

**Town of Milford
Zoning Board of Adjustment
SEPTEMBER 7, 2023
Public Hearings**

**Case #2023-02 LLC and Salt Creek Properties, LLC, 689 North Main Street, VARIANCE
Case 2023-13 Sky Crosswell, 185 Badger Hill Road, SPECIAL EXCEPTION**

Present: Joan Dargie, Vice Chair
Michael Thornton, Member
Dan Sadkowski, Member
Rich Elliott, Alternate
Terrey Dolan, Director of Community Development
David Freel, BOS Representative

Not Present: Andrea Kokko Chappell, Chair
Tracy Steel, Member

Recording Clerk: Jane Hesketh, Community Development

Meeting Agenda

1. Call to Order
2. Public Hearing(s):
 - a. Case #2023-02 (Continued from June 20, 2023 Mtg): New Case Request to Continue to the October 5, 2023 ZBA Mtg. Continuation of the Variance Request for property located at 689 North Main Street, for the 689 North Main Street, LLC & Salt Creek Properties, LLC. The property is located at Tax Map 43, Lot 20-2 and seeking a Variance from Milford Zoning Ordinance, Article VI, Sections 6.01.3.B.7 to allow the retail sale of petroleum products in the Groundwater Protection District on a property located in the Commercial and Limited Commercial Zoning Districts. (Prior hearing request by applicant was approved by the ZBA on Aug. 17, 2023 to postpone the scheduled Continuance for the case, to the September 7, 2023 ZBA Mtg.)
 - b. Case 2023-13 Applicant's request for a Special Exception, for property located at 185 Badger Hill Road, Tax Map 51/Blk 26/Lot 90, to encroach approximately 16.7' into the 30' required front setback of the corner lot property, as required in the Residence "R" Zoning District. This request is for the addition of a proposed, attached three bay garage. Article V, Section 5.04.A.7 of the Milford Zoning Ordinance requires a Special Exception be approved for any reduced front, side or rear setbacks.
3. Meeting Minutes: Approval of 8/03/23 Mtg. Minutes
4. Other Business: TBD
5. Next Meeting(s): September 21st & October 5th
6. Adjournment

1 **MINUTES OF THE ZBA MEETING SEPTEMBER 7, 2023**

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4 **1. CALL TO ORDER**

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

8
9 The Vice Chair stated you may also attend this meeting in person at the Milford Town Hall, 3rd Floor Banquet Room.

10
11 If you would like to participate in the public meeting, please call this number from home: +1 646-558-8656 and enter the
12 Meeting ID: 851 6407 7601 and Password: 269952 or log in via www.zoom.com using the Meeting ID and Password
13 previously stated.

14
15 A digital copy of the meeting materials can be found on the Town website at: [https://www.milford.nh.gov/zoning-board-](https://www.milford.nh.gov/zoning-board-adjustment/agenda/zba-agenda)
16 [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
17 21: <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>.

18
19 Roll call attendance with all present at Milford Town Hall: D. Sadkowski present; R. Elliott present; J. Dargie present;
20 M. Thornton present.

21
22 Vice Chair stated Alternate Rich Elliott will be seated as a full voting member in order to allow for a 4 member board due
23 to Members Tracy Steel and Andrea Kokko Chappell being unable to attend.

24
25 Vice Chair Dargie continued by saying 2 cases are to be heard, and explained the process of the case hearings for the
26 applicant and the public. The Vice Chair said a full agenda may not allow all cases to be heard and that at 10:00 p.m. the
27 meeting will end. The Vice Chair explained how the meeting would proceed for the cases that may not be heard in that they
28 would be continued or tabled to another agreed upon meeting and the public notification process for a continued case.

29
30 J. Dargie moved on to the cases to be heard.

31
32 **2. PUBLIC HEARINGS**

33
34 **a. Case #2023-02 (Continued from June 20, 2023 Mtg): New Case Request to Continue to the October 5, 2023 ZBA**
35 **Mtg.** Continuation of the Variance Request for property located at 689 North Main Street, for the **689 North Main Street,**
36 **LLC & Salt Creek Properties, LLC. The property is located at Tax Map 43, Lot 20-2** and seeking a Variance from
37 Milford Zoning Ordinance, Article VI, Sections 6.01.3.B.7 to allow the retail sale of petroleum products in the
38 Groundwater Protection District on a property located in the Commercial and Limited Commercial Zoning Districts. (Prior
39 hearing request by applicant was approved by the ZBA on Aug. 17, 2023 to postpone the scheduled Continuance for the
40 case, to the September 7, 2023 ZBA Mtg.)

41
42 Director Terrey Dolan updated the committee on the progress of this case. He went on to say the Conservation Commission
43 feels it is still lacking evidence that a gas station can be built on this site due to possible ground water contamination. As a
44 result the applicant has been asked, and has agreed to, having a sampling of the soil taken from various random areas on the
45 proposed site location. This will be conducted by GO Technical Services and Consultants. T. Dolan explained the
46 applicant along with a GO Consultant will review the findings with the Office of Community Development as well as the
47 Conservation Commission. After this, the applicant will present this information to the ZBA.

48
49 Vice Chair Dargie asked for a motion to continue **Case #2023-02** to October 5, 2023. M. Thornton made a motion to
50 continue and R. Elliott seconded. All were in favor.

51
52 **b. Case 2023-13 Applicant's request for a Special Exception, for property located at 185 Badger Hill Road, Tax Map**
53 **51/Blk 26/Lot 90**, to encroach approximately 16.7' into the 30' required front setback of the corner lot property, as required
54 in the Residence "R" Zoning District. This request is for the addition of a proposed, attached three bay garage. Article V,
55 Section 5.04.A.7 of the Milford Zoning Ordinance requires a Special Exception be approved for any reduced front, side or
56 rear setbacks.

57
58 J. Dargie explained the voting process with a 4 member board; to be approved there must be 3 votes for approval and a split
59 decision will result in the case being declined. The applicant chose to move forward with his request.

1 **MINUTES OF THE ZBA MEETING SEPTEMBER 7, 2023**

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4 Applicant Sky Crowell came forward to make his presentation (contractor Chris Brown was also present). S. Crowell
5 explained the request to be for the addition of a garage for residential use. Using the submitted application, the applicant
6 read the Special Exception criteria.

7
8 **Special Exception Criteria under 10.02.1:**

9
10 **a. Criteria: proposed use is similar to those permitted in the district**

11 “Garage additions are common in the district. Granting this exception will not be a significant difference from the
12 rest of the neighborhood and/or other similar residential homes in the district.”

13
14 **b. Criteria: specific site is in an appropriate location for the proposed use because**

15 “The site is the best/only appropriate location to attach the garage to the house.”

16
17 **c. Criteria: the use as developed will not adversely affect the adjacent area because**

18 “Garages are typical for homes in this neighborhood. The addition of an attached garage to this home does not
19 encroach on or have any negative impact to neighboring property or the road.”

20
21 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

22 “The garage addition will not alter street traffic from its current state in any way.”

23
24 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

25 “The proposed driveway will be adequate for proper operation of the garage.”

26
27 The applicant then read the other criteria on the application and all were not applicable. The applicant went on to explain
28 the reason for going into the setback. He stated that due to the topography and a backyard patio it was determined this was
29 the best place to put the garage.

30
31 A letter from the abutter from 189 Badger Hill Drive was read into the record which supports the addition of the garage in
32 regards to any reduced front, rear or side setback. Sky Crowell feels she is the closest abutter. This letter was given to
33 T. Dolan to include with the case record.

34
35 The pictures provided with the application were reviewed and the topography was discussed. The design of the garage was
36 also discussed. The applicant had additional pictures he provided to the board.

37
38 Vice Chair asked about the set back and how this was going to reduce the front setback. Contractor Chris Brown addressed
39 this and explained the design. He stated this will not impact the road/right of way. This can be seen in the Proposed Plot
40 Plan included with the application. There would not be any additional curb cuts.

41
42 Rich Elliott asked if other locations had been considered. M. Thornton added such as moving the garage back more into the
43 back yard which would allow for more space in the front but still not impact the other areas on the property in the rear.
44 M. Thornton continued to explain this would allow for a longer driveway by going into the steeper area in the back yard.
45 This idea was discussed. Chris Brown explained the design was intended to bring the garage as far forward as possible.
46 Moving the garage further to the back would require a much steeper foundation in the back due to the topography, more
47 cement and a possible “eye sore”. Sky Crowell added, the leach field in the back has been a consideration in where the
48 garage should be built. M. Thornton, in looking at the Proposed Construction Plot Plan, pointed out he is not suggesting
49 going back completely into the steeper area, but only a few feet back. Terrey Dolan added that the area in back has a steep
50 drop off which would require a land fill to level things off before a foundation could be laid.

51
52 Joan Dargie asked since the garage as proposed will be slightly at an angle, could it be adjusted to just be straight across.
53 Chris Brown addressed this by saying it would not be possible, again due to the topography and this would require a curb
54 cut to allow for a driveway extension. Currently the existing driveway can be used and the end of the driveway will have an
55 extension for the third garage bay. T. Dolan to C. Brown: this on a slab or foundation. C. Brown: it will be a full
56 foundation. T. Dolan to C. Brown: then the driveway as is will be used for the new garage and the apron is sufficient. C.
57 Brown: the DPW reviewed this and feels no curb cuts will be necessary. T. Dolan to confirm: the front of the driveway will
58 remain as it is and that the end of the driveway will be made wider in front of the garage for the 3 bays. C. Brown
59 acknowledged this is correct. Chris Brown explained the design for the foundation in relation to the house and the
60 breezeway. The distance from the garage to the property line and the setback was addressed.

1 **MINUTES OF THE ZBA MEETING SEPTEMBER 7, 2023**

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4 Vice Chair asked if the board had any more questions and there were none. J. Dargie opened the meeting to the public and
5 hearing none this part of the meeting was closed. The meeting moved to deliberations.
6

7 **Deliberations:**

8
9 **Special Exception criteria under 10.02.1:**

10
11 **a. Criteria: proposed use is similar to those permitted in the district**

12 D. Sadkowski: this fits in with the rest of the neighborhood

13 M. Thornton: yes it is

14 R. Elliott: agrees

15 J. Dargie: most of the homes in the neighborhood have a garage and it is allowed in the district
16

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

18 M. Thornton: moving the garage back would not be an option

19 D. Sadkowski: best location and only location

20 R. Elliott: in view of the leach field it is in the best place

21 J. Dargie: she explained initially she felt it could be moved back, but now it appears it cannot; also she feels when
22 it is complete it will look like it was always there
23

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

25 J. Dargie: no, it will not

26 M. Thornton: does not affect the abutters

27 D. Sadkowski: no negative impact to the property or the road

28 J. Dargie: agrees
29

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

31 M. Thornton: pedestrians and motor vehicles do not belong on private property

32 D. Sadkowski: agrees

33 R. Elliott: there will be no problems; it is private property

34 J. Dargie: agrees
35

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

37 D. Sadkowski: absolutely

38 M. Thornton: it is a garage and will operate as such

39 R. Elliott: agrees; a garage and is fairly basic.

40 J. Dargie: agrees and it will require a building inspection
41

42 T. Dolan asked about the existing shed. Sky Crosswell said the shed will be removed so it is not in the setback, and it is
43 being given to a neighbor.
44

45 J. Dargie asked for a motion for a condition that the shed must be moved from the setback. R. Elliott made a motion and
46 D. Sadkowski seconded. All were in favor. Vice Chair Joan Dargie then stated the attached condition for the special
47 exception; the existing shed must be moved out of the setback.
48

49 **Voting:**

50
51 **Special Exception criteria under 10.02.1:**

52
53 **a. Criteria: proposed use is similar to those permitted in the district**

54 D. Sadkowski yes; M. Thornton yes; R. Elliott yes; Chair votes yes.
55

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

57 M. Thornton yes; R. Elliott yes; D. Sadkowski yes; Chair votes yes.
58

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

60 R. Elliott yes; D. Sadkowski yes; M. Thornton yes; Chair votes yes.
61

1 **MINUTES OF THE ZBA MEETING SEPTEMBER 7, 2023**

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4 **Voting:**

5
6 **Special Exception criteria under 10.02.1:**

7
8 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians due to the proposed use**

9 D. Sadkowski yes; M. Thornton yes; R. Elliott yes; Chair votes yes.

10
11 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

12 M. Thornton yes; R. Elliott yes; D. Sadkowski yes; Chair votes yes.

13
14 **Is the Special Exception allowed by the Ordinance?**

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

16
17 **Are all the specified conditions present under which the Special Exception may be granted?**

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

19
20 D. Sadkowski yes; M. Thornton yes; R. Elliott yes; Chair votes yes.

21
22 Vice Chair Dargie stated the criteria for application has been met and the application is approved. There is a 30 day appeal
23 period that can be filed with the Zoning Board.

24
25 **3. MEETING MINUTES**

26
27 8/03/2023:

28 Members in Attendance: M. Thornton, D. Sadkowski, J. Dargie, R. Elliott

29 No changes were requested.

30 Vice Chair asked for a motion to approve minutes of August 3, 2023.

31 M. Thornton made a motion to approve and R. Elliott seconded.

32 All were in favor.

33
34 **4. OTHER BUSINESS**

35
36 No other business.

37
38 **Motion to Adjourn**

39
40 Vice Chair Joan Dargie asked for a motion to adjourn. R. Elliott made a motion to adjourn and D. Sadkowski seconded. All
41 Board Members were in agreement. Meeting adjourned.

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55 **Motion to Approve:** _____

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57 **Seconded:** _____

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59 **Signed** _____

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61 **Date:** _____