

**Town of Milford
Zoning Board of Adjustment
June 20, 2019
Case #2019-12
Past Loft Restaurant II, LLC
Special Exception**

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Present: Steve Bonczar, Chair
Joan Dargie, Vice Chair
Michael Thornton
Rob Costantino
Tracy Steel
Wade Scott Campbell, Alternate
Karin Lagro, Alternate

Absent: Lincoln Daley, Community Development Director
Paul Dargie, Board of Selectman Representative

Secretary: Peg Ouellette

Pasta Loft Restaurant II, LLC, 241 Union Square, Milford, NH, Tax Map 25, Lot 45, in the Commercial zoning district, is seeking a Special Exception of the Milford Zoning Ordinances, per Article V, Section 5.05.2.A.4, to permit the manufacturing/production of beer products associated with the restaurant business.

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

1 Steve Bonczar, Chair, opened the meeting and introduced the Board members. He informed all of the
2 procedures of the Board. He read the notice of hearing and invited the applicant to present the case.

3 T. Quinn, representing Pasta Loft Restaurant II, LLC, said he would do the short approach unless there
4 was anything in the presentation the Board Members had issues with. His client, Gary Connor, owned
5 Pasta Loft. From the application and administrative review the applicant was already constructing
6 outside. Had a building permit to build an 18 x 17 ft addition to the rear. Extending 18 ft. from the back
7 and 17 ft. wide. They submitted picture of similar property. With the exception of the stonework and
8 windows in the photo, it will be basically that. A big façade with three large windows. He didn't see the
9 materials that Lincoln Daley's (Community Development Director) had circulated. He had made copies.
10 Showed the building plans and what it would look like. Because it was considered manufacturing, they
11 needed a special exception. The distinction between this case and the previous Ogie case was the boiler
12 was electric and a condenser.

13 M. Thornton said it was unvented - main distinction.

14 T. Quinn said it was relevant. No concern about emissions. The condenser will be 80% efficient. It takes
15 steam back into the boiler and then steam gets cooled. It is less than five gallon container. Very small
16 amount of water. Size of operation was 10 to 12 barrels a week. It will be consumed on site. Not putting
17 it in kegs and sold as retail someplace else. It was designed for the existing restaurant, which had been
18 there for 24 years. This was the latest craze. It was not a distributorship. Nobody picking it up in bulk.
19 Minimal impact on community. Selling beer and craft beers. Will be making some of his own. In the
20 staff review, L. Daley asked for a written waste management plan which normally he would submit that
21 evening, but he was unable to get it done because of a death in the family last week. No venting to the
22 outside. Spent wort - he crossed out "sealed" and put in "covered." - will be in most likely plastic
23 containers indoors. Original plan was to have it taken away to owner's farm. But given the last hearing,
24 he has gone in a different direction with a proposal.

25 M. Thornton asked if he didn't already have a hauler

26 T. Quinn said he did.

27 M. Thornton asked if that wasn't adequate with sealed containers.

28 T. Quinn said what he handed out was a variation on that, but more specific to size of container, etc.
29 Applicant reserved the right to take it home if he wanted. Plan was for it to be picked up.

30 J. Dargie asked how many pounds.

31 T. Connor said it varied. When doing a batch like that you were looking at under 100 lbs.

32 Board Members said that was much more than what was stated at other case.

33 T. Connor said they went to this company and brewed a batch, went through the whole process. It
34 wouldn't have filled a lawn barrel.

35 M. Thornton said 12 barrels at 31 gallons a barrel.

36 T. Connor said it was a two-barrel system. When he makes a batch yield was 60 gallons, 15.5 gallons per
37 barrel or beer, 5.26 half barrel. When they went to NY they did a batch and left with just under five.

38 T. Quinn said they never adopted that. Didn't know where that came from.

39 M. Thornton said it was predicated on one gallon of beer equaling 10 lbs of spent grain.

1 T. Quinn didn't know if that was the case. Didn't care what it weighed.
2 S. Bonczar cared how it was be stored.
3 T. Quinn said however much is generated would be stored inside, removed within 48 hours by a
4 commercial hauler.
5 J. Dargie said she thought it came when they were talking about putting it into a dumpster – 800 lbs. of
6 spend grain.
7 K. Lagro asked if it was ever going into his dumpster.
8 T. Connor said not from him. They had separate containers they will give him for it.
9 S. Bonczar said Exhibit 1 was the letter from T. Quinn re waste management plan .Exhibit 2 his proposal
10 from Public Services re waste.
11 M. Thornton said two letters.
12 T. Quin said that was his plan, that commercial haulers will take it. For the record, the word “sealed” was
13 replaced with “covered.”
14 T. Connor said he already used Public Services for trash removal. He had them for ten years.
15 T. Quinn said it was straightforward. Then he paraphrased the responses to the five criteria: It was an
16 adjunct to restaurant. No beer sold to anybody but restaurant patrons. No change in outward appearance.
17 Only difference will be a room for manufacturing beer and not coming in on trucks. It has been a
18 restaurant for 23 years. Nothing changed on outside. Consistent with uses in the district. Not venting to
19 outside, or storing malodorous product waste. No impact on neighbors or neighborhood. Will be
20 nothing going on outside. Will be contained in the addition. Adequate provision for waste removal.
21 Appropriate facility.
22 T. Quinn then said, re L. Daley's points, he didn't realize it was a mixed use building. Maybe over the
23 years. It was all a restaurant. – maybe the event space. He agreed with the first four points. #5, operation
24 will use municipal water and sewer. “Projected water consumption and waste discharge for the operation
25 are currently nknown and should be detailed.” He was surprised by that.
26 S. Bonczar said he might have to deal with the waste water. Sounds like it might be minimal.
27 T. Quinn said it would be about 200 gallons a week. He never heard of a permit to draw water from the
28 public water.
29 M. Thornton said it was not drawing water.
30 J. Dargie said it was the discharge.
31 T. Quinn said if they need a permit from the water dept. or sewer dept. they will get on.
32 J. Dargie said they had that discussion before.
33 T. Q said then it seemed to go away.
34 M. Thornton said the concern was still there. If the Ph was lower to the point where Wastewater
35 Department was concerned he would acidify.
36 S. Bonczar said that was based on volume. They might have to add something to neutralize. That was for
37 that department.

1 T. Quinn said they would get whatever permits needed.

2 M. Thornton said as for organic solids he didn't see a problem unless he was trying to flush all waste. He
3 asked if it was incidental solids.

4 T. Quinn said yes. From rinsing the containers.

5 M. Thornton said filtration.

6 T. Quinn said yes. If they needed a permit, they would get that.

7 J. Dargie said he already had the permit because he already a restaurant.

8 M. Thornton said an alcohol permit to brew and sell.

9 J. Dargie said she was talking about the water. He currently had one for the water being discharged and
10 had to get it reviewed for the additional.

11 T. Quinn said they would get appropriate license from the State.

12 M. Thornton said it was interesting applicant said he would acquire roasted hops off premises. Concern
13 about roasted the smell of toasting hops?

14 T. Quinn said it was never an issue for him or his client, but it was raised in the other case. He asked T.
15 Connor what his plan was.

16 T. Connor said frozen.

17 T. Quinn said even if he did it in the future it would not be vented outside.

18 S. Bonczar said if it was bad, customers would say something, and he wouldn't do that again.

19 T. Quinn said they will live with the odor or doing something else.

20 T. Connor said system in the picture was exact one he was putting in.

21 K. Lagro said, re waste disposal, 10 to 12 barrels. How many days a week?

22 T. Connor said twice a week.

23 K.Lagro said would have to have hauler coming in twice a week and remove within 48 hours.

24 T. Connor said if he didn't show up, will have a dumpster with same company.

25 T. Quinn asked how often that would be emptied.

26 T. Connor said twice a week. Dumpster is dumped twice a week. If they can't get there for the spent
27 grain in goes into the dumpster and is gone.

28 M. Thornton asked if it would be retained inside.

29 T. Connor said yes.

30 S. Bonczar said spent wort will be collected and stored within the premises in covered containers.

31 In some previous cases there was a condition. In this it was already part of the proposal.

32 S. Bonczar asked for any questions from Board Members None. He opened public comment. None. He
33 closed public comment.

34

1 S. Bonczar asked for discussion of the criteria. He said he wanted to hit points re storage of waste. Even
2 though each individual case was different, look at things similar based on location.

3 **1. The proposed use is similar to those permitted in the District.:** R. Costantino said it was an
4 addition to a restaurant.

5 S. Bonczar said it was a restaurant.

6 M. Thornton said manufacturing was allowed.

7 S. Bonczar said by special exception it was an addition to the restaurant business in existence.

8 **2. The specific site is an appropriate location for the proposed use:**

9 M. Thornton said the one they were building, yes.

10 J. Dargie said yes.

11 S. Bonczar said it was. Couldn't see it was not appropriate. No reason it was not. It was not high
12 intensity with 100 gallons of beer a week. Based on size, he couldn't do that.

13 M. Thornton said it was non-venting system.

14 S. Bonczar said it was limited to 12 gallons.

15 **3. The use as developed would not adversely affect the adjacent area:**

16 T. Steel said it was additional garbage, additional waste disposal.

17 M. Thornton said it was being handled responsibly.

18 T. Steel asked about making a motion to include the same stipulations.

19 R. Costantino said he already had that.

20 J. Dargie said it was already there.

21 M. Thornton said he had stipulated he would live with those; if not, it was enforceable.

22 S. Bonczar and J. Dargie said it was stored inside and in closed containers.

23 T. Steel asked if they could stipulate that.

24 J. Dargie said he already had that in there.

25 R. Costantino said no venting outside.

26 S. Bonczar said not going outside, so no undesirable odors. And the spec in the testimony of 80%
27 efficiency in the condenser. He believed all facilities – structure and equipment to not adversely
28 affect adjacent area including applicant's own deck on the roof.

29 **4. There will be no nuisance or serious hazard to vehicles or pedestrians.**

30 M. Thornton said no.

31 R. Costantino said no.

32 J. Dargie asked if the addition was losing parking spaces.

33 S. Bonczar said it didn't appear so.

1 **5. Adequate appropriate facilities will be provided for the proper operation of the proposed use.**

2 M. Thornton municipal in and out and waste management.

3 S. Bonczar said he looked at facilities, it was not just the physical facility; did he have the right
4 equipment to do proper operation? If you were a contractor and you had to dig a mile long trench,
5 you were not going to come with a shovel.

6 M. Thornton said if it was contained within a building that was permitted use and intake and
7 discharge of water met regulations and no effluent and waste disposed of, it was by definition
8 sufficient.

9 S. Bonczar asked what he was proposing.

10 M. Thornton said a sealed system.

11 S. Bonczar agreed. Not just the building water coming in. Also the system, in this case, to brew the
12 beer. That he has adequate system to mitigate vapors and for waste removal.

13 M. Thornton said engineered.

14 R. Costantino said it was a proven system.

15 S. Bonczar asked for any other comments from the Board Members

16 J. Dargie said on a previous cases – what T. Steel brought up about conditions – they had a person
17 who came in with the apartment building and wrote in their statement all the trees were staying; and
18 then they drove down the street and all the trees were taken down. Because they didn't make that a
19 condition, there was nothing they could go back on.

20 M. Thornton said he disagreed. Because they wrote in the proposal it was an enforceable action.

21 R. Costantino asked what she was proposing.

22 J. Dargie said making a condition because it was a concern about sealing of the waste. She knew it
23 was in the application. Many people had been before them and didn't do what was in the application.
24 The Board Members was told they did not make it a condition on the application.

25 S. Bonczar said it was an enforcement issue.

26 T. Quinn said under NH law any representation made by the applicant before the Board Members
27 becomes a condition of approval whether or not was not part in the final decision.

28 M. Thornton said that was his point.

29 J. Dargie said they might have to revisit some.

30 S. Bonczar said there are cases when an application is vague or doesn't have something they feel is
31 necessary, they can put a condition on it.

32 R. Costantino said in this case it was not spelled out.

33 S. Bonczar said he felt their concerns were met.

34 M. Thornton said it was in the minutes.

35 S. Bonczar said right. Concerns are in the minutes.

36

1 S. Bonczar moved on to vote on the Special Exception:

2 **VOTE: On Special Exception:**

3 **1. Is the Special Exception allowed by the ordinance?**

4 J. Dargie - yes

5 R. Costantino – yes

6 M. Thornton - yes

7 T. Steel – yes

8 S. Bonczar - yes

9 **2. Are all the specified conditions present under which the Special Exception may be granted?**

10 T. Steel – yes

11 M. Thornton – yes

12 R. Costantino – yes

13 J. Dargie – yes

14 S. Bonczar – yes

15

16 S. Bonczar said based on the voting, the criteria for a special exception had been satisfied. Application
17 was unanimously approved. He reminded applicant of the 30-day appeal period.

18 There being no other business S. Bonczar asked to adjourn.

19 J. Dargie moved to adjourn. R Costantino seconded. All in favor.

20 Meeting adjourned at 10:45 p.m.