

Town of Milford
ZONING BOARD OF ADJUSTMENT
Milford Police Training Room
JULY 25, 2024
Public Hearings

Case #2024-06: 30 Mill Street, LLC, VARIANCE
Case #2024-12: Levi Longanecker, 9 Foster Road, SPECIAL EXCEPTION
Case #2024-11: Greg Luongo, 16 Oak Street, VARIANCE
Case #2024-13: Squirrel Hill Properties LLC, 21 Emerson Road, SPECIAL EXCEPTION

Members

Present: Andrea Kokko Chappell, Chair
Rich Elliott, Member
Dan Sadkowski, Member
Tracy Steel, Member
Michael Thornton, Alternate

Not Present: Joan Dargie, Vice Chair

Non-Members

Present: David Freel, BOS Representative
Camille Pattison, Director of Community Development

Not Present: Jane Hesketh, Recording Secretary, Community Development

MEETING AGENDA

1. Call to Order

2. Mtg. Minutes Approval: None to Approve

3. Public Hearings:

A. Continuation of the June 6, 2024 **Case #2024-06:** Variance Request to allow for the Transfer of Density Within Multi-Zoned Lot, 30 Mill Street, LLC: **New Request to Continue the Case to the September 5, 2024 ZBA Mtg.** The applicant, 30 Mill Street, LLC, for property located at 30 Mill Street, Map 25 Lot 95, is requesting a Variance from Article V Section 5.02.1, to allow for a density transfer of approximately twenty (20) multifamily units from the 6.99-acre Residence "A" portion of their overall 9.877-acre Lot. This requested multifamily density transfer is proposed to be added the more northerly 2.89 acre Commercially-zone (C") portion of their Lot located along the Mill Street frontage. The Commercially-zoned portion of the Lot does allow for multi-family units up to a density of 5 DU's/acre (Section 5.05.1.P), requiring conformance with Residence "B" multi-family criteria (Section 5.03.4A). The Variance would provide for approval to construct 34 rental multi-family apartments contained within one (1) building, with three (3) living floors. The building height is proposed to have a maximum height of forty (40) feet. A Variance is required due to the Residence "A" "Acceptable Uses" (Section 5.02.1) does not permit multi-family units.

B. **Case #2024-12**, Special Exception Request for Home-Based Business for Levi Longanecker, 9 Foster Road The applicant is requesting a Special Exception for a Home-Based Business under Section 7.12.6 & Section 10.02 of the Milford Zoning Ordinance, located at 9 Foster Road, M56 L67, to install a home wood drying kiln, with the potential to have the ability to sell wood products. Lot is zoned Residence "R".

MINUTES OF THE ZBA MEETING JULY 25, 2024

MEETING AGENDA

C. **Case #2024-11**, Variance Request for Greg Luongo @ 16 Oak Street, M29 L110 for a Nonconforming Lot Split The applicant is requesting a Variance in reference to Section 5.02.4.A (Residence "A"-Lot Sizes and Frontages, Milford Zoning Ordinance) in order to create a second Lot (as a Minor Sub Division) to retain conforming lot frontage for the existing residence; while creating a southerly non-conforming second lot, in terms of lot frontage. Both lots, within the Residence "A" Zoning District, require 100 linear feet of road frontage. As proposed, the new Lot shall only contain 80.5 L.F. of road frontage in the Residence "A" Zoning District; thus, requiring a Variance to allow for the reduced Lot frontage.

D. **Case #2024-13**, Special Exception Request to impact the rear lot wetland buffer at 21 Emerson Road, M 48 L35-2, Squirrel Hill Properties, LLC: **New Request to Continue to the August 15th Mtg.** The applicant, as part of a proposed site plan revision to convert the existing building's office use on the 1.566 acre Commercially-zone Lot (under Section 5.05 of the Milford Zoning Ordinance) into three pairs of Two-Family residential (duplex-style) multi-family buildings, requests a Special Exception to impact approximately 812 square feet of the existing rear lot's 25-foot wetland buffer to provide sufficient building & associated site work areas around the proposed buildings (pursuant to Sections 6.02.3.D & 6.02.6.B of the Milford Zoning Ordinance)

4. Other Business:

- a. Discussion & required formal vote on the ZBA-recommended revisions to establish 6:00 PM as the new ZBA Mtg. Start Time, for both monthly ZBA Meetings, (1st and 3rd Thursdays of each month).
- b. ZBA Board discussion & action to formally recommend Board Membership revisions to the Milford Board of Selectmen

5. Next Meeting(s): August 1, 2024 (Canceled) & August 15, 2024

6. Adjournment

1. CALL TO ORDER

Chair Andrea Kokko Chappell opened the meeting by welcoming everyone and introducing herself.

The Chair stated you may attend this meeting in person at the Milford Police Training Room.

If you would like to participate in the public meeting, please call this number from home: +1 646-558-8656 and enter the Meeting ID: 851 6407 7601 and Password: 269952 or log in via www.zoom.com using the Meeting ID and Password previously stated.

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

<https://www.milford.nh.gov/zoning-board-adjustment/agenda/zba-agenda>. We will be live streaming this meeting on Granite Town Media, Government Channel 21, but will be on Zoom.

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

Roll call attendance with all present at Milford Town Hall: Mike Thornton, Dan Sadkowski, Rich Elliott, Tracy Steel, Andrea Kokko Chappell. Chair stated Alternate Mike Thornton would be acting as a full member to bring the board to 5 members.

MINUTES OF THE ZBA MEETING JULY 25, 2024

1. CALL TO ORDER

Chair explained the process for the case hearings. The Chair said a full agenda may not allow all cases to be heard and that at 10:00 p.m. the meeting will end. The Chair explained how the meeting would proceed for the cases that may not be heard in that they would be continued or tabled to another agreed upon meeting; also explained was the process for public notification.

Chair moved to the next item on the agenda.

2. MEETING MINUTES

None to approve.

3. PUBLIC HEARINGS

a. Continuation of the June 6, 2024 Case #2024-06: Variance Request to allow for the Transfer of Density Within Multi-Zoned Lot, 30 Mill Street, LLC: **New Request to Continue the Case to the September 5, 2024** ZBA Mtg. The applicant, 30 Mill Street, LLC, for property located at 30 Mill Street, Map 25 Lot 95, is requesting a Variance from Article V Section 5.02.1, to allow for a density transfer of approximately twenty (20) multifamily units from the 6.99-acre Residence "A" portion of their overall 9.877-acre Lot. This requested multifamily density transfer is proposed to be added the more northerly 2.89 acre Commercially-zone (C") portion of their Lot located along the Mill Street frontage. The Commercially-zoned portion of the Lot does allow for multi-family units up to a density of 5 DU's/acre (Section 5.05.1.P), requiring conformance with Residence "B" multi-family criteria (Section 5.03.4A). The Variance would provide for approval to construct 34 rental multi-family apartments contained within one (1) building, with three (3) living floors. The building height is proposed to have a maximum height of forty (40) feet. A Variance is required due to the Residence "A" "Acceptable Uses" (Section 5.02.1) does not permit multi-family units.

Chair asked for a motion to **continue Case #2024-06** to the September 5, 2024 meeting. A motion was made by Mike Thornton and seconded by Tracy Steel. A vote was taken and all were in favor.

Chair moved to the next case requesting a continuation.

d. Case #2024-13, Special Exception Request to impact the rear lot wetland buffer at 21 Emerson Road, M 48 L35-2, Squirrel Hill Properties, LLC: **New Request to Continue to the August 15th Mtg.** The applicant, as part of a proposed site plan revision to convert the existing building's office use on the 1.566 acre Commercially-zone Lot (under Section 5.05 of the Milford Zoning Ordinance) into three pairs of Two-Family residential (duplex-style) multi-family buildings, requests a Special Exception to impact approximately 812 square feet of the existing rear lot's 25-foot wetland buffer to provide sufficient building & associated site work areas around the proposed buildings (pursuant to Sections 6.02.3.D & 6.02.6.B of the Milford Zoning Ordinance)

Chair asked for a motion to **continue Case #2024-13** to the August `15, 2024 meeting. A motion was made by Mike Thornton and seconded by Rich Elliott. A vote was taken and all were in favor.

Chair moved to the next case on the agenda.

3. PUBLIC HEARINGS

b. Case #2024-12, Special Exception Request for Home-Based Business for **Levi Longanecker, 9 Foster Road** The applicant is requesting a Special Exception for a Home-Based Business under Section 7.12.6 & Section 10.02 of the Milford Zoning Ordinance, located at **9 Foster Road, M56 L67**, to install a home wood drying kiln, with the potential to have the ability to sell wood products. Lot is zoned Residence “R”.

Applicant Levi Longanecker came forward to make the presentation. L. Longanecker explained the business as a small milling business that makes slabs and needs to dry the wood with a kiln to make it usable which is faster than waiting for it to dry naturally. The kiln is electric with a vacuum pump. The applicant presented the criteria as shown on the application.

Special Exception Criteria under 10.02.1:

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

“The property is pretty private in a somewhat rural area. We have other neighbors with similar equipment on their property as well as plenty of space for the off street parking that will be needed.”

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

“Plenty of acreage and privacy.” There are 6 acres.

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

“Everything is pretty well hidden from abutting neighbors and there would be no excess noise or traffic incurred.”

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

“Business will be conducted on owner’s property only. Customers would be by appointment only and average only 0-6 customers per day.”

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

“The lot affords the space needed for equipment. Dry kiln is being applied for under a separate permit.” Kiln will be in a garage where it will not be noticeable. Flammables will be stored in another location.

Home Business Criteria 7.12.6

1. Is the Home Business located in the A, B, or R Zoning Districts?

“R Zoning District.”

2. Explain if the Home Business is conducted entirely in the structure or accessory dwelling unit.

“Only administration conducted inside (bookkeeping, website design); all other activities conducted outdoors.” Some of the yard will be used in back for storage of wood.

3. A sign of no more than 6 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. Provide the dimensions, design and approximate location of the sign.

“Currently no signage, but if putting up a sign it would be within these sign constraints and most likely put on top of the structure that currently holds the mailbox.”

4. There shall be no more than two (2) non-resident employees of the business.

There will be zero non-resident employees.

5. The Home Business shall not be more than 25% of the combined floor area of all structures on the property.

N/A

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4 **3. PUBLIC HEARINGS**

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6 **b. Case #2024-12**

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8 **Home Business Criteria 7.12.6 (continued):**

9
10 **1. Retail sales of goods incidental to Home Business are allowed.**

11 "Cut slabs will be sold."

12 **2. There shall be no more than 16 clients or deliveries per day.**

13 "There will be no more than 6 clients and deliveries will be 1-2 times per year."

14 **3. There shall be no parking or deliveries by vehicles with no more than 2 axles. Only 1**
15 **commercial vehicle may be parked on the property in conjunction with the Home Business.**

16 "Deliveries are usually made by a trailer pulled by a truck (no tractor trailers). The Trailers are usually
17 only large enough for 2-3 logs. No commercial vehicles will be parked on the property".

18 **4. A Home Business shall not be conducted in a way that is perceptible in external effects from**
19 **beyond the lot line between 9:00 p.m. and 7:30 a.m.**

20 "9 am – 6 pm".

21 **5. The use shall not involve the storage of use of hazardous, flammable or explosive substances.**

22 None

23 The applicant finished the presentation.

24
25 Questions:

26 How much electricity is needed? House has a 200 amp service.

27 Will there be a building for the kiln? The kiln is currently on a slab and is quiet, but will have a building at some
28 point.

29 Discussions began about the process and length of time the process takes for drying the wood.

30 Chair explained there will need to be a permit for the pad, permit for the electric and a permit for the actual kiln.

31 Chair then asked about the future of the business in terms of deliveries to ensure no larger vehicles with multiple
32 axles will be used for deliveries since this area does not permit that type of vehicle on the roads.

33 Chair to the applicant: The trailer you use for hauling the logs, how often do you feel that would happen?

34 Applicant: Probably once a month; does not want to offer fire wood since this is a mill for drying wood to create
35 slabs.

36 M. Thornton: To clarify about the axles; to the applicant how large is the trailer?

37 Applicant: The trailer is 14 ft. long with a single axle in the front and a single axle in the back.

38 Chair: Wants to understand the amount of traffic that may result in customers wanting the wood drying service.

39 Applicant explained his service is not going to be to dry logs for firewood, but to dry slabs of wood for quality
40 production. Applicant Levi Longanecker stated it would not be in the best interest of the business to provide
41 logs for firewood. The slabs are cut with a band saw that does not create a great deal of noise with the moisture
42 from the wood drained to an area of oak trees.

43
44 There were no more questions from the board so Chair opened the meeting to the public. Hearing nothing from
45 the public this part of the meeting was closed.

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4 **3. PUBLIC HEARINGS**

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6 **b. Case #2024-12**

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8 **Deliberations:**

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10 **Special Exception Criteria under 10.02.1:**

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

13 D. Sadkowski: it is in a rural area and property is private with space for parking; meets the criteria

14 T. Steel: allowed with special exception.

15 M. Thornton: the equipment is not overly noisy and the gas engine on band saw not louder than a lawn
16 mower; fairly quiet

17 R. Elliott: agrees in that it is allowed with special exception

18 A. Kokko Chappell: agrees; there are other special exception home based businesses in the area.

19
20 **b. Criteria: specific site is in an appropriate location for the proposed use because**

21 T. Steel: it will be to the back of the property away from the road; it is in a rural area

22 R. Elliott: rural area and away from neighbors; wooded and private

23 M. Thornton: the time between deliveries is far between; it will be out of sight

24 D. Sadkowski: private area; not much traffic

25 A. Kokko Chappell: set back from the road; and the size of the acreage is appropriate

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

28 R. Elliott: based on the fact the kiln is electric vacuumed and in a building the noise will be contained;
29 does not see an adverse affect to the area.

30 T. Steel: wooded area and blocked from neighbors view

31 D. Sadkowski: no excess noise or traffic

32 M. Thornton: agrees; hidden and not a noise issue

33 A. Kokko Chappell: agrees; concern was traffic with deliveries but this has been answered by the
34 applicant and there is a better understanding of the business operation.

35
36 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

37 M. Thornton: no pedestrians or vehicles should be on the property in that location

38 D. Sadkowski: by appointment only and during the day

39 T. Steel: agrees; it is by appointment only

40 R. Elliott: private property not allowed to be there unless doing business

41 A. Kokko Chappell: agrees

42
43 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the**
44 **proposed use**

45 R. Elliott: there will be further inspections and permits required.

46 T. Steel: agrees

47 D. Sadkowski: adequate space for the equipment

48 M. Thornton: reason for asking about the electrical, the size of the kiln and the size of the trailer was to
49 ascertain what might be appropriate for the size required; the kiln will be inside and there is enough
50 power for a 16 amp kiln

51 A. Kokko Chappell: agrees; permits will be required to run the kiln

1 MINUTES OF THE ZBA MEETING JULY 25, 2024

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3
4 **3. PUBLIC HEARINGS**

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6 **b. Case #2024-12**

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8 **Deliberations:**

9
10 Chair moved to the Home Business Criteria stating the criteria will be read and answered as Yes or No.

11
12 **Home Business Criteria 7.12.6:**

13
14 **1. Does the person conducting the Home Occupation reside in their own unit?**

15 Yes

16 **2. There shall be no more than one non-resident employee of the business.**

17 Yes

18 **3. No evidence outside the dwelling that shows the business**

19 Yes

20 **4. The Home Business shall not be more than 25% of the combined floor area of all structures on**
21 **the property.**

22 Yes

23 **5. Retail sales of goods incidental to the Home Business are allowed.**

24 Yes

25 **6. Are they sold and stored in the allowed occupation space only?**

26 Yes; the allowed Home Occupation Space includes the kiln and pool house (400 sq. ft.) for a total of
27 640 sq. ft. of storage space out of an available 3400 sq. ft. therefore under the 25% requirement.

28 **7. Does the Home Based Business impair the residential character of the premises or impair the**
29 **reasonable use and enjoyment and values of other residential properties in the neighborhood?**

30 No

31
32 **Voting:**

33
34 **Special Exception Criteria under 10.02.1:**

35
36 **a. Criteria: proposed use is similar to those permitted in the district**

37 D. Sadkowski yes; M. Thornton yes; T. Steel yes; R. Elliott yes; Chair votes yes.

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

39 M. Thornton yes; T. Steel yes; R. Elliott yes; D. Sadkowski yes; Chair votes yes.

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

41 T. Steel yes; R. Elliott yes; D. Sadkowski yes; M. Thornton yes; Chair votes yes.

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

43 R. Elliott yes; D. Sadkowski yes; M. Thornton yes; T. Steel yes; Chair votes yes.

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

46 D. Sadkowski yes; M. Thornton yes; T. Steel yes; R. Elliott yes; Chair votes yes.

47
48 **Is the Special Exception allowed by the Ordinance?**

49 M. Thornton yes; T. Steel yes; R. Elliott yes; D. Sadkowski yes; Chair votes yes.

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

51 R. Elliott yes; D. Sadkowski yes; M. Thornton yes; T. Steel yes; Chair votes yes.

52
53 Chair Kokko Chappell stated all the criteria have been met and **Case #2024-12** has been approved.

54 There is a 30 day appeal period that can be filed with the Zoning Board.

3. PUBLIC HEARINGS

c. Case #2024-11, Variance Request for Greg Luongo @ 16 Oak Street, M29 L110 for a Nonconforming Lot Split The applicant is requesting a Variance in reference to Section 5.02.4.A (Residence “A”-Lot Sizes and Frontages, Milford Zoning Ordinance) in order to create a second Lot (as a Minor Sub Division) to retain conforming lot frontage for the existing residence; while creating a southerly non-conforming second lot, in terms of lot frontage. Both lots, within the Residence “A” Zoning District, require 100 linear feet of road frontage. As proposed, the new Lot shall only contain 80.5 L.F. of road frontage in the Residence “A” Zoning District; thus, requiring a Variance to allow for the reduced Lot frontage.

Matt Peterson Project Manager from Keach Nordstrom Associates stepped forward as a representative for the applicant.

M. Peterson: Summarized the project, used an aerial photograph depicting the site location and noted it is a location of primarily single family homes. M Peterson explained the size and topography of the site then explained the purpose for dividing the land is to build a single family ranch home for the applicants. The lot size will be sufficient but the frontage will not be and that requires a variance; 80 linear feet of frontage in an area that requires 100 linear feet of frontage.

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

1. This will not be contrary to the public interest.

“The requested variance is not expected to be contrary to the public interest as it will not threaten public health, safety, morals, general welfare or civil rights. The project proposal is consistent with the character of the neighborhood and aligns with the general purposes of the ordinance which was created with the public’s best interest in mind. The applicant is proposing to subdivide the parcel into 2 residential lots in a largely residential neighborhood. The property has sufficient land area, based on lot size requirements, to accommodate a higher density however the lower density proposal is more appropriate based on other factors such as the lot shape, available frontage, location/size of the existing home, and location/size of the existing wetlands. In comparison with other nearby parcels, also located within the Residence A Zoning District, the project proposal is consistent with the existing conditions of the area. Many of the neighboring parcels also do not meet the frontage requirements (refer to Tax Map Exhibit). Therefore, the project is not expected to negatively impact the public.”

2. The spirit of the Ordinance is observed.

“The spirit and intent is derived from the purposes set forth in the Town of Milford Zoning Ordinance Article 1 Section 1.01.0 which lists the overall purposes of the ordinance and includes promoting public health, safety, morals, general welfare and civil rights of the inhabitants of the Town of Milford. More specifically to the property, Article 5 Section 5.02.0 states the intent of the Residence A District is to provide for low-density or low intensity uses primarily single-family residential on individual lots.”

“The proposed project is consistent with the outlined purposes. Based on the required lot sizing of 15,000 sf, the existing parcel could accommodate approximately 3.5 lots based on the lot area. However, this applicant is proposing to subdivide the parcel into 2 residential lots. This would maintain a lower density which aligns with the intent of the base zoning district. Additionally, the project is not expected to negatively impact the public. The proposal is consistent with the essential character of the surrounding neighborhood. Many of the abutting/nearby parcels do not meet the frontage requirements and are similar or significantly less than the proposed lot frontage of 80.5 ft.”

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4 **3. PUBLIC HEARINGS**

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6 **Case #2024-11**

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

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10 **3. Substantial Justice is done.**

11 “Substantial justice may be measured by whether the loss to the individual is outweighed by the gain to the
12 general public in denying the variance. If granting the variance would allow relief of a reasonable request by
13 the applicant while not adversely impacting the general public, then substantial justice has been done. Based
14 on the minimum lot size of 15,000 sf, as required by Section 5.02.4(A) of the Milford Zoning Ordinance, the
15 parcel, 52,796 sf in total area, would be capable of accommodating approximately 3.5 lots based on lot area.
16 However, based on the existing features of the property, including the lot shape, frontage, location/size of
17 existing home, and location/area of wetlands, the applicant is proposing to subdivide the parcel into just 2
18 separate lots. Excepting the frontage of less than 100 ft., the proposed lot is expected to meet all other
19 dimensional regulations. Additionally, the proposal is consistent with the character of the neighborhood as
20 many of the surrounding parcels within the Residence A Zoning District do not meet the frontage
21 requirements of the ordinance. This reasonable request is not expected to adversely impact the public
22 therefore, substantial justice would be done by granting this variance.”

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

24 “The value of the surrounding properties is not expected to be diminished. The surrounding area is largely
25 residential with a mix of single family and two-family properties. A large portion of the parcels in this
26 neighborhood, also located within the Residence A Zoning District, do not meet the current frontage
27 regulations with existing frontages either similar to the proposed lot or far less. The applicant’s proposal is
28 consistent with the essential character of the neighborhood. Therefore, negative impacts to the value of the
29 surrounding properties are not anticipated.”

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

31
32 **A. Owing to special conditions of the property that distinguish it from other properties in the area;
33 denial of the Variance would result in unnecessary hardship because:**

34
35 **i. No fair and substantial relationship exists between the general public purposes of the ordinance
36 provision and the specific application of that provision to the property because:**

37 “The irregular shape of the parcel and other existing features, such as the frontage, location and size of the
38 existing wetlands, etc., restrict the applicant’s ability to utilize the entire property. The parcel is large in size
39 compared to several of the neighboring properties. In accordance with the required minimum lot area of
40 15,000 sf. The land is capable of accommodating 3.5 lots based on lot area requirements. One of the
41 proposed parcels will meet the frontage requirement of 100 ft. provided while the other parcel is proposed
42 with the remaining frontage of 80.5 ft. This is however consistent with neighborhood.”

43
44 **ii. The proposed use is a reasonable one because:**

45 “Based on the requirements of the Zoning Ordinance for a minimum lot area of 15,000 sf., the parcel can
46 accommodate a total of 3.5 lots based on lot area requirements. However, the property is restricted by some
47 of the existing site features including the frontage along Oak Street, the irregular shape of the parcel, the
48 location/size of the existing home, and the location/size of the wetlands. Therefore, the applicant is
49 proposing to subdivide the large parcel into 2 lots. Exception the frontage of less than 100 ft. the proposal is
50 expected to meet all other dimensional requirements, and as such we believe this is a reasonable request.”

51
52 Matt Peterson ended his presentation and asked for questions.

53
54 Mike Thornton noted that the site line, due to driveway entering and exiting, appears not to be a concern
55 with this lot in this neighborhood since the road is straight.

MINUTES OF THE ZBA MEETING JULY 25, 2024

3. PUBLIC HEARINGS

Case #2024-11

Andrea Kokko Chappell: Even though the easement has been obtained, it was not included with the application packet submitted to the board. Therefore, it is felt this should be added as a condition for approval.

M. Thornton: What size pipe and drainage? M. Peterson: 24" pipe at 144 ft. long and approximately 150 ft. long.

Discussions began about the possibility of further dividing the property in the future. M. Peterson: This would be the only division into the 2 parcels; the wetlands in the back do not allow for that area to be used.

Chair asked if there were any additional questions from the board and there were none. The public portion of the meeting was opened, but hearing none this part of the meeting was closed.

Deliberations:

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

1. This will not be contrary to the public interest.

T. Steel: permitted by variance and it will increase the property by only one home.

D. Sadkowski: aligns with the general purposes and is consistent with the neighborhood.

M. Thornton: consistent with zoning; a single family home.

R. Elliott: frontage will be 80.5 ft. and in line with the character of the neighborhood; very few homes have the full 100 ft. frontage required.

A. Kokko Chappell: not contrary; doing the subdivision will create 2 lots and is in line with the neighborhood.

2. The spirit of the Ordinance is observed.

R. Elliott: other than the frontage everything else in compliance and it will adhere to the low density.

D. Sadkowski: agrees.

T. Steel: agrees.

M. Thornton: agrees.

A. Kokko Chappell: agrees.

3. Substantial Justice is done.

D. Sadkowski: not affecting the public; minimum of 15,000 sq. ft. lot.

R. Elliott: other lots similar in the neighborhood.

T. Steel: similar to other lots in the area; would not be justifiable to deny.

M. Thornton: keeps the ordinance for single family dwellings; the character of the land causes the shorter frontage and is offset by good site lines in both directions.

A. Kokko Chappell: agrees; substantially larger lot in the district and it would be unfair to deny for a smaller frontage

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

M. Thornton: in keeping with the character of the neighborhood and it is an oversized lot.

D. Sadkowski: in an area with a mix of single and two family homes; goes along with other properties.

T. Steel: agrees.

R. Elliott: fits in with character of neighborhood.

A. Kokko Chappell: in this neighborhood and in this district this would not diminish values.

1 MINUTES OF THE ZBA MEETING JULY 25, 2024

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4 **3. PUBLIC HEARINGS**

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6 **Case #2024-11**

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8 **Deliberations:**

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

- 11
12 **5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.**
13 **Owing to special conditions of the property that distinguish it from other properties in the area;**
14 **denial of the Variance would result in unnecessary hardship because:**

15 M. Thornton: the topography of the land dictates the development of the property.

16 T. Steel: agrees.

17 D. Sadkowski: agrees.

18 R. Elliott: agrees; the original home was built prior to current zoning.

19 A. Kokko Chappell: the zoning ordinance would be a hardship to deny a split of this property; also
20 adding another single family property is a value to the town.

21
22 **Voting:**

- 23
24 **1. This will not be contrary to the public interest.**

25 D. Sadkowski yes; T. Steel yes; R. Elliott yes; M. Thornton yes; Chair votes yes.

- 26 **2. The spirit of the Ordinance is observed.**

27 M. Thornton yes; T. Steel yes; R. Elliott yes; D. Sadkowski yes; Chair votes yes.

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

29 T. Steel yes; R. Elliott yes; M. Thornton yes; D. Sadkowski yes; Chair votes yes.

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

31 R. Elliott yes; M. Thornton yes; D. Sadkowski yes; T. Steel yes; Chair votes yes.

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

33 M. Thornton yes; T. Steel yes; R. Elliott yes; D. Sadkowski yes; Chair votes yes.

34
35 Chair stated the following **condition** before moving to approval.

36 A 15 ft. drainage easement for the Town of Milford to accommodate a minimum 24 inch diameter pipe
37 up to 150 ft.

38 A. Kokko Chappell asked for a motion to approve this condition. M. Thornton made a motion and it was
39 seconded by T. Steel. All were in favor.

40
41 Chair Kokko Chappell stated the criteria for the variance has been approved and asked for motion to approve
42 **Case #2024-11** with a condition. T. Steel made a motion to approve **Case #2024-11 with a condition** and it was
43 seconded by R. Elliott.

44
45 Chair Kokko Chappell asked for a vote; all were in favor and the application approved. There is a 30 day appeal
46 period that can be filed with the Zoning Board.

1 MINUTES OF THE ZBA MEETING JULY 25, 2024

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3
4 **4. OTHER BUSINESS**

5
6 **a. Discussion & required formal vote on the ZBA-recommended revisions to establish 6:00 PM as the new**
7 **ZBA Mtg. Start Time, for both monthly ZBA Meetings, (1st and 3rd Thursdays of each month).**

8 Chair stated this needs to be formally voted on and asked for a motion on this.
9 R. Elliott made a motion to establish a new meeting time of 6:00 pm for ZBA Meetings as soon as it can be can
10 be done and it was seconded by M. Thornton. A vote was taken and all were in favor.
11

12
13 **b. ZBA Board discussion & action to formally recommend Board Membership revisions to the Milford**
14 **Select Board.**

15
16 Chair asked for a motion to appoint Rich Elliott as a full member and Mike Thornton as an alternate. T. Steel
17 made a motion and it was seconded by D. Sadkowski. A vote was taken and all were in favor.
18

19 There was discussion regarding the potential new member that was interviewed by the committee at a previous
20 meeting at which Joan Dargie served as chair. Chair Kokko Chappell explained this needs to be formally
21 presented to the Select Board by J. Dargie since she was the Chair at that meeting.
22

23 August 1, 2024 meeting is cancelled and the next meeting is August 15, 2024.
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28 **Motion to Adjourn**

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30 Chair asked for a motion to adjourn. D. Sadkowski made a motion to adjourn and it was seconded by R. Elliott.
31 A vote was taken and all were in favor. Meeting adjourned.
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42 **Motion to Approve:**

43 _____
44

45 **Seconded:**

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48 **Signed**

49 _____
50

51 **Date:**

52 _____
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56