

Town of Milford
Zoning Board of Adjustment
MAY 18, 2023
Public Hearings

Case #2023-05 315 Federal Hill Road, Tax Map 56, Lot 41, SPECIAL EXCEPTION

Present: Andrea Kokko Chappell, Chairperson
Michael Thornton, Member
Dan Sadkowski, Alternate
Terrey Dolan, Director of Community Development

Not Present: Tracy Steel, Member
Joan Dargie, Alternate
Tim Finan, BOS Representative
Lincoln Daley, Town Administrator
Jane Hesketh, Recording Clerk

Meeting Agenda

1. Call to Order
2. Public Meeting – Chair / Vice Chair determination
3. Public Hearing(s):
 - a. Case #2023-05: The applicant has made a request for her 1.46-acre residential property located at 315 Federal Hill Road, Tax Map 56, Lot 41, seeking a required Special Exception Approval from the Milford Zoning Ordinance, Article VII, Section 7.12.6 (Home Business), to conduct Summer-time (limited to once a week) Outdoor Yoga Classes. No physical structures are being proposed with this request, as these proposed yoga classes shall be held solely on her backyard lawn. This property is located in the Residential “R” Zoning District.
4. Other Business: TBD
5. Next Meeting(s): June 1, 2023 & June 15, 2023

1 **MINUTES OF THE ZBA MEETING MAY 18, 2023**

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4 **1. CALL TO ORDER**

5
6 Chair Kokko Chappell opened the meeting by welcoming everyone and introducing herself. The Chair welcomed those
7 attending in person and electronically.

8
9 The Chair stated you may also attend this meeting in person at the Milford Town Hall, Board of Selectmen’s Meeting
10 Room.

11
12 If you would like to participate in the public meeting, please call this number from home: +1 646-558-8656 and enter the
13 Meeting ID: 851 6407 7601 and Password: 269952 or log in via www.zoom.com using the Meeting ID and Password
14 previously stated.

15
16 A digital copy of the meeting materials can be found on the Town website at: [https://www.milford.nh.gov/zoning-board-
17 adjustment/agenda/zba-agenda](https://www.milford.nh.gov/zoning-board-adjustment/agenda/zba-agenda). We will also be live streaming the meeting on Granite Town Media, Government Channel
18 21: <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>

19
20 The Chair then went on to inform everyone about the procedures of the Board.

21
22 Chair Kokko Chappell started the meeting with a roll call attendance by asking each member to state their name; at Milford
23 Town Hall: M. Thornton present; D. Sadkowski present; A. Kokko Chappell present. The Chair stated that for this meeting
24 Alternate Dan Sadkowski will be seated as a regular voting member bringing it to a 3 member board.

25
26 A. Kokko Chappell to T. Dolan asked if the Board of Selectman had voted on the approval of Joan Dargie and Dan
27 Sadkowski. T. Dolan replied not yet. T. Dolan went on to say that the potential Alternate, Rich Elliott, was in attendance
28 and this would be his required 3rd meeting for observation. To A. Kokko Chappell he asked this be addressed during the
29 Other Business part of the meeting. T. Dolan stated May 22nd will be the BOS Meeting for approval of J. Dargie and D.
30 Sadkowski and the 5th meeting in May of the BOS will be to approve R. Elliott.

31
32 A. Kokko Chappell then stated the determination of Chair and Vice Chair will be discussed during the Other Business part
33 of the meeting.

34
35 Chair Kokko Chappell continued by saying there is 1 case to be heard, and explained the process of the case hearings for
36 the applicant and the public. The Chair said a full agenda may not allow all cases to be heard and that at 10:00 p.m. the
37 meeting will end. The Chair explained how the meeting would proceed for the cases that may not be heard in that they
38 would be continued or tabled to another agreed upon meeting and the public notification process for a continued case.

39
40 A. Kokko Chappell moved on to the case to be heard.

41
42 **2. PUBLIC HEARINGS**

43
44 **a. Case #2023-05 315 Federal Hill Road, Tax Map 56, Lot 41** is seeking a required Special Exception Approval from the
45 Milford Zoning Ordinance, Article VII, Section 7.12.6 (Home Business), to conduct Summer-time (limited to once a week)
46 Outdoor Yoga Classes. No physical structures are being proposed with this request, as these proposed yoga classes shall be
47 held solely on her backyard lawn. This property is located in the Residential “R” Zoning District.

48
49 L. Dolan pointed out the classes will be held one weekend day (either Saturday or Sunday) only during the summer months.
50 The applicant will need to confirm the end date for the classes.

51
52 Chair Kokko Chappell invited the applicant, Kelsey LaRosee, to address the board at the microphone or at the meeting
53 table. Sitting at the meeting table, Kelsey LaRosee introduced herself. Ms. LaRosee explained her current flower business
54 at the Federal Hill Road location. Ms. LaRosee went on to say the application is to conduct yoga classes in the garden
55 during the summer months. The area that will be used in the garden is approximately 500 sq. ft. Ms. LaRosee has spoken
56 with her neighbors and has documentation showing the approval of the abutters. The classes will be held once a week
57 running through to the end of September depending on the weather. For each class, there will be a yoga instructor with no
58 more than 16 participants. The driveway can accommodate for parking. Ms. LaRosee finished by asking if there were any
59 questions.
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1 **MINUTES OF THE ZBA MEETING MAY 18, 2023**

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4 Chair Kokko Chappell interjected by stating her regrets for not informing the applicant earlier in the meeting about what a
5 3 member board would mean. Chair went on to explain that for approval all 3 members must vote in favor or the
6 application will not pass. The applicant chose to move forward.

7
8 Chair Kokko Chappell asked the applicant to go over the Special Exception Criteria.

9
10 **Special Exception criteria under 10.02.1:**

11
12 **a. Criteria: proposed use is similar to those permitted in the district**

13 Under requirements for a Home Business, the applicant cited 7.12.6 which allows for a Home Business in this
14 district that would include trades people or tutors.

15
16 **b. Criteria: specific site is in an appropriate location for the proposed use because**

17 The applicant stated the property is located on a large open field with a number of gardens; the area is quiet which
18 is ideal for conducting yoga.

19
20 **c. Criteria: the use as developed will not adversely affect the adjacent area because**

21 The applicant cited the fact there will be no loud noises, no lights or outside storage and no commercial vehicles
22 which would have an adverse effect.

23
24 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

25 The applicant stated all parking will be provided on the property.

26
27 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

28 The applicant stated there will be adequate parking and restroom facilities provided.

29
30 Chair Kokko Chappell asked the applicant to review the Home Business Criteria.

31
32 **Home Business Criteria 7.12.6**

33
34 **1. Is the Home Business located in the A, B, or R Zoning Districts?**

35 The applicant stated R Zoning District.

36
37 **2. Explain if the Home Business is conducted entirely in the structure or accessory dwelling unit.**

38 The applicant explained the business will be conducted outside of the dwelling on the property.

39
40 **3. A sign of no more than 6 feet is allowed and shall not advertise in such a way that would encourage**
41 **customers or salespersons to come to the property without an appointment. Provide the dimensions, design**
42 **and approximate location of the sign.**

43 The applicant stated currently there is no sign but eventually there will be a wooden sign at the end of the
44 driveway stating the business name and it will not be larger than 6 sq. ft.

45
46 Director Terrey Dolan stated since this is a special exception hearing there will be little or no review on the sign
47 like that which would be done for a commercial business, but because of the hearing process the applicant will
48 need to provide a schematic when the design for the Home Business sign is finalized. Director Dolan stated that
49 will be a condition for the permit. The applicant acknowledged this.

50
51 **4. There shall be no more than two (2) non-resident employees of the business.**

52 There will be one yoga instructor.

53
54 **5. The Home Business shall not be more than 25% of the combined floor area of all structures on the**
55 **property.**

56 The applicant stated the Home Business will be conducted on the grounds and not in a structure. The area it will
57 cover is approximately 500 sq. ft.

58
59 **6. Retail sales of goods incidental to Home Business are allowed.**

60 The applicant explained during certain events, flowers will be sold to the attendees.

1 MINUTES OF THE ZBA MEETING MAY 18, 2023

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4 **7. There shall be no more than 16 clients or deliveries per day.**

5 The applicant stated there will be no more than 16 clients during certain events.

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

9 The applicant stated the outhouse will be serviced monthly by a commercial vehicle, but no commercial vehicles
10 will be used in conjunction with the Home Business.

11
12 **9. A Home Business shall not be conducted in a way that is perceptible in external effects from beyond the**
13 **lot line between 9:00 p.m. and 7:30 a.m.**

14 The applicant explained the Home Business will be conducted between 8:30 a.m. and 11:00 a.m. once a week
15 either on a Saturday or Sunday.

16
17 **10. The use shall not involve the storage of use of hazardous, flammable or explosive substances.**

18 This is not applicable.

19
20 Chair Kokko Chappell asked if there were any questions.

21
22 Member M. Thornton asked about the Home Based Flower Business and when that was approved. Director Dolan
23 explained since there are no employees other than the resident, it is allowed and no permit is required for a business like
24 that. Mr. Dolan further explained it is a hobby that she can profit from and there are no delivery vehicles providing
25 supplies. The resident shops at local suppliers to get supplies.

26
27 Member Thornton stated the requested Home Business is then an adjunct to an already permitted business. T. Dolan
28 acknowledged that is correct.

29
30 Member Sadkowski asked why then do they need a Special Exception. Director Dolan explained it is because of the clients
31 coming in and out of the business.

32
33 Chair Kokko Chappell requested the applicant to show the board members letters obtained from the abutters.

34
35 Director Dolan asked the Board Members to refer to his memorandum of May 15, 2023 to the Zoning Board regarding
36 Case #2023-05. Mr. Dolan specifically reviewed the points on page 2 of his memorandum labeled "Attachment A". This
37 attachment outlined all the detailed requirements for this Home Based Business in order to show that all requirements have
38 been satisfied. This attachment stated the distance of the closest residence is approximately 150 ft. and the others are 250
39 ft. approximately. Director Dolan also cited the aerial pictures of lot 56-41 showing the expanse of the property as well as
40 the circle driveway for parking, and photos showing the same. Director Dolan finished his presentation by saying he feels
41 the criteria has been met and is an approvable project.

42
43 During his presentation, Mr. Dolan asked the applicant if there would be more than one class held during the hours of 8:30
44 a.m. to 11:00 a.m. as long as there were no more than 16 participants per class. The applicant stated current plans are to
45 only have one class during that time period.

46
47 After Director Dolan's presentation, Chair Kokko Chappell stated the need to enter the letters from the abutters into the
48 record.

49
50 The applicant read the following into the record:

51 **From:**

52
53 Lisa Cederberg
54 318 Federal Hill Rd., Milford, NH
55 Closest Property to the applicant's residence; directly across the street.
56 Letter stated she supports the project submitted by the applicant.

57
58 Brittany Kadikowski
59 305 Federal Hill Rd.
60 Letter stated she has no problem with yoga classes being conducted

1 **MINUTES OF THE ZBA MEETING MAY 18, 2023**

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3 Chair Kokko Chappell asked if there were any questions. There were none and the meeting was opened to the public.
4 Hearing nothing from the public, this part of the meeting was closed and moved onto deliberations.

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7 **Deliberations:**

8
9 Chair Kokko Chappell then moved onto deliberations for the Special Exception criteria.

10
11 **Special Exception criteria under 10.02.1:**

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

- 14 D. Sadkowski: classes on the property; the use is allowed in the zoning district
15 M. Thornton: acceptable business use
16 A. Kokko Chappell: the business is permitted in this zoning district with special exception

17
18 **b. Criteria: specific site is in an appropriate location for the proposed use**

- 19 M. Thornton: private, away from traffic, won't impose upon anyone else
20 D. Sadkowski: abutters all agree with the project
21 A. Kokko Chappell: concurs; the classes will be held in the back yard where nobody can see what is going on

22
23 **c. Criteria: the use as developed will not adversely affect the adjacent area**

- 24 D. Sadkowski: no loud noises and no advertising
25 M. Thornton: feels it will not offend abutters
26 A. Kokko Chappell: agrees; no new development

27
28 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

- 29 M. Thornton: pedestrians and vehicles do not belong in the back yard
30 D. Sadkowski: agrees
31 A. Kokko Chappell: private property; ample off street parking; no commercial vehicles except for the port-a-potty
32 maintenance.

33
34 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

- 35 D. Sadkowski: proper facilities will be provided that are appropriate for this business and it is an adequate set-up.
36 M. Thornton: the necessary area will be provided with no need for facilities
37 A. Kokko Chappell: with the exception of the port-a-potty, no need for additional facilities

38
39 Chair Kokko Chappell moved onto the Home Business Criteria. The Chair read the criteria and replied with the response as
40 stated on the application.

41
42 **Home Business Criteria 7.12.6**

43
44 **1. Is the Home Business located in the A, B, or R Zoning Districts?**

45 R Zoning District.

46
47 **2. Explain if the Home Business is conducted entirely in the structure or accessory dwelling unit.**

48 The business will be conducted outside of a dwelling on the property.

49
50 **3. A sign of no more than 6 feet is allowed and shall not advertise in such a way that would encourage**
51 **customers or salespersons to come to the property without an appointment. Provide the dimensions, design**
52 **and approximate location of the sign.**

53 Currently there is no sign but eventually there will be a wooden sign at the end of the driveway stating the business
54 name and it will not be larger than 6 sq. ft. When the design for the Home Business sign is finalized, it will need to
55 be approved as a condition for the permit.

56
57 **4. There shall be no more than two (2) non-resident employees of the business.**

58 There will be one yoga instructor. The applicant modified the application during the meeting.
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1 MINUTES OF THE ZBA MEETING MAY 18, 2023

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

5
6 The Home Business will be conducted on the grounds and not in a structure. The area it will cover is
7 approximately 500 sq. ft.
8

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

10 During certain events, flowers will be sold to the attendees.
11

12 **7. There shall be no more than 16 clients or deliveries per class.**

13 There will be no more than 16 clients per class.
14

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

16 The outhouse will be serviced monthly by a commercial vehicle, but no commercial vehicles will be used in
17 conjunction with the Home Business. Member Thornton asked about the number of axles and Director Dolan
18 confirmed this is a non-issue.
19

20
21 **9. A Home Business shall not be conducted in a way that is perceptible in external effects from beyond the lot line between 9:00 p.m. and 7:30 a.m.**

22 The Home Business will be conducted between 8:30 a.m. and 11:00 a.m. once a week either on a Saturday or
23 Sunday through September 30, 2023. Start date will be June 1 of each year and will run through September 30.
24
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26 **10. The use shall not involve the storage of use of hazardous, flammable or explosive substances.**

27 This is not applicable.
28

29 Chair Kokko Chappell asked if there was anything further the members wished to contribute or ask. Members indicated
30 they did not have anything further. Chair asked if there were any conditions that needed to be attached to the approval. This
31 was discussed and it was agreed there were none. Chair then moved to voting.
32

33 **Voting:**

34
35 **Special Exception criteria under 10.02.1:**

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

38 D. Sadkowski yes; M. Thornton yes; Chair votes yes.
39

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

41 M. Thornton yes; D. Sadkowski yes; Chair votes yes.
42

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

44 D. Sadkowski yes; M. Thornton yes; Chair votes yes.
45

46 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians due to the proposed use**

47 M. Thornton yes; D. Sadkowski yes; Chair votes yes.
48

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

50 D. Sadkowski yes; M. Thornton yes; Chair votes yes.
51

52 **Home Business Criteria 7.12.6**

53
54 **1. Is the Home Business located in the A, B, or R Zoning Districts?**

55 D. Sadkowski yes; M. Thornton yes; Chair votes yes.
56

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

58 M. Thornton yes; D. Sadkowski yes; Chair votes yes.
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5 **3. A sign of no more than 6 feet is allowed and shall not advertise in such a way that would encourage**
6 **customers or salespersons to come to the property without an appointment. Provide the dimensions, design**
7 **and approximate location of the sign.**

8 D. Sadkowski yes; M. Thornton yes; Chair votes yes.

9
10 **4. There shall be no more than two (2) non-resident employees of the business.**

11 M. Thornton yes; D. Sadkowski yes; Chair votes yes.

12
13 **5. The Home Business shall not be more than 25% of the combined floor area of all structures on the**
14 **property.**

15 D. Sadkowski yes; M. Thornton yes; Chair votes yes.

16
17 **6. Retail sales of goods and services incidental to Home Business are allowed..**

18 M. Thornton yes; D. Sadkowski yes; Chair votes yes.

19
20 **7. There shall be no more than 16 clients per class.**

21 D. Sadkowski yes; M. Thornton yes; Chair votes yes.

22
23 **8. There shall be no parking or deliveries by vehicles with no more than 2 axles. Only 1 commercial vehicle**
24 **may be parked on the property in conjunction with the Home Business.**

25 M. Thornton yes; D. Sadkowski yes; Chair votes yes.

26
27 **9. A Home Business shall not be conducted in a way that is perceptible in external effects from beyond the**
28 **lot line between 9:00 p.m. and 7:30 a.m.**

29 D. Sadkowski yes; M. Thornton yes; Chair votes yes.

30
31 **10. The use does not involve the storage of use of hazardous, flammable or explosive substances.**

32 M. Thornton yes; D. Sadkowski yes; Chair votes yes.

33
34 Chair Kokko Chappell stated the criteria for the Special Exception request has been satisfied as proposed.

35 M. Thornton yes; D. Sadkowski yes; Chair votes yes.

36
37 A. Kokko Chappell asked if there is a motion to approve.

38
39 M. Thornton made a motion to approve **Case #2023-05** and it was seconded by D. Sadkowski.

40 Chair Kokko Chappell a motion was made to approved **Case #2023-05 315 Federal Hill Road, Tax Map 56, Lot 41**
41 seeking a required Special Exception Approval from the Milford Zoning Ordinance, Article VII, Section 7.12.6 (Home
42 Business), to conduct Summer-time (limited to once a week) Outdoor Yoga Classes. No physical structures are being
43 proposed with this request, as these proposed yoga classes shall be held solely on her backyard lawn. This property is
44 located in the Residential "R" Zoning District.

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

48
49 **3. OTHER BUSINESS**

50
51 Director Dolan stated he has items to review with the board.

- 52 - No minutes to review for this meeting but will be available for next meeting
53 - There are no applications for a June 1st meeting. This item was discussed in regards to cancelling the meeting or
54 using the time for training and review of minutes from 12/15/2022 and 4/20/2023. It was pointed out that the
55 meeting for 6/15/2023 will be very extensive which will not allow sufficient time to review minutes. Director
56 Dolan presented details of the upcoming applications which will impact the wetlands. Mr. Dolan indicated there
57 was a meeting with the Conservation Commission. Chair Kokko Chappell requested a recommendation from the
58 Conservation Commission be available prior to the Zoning Board meeting. Further discussions continued about the
59 upcoming applications.
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1 **MINUTES OF THE ZBA MEETING MAY 18, 2023**

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5 Chair Kokko Chappell then asked about the June 1st meeting and requested the Zoning Board members be
6 canvassed about using this meeting for training to determine who will attend. Director Dolan stated he has a power
7 point presentation that may be useful with training.

- 8 - Last item is the letter to the Board of Selectman that needs to be written. There will be one more member needed
9 for the Zoning Board which will be an alternate.
- 10 - David Freel may be the Board of Selectman representative, however, there may be a conflict. This issue was
11 discussed and various examples were presented.
- 12 - Chair asked about the issue of Chair/Vice Chair positions. It was agreed a full board needs to be present.
13 A. Kokko Chappell emphasized the importance of having all members present at the June 15th meeting
14

15
16 **Motion to Adjourn**

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18 Chair Kokko Chappell asked for a motion to adjourn. M. Thornton made a motion to adjourn and D. Sadkowski seconded..
19 All Board Members were in agreement. Meeting adjourned.
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52 **Motion to Approve:** _____
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54 **Seconded:** _____
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56 **Signed** _____
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58 **Date:** _____