

City of Rochester, New Hampshire

Department of Building Safety 31 Wakefield Street * Rochester, NH 03867 (603) 332-3508 * Fax (603) 509-1912

APPLICATION FOR A VARIANCE

TO:	BOARD OF ADJUS		DO NOT WRITE IN THIS SPACE CASE NO. 2016-21	
Phone No	603-335-22767	mydraylan Authora i maeldi (DATE BILED 7-20-16 ZONING BOARD CLERK	
Name of a	pplicant Donald & E	Bonnie Toy		
Address 15 Nashoba Dr., Rochester, NH 03867				
Owner of property concerned Same (If the same as applicant, write "same")				
Address_Same (If the correct or configurate write "correct")				
(If the same as applicant, write "same")				
Location_4	18 Old Dover Rd.			
Map No	256	Lot No. 54-1	Zone_ AG	
Description of property NON DEVELOPED LAND IN THE AG ZONE				
Proposed use or existing use affected TO BE MERGED WITH LOT 53 FOR AN EXPANSION OF				
ADDISON	ESTATES	- Constitution of the Cons	77 Feb. 100 100 100 100 100 100 100 100 100 10	
Section_ MANUFAC	and asked th	at said terms be waive PARK / MOBILE HOM	ce to the terms of Article TABLE 18- ed to permitTHE EXPANSION OF AN EXISTING ME PARK AND ALLOW THE APPLICATION OF	NG
			ANCE AFTER APRIL 22, 2014	
			equests a waiver from the requirement to heet) Yes No	
The unde enjoyment grounds for	rsigned alleges that of his land under or a variance.	t the following circu the strict terms of t	mstances exist which prevent the proper the Zoning Ordinance and thus constitute	
JUL 1	3 0 2016	Applic	ant) Continue on Page 2	

(Page 2)

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Case # 2016 21

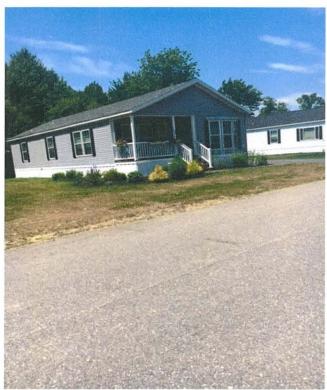
Date: 7-18-16

from SectionTABLE 18-B
/ MOBILE HOME PARK AND ALLOW THE APPLICATION OF THE MOBILE HOME PARK ORDINANCE CHAPTER 43 at 418 Old Dover Rd. Map 256 Lot 54-1 Zone AG
ORDINANCE CHAPTER 43 at 418 Old Dover Rd. Map 256 Lot 54-1 Zone AG
at 418 Old Dover Rd. Map 256 Lot 54-1 Zone AG
Facts supporting this request:
1) The proposed use would not diminish surrounding property values because:
SEE PROVIDED NARRATIVE
2) Granting the variance is not contrary to the public interest because:
SEE PROVIDED NARRATIVE
3.) Denial of the variance_would result in unnecessary hardship to the owner because of the following special circumstances of the property:
SEE PROVIDED NARRATIVE
4.) Granting the variance would do substantial justice because:
SEE PROVIDED NARRATIVE
5.) The use is not contrary to the spirit of the ordinance because:
SEE PROVIDED NARRATIVE
Name CHRISTOPHER R. BERRY Date: 7-20-16

Example by Addison Estates











BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road Barrington, NH 03825 Phone: (603) 332-2863 Fax: (603) 335-4623 www.BerrySurveying.Com crberry@metrocast.net

July 20, 2016

City of Rochester Zoning Board of Adjustment Attention: Chairman Torr 31 Wakefield Street Rochester, NH 03867

Re:

Donald and Bonnie Toy 418 Old Dover Road Tax Map 256, Lot 54-1 Rochester, NH

Mr. Chair and Members of the City of Rochester Zoning Board of Adjustments,

On behalf of Donald and Bonnie Toy, Berry Surveying & Engineering (BS&E) is filing an application for a variance on Tax Map 256, Lot 54-1, located off Old Dover Road nearly at the Somersworth line, to permit the expansion of a Manufactured Housing Park / Mobile Home Park, known as Addison Estates. The Manufactured Housing Park / Mobile Home Park "use" does not appear on Table 18-A, Residential Uses and therefore the applicant is seeking a Variance to this table of uses to allow the expansion of an existing Manufactured Housing Park / Mobile Home Park onto lot 54-1 using Chapter 43 Mobile Home Park Ordinance where its applicability is limited to parks established prior to April 22, 2014. The applicant would merge the parcels of land, so that the land would all be known as Lot 53, and all part of the current Addison Estates, as part of a Planning Board Review.

Background, General Narrative & Proposal:

The Toys own and operate many Manufactured Housing Parks / Mobile Home Parks within the City of Rochester, and they provide quality and affordable places to live for people in their retirement years. Addison Estates is an age restricted park that is currently under construction. It was permitted a number of years ago, with great investment put into bringing public water to the project site, NHDOT improvements, along with required improvements within the park itself. The Toys have purchased the abutting land shown as lot 54-1, a parcel of land that is approximately 22 acres in size, which has a large amount of developable upland next to the existing Addison Estates. This housing stock and development style was removed from the Table of Uses and now, with increasing demand in this market age group, there is a void in affordable, simplistic age restricted housing.

BS&E has prepared a preliminary set of plans for the proposed project which would permit 14 Manufactured Housing Units, on a private roadway off Addison Estates, with private effluent disposal and public water supply as permitted under the Chapter 43 Mobile Home Park Ordinance. With the exception of the water supply, the entire project is proposed to be private to include trash pickup, road maintenance, and snow removal. The development style as described under the Chapter 43 Ordinance allows for 10,000 SF leasable lots, with smaller frontages. Due to the higher quality of housing stock that is proposed within this Park, the frontages are larger than the minimum required with many of the land areas proposed well over the minimum 10,000 Sq.Ft. The housing stock is proposed to be three bedroom ranch style structures with one car garages, which mimics the development style in Addison Estates.

It is our assessment that this is a good application for this missing use from the Residential Uses Table 18-A, the primary reason being that it is an expansion of an existing high quality use located in the zone. The closest abutting property is Tax Map 255, Lot 40, which is commonly known as the Amazon Campground. The next parcel to the south is in Somersworth, NH and is an older style mobile home park use. Tax Map 256, Lot 54 is the next closest parcel to the proposed development, which has a structure under demolition much closer to Old Dover Road. Lot 55-1, which isn't an abutting parcel, only a parcel in close proximity, is used as a single family home which is over 300 feet from the proposed park use. Given the buffering off Old Dover Road, the subdivision now located on lot 61 will not be affected by this proposal, whereas the intensity of the proposed use is proposed to be off Old Dover Road by over 300 feet. Lot 60 contains a single manufactured housing unit, which is allowed within the AG zone, but will not be further impacted by this proposal due to the inherent buffering and limited access of the site. Lastly, the density proposed is far less than is purely allowed under the Chapter 43 ordinance, and far less than the density approved for the Athenan Drive subdivision, and fits the demand for a different housing stock.

Specific Variance Request & Criteria for Approval:

As noted on page 1, the request is a Variance to allow Manufactured Housing Park / Mobile Home Park, not found in Table 18-A, to be developed on Tax Map 256, Lot 54-1 utilizing the existing Zoning Ordinance Chapter 43 Mobile Home Park Ordinance.

- 1.) "Granting the variance would not be contrary to the public interest."
 - a. The public interest is in creating higher quality housing developments which meet an increasing demand by our aging population. The proposal includes ranch style homes which contain two and three bedrooms, a one car garage, clean landscaping, in a well maintained development, with no impact on abutting land owners and little impact on municipal services.
- "Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance"
 - a. The spirit of the ordinance allows for this style development, but they are required to be on their own individual lots, and not in a Manufactured Housing Park / Mobile Home Park, as omitted in the ordinance. The ordinance allows for a Conservation Subdivision within this zone which would allow for a larger density using smaller lot development, on which Manufactured Housing would be permitted. In this instance the applicant is looking to develop this as one cohesive park, under one common ownership style and management style, with leasable land, and user owned units. The Purpose and Intent of Chapter 43 is ".....to provide a healthful, safe, pleasant, and attractive residential atmosphere for their occupants, while at the same time being compatible with existing and anticipated future development in the surrounding areas.", however this attractive, pleasant quality of life can only be enjoyed in this format if it was created prior to 2014.
 - b. Under Chapter 42, Agricultural District (AG), where this use is specifically not listed, the objectives of this district are as follows:
 - "to preserve the rural character of outlying areas of the city. The district includes many sensitive ecological, agricultural, historic cultural and archaeological resources
 - Due to the open space style of design it is our assessment that this
 objective is met whereas it preserves uplands and wetlands on the
 property by utilizing the park format.



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- ii. "maintain the area's natural and scenic qualities embodied in its forests and fields, wetlands, ponds and historic farmlands"
 - Here again, the development style proposed maintains these characteristics as viewed from Old Dover Road, Whitehouse Road, and other abutting lands. This project is not proposing any direct impacts to wetlands, and preserves a larger track of land towards Whitehouse Road.
- iii. "Promote the preservation of open space;"
 - 1. See above. This project embodies the preservation of open space.
- iv. "Preserve existing farms and promote expansion of agricultural activity"
 - This project is not proposed in an area of historic farmland and therefore
 is less applicable, however this housing stock and park style
 development has no less of an expansion of agricultural activity than a
 standard subdivision.
- v. "Permit the establishment of recreational, resort, and tourism facilities based upon natural and cultural recourses."
 - This section has the same applicability as it would under traditional subdivision layout and design.

The strict deviation from allowing Manufactured Housing Units on their own individual lots to allowing them within a Manufactured Housing Park / Mobile Home Park, maintains the spirit of the ordinance, whereas it meets the intent of Chapter 43 and meets the intent of Chapter 42, for the AG Zone. The specific design standards found in Chapter 42 apply and are relevant, whereas the park design creates a sense of community, with the setbacks and buffering requirements being required under Chapter 42.

- 3.) "Granting the variance would do substantial justice."
 - a. The substantial justice would be to allow a long time business owner, land owner, and resident of Rochester, to expand an existing non-conforming use onto a parcel of land that is well suited for the development, and meets the intent of ordinance. This use is being proposed in an area that already contains similar or compatible uses, and limits the age of the tenancy to a group of people that have an increasing demand for the housing stock.
- 4.) "Granting the variance will not result in diminution of surrounding property values"
 - a. Many of the surrounding properties are either like / equal uses or are vacant parcels of land. The few single family homes in the area are a large distance from the proposed use and have ample buffering. Additionally, age restricted housing is typically benign when discussing noise, or other nuisance factors associated with development.
- 5.) "Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:
 - **a.** "The following special conditions of the property distinguish it from the other properties in the area:"
 - i. A special condition of this property it is that is vacant, adjacent to vacant parcels of land, and adjacent to an existing park. The unnecessary hardship would be to force the applicant to develop the property in a single lot format, which in itself is incompatible with the abutting land uses, and is not compatible with an existing, thriving business model, which generates large revenues for the City of Rochester for little to no impact on services. The special conditions of the developable zone in conjunction with the locations of the wetlands is a special condition which lends itself to the park style layout proposed which generates the open space and preservation discussed above.



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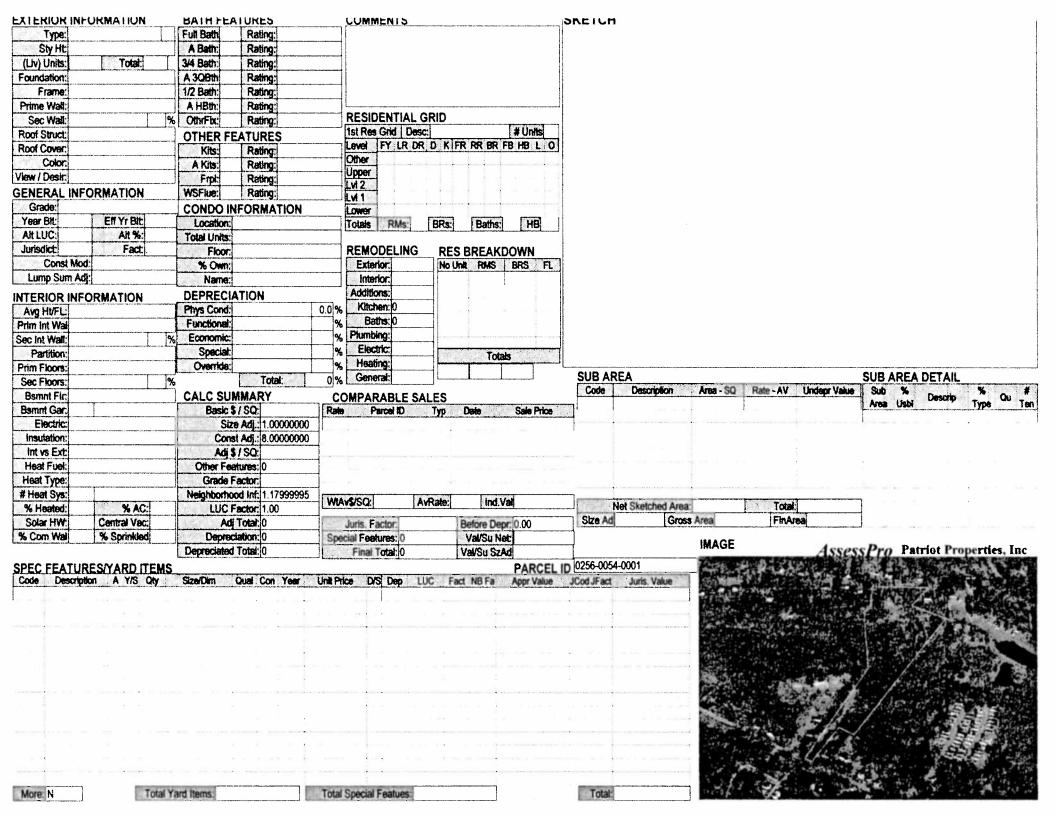
- b. "No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property because:"
 - There is no fair and substantial justice found between the allowed use of a Manufactured Home on its own lot, and a unit being constructed in a park in this instance. If the parcel were larger, or flatter, or had less wetland area, the unit density allowed under Chapter 43 may generate a larger impact than proposed; however, this is a project that proposes an age restricted density that is reasonable to the total tract acreage.
- c. "The proposed use is a reasonable one because:"
 - i. It allows for the reasonable use of a developable parcel of land which has like uses in the immediate and abutting area, and is, in our opinion, consistent with RSA 674:32, I which says that "Municipalities permitting manufactured housing parks, shall afford realistic opportunities for the development and expansion of manufactured and expansion of manufactured housing parks. In order to provide such realistic opportunities, lot size and overall density requirement for manufactures housing parks shall be reasonable." In this case the use was formerly allowed and is an ongoing use in Addison Estates, and so it is reasonable to expand under the Chapter 43 Ordinance, which provides for the reasonable density requirements.

Thank you for your time and attention to this these matters of allowing the use of a Mobile Home Park within the AG zone, and allowing the applicability of Chapter 43 for the expansion of an existing Mobile Home park.

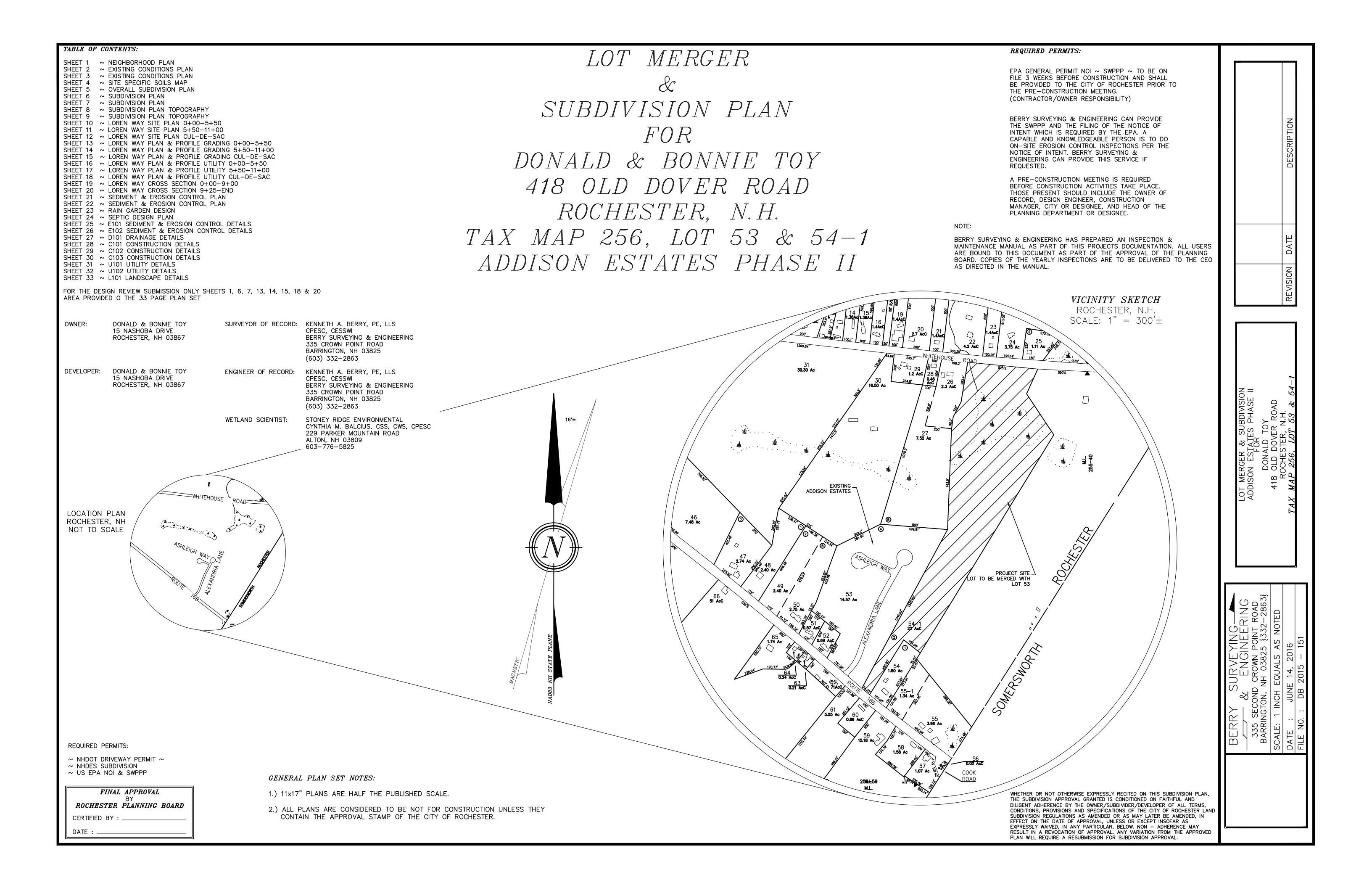
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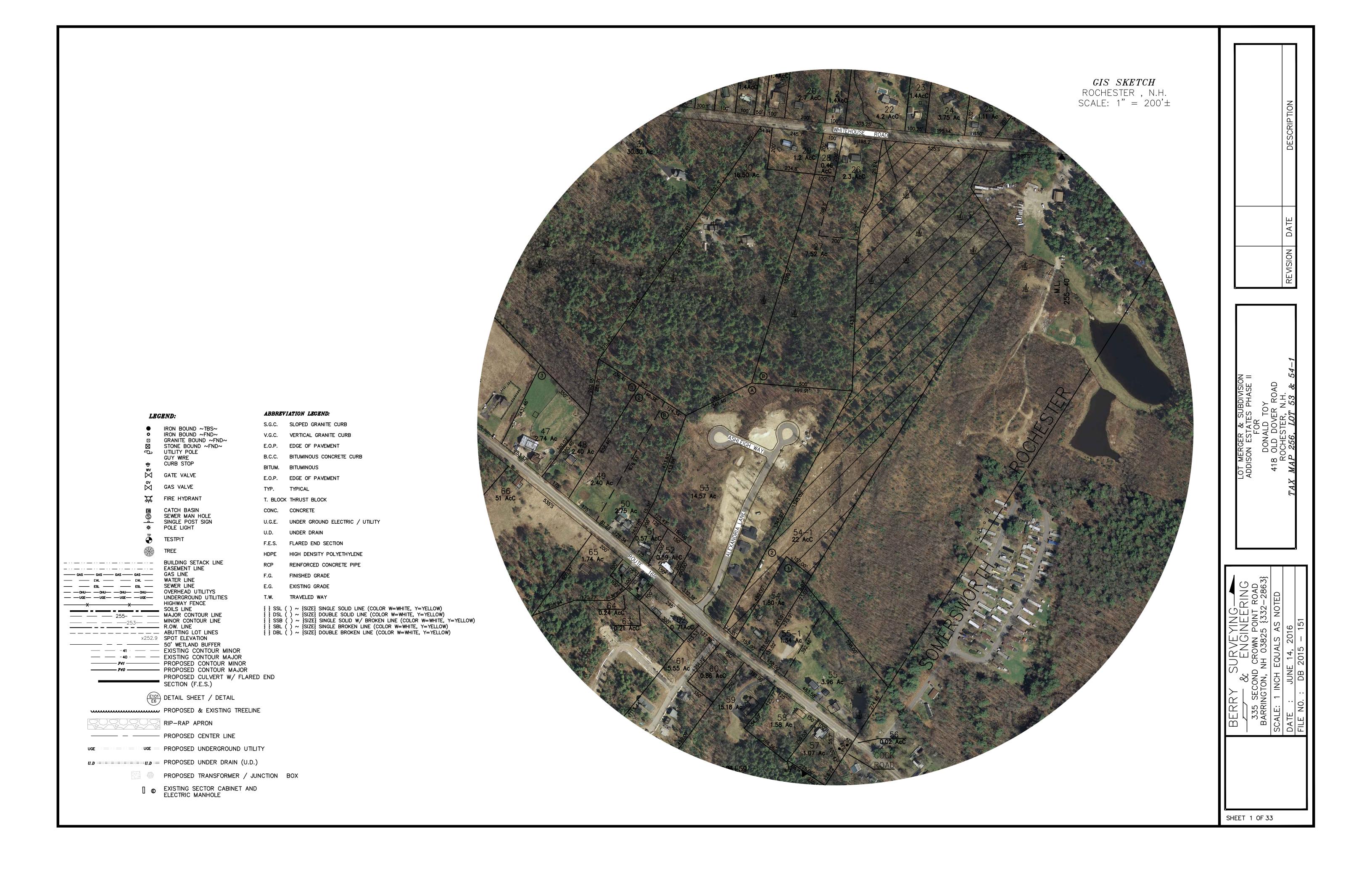
Christopher R. Berry Principal, President

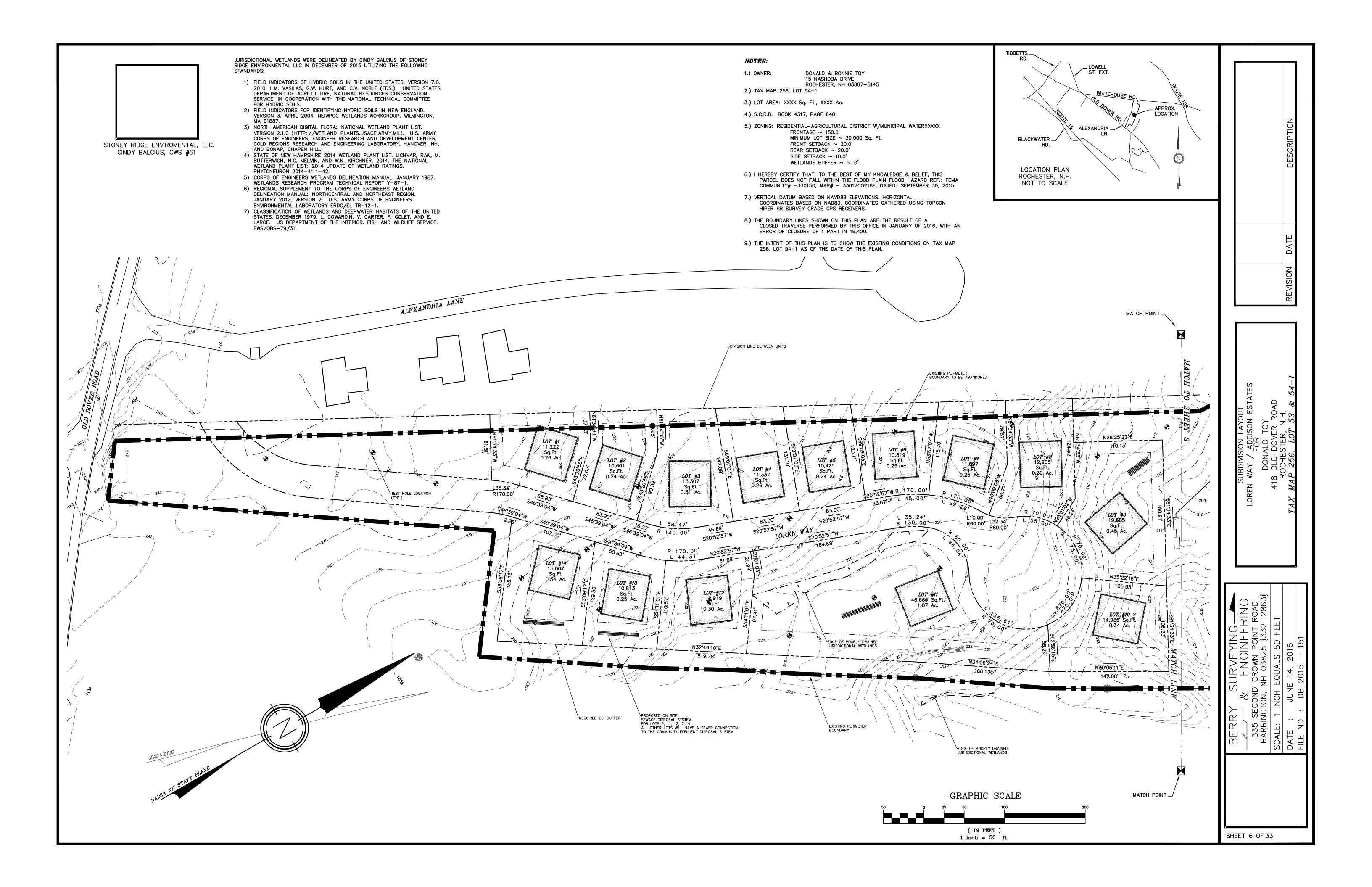


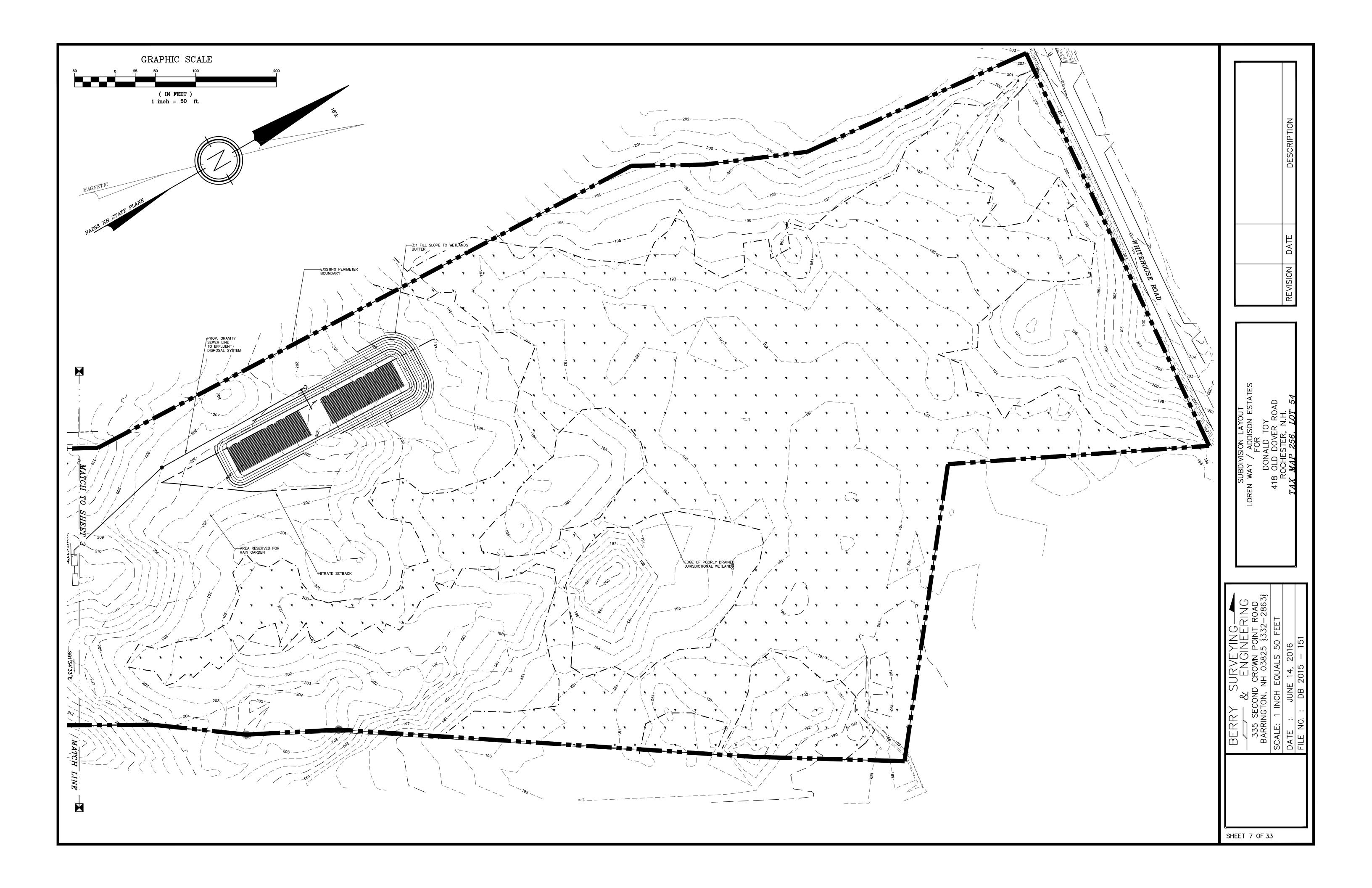


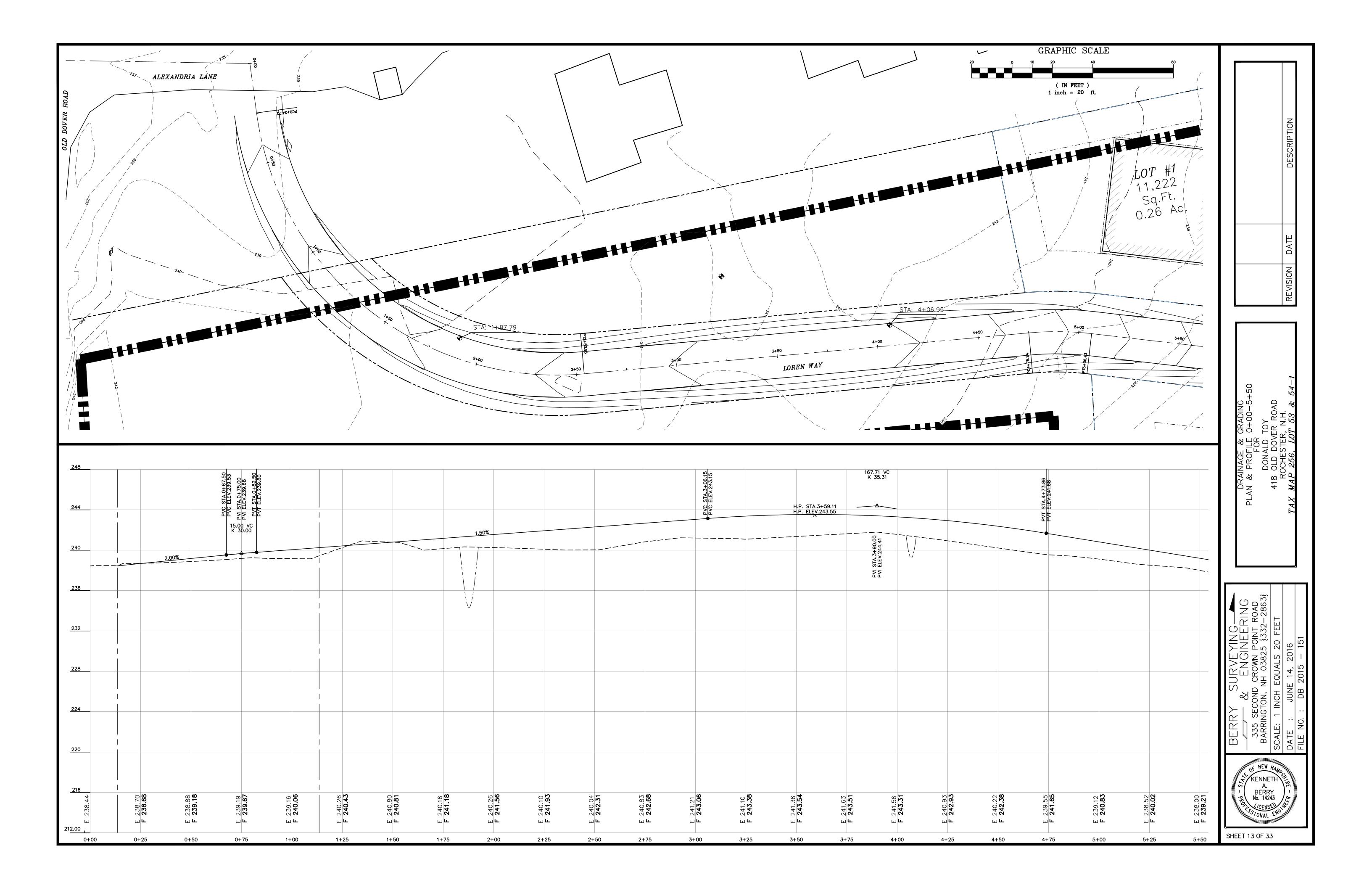
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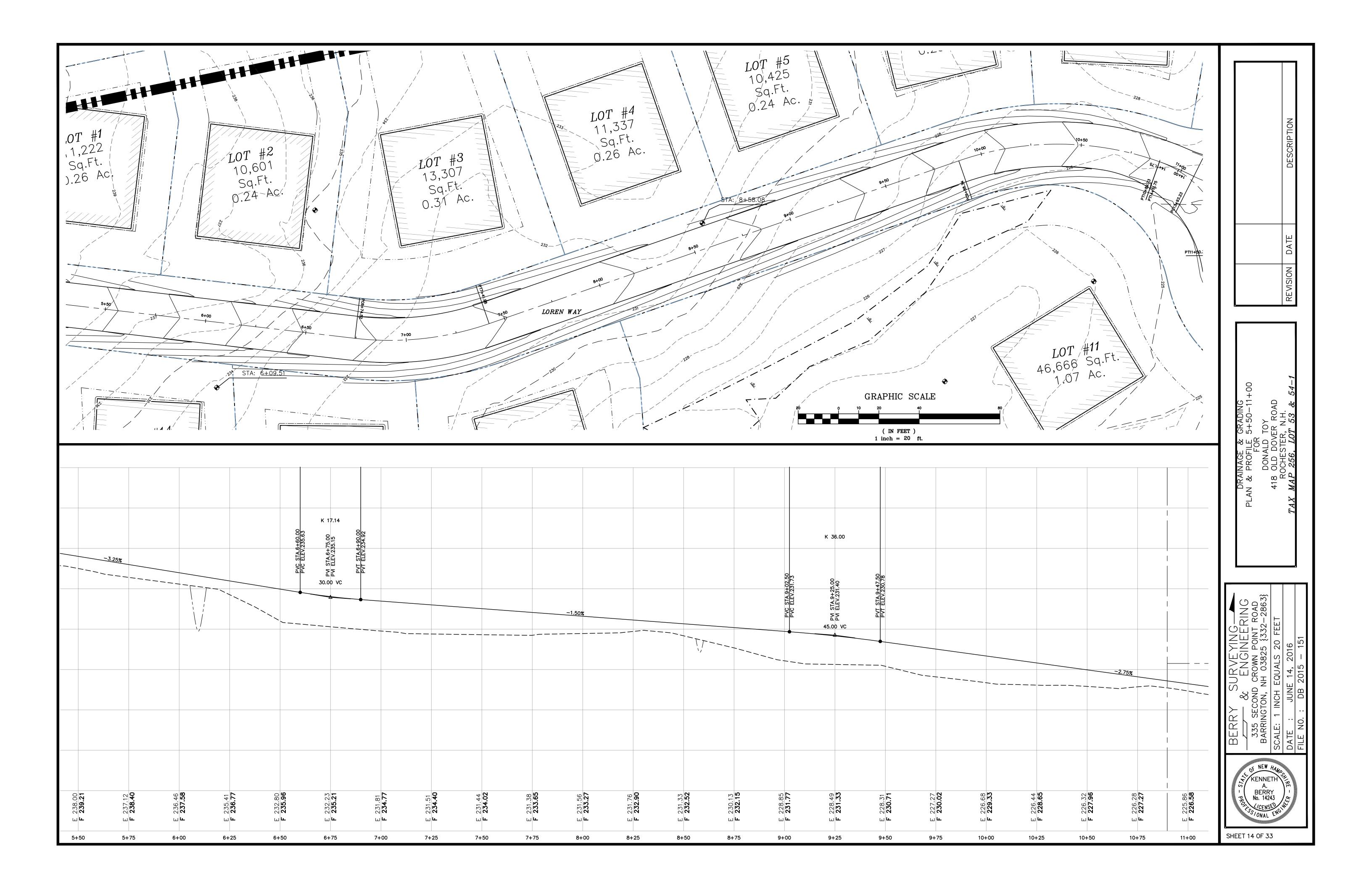


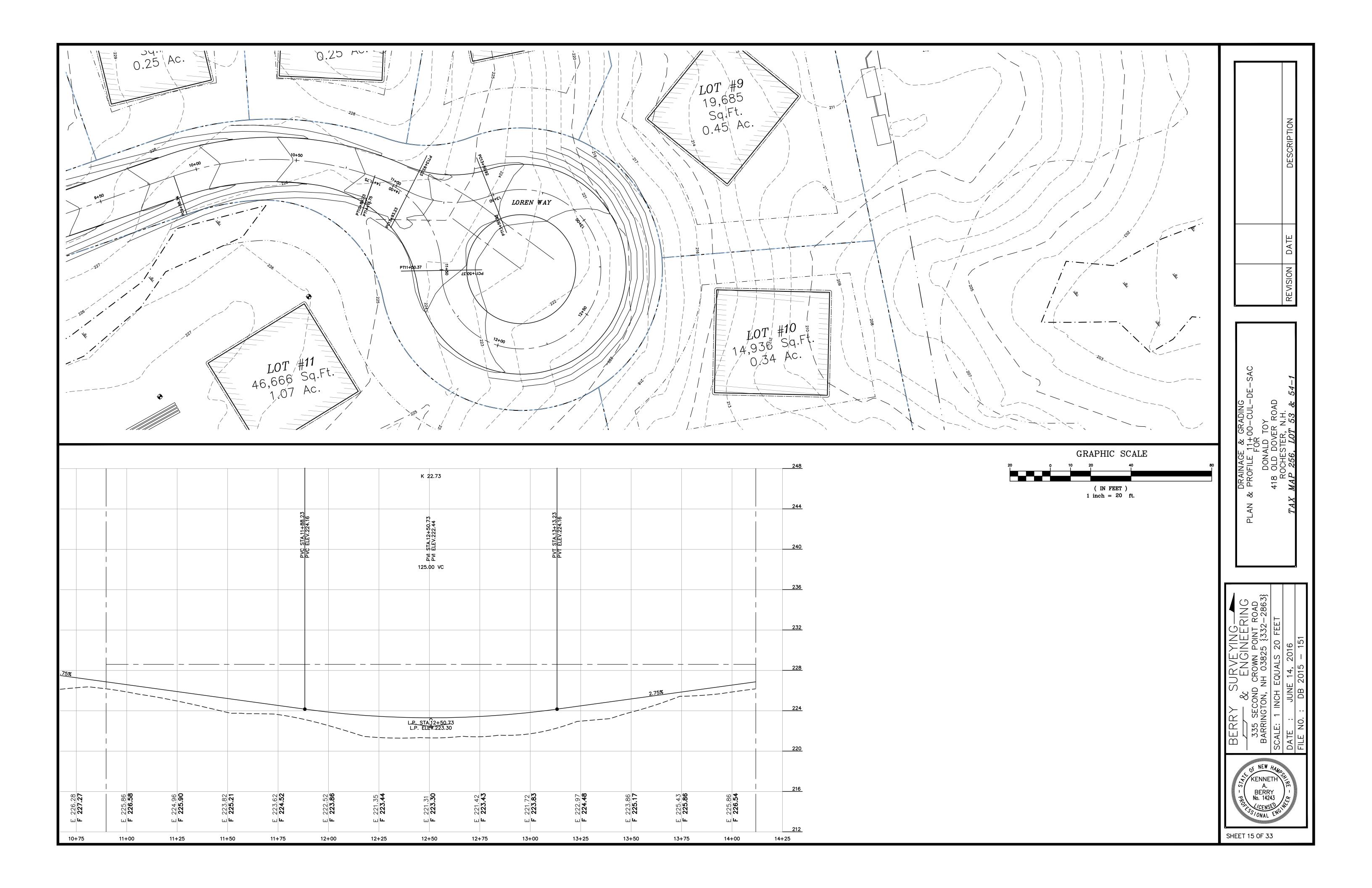


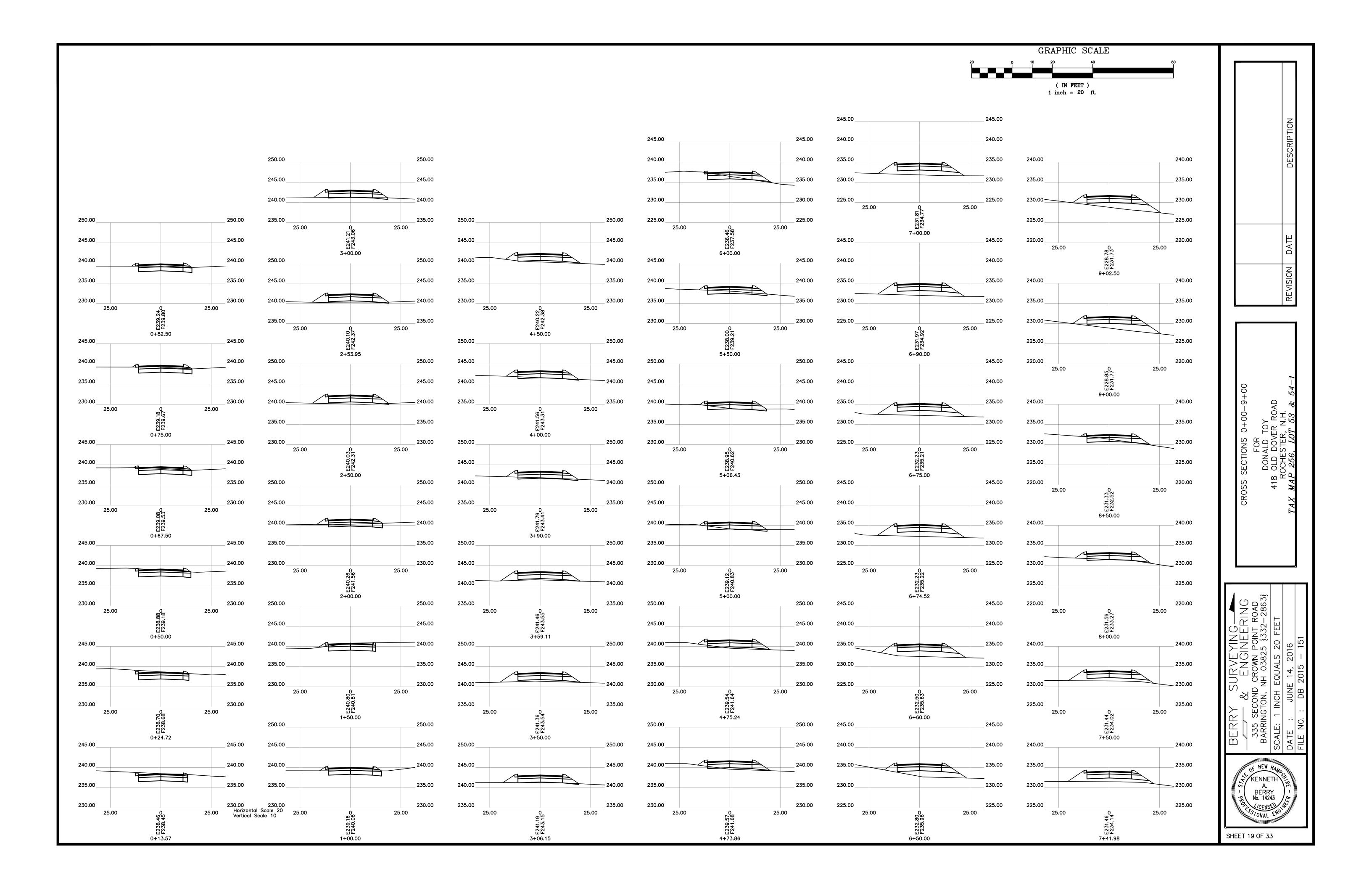














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July 18, 2016

Abutters List

Owner:

Tax Map 256, Lots 53 & 54-1

Donald & Bonnie Toy 15 Nashoba Dr Rochester, NH 03867-5145 Book 1878, Page 503 Book 4317, Page 640

Abutters:

Tax Map 255, Lot 040
Tax Map 255, Lot 040-03
Tax Map 255, Lot 040-04
Tax Map 255, Lot 040-26
Tax Map 255, Lot 040-33
Tax Map 255, Lot 040-44
Tax Map 255, Lot 040-75
Tax Map 255, Lot 040-89
Tax Map 255, Lot 040-91
Tax Map 255, Lot 040-94

John W & Debra J Weeden 365 Sixth St Dover, NH 03820

Tax Map 255, Lot 040-7

Howard W Kimball, Jr 105 Whitehouse Rd Lot 7 Amazon Campground Rochester, NH 03867

Tax Map 256, Lot 22

Bradford D & Rowena A Kenyon 88 Whitehouse Rd Rochester, NH 03867

Tax Map 256, Lot 23

Carol A Webb 90 Whitehouse Rd Rochester, NH 03867

Tax Map 256, Lot 24

2009 Rose Theriault Rev Trust Rose Sielian Theriault Tstee 94 Whitehouse Rd Rochester, NH 03867

Tax Map 256, Lot 25

Johannes J Pontoh & Sandra Kelly 98 Whitehouse Rd Rochester, NH 03867

Tax Map 256, Lot 26 &27

Anthony L & Carolyn M Lazzaro 81 Whitehouse Rd Rochester, NH 03867-4515 Book 871, Page 494 Book 1032, Page 696

Tax Map 256, Lot 30

Lance Powers 71 Whitehouse Rd Rochester, NH 03867



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Tax Map 256, Lot 50

John & Christine Norris 404 Old Dover Rd Rochester, NH 03867

Tax Map 256, Lot 51 Tax Map 256, Lot 52 Tax Map 256, Lot 53-5 Tax Map 256, Lot 53-21 Tax Map 256, Lot 53-22 Tax Map 256, Lot 54-1

Donald & Bonnie Toy 15 Nashoba Dr Rochester, NH 03867

Tax Map 256, Lot 53-2

Domenick Denuzzio & Gina M Semprini 16 Alexandra Ln Rochester, NH 03867

Tax Map 256, Lot 53-3

Joann Githens 20 Alexandra Ln Rochester, NH 03867

Tax Map 256, Lot 53-4

Keith Launchbury & Claire Bloom PO Box 373 Somersworth, NH 03878

Tax Map 256, Lot 53-13

Harry H & Deborah H Irwin 1 Ashleigh Way Rochester, NH 03867



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Tax Map 256, Lot 53-14

Gayle S & Thomas D Fournier, Sr 43 Alexandra Ln Rochester, NH 03867

Tax Map 256, Lot 53-23

Randolph C & Dorothy R Bridges 19 Alexandra Ln Rochester, NH 03867

Tax Map 256, Lot 53-24

Raymond W Turmelle 15 Alexandra Ln Rochester, NH 03867

Tax Map 256, Lot 54

Michael G & Stacey A Philbrook 424 Old Dover Rd Rochester, NH 03867

Tax Map 256, Lot 60

Alberta Louise Severence 421 Old Dover Rd Rochester, NH 03867

Tax Map 256, Lot 62

Carina L Howard & Jeanette M & Robert K Johnson, Sr 415 Old Dover Rd Rochester, NH 03867



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Professionals:

Cindy Balcius, CWS, CSS Stoney Ridge Environmental, LLC 229 Prospect Mountain Rd Alton, NH 03809

Kenneth A. Berry PE LLS Christopher R. Berry, Project Manager Berry Surveying & Engineering 335 Second Crown Point Road Barrington, NH 03825





