated open space and trail will be noted on the Site Plan for ML14-8 & 9. In addition, this permanent and dedicated open space and trail be recorded in a conservation easement on ML38/6 and ML7/16.

Very Respectfully,

The Milford Conservation Commission

