

Town of Milford
ZONING BOARD OF ADJUSTMENT
Select Board Meeting Room, Town Hall
JUNE 19, 2025, 6:00 pm
Public Hearings

Case 2025-07: Matthew & Sena Bigelow, 3 Harvest Drive, SPECIAL EXCEPTION
Case #2025-08 Bolduc, LLC, Map 43 Lot 20-1- no address assigned, USE VARIANCE

Members

Present: Andrea Kokko, Chair
Joan Dargie, Vice Chair
Rich Elliott, Member
Kevin Overby, Member
Mike Thornton, Member

Non-Members

Present: David Freel, Select Board Representative

Non-Members

Not Present: Terrey Dolan, Town Planner, Community Development
Jane Hesketh, Recording Secretary, Community Development

MEETING AGENDA

1. Call to Order

2. Public Hearings:

a. Case #2025-07: Special Exception Request for A Front Setback Encroachment, Applicants Matthew & Sena Bigelow, 3 Harvest Drive, Map 39 Lot 66-10 The applicants, Matthew & Sena Bigelow, have requested a required “Special Exception” to encroach approximately 5’ 10” into their corner lot’s double-frontage setback area (side yard area designated as a “front yard”). This minor lot buffer impact would encroach into the required 30-foot required setback area along the corner lot’s frontage situated along the western (dead end) terminus of Knight Street, in order to construct a sun room along the northwestern rear corner of their existing residence. This corner lot is zoned Residence “A”, located at 3 Harvest Drive, Map 39 Lot 66-10. This front lot line setback encroachment is allowed, subject to the approval of a Special Exception, pursuant to criteria set forth in Section 5.02.2.A.8 of the Milford Zoning Ordinance.

b. Case #2025-08 Variance: Use Variance Request. The applicant, Bolduc, LLC for a lot located @ Southeastern Corner of Nathaniel Drive and South Street, Map 43 Lot 20-1- no address assigned. The applicant has requested a necessary “Use Variance” to allow for the lot, with its zoning listed as both Commercial (“C”) under Section 5.05 & Limited Commercial Business (“LCB”) under Section 5.07, to construct a proposed four (4) story climate-controlled Self Storage Facility on the 2.63-acre southeastern corner lot located @ Nathaniel Drive & South Street. Any proposed self-storage facility use is governed by Section 7.13 (Self-Storage Facilities) of the Milford Zoning Ordinance; and specifically, does not allow for the proposed use in either listed Zoning District for the Lot. Additional land use criteria under (“C” Section 5.05.3 & (“LCB”) Section 5.07.3 (“Uses Not Specified”) does not permit the proposed use; thus, requiring consideration by the ZBA as a “Use Variance” Request Application.

3. Next Meetings

4. Adjournment

1 **MINUTES THE ZBA MEETING JUNE 19, 2025**

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4 **1. CALL TO ORDER**

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6 Chair Andrea Kokko opened the meeting at 6:00 pm. by welcoming everyone and introducing herself.

7
8 The Chair stated you may attend this meeting in person at the Milford Town Hall Select Board Conference Room
9 or you can participate in the public meeting remotely from home or via Zoom.

10 **Remotely:** +1 646-558-8656, Meeting ID: 874 4572 1173 and Passcode 088861

11 **Zoom:** www.zoom.com, Meeting ID: <https://us02web.zoom.us/j/87445721173?> and
12 Password: SSkKykuaC09h62BcBV42BaQwpGZPsk.

13 Chair also provided the following information:

14 A digital copy of the meeting materials can be found on the Town website at:

15 <https://www.milford.nh.gov/zoning-board-adjustment/agenda/zba-agenda-16January2025>.

16 Live streaming on Granite Town Media, Government Channel 8:

17 <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=>.

18
19 Roll call attendance with all present at Milford Town Hall: Rich Elliott, Mike Thornton, Joan Dargie,
20 Kevin Overby, Andrea Kokko.

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23 **2. PUBLIC HEARINGS**

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25 **a. Case #2025-07: Special Exception Request for A Front Setback Encroachment, Applicants Matthew**
26 **& Sena Bigelow, 3 Harvest Drive, Map 39 Lot 66-10**

27
28 Chair read the case into the record.

29
30 Representative for the applicants, Brent Chapell from Chappell Design, came forward to make a presentation.

- 31 - The addition will be an 18x20 ft. sunroom on the back of the house.
32 - It will go right up to the fence.
33 - It will encroach a minimum of 5 ft. 10 inches and a maximum of 6 ft. 5 inches into the setback.
34 - Requesting a Special Exception for a sunroom addition onto an existing residence that will encroach
35 less than 8 ft. in the front/side yard setback that is adjacent to a dead-end street.

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37 **Special Exception Criteria under 10.02.1:**

38 **a. Criteria: proposed use is similar to those permitted in the district**

39 "The use of the proposed addition is residential and it is in a residential district".

40 **b. Criteria: specific site is in an appropriate location for the proposed use because**

41 "It is a residential site and the use is a residential use".

42 **c. Criteria: the use as developed will not adversely affect the adjacent area because**

43 "The use of the proposed addition is residential and it is in a residential district".

44 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

45 "The proposed addition will remain far enough away from the street to not impact any vehicular or
46 pedestrian traffic being that it is near the end of a dead-end street".

47 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the**
48 **proposed use**

49 "The proposed addition is a sunroom and does not add to the water or sewer load of the property".

50 Questions:

51 Discussions regarding the setbacks and how the house is situated on the corner lot, as well as possibly locating
52 the sunroom on the front since there is a bigger setback (owners prefer the proposed location). Also, the
53 sunroom will replace an existing deck in the proposed location.

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4 **2. PUBLIC HEARINGS**

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6 **a. Case #2025-07**

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8 There were no further questions from the board. Chair opened the meeting to the public.

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10 Public:

11 There were no questions from the public. Chair closed this part of the meeting.

12
13 **Deliberations:**

14 **a. Criteria: proposed use is similar to those permitted in the district**

15 R. Elliott: Yes, there are other cases similar to this.

16 K. Overby: It is reasonable.

17 M. Thornton: It is reasonable and not contrary to public interest.

18 J. Dargie: It is not even going to be noticeable.

19 A. Kokko: Agrees

20 **b. Criteria: specific site is in an appropriate location for the proposed use because**

21 K. Overby: Yes, it is in the backyard and simply replaces an existing deck.

22 M. Thornton: It is more useful to the owners where it will be situated; better than the front.

23 J. Dargie: It works best where it is proposed.

24 R. Elliott: Agrees.

25 A. Kokko: Agrees; it is appropriate because of replacing an existing deck.

26 **c. Criteria: the use as developed will not adversely affect the adjacent area because**

27 J. Dargie: There is enough room and will not affect the area; it will not be noticeable.

28 M. Thornton: Agrees

29 K. Overby: Dead-end Street and will not affect the view.

30 R. Elliott: It will not be noticeable

31 A. Kokko: There is no house on the side where the sunroom will be situated.

32 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

33 M. Thornton: Private property; not zoned for vehicles and within it's setback.

34 K. Overby: It is setback so there should be no issues.

35 J. Dargie: Agrees; setback enough to not cause a hazard.

36 R. Elliott: In the rear and not changing any site lines.

37 A. Kokko: 23 ft. setback from the road and not adding a driveway.

38 **e. Criteria: adequate and appropriate facilities will be provided**

39 R. Elliott: Being attached to the existing house.

40 K. Overby: Just replacing the deck already there.

41 J. Dargie: It will meet all building codes and inspection.

42 M. Thornton: All that is needed is lighting; no sewer or water.

43 A. Kokko: Agrees; adequate and appropriate facilities are available and anything else will require a
44 building permit.

45 **Voting:**

46 **a. Criteria: proposed use is similar to those permitted in the district**

47 R. Elliott yes; K. Overby yes; J Dargie yes; M. Thornton yes; Chair votes yes.

48 **b. Criteria: specific site is in an appropriate location for the proposed use**

49 K. Overby yes; J. Dargie yes; M. Thornton yes; R. Elliott yes; Chair votes yes.

50 **c. Criteria: the use as developed will not adversely affect the adjacent area**

51 J. Dargie yes; M. Thornton yes; R. Elliott yes; K. Overby yes; Chair votes yes.

52 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

53 M. Thornton yes; R. Elliott yes; K. Overby yes; J. Dargie yes; Chair votes yes.

54 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the**
55 **proposed use**

56 R. Elliott yes; K. Overby yes; J. Dargie yes; M. Thornton yes; Chair votes yes.

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4 **2. PUBLIC HEARINGS**

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6 **a. Case #2025-07**

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8 **Voting:**

9 **Is the Special Exception allowed by the Ordinance?**

10 K. Overby yes; J. Dargie yes; M. Thornton yes; R. Elliott yes; Chair votes yes.

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12 **Are all the specified conditions present under which the Special Exception may be granted?**

13 J. Dargie yes; M. Thornton yes; R. Elliott yes; K. Overby yes; Chair votes yes.

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15 Chair stated the criteria has been satisfied and **Case #2025-07 has been approved.** There is a 30-day appeal
16 process that can be filed with the Zoning Board.

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19 **b. Case #2025-08 Variance: Use Variance Request. The applicant, Matt Peterson, for a lot located @**
20 **Southeastern Corner of Nathaniel Drive and South Street, Map 43 Lot 20-1- no address assigned.**

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22 Chair read the case into the record.

23
24 Representative for the applicant, Christopher Swiniarski, Attorney came forward to make the presentation. Matt
25 Peterson was also in attendance.

26
27 Christopher Swiniarski presented the following:

- 28 - The parcel is 2.6 acres left from the large lot being used for a housing development of 200+ units and
29 30+ townhomes.
- 30 - The lot is partly located in both the Commercial and Limited Commercial Zoning Districts which do not
31 allow for self-storage facilities.
- 32 - The storage facility will support the housing development on the immediately abutting property.
- 33 - The parcel is unique in that it has wetland area that cannot be developed.

34
35 **Variance Criteria per New Hampshire RSA 674:33.I:**

- 36 **1. This will not be contrary to the public interest.**
- 37 **2. The spirit of the Ordinance is observed.**

38 “In the case at hand, the surrounding properties are all owned by affiliates of the applicant, and are part
39 of a diverse housing development plan. The proposed self-storage use is a perfect fit for this remaining
40 land, as it will be complimentary to the currently planned development. It will in no way alter the
41 essential character of the locality or create any threat to public health, safety, or welfare. Additionally,
42 self-storage facilities are an extremely low impact development for the community. They are
43 uninhabited, requiring very little water, sewer, police, fire, school, or other infrastructure and services.”

- 44 **3. Substantial Justice is done.**

45 “In the case at hand, denial of the requested relief results in an inability to utilize the property for its
46 most compatible use with the surrounding development – self-storage is a highly compatible and
47 complimentary use to a multi-family residential development. Conversely, strictly enforcing the
48 ordinance to prohibit the self-storage use has no discernable or articulable benefit whatsoever to the
49 general public. The use is an amenity to nearby residents of Milford without any negative impact on the
50 community.”

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4 **2. PUBLIC HEARINGS**

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6 **Case #2025-08**

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8 **Variance Criteria per New Hampshire RSA 674:33.I:**

9 **4. The Values of Surrounding Properties will not be diminished.**

10 “There is no logical basis to conclude that the values of surrounding properties will be diminished. The
11 applicant and its affiliates are the owners of the surrounding properties. Other properties in the area are
12 separated by a state route (Route 13). Commercial properties in the area (there are commercial districts)
13 are only likely to be enhanced, as self-storage use is far less of an impact than most, if not all, permitted
14 uses.”

15 **5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.**

16 **A. Owing to special conditions of the property that distinguish it from other properties in the area;**

17 **denial of the Variance would result in unnecessary hardship because:**

18 **i. No fair and substantial relationship exists between the general public purposes of the ordinance**

19 **provision and the specific application of that provision to the property because:**

20 **ii. The proposed use is a reasonable one:**

21 “As applied to the project, there is no fair and substantial relationship between the purpose of the ordinance
22 provisions and the application of those provisions to the property. Specifically, this property is unique. At
23 just over 2.5 acres, it is significantly smaller than properties that would typically be used for many of the
24 permitted commercial uses in the zoning district(s). Those permitted uses are also generally favored on
25 through roads, where access to this property is via a dead-end street (Nathaniel Drive). Further still, the
26 surrounding development and size of this property make it such that the majority of permitted uses are
27 impractical and unlikely to succeed and prosper. Conversely, the requested use is perfectly suited for this
28 property and presents a compliment to the surrounding development.”

29
30 **Questions/Discussions:**

- 31 - What is the size of the proposed facility? 50,000 sq. ft. on 4 floors with each floor being 11.5 ft. high.
32 The design has not been completed. The foot print will cover 3000 sq. ft.
33 - Matt Bolduc noted this parcel could be used for permitted uses such as car wash, retail etc.
34 - It was noted there is a house across the street from the proposed facility; wouldn't this home be
35 impacted? Attorney stated that this particular use may not be detrimental vs a permitted use; also, the
36 design is not complete.
37 - Discussion on potential design. Matt Peterson noted it will not look like the typical storage facility.
38 - Chair stated the look of the building is a consideration for the ZBA. To which the applicant agreed.
39 - Attorney asked if a mixed-use self-storage facility (retail space and storage) would be more acceptable
40 and in keeping with the character of the area.
41 - It was noted that self-storage facilities were moved to the ICA Zoning District since it was felt they
42 would fit in with the look of the area better than other zoning districts.
43 - Chair noted the Master Plan and voters do not want self-storage facilities located anywhere else.
44 - South Street is the main corridor coming into Milford and a storage facility in this area would not be
45 acceptable in that it would not be in keeping with the commercial look as you enter the town.
46 - Joan Dargie stated right now there is too much new development going on in that area with the housing
47 development and feels it would better to wait until this is completed.
48 - Attorney stated they could withdraw this case now without prejudice.
49 - Further discussions continued regarding the potential design of the facility, the significant height that
50 would stand out especially in the proposed location, what could possibly be developed on this lot, and
51 the negative impact a storage facility would have in this area.

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53 Chair then asked for a motion to **Withdraw Case #2025-08 Without Prejudice**. Joan Dargie made a motion
54 and it was seconded by Rich Elliott. A vote was taken and all were in favor.

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3. NEXT MEETINGS

July 17, 2025 (July 3rd Mtg. canceled)

4. ADJOURNMENT

Chair asked for a motion to adjourn. J. Dargie made a motion to adjourn and it was seconded by R. Elliott. A vote was taken and all were in favor. Meeting adjourned.

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____