

**Town of Milford
Zoning Board of Adjustment
June 15, 2017
Case #2017-14
Richard Crane/LAMHP Associates
Special Exception**

Present: Steven Bonczar, Chair
Michael Thornton
Rob Costantino
Tracy Steel, Alternate
Wade Scott Campbell, Alternate
Robin Lunn, Zoning Administrator

Absent: Jason Plourde, Vice Chair
Joan Dargie
Laura Dudziak, Board of Selectmen Representative

Secretary: Peg Ouellette

Case #2017-14

Leisure Acres Mobile Home Park Associates, for property located at 26 Melendy Road, MH Lot 63, Milford, NH, Tax Map 42, Lot 73M, in the Residential R district, is seeking a Special Exception of the Milford Zoning Ordinances per Article II, Section 2.03.1.C to allow for the setting of a 26-8 x 52 double wide mobile home with a 12 x 14 deck and shed where a single wide mobile home existed previously.

MINUTES APPROVED JULY 6, 2017

S. Bonczar, Chair, opened the meeting and introduced the Board members. He informed all of the procedures of the Board. He read the notice of hearing into the record. He stated that since two of the regular Bd. members were absent he would like to seat the two alternate members present, Tracy Steel and Wade Campbell. He asked for all those in favor. All were in favor. Alternates were seated for voting on this case.

Richard Crane, who lives at 22 Sandpiper Lane, Merrimack, NH came forward to present the case. He stated he was a general partner of LAMPH which developed and owned the Leisure Acres park. The property at 26 Melendy Rd had lots of 9,000 SF or greater, allowing mobile homes to be placed parallel to the road. Looked more like a single-family development. There was little turnover in units in past 30 years until recently. Potential for more in coming years, likely the result of aging units, aging owners who end up unable to maintain them because of limited income or declining health. The units end up being demolished. In recent sale of single-wide on lot 25, they discovered many potential buyers were interested in double wide units. Reasons included desire for space and spaces for visitors and family members. Need to be a viable community, so decided to introduce double wide into the park. The Town and Country Park now had twenty percent of their units as newly installed double wide. Lot 62, the subject of this hearing, contained a single wide mobile home with two sheds and 10 x 18 ft. addition and 12 x 14 deck and a shed of undetermined size which was demolished prior to Meridian's survey. He had submitted a copy before the Meridian survey showing that shed at the end of the driveway. All demolition work was completed in March. They were requesting a Special Exception to replace the existing with a 26 ft. 8 in. x 52 ft wide unit with a 12 ft. x 14 ft. deck and 12 ft. x 12 ft. shed. He briefly went through the responses to the five criteria. He read A. on the application and added that most of the neighborhood was single family homes. Re B. he said the use was the same as previously – a mobile home for residential purposes. Consistent with what was in LAMHP and other parks in town. Re C., he added that the use was the same as before. Because they were increasing the size and value of the unit it would improve the value of the park. The lot was located well within the middle of the park and would not be visible from outside the park. Didn't think any adverse impact. Re D. no serious hazard to vehicles or pedestrians. This was similar to what was there. Units typically occupied by elderly retirees or empty nesters. Not a lot of traffic in and out. Re E., adequate appropriate facilities, the use was the same as prior. Adequate appropriate facilities, including public water for all units and community sewer to serve mobile homes in the park. All had off-street parking. Because the lots were so large, they didn't have off-street parking. Adequate space within lots to accommodate double wide units. Will be wider but shorter than what was previously there. Chose what the clients wanted. In the best interest of themselves and tenants and for the town to have a viable community.

S. Bonczar asked for questions from the Bd.

R. Costantino asked R. Crane if he was the manager.

R. Crane said he was the owner.

R. Costantino asked if the trailers were leased.

R. Crane said they lease the lot and maintain the lots and septic, and do plowing. The tenants own the home; they buy it from the park. Tenant pays taxes on the unit. In this case the owners had physical problems and the family were maintaining the unit but were on limited income and it continued to deteriorate. The family moved their parents to an assisted living facility and determined there was no value to the unit and they removed it. They ended up buying the unit for \$1 and did the demolition themselves.

R. Costantino asked about a desire to have more double wide units.

R. Crane said they would. Units are 35-40 years old. Mobile homes have a use life of 30-40 years. Majority had been well maintained with new roofs or residing. Maybe you are gaining 20 years. But that was not the case. Wished they could get a variance for the whole park. This was the first request for double wide, but would be doing more in the future.

R. Costantino said he drove by and it was nice space and well kept. Lots were mowed. It was attractive being parallel to the road. Lots for the single wide were smaller; double wide were larger.

R. Crane said all lots were 9000 SF. This unit was a little larger, 2700 SF, but instead of 70 ft. wide it was only 52 ft. wide. In the 70's there were a number of 9000 SF lots with 2000 SF houses on them. From a mobile home standpoint they had very large lots, not congested at all compared to typical mobile home parks. It was an asset to the community to have a park they can be proud of.

W. Campbell said, since they lease the property and the owner buys the unit and puts it on the lot, was there anything allowing the owner to rent it out?

R. Crane said they didn't restrict it. In some cases parents rent to children when they move. But typically they were owner occupied.

R. Costantino didn't understand why a Special Exception was needed. He asked Robin.

R. Lunn said it was an alteration or expansion of a legal nonconforming use.

R. Costantino said one of the issues was water and sewer; they had town water. He asked for an explanation of community sewer.

R. Crane said it was community septic system. Five septic fields. Four were double and one was single. On the double fields they alternate; go one week on one and next to the other. All built to state standards. More efficient than one on each lot. It was approved that way.

M. Thornton asked if they were periodically leached.

R. Crane said yes.

R. Costantino asked if, to Mr. Crane's knowledge, a double wide would not put additional strain on it.

R. Crane said no, because it was a three bedroom, two bath and they were replacing with the same. All designed for three or four people per house. Most are two.

S. Bonczar said this was Residence District R. If you looked around at acceptable uses in R. It was his understanding that this was a single tax bill.

R. Crane said single tax bill for the land and multiple for the units.

S. Bonczar said this was a nonconforming use.

R. Crane said since the early 80's.

S. Bonczar said it was grandfathered nonconforming use.

R. Crane said it was a legal nonconforming use because it was a conforming use when it was built but now because of changes in the zoning. Because they want to increase the size to a double wide that was an expansion of a nonconforming use and required a Special Exception.

M. Thornton said they will like a Special Exception for every one of those that comes in the future.

S. Bonczar agreed. If it was an alteration.

R. Lunn said after this meeting they could discuss this. Because there were a couple of legal nonconforming parks in town they could discuss what could be done, what was available, and what people wanted that wasn't available 35 years ago.

R. Crane wanted to point out that Dean Jackson, one of the general partners was also in attendance.

S. Bonczar opened the meeting for public comment. None.

Before closing the public comment, S. Bonczar asked for any other questions from the Bd. None. He closed the public comment portion of the hearing.

S. Bonczar read from Art. II, Sec. 2.03.1.C re nonconforming uses and structures, continuance, discontinuance and change. This case was an alteration and expansion, which was covered in Paragraph C.1, which he read. Wanted to discuss use, expansion was similar to those permitted in the district.

R. Costantino said it was similar in that it was same number of rooms and baths. Might be a little bigger, but seemed the septic system was able to handle what they had without any stress.

S. Bonczar agreed. It was a single family removed and replaced with a single family unit. It was a little bigger square footage but dimensionally it was on the shorter side and will leave more space to each side of the unit. Others agreed.

Re appropriate location, W. Campbell said it was fine. It fit with everything else going on there.

R. Costantino said it was a replacement.

S. Bonczar said going from single wide to double wide wouldn't make a substantial difference.

W. Campbell said, based on the picture, it looked like an improvement.

S. Bonczar asked about any adverse affect to the adjacent area.

T. Steel said no.

R. Costantino said no.

M. Thornton said no.

W. Campbell said no.

S. Bonczar said no.

Re nuisance or hazard to vehicles or pedestrians,

T. Steel said there wouldn't be any additional people or cars. Already allow 3 to 4 cars per lot. Won't increase traffic.

S. Bonczar said it will replace a single family with a single family.

M. Thornton agreed.

R. Costantino agreed.

Re adequate appropriate facilities:

R. Costantino said septic system was adequate.

S. Bonczar said there were facilities. Not replacing a multi-family into a single family lot or what was a single family unit. He asked for any other comment.

M. Thornton said not in this case, but in future cases, they might seek to press if there was upgrading of electrical to 200 amp.

S. Bonczar said that wouldn't come into their review.

M. Thornton said okay.

S. Bonczar asked for any other questions.

T. Steel thought it would improve the lot.

S. Bonczar agreed. Bringing things up to the current standards today and what people are looking for.

W. Campbell agreed. It was more appealing.

S. Bonczar said it was an alteration and expansion but it was positive, with no additional impact to what was there.

S. Bonczar called for a vote.

1. Is the Special Exception allowed by the ordinance?

W. Campbell – yes; R. Costantino – yes; M. Thornton – yes; T. Steel – yes; S. Bonczar – yes

2. Are all the specified conditions present under which the Special Exception may be granted?

M. Thornton – yes; R. Costantino – yes; T. Steel – yes; W. Campbell – yes; S. Bonczar – yes

S. Bonczar asked for a motion to approve Case 2017-14 for Special Exception allowing for setting of a 26 ft. 8 in. x 52 ft. double wide mobile home for property located at 26 Melendy Rd, MH Lot 63, Tax Map 42, Lot 73M in the Residence R District.

R. Costantino made motion to approve Case 2017-14.

T. Steel seconded.

Final Vote:

T. Steel – yes

W. Campbell - yes

R. Costantino – yes

M. Thornton - yes

S. Bonczar – yes

Case #2017-11 approved by 5 to 0 vote.

S. Bonczar informed applicant of unanimous approval and of the 30-day appeal period.

There being no further business, S. Bonczar asked for a motion to adjourn.

M. Thornton made motion to adjourn.

W. Campbell seconded.

All in favor.

Meeting adjourned at 7:25 p.m.