

Town of Milford
Zoning Board of Adjustment
NOVEMBER 17, 2022
Public Hearings

Case #2022-27 Stephen Stepanek and SPJ Real Estate Associates, LLC, SPECIAL EXCEPTION

Present: Jason Plourde, Chair
Andrea Kokko Chappell, Member
Michael Thornton, Member
Dan Sadkowski, Alternate
Lincoln Daley, Director of Community Development
David Freel, BOS Representative

Not Present: Karin Lagro, Vice Chair
Tracy Steel, Member
Joan Dargie, Alternate
Jane Hesketh, Recording Clerk

Meeting Agenda

1. Call to Order
2. Public Hearing(s):
 - a. Case #2022-27 Stephen Stepanek and SPJ Real Estate Associates, LLC for the property located at Map 25, Lot 119, 1 Hampshire Drive are seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.05.2 to allow a change of use of the existing commercial/industrial building from a manufacturing use to a distribution facility on a property located in the Commercial 'C' Zoning District. (Continued from 11/3/22)
3. Meeting Minutes: No meeting minutes.
4. Other Business: TBD
5. Next Meeting: December 1, 2022 December 15, 2022

1. CALL TO ORDER

Chair Plourde opened the meeting by welcoming everyone and introducing himself. He welcomed those attending in person and electronically since this meeting is being conducted in a unique manner.

He stated you may also attend this meeting in person at the Milford Town Hall, Board of Selectmen's Meeting 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 also be live streaming the meeting on Granite Town Media, Government Channel 21: <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>

He then went on to inform everyone about the procedures of the Board.

Chair Plourde stated all votes taken during the meeting must be done by Roll Call vote. He started the meeting with a roll call attendance by asking each member to state their name; Roll Call Attendance with everyone in attendance at Milford Town Hall: M. Thornton present; A. Kokko Chappell; D. Sadkowski present; J. Plourde present.

He stated there is 1 case to be heard and then explained the process of the case hearings for the applicant and the public. He said a full agenda may not allow all cases to be heard and that at 10:00 p.m. the meeting will end. He 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. He also explained the notification process for continued cases.

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1 J. Plourde then moved ahead to the case to be heard.

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3 **2. PUBLIC HEARINGS**

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5 Chair Plourde stated the criteria for the Variance request had been satisfied and the application approved. There is a 30 day
6 appeal period that can be filed with the Zoning Board.

7
8 J. Plourde moved to the next case.

- 9
10 **a. Case #2022-27 Stephen Stepanek and SPJ Real Estate Associates, LLC for the property located at Map 25, Lot**
11 **119, 1 Hampshire Drive** are seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section
12 5.05.2 to allow a change of use of the existing commercial/industrial building from a manufacturing use to a
13 distribution facility on a property located in the Commercial 'C' Zoning District. (Continued from November 3, 2022)
14

15 S. Stepanek of 156 Lee Brook Rd., Thornton, NH stepped forward to make a presentation. He started by giving a brief
16 history of the building. In summary, he purchased the building in 1987. Hampshire Paper has been the primary occupant of
17 the building that is now 61,000 sq. ft. He briefly explained the operation of Hampshire Paper. The operation had
18 approximately 140 employees on 2 shifts and there was a great deal of vehicular traffic with the trucks coming in and out.
19 The building is now empty due an acquisition of Hampshire Paper Company and a subsequent move. Currently, the
20 building is being repurposed and there are 2 tenants now that occupy about 26,000 sq. ft. One of the tenants is a distributor
21 of electronic components. The components are brought in and then broken down for shipment via UPS. The second tenant
22 is a distributor of table games that is also having parts brought in for them to then distribute via UPS. The first tenant has 2
23 full time employees and the other one has 6 full time employees. There is less impact to the area.
24

25 J. Plourde asked about the number of trucks coming in and out for Hampshire Paper that closed on November 1, 2022. S.
26 Stepanek explained the number of employees per shift was 120 for the day shift and 20 for the night shift. There was traffic
27 from the employees. On a daily basis he estimated there were approximately 3 tractor trailers coming in and 3 going out.
28 J. Plourde explained he is doing a comparison between the former use and the current use. He stated there will be 8
29 employees vs 140 previously; the distribution will be via UPS and/or FedEx. S. Stepanek stated there will be one or two
30 tractor trailers a week vs the one or two per day.
31

32 L. Daley added that the previous occupant was using the facility to manufacture and as a warehouse.

33
34 J. Plourde added that only the use is changing. L. Daley went on to say no changes will be made to the building and this site
35 plan was already approved through the Planning Board. J. Plourde, to confirm, stated there will be less intense use,
36 previously it was manufacturing and a warehouse that was on the approved site plan and the proposed use will be for
37 distribution and as a warehouse. L. Daley interjected by saying the warehouse is something that is in the planning stages
38 and needs to be defined.
39

40 L. Daley asked S. Stepanek to review what the use of the facility will be. S. Stepanek went on to explain the first tenant
41 occupies 10,000 sq. ft. and they have a long term lease. The other tenant has a short term lease because they are waiting to
42 have their new building constructed. He is currently in negotiations with another tenant that will occupy 36,000 sq. ft. They
43 are a company that takes in documents that have been digitized and stores them for a certain period of time. This company
44 will have only 2 employees and will not have any distribution.
45

46 M. Thornton asked about the removal of the documents that no longer need to be held. S. Stepanek said there would need to
47 be a truck to take them and bring them to another site for shredding. J. Plourde asked about the vehicles coming to deliver
48 the documents. S. Stepanek said probably 1-2 trucks a week. J. Plourde to L. Daley: will the zoning board need to do
49 anything regarding the use for the third tenant. L. Daley this would fall under non-conforming use. J. Plourde added this
50 will only expand the existing use. This was further explained by L. Daley by saying there was a section of the building that
51 was used as a warehouse and this is why the use will simply be expanded. S. Stepanek explained there was roughly 18,000
52 sq. ft. that was used for warehousing and the rest was for manufacturing. L. Daley said because this is a non-conforming
53 use it is recommended the applicant go through the process of a special exception to expand the non-conforming use.
54 This would give the applicant the flexibility to then change the use for warehousing. J. Plourde, to confirm, the ZBA will
55 be looking at a change of use for the manufacturing space to distribution via Special Exception. L. Daley stated that is
56 correct. J. Plourde, to confirm, later on the applicant can then come forward to expand an existing non-conforming use
57 which will be the warehouse.
58

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1 L. Daley asked if it is anticipated the space could still be used for manufacturing. The applicant stated he did not think this
2 would happen. L. Daley stated he asked the question because if the applicant is looking for full flexibility to maintain the
3 manufacturing use, he advises the applicant to maintain that usage while still changing a portion of the manufacturing space
4 to distribution.
5

6 D. Sadkowski asked if the material being stored is hazardous. S. Stepanek confirmed there would not be any of this kind of
7 material. L. Daley informed the board the changes will be subject to obtaining a building permit.
8

9 J. Plourde expressed his concerns about the traffic should this facility be allowed to change to a full distribution facility. He
10 did say that with the current two tenants traffic will be reduced substantially from when Hampshire Paper Company
11 occupied the facility. What he is concerned about is what the future could bring to this area in terms of traffic should the
12 building be deemed usable for full distribution via the Special Exception request. A. Kokko Chappell questioned the
13 correctness of this by asking if a large distributor were to come into the town wouldn't they need approval.
14

15 L. Daley wanted to explain the request from the applicant which is to change the types of distribution use. Therefore, the
16 ZBA would not be approving a distribution center, and the special exception request is on a smaller scale. He feels what
17 J. Plourde is stating is on a much larger scale; more intense and that is not what is being requested for this special
18 exception. J. Plourde said that he wants to ensure the approval for the distribution being requested is clear cut because
19 distribution itself could be misinterpreted. He wants to understand what exactly is being voted on. L. Daley said the vote is
20 based on what has been presented for the current distribution use along with the truck traffic, employees and other vehicular
21 traffic; however, if that use changes, that would be a different request to the ZBA. J. Plourde then said, to clarify, any
22 decision made is not based on the broad definition of distribution but instead on the intended use as presented in the
23 application and what was presented by S. Stepanek. L. Daley stated that is correct.
24

25 A. Kokko Chappell asked why the original plans were only for manufacturing and a warehouse when there was
26 distribution of the product from the facility. There was discussion about this.
27

28 J. Plourde stated he wanted to proceed by reviewing the 5 special exception criteria before opening the meeting to the
29 public.
30

31 Special Exception criteria under 10.02.1:

32
33 **a. Criteria: proposed use is similar to those permitted in the district**

34 It is allowed with a special exception.
35

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

37 The same space is just being refurbished with no changes to the facility. A question was raised about signage. This would
38 require ZBA approval.
39

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

41 There will be a significant reduction in traffic. The aerial view of the area was reviewed which shows the neighboring
42 homes and facilities. Also, there will be less traffic going through the town.
43

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

45 This was previously discussed.
46

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

48 The changes will all be inside with no changes that would affect the environment.
49

50 J. Plourde opened the meeting to the public. There were no letters or emails as well as no comments from the public. The
51 public portion of the meeting was closed.
52

53
54 **Deliberations:**

55
56 Special Exception criteria under 10.02.1:

57
58 **a. Criteria: proposed use is similar to those permitted in the district**

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- 1 M. Thornton: from the exterior, except for the traffic, no changes will be noticed and the traffic will be reduced
- 2 A. Kokko Chappell: it is allowed in the district and with a special exception
- 3 D. Sadkowski: allowed by special exception; less traffic
- 4 J. Plourde: the use that has been presented is a change in use only; allowed by special exception

5
6 **b. Criteria: specific site is in an appropriate location for the proposed use**

- 7 A. Kokko Chappell: is a facility that has already been used in this location
- 8 D. Sadkowski: agrees no expansion just occupying the existing facility
- 9 M. Thornton: agrees
- 10 J. Plourde: agrees

11
12 **c. Criteria: the use as developed will not adversely affect the adjacent area**

- 13 D. Sadkowski: there will be a significant reduction in truck and employee traffic
- 14 M. Thornton: the use as described will not affect the area
- 15 A. Kokko Chappell: reducing and minimizing the previous impact that was already being used; no abutters have
- 16 expressed a concern
- 17 J. Plourde: agrees; reduction in the number of employees, vehicular traffic reduction, nothing stored outside, no
- 18 environmental impacts.
- 19 Discussion ensued about what would happen if the use changes in the future; this was discussed at length.

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

- 22 M. Thornton: in this case there will be decreased use; the impact will be off site which will be less impact as to what
- 23 was presented.
- 24 A. Kokko Chappell: less traffic coming out of the driveway near a crosswalk; distribution will be via UPS or FedEx and
- 25 not tractor trailers.
- 26 D. Sadkowski: agrees
- 27 J. Plourde: agrees

28
29 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

- 30 A. Kokko Chappell: everything is there already with no changes to the facility except to accommodate the use
- 31 D. Sadkowski: agrees
- 32 M. Thornton: agrees
- 33 J. Plourde: the building is already there with the components needed to run the facility; nothing further to add.

34
35 **Voting:**

36
37 Special Exception criteria under 10.02.1:

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

- 40 A. Kokko Chappell yes; M. Thornton yes; D. Sadkowski yes; Chair votes yes.

41
42 **b. Criteria: specific site is in an appropriate location for the proposed use**

- 43 M. Thornton yes; D. Sadkowski yes; A. Kokko Chappell yes; Chair votes yes.

44
45 **c. Criteria: the use as developed will not adversely affect the adjacent area**

- 46 D. Sadkowski yes; A. Kokko Chappell yes; M. Thornton yes; Chair votes yes.

47
48 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

- 49 A. Kokko Chappell yes; M. Thornton yes; D. Sadkowski yes; Chair votes yes.

50
51 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

- 52 M. Thornton yes; D. Sadkowski yes; A. Kokko Chappell yes; Chair votes yes.

53
54 Is the Special Exception allowed by the Ordinance?

- 55 D. Sadkowski yes; A. Kokko Chappell yes; M. Thornton yes; Chair votes yes.

56
57 Are all the specified conditions present under which the Special Exception may be granted?

- 58 A. Kokko Chappell yes; M. Thornton yes; D. Sadkowski yes; Chair votes yes.

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J. Plourde asked if there is a motion to approve **Case #2022-27 Stephen Stepanek and SPJ Real Estate Associates, LLC for the property located at Map 25, Lot 119, 1 Hampshire Drive** are seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.05.2 to allow a change of use of the existing commercial/industrial building from a manufacturing use to a distribution facility on a property located in the Commercial ‘C’ Zoning District. (Continued from November 3, 2022)

A. Kokko Chappell made a motion to approve **Case #2022-27** and M. Thornton seconded.
A motion has been made to approve **Case #2022-27**. Those in favor: D. Sadkowski yes; A. Kokko Chappell yes; M. Thornton yes; Chair votes yes.

Chair Plourde stated the criteria for the Special Exception request had been satisfied and the application approved. There is a 30 day appeal period that can be filed with the Zoning Board.

Additional discussions did come up that the applicant brought up; this mainly surrounded around the future.

3. MEETING MINUTES

No meeting minutes.

4. OTHER BUSINESS

No further business.

Motion to Adjourn

Chair Plourde asked for a motion to adjourn. A. Kokko Chappell made a motion to adjourn and D. Sadkowski seconded. All Board Members were in agreement. Meeting adjourned.

Motion to Approve: _____

Seconded: _____

Signed _____

Date: _____