

Town of Milford
Zoning Board of Adjustment
DECEMBER 2, 2021
Public Hearings

Case #2021-26 4B Construction/Stephen Badger – Special Exception
Case #2021-27 The Dubai Group, Inc./Doug McGuire – Special Exception
Case #2021-28 The Dubai Group, Inc./Doug McGuire - Variance
Case #2021-29 Ciardelli Fuel Company/Matt Cirardelli – Special Exception

Present: Jason Plourde, Chair
Rob Costantino, Vice Chair
Michael Thornton, Member
Karin Lagro, Member
Joan Dargie, Alternate
Paul Dargie, BOS Representative
Lincoln Daley, Director of Community Development

Not Present: Tracey Steele, Member
Jane Hesketh, Recording Clerk

Meeting Agenda

1. Call to Order
2. Public Hearing(s):
 - a. **Case #2021-26** 4B Construction/Stephen Badger for the property located at 115 Federal Hill Road, Tax Map 48, Lot 20-1 are seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article VII, Section 10.2.6 to allow the construction of an attached accessory dwelling unit addition to an existing single-family residence in the Residential ‘R’ district.
 - b. **Case #2021-27** The Dubai Group, Inc./Doug McGuire for the property located at 586 Nashua Street, Tax Map 44, Lot 6 are seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Section 5.05.5 to allow a zero side dimensional setback and permit a proposed subdivision line delineated through an existing plaza building where 15 feet is required in the Commercial ‘C’ Zoning District.
 - c. **Case #2021-28** The Dubai Group, Inc./Doug McGuire for the property located at 586 Nashua Street, Tax Map 44, Lot 6 are seeking a VARIANCE from the Milford Zoning Ordinance, Article V, Section 5.05.6 Open Space to permit a three lot subdivision with two of the proposed lots resulting in less than the required 30 percent open space in the Commercial ‘C’ Zoning District.
 - d. **Case #2021-29** Ciardelli Fuel Company/Matt Cirardelli for the property located at 17 Ciardelli Crossing, Tax Map 32, Lot 25 are seeking a SPECIAL EXCEPTION from the Milford Zoning, Article II, Section 2.03.C Alteration, Expansion, or Change to add a Station Inspection Station use to service company fleet vehicles within the existing repair garage within the Limited Commercial Zoning District.
3. Meeting Minutes: None
4. Other Business: TBD
5. Next Meeting(s):
 - a. December 16, 2021
 - b. January 6, 2022

MINUTES OF THE ZBA MEETING DECEMBER 2, 2021

1 **1. CALL TO ORDER**

2
3 Chair Plourde opened the meeting by welcoming everyone and introducing himself. He welcomed those
4 attending in person and electronically since this meeting is being conducted in a unique manner.

5
6 He stated that the meeting could be attended in person at the Milford Town Hall, Board of Selectmen’s Meeting
7 Room with all Covid protocols in place. He then proceeded to state the remote Zooming meeting / remote public
8 access information and online meeting information.

9
10 He then went on to summarize the procedures of the Board. Chair Plourde stated all votes taken during the
11 meeting must be done by Roll Call vote. He started the meeting with a roll call attendance by asking each
12 member to state their name (all members were at Town Hall); this is required under the Right-to-Know Law.
13 Roll Call Attendance: M. Thornton present; R. Costantino present; K. Lagro present; J. Dargie present; J.
14 Plourde present.

15
16 He then stated J. Dargie will be sitting in as a full member to allow for the needed 5 voting members.

17
18 He stated there are four cases to be heard. He explained the process of the case hearings for the applicant and the
19 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
20 explained how the meeting would proceed for the cases that may not be heard in that they would be continued to
21 the next meeting or another agreed upon meeting. He also explained the notification process for continued cases.

22
23 He moved on to the cases to be heard.

24
25 **2. PUBLIC HEARINGS**

- 26
27 **a. Case #2021-26 4B Construction/Stephen Badger for the property located at 115 Federal Hill Road,**
28 **Tax Map 48, Lot 20-1. Special Exception from the Milford Zoning Ordinance, Article VII, Section**
29 **10.2.6 to allow the construction of an attached accessory dwelling unit addition to an existing single-**
30 **family residence in the Residential ‘R’ district.**

31
32 The property owner and applicant were present via Zoom. Chair Plourde explained to the applicant what the
33 board will need to hear from the applicant.

34
35 Stephen Badger then addressed the ZBA. He presented a summary of the attached ADU and explained that
36 ADU will be attached to the back of the existing home along with a garage. The addition will not be seen
37 from the street.

38
39 L. Daley displayed the drawing of the addition with the house and then displayed a picture of the location
40 showing the driveway. S. Badger explained the driveway is a shared driveway between #115 and #117
41 Federal Hill Rd. S. Badger went on to explain the addition and its location. L. Daley went over the
42 dimensions with the applicant to confirm them as well as the location of the addition in relation to the house.
43 There was discussion with the applicant regarding what will be seen from the road and it was agreed the
44 addition will be barely visible from the street. It was pointed out that once the building is done, it will look
45 as though nothing was added.

46
47 L. Daley stated that the applied submitted and received an approval for a six (6) bedroom septic system.
48 The property owner then confirmed that it would be installed concurrently with the construction of the
49 ADU/building additions.

50
51 R. Costantino asked about doors for egress from the addition and access to the existing house.

52
53 J. Plourde asked if there any questions from the Board members. There were no questions presented.

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1
2 Discussion was then opened to the public.
3

4 Paul Dargie asked if there would be access from the addition to the garage and this was pointed out. L.
5 Daley stated this will also be going through the Building Permit process.
6

7 J. Plourde asked if there are any other public responses. Hearing none and seeing none, he moved on. He
8 then asked the applicant if there was anything more to be added. They did not have anything and the public
9 portion of the meeting was closed. Deliberations were started with Chair Plourde reading the criteria for an
10 ADU and he asked the board to interject with any comments or concerns.
11

12 **Deliberations:**

13
14 J. Plourde read each criterion for an ADU under 10.2.6 and responded positively to all the criteria. He asked
15 the board if there were comments or questions. There were none.
16

17 J. Plourde then moved to deliberations for the 5 Special Exception criteria under 10.2.1:
18

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

- 20 J. Dargie: agrees
- 21 R. Costantino: agrees
- 22 M. Thornton: agrees
- 23 K. Lagro: agrees
- 24 J. Plourde: agrees
- 25

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

- 27 K. Lagro: agrees
- 28 J. Dargie: agrees
- 29 M. Thornton: agrees
- 30 R. Costantino: agrees
- 31 J. Plourde: agrees
- 32

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

- 34 J. Dargie: agrees
- 35 M. Thornton: agrees
- 36 R. Costantino: agrees
- 37 K. Lagro: agrees
- 38 J. Plourde: agrees
- 39

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

- 41 R. Costantino: sees none
- 42 M. Thornton: sees none
- 43 K. Lagro: agrees
- 44 J. Dargie: agrees
- 45 J. Plourde: agrees
- 46

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

- 49 J. Dargie: agrees
- 50 K. Lagro: agrees
- 51 R. Costantino: agrees
- 52 M. Thornton: agrees
- 53 J. Plourde: agrees

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J. Flourde then asked if there was anything that needed to be added before moving into voting. Nothing was added.

Voting:

The ZBA voted on the 5 criteria under Special Exception 10.2.1.

- a. R. Costantino yes; K. Lagro yes; M. Thornton yes; J. Dargie yes; chair votes yes
- b. K. Lagro yes; M. Thornton yes; J. Dargie yes; R. Costantino yes; chair votes yes.
- c. M. Thornton yes; J. Dargie yes; R. Costantino yes; K. Lagro yes; chair votes yes.
- d. R. Costantino yes; K. Lagro yes; M. Thornton yes; J. Dargie yes; chair votes yes.
- e. K. Lagro yes; M. Thornton yes; J. Dargie yes; R. Costantino yes; chair votes yes.

Is the Special Exception allowed by the Ordinance? M. Thornton yes; J. Dargie yes; R. Costantino yes; K. Lagro yes; chair votes yes.

Are all the specified conditions present under which the Special Exception may be granted? R. Costantino yes; K. Lagro yes; M. Thornton yes; J. Dargie yes; chair votes yes.

Chair Flourde asked if there is a motion to approve **Case #2021-26** 4B Construction/Stephen Badger for the property located at 115 Federal Hill Road, Tax Map 48, Lot 20-1 for a Special Exception from the Milford Zoning Ordinance, Article VII, Section 10.2.6 to allow the construction of an attached accessory dwelling unit addition to an existing single-family residence in the Residential ‘R’ district.

J. Dargie made a motion to approve **Case #2021-26** and R. Costantino seconded the motion.

J. Flourde: A motion has been made to approve **Case #2021-26**. Those in favor: J. Dargie yes; R. Costantino yes; M. Thornton yes; K. Lagro yes; chair votes yes.

Chair Flourde 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.

Chair Flourde moved on to the next case.

- b. Case #2021-27 The Dubai Group, Inc./Doug McGuire for the property located at 586 Nashua Street, Tax Map 44, Lot 6. Special Exception from the Milford Zoning Ordinance, Article V, Section 5.05.5 to allow a zero side dimensional setback and permit a proposed subdivision line delineated through an existing plaza building where 15 feet is required in the Commercial ‘C’ Zoning District.**

Doug McGuire, The Dubai Group, presented on behalf of the applicant and property owner. He began by stating that the relief being sought involves the Lorden Plaza where Shaw’s is located. The existing owners of the plaza are seeking to subdivide the existing structure located on one lot into two lots each with a zero side dimensional setback. It is being done strictly for ownership purposes of the businesses. He stated that nothing will change with the existing structure, but the subdivision will create a property boundary along the shared wall of the existing building. D. McGuire acknowledged the unique nature of the request. However, the change is internal to the property and will not alter access to the properties and building.

D.McGuire went on to state that as part of the subdivision, the owners will create the necessary easements to address parking, property maintenance, utilities, and storm water management. Discussions ensued regarding easements and the potential use of the properties.

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1 Concerns presented were in regards to the shared wall, therefore, no setbacks. It was brought up by J. Dargie
2 that a shared wall could create conflicts when repairs are needed that involve plumbing, electrical or other
3 items that are within the shared wall.
4

5 J. Plourde said he sees no difference between this subdivision and a condo subdivision. Further talk ensued
6 regarding the properties and the need for the involvement of an owner's association. He pointed out that this
7 property already met all the requirements when it was first established; this request is within the building
8 and no physical change will be made.
9

10 There was discussion involving the supervision of maintenance and owner responsibilities for the
11 subdivided properties. L. Daley made reference to a comparable situation that recently occurred and
12 explained how it was resolved between property owners. It was felt the town would not be involved; it
13 would be an issue to be resolved between owners and the condo association.
14

15 J. Plourde asked about the ZBA's involvement in regards to easements and the approval of this request.
16

17 J. Plourde to D. McGuire: Since the existing properties were grandfathered before current ordinances were
18 established, will the subdivisions comply with all the existing ordinances except for the 2 requests before the
19 ZBA tonight? D. McGuire: yes the current ordinances will be adhered to with the exception of the 2 requests
20 for a special exception and a variance.
21

22 L. Daley asked D. McGuire of parking calculations were performed to determine the required amount of
23 parking spaces for each lot. He responded that the calculations were done, but will be finalized before going
24 to the Planning Board.
25

26 Discussion returned to the debate regarding the shared wall and about the back of the building. J. Plourde
27 pointed out more information may be needed in regards to the issues raised by the ZBA members and would
28 like to know if there is something in place to manage these issues. J. Dargie indicated there is no
29 information about the structure of the wall between the two properties (i.e. is it a fire wall). She cited a case
30 where there was a request to build a garage within a foot of the setback. The problem then was how can the
31 owner of the garage maintain the side next to the property line without impacting the abutter's property.
32

33 D. McGuire stated that based on the feedback he is getting, he feels the main concern the ZBA has is about
34 the level of comfort with the Association, defined responsibilities of the property owners, and maintenance
35 of the properties. He said he can go back to the owners to get the information the ZBA will need to make the
36 board feel more comfortable.
37

38 R. Costantino stated he has no problem with the delineation; it is a paper boundary. He is concerned with
39 how the division will be managed in regards to maintenance and needs to understand if there will be
40 something in place to manage this.
41

42 M. Thornton asked about approval with a contingency. R. Costantino did point out that the Planning Board
43 will be involved as part of the required subdivision application review process.
44

45 Discussion was brought up again about doing a condominium ownership. D. McGuire summarized the
46 stance of the current property owner and stated that the owners will have an agreement/proposal. He stated a
47 similar agreement was established with the St. Mary's property.

48 L. Daley suggested D. McGuire could provide a review of the maintenance agreement for the adjoining
49 properties.
50

51 J. Plourde to J. Dargie: is the fire wall an issue that needs to be in place for approval, or is this an issue
52 between the two property owners. J. Dargie responded that there needs to be a written agreement about the
53 maintenance and the fire wall. M. Thornton brought up the insurance legalities that can come into play.

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2 J. Plourde explained to the applicant that the ZBA will need a summary as L. Daley stated about the
3 agreement between the two properties in question. R. Costantino asked if there can be an understanding to
4 make sure agreements are in place.
5

6 D. McGuire stated if this is the only item the ZBA needs, he asked if voting can take place with a
7 contingency without having to keep coming back to the board.
8

9 J. Plourde moved to the public portion of the meeting.
10

11 P. Dargie stepped forward to recommend the ZBA should move ahead with approval with a contingency and
12 sees no need to extend the case. He said zero lot line buildings are fairly common and the two owners will
13 need to have an agreement.
14

15 The legal concerns about a contingency were brought up. L. Daley stated it does appear the ZBA will need
16 more information.
17

18 D. McGuire asked about the timing for a continuance. J. Plourde with D. McGuire agreed on the next
19 meeting;
20 December 16, 2021.
21

22 J. Plourde asked for a motion to continue **Case #2021-27** to December 16, 2021 at 7:00 p.m. J. Dargie made
23 a motion for continuance and R. Costantino seconded. All were in favor.
24

25 Chair Plourde moved to the next case.
26

- 27 **c. Case #2021-28 The Dubai Group, Inc./Doug McGuire for the property located at 586 Nashua Street,**
28 **Tax Map 44, Lot 6. Variance from the Milford Zoning Ordinance, Article V, Section 5.05.6 Open**
29 **Space to permit a three lot subdivision with two of the proposed lots resulting in less than the**
30 **required 30 percent open space in the Commercial ‘C’ Zoning District.**
31

32 D. McGuire, The Dubai Group, presented the application on behalf of the property owner and applicant. In
33 proposed to subdivide the property into three separate lots, every effort was made to comply with the current
34 zoning ordinances. However, it was noted that the parent parcel as a whole did not meet the 30 percent open
35 space as it currently contains 20.6 percent open space. Proposed Lot 44-6-4 will contain 30.9 percent open
36 space, while the other two proposed lots, 44-6 and 44-6-3 contain 19 percent and 18 percent respectively.
37 include increase in size. It was pointed out one lot was created to be conforming and there are only two lots
38 that will not be conforming.
39

40 J. Plourde asked if other consideration was given to expand green space. D. McGuire feels they have been
41 able to get one lot expanded to 30 percent and feels there may not be a noticeable increase in open space by
42 taking away the parking spaces. He stated the calculations for parking have been done and it is very close to
43 the requirements.
44

45 L. Daley asked about the size of the parking spaces and perhaps a reduction in size of the spaces could be a
46 way to increase the open space; also aisle width. This may be a potential way to increase the green space.
47

48 Discussion ensued about the size of the parking spaces or actually eliminating spaces in order to increase the
49 green space. It was questioned if the work to determine this would be beneficial.
50

51 K. Lagro pointed out that the elimination of 15 spaces would provide less than 1 percent more open space.
52

53 L. Daley addressed this and feels further analysis could be done to find more open space.

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More discussion continued about parking spaces as well as snow storage needs.

J. Plourde asked if D. McGuire could address the issue of hardship.

D. McGuire: He addressed this by saying without having the actual numbers he cannot really talk about this issue right now. Therefore, since he is returning on December 16, 2021, he would like to continue this case as well. He can then come back with the numbers and with answers from the attorneys.

J. Plourde then opened the meeting to the public. Hearing none he moved ahead by asking for a motion to continue Case #2021-28 to December 16, 2021 at 7:00 p.m. J. Dargie made a motion for continuance and R. Costantino seconded. All were in favor.

Chair Plourde moved ahead to the next case.

d. Case #2021-29 Ciardelli Fuel Company/Matt Cirardelli for the property located at 17 Ciardelli Crossing, Tax Map 32, Lot 25. Special Exception from the Milford Zoning, Article II, Section 2.03.C Alteration, Expansion, or Change to add a State Inspection Station use to service company fleet vehicles within the existing repair garage within the Limited Commercial Zoning District.

Matt Cirardelli, applicant presented the application to the Zoning Board. M. Ciardelli summarized the application and stated that the proposed change is to assist with inspections of the fleet vehicles and it will not be for public use. He continued by stating that the creation of the State Inspection station will reduce the number of vehicles going in and out of the business to get inspections elsewhere.

L. Daley asked if changes will be made to the interior of the structure. M. Cirardelli the only change to be made will be to add a computer to conduct the inspections; no changes will be made to the structure.

Discussion continued and questions addressed. The State will be involved with this change because of inspections.

J. Plourde opened this to the public. Seeing none and hearing none he moved ahead. He asked M. Cirardelli if there was anything more and he stated there wasn't.

He closed the public portion of the meeting.

Deliberations:

J. Plourde then moved to deliberations for the 5 Special Exception criteria under 10.2.1:

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

- J. Dargie: agrees
- R. Costantino: agrees
- M. Thornton: agrees
- K. Lagro: agrees
- J. Plourde: agrees

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

- K. Lagro: agrees; existing facility
- J. Dargie: agrees; State will be reviewing
- M. Thornton: agrees
- R. Costantino: agrees
- J. Plourde: agrees; no issue

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

- J. Dargie: agrees
- M. Thornton: agrees
- R. Costantino: agrees; doesn't change anything
- K. Lagro: agrees; actually makes improvement
- J. Plourde: agrees

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

- R. Costantino: sees none
- M. Thornton: sees none
- K. Lagro: agrees
- J. Dargie: agrees; reduces vehicles going in and out
- J. Plourde: agrees

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

- J. Dargie: agrees
- K. Lagro: agrees
- R. Costantino: agrees
- M. Thornton: agrees
- J. Plourde: agrees; State mandated

Voting: Special Exception

The ZBA voted on the 5 criteria under Special Exception 10.2.1.

- a. R. Costantino yes; K. Lagro yes; M. Thornton yes; J. Dargie yes; chair votes yes
- b. K. Lagro yes; M. Thornton yes; J. Dargie yes; R. Costantino yes; chair votes yes.
- c. M. Thornton yes; J. Dargie yes; R. Costantino yes; K. Lagro yes; chair votes yes.
- d. R. Costantino yes; K. Lagro yes; M. Thornton yes; J. Dargie yes; chair votes yes.
- e. K. Lagro yes; M. Thornton yes; J. Dargie yes; R. Costantino yes; chair votes yes.

Is the Special Exception allowed by the Ordinance? M. Thornton yes; J. Dargie yes; R. Costantino yes; K. Lagro yes; chair votes yes.

Are all the specified conditions present under which the Special Exception may be granted? R. Costantino yes; K. Lagro yes; M. Thornton yes; J. Dargie yes; chair votes yes.

Chair Plourde asked if there is a motion to approve **Case #2021-29** Ciardelli Fuel Company/Matt Cirardelli for the property located at 17 Ciardelli Crossing, Tax Map 32, Lot 25 are seeking a Special Exception from the Milford Zoning, Article II, Section 2.03.C Alteration, Expansion, or Change to add a Station Inspection Station use to service company fleet vehicles within the existing repair garage within the Limited Commercial Zoning District.

J. Dargie made a motion to approve **Case #2021-29** and R. Costantino seconded the motion.

J. Plourde: A motion has been made to approve **Case #2021-29**. Those in favor: J. Dargie yes; R. Costantino yes; M. Thornton yes; K. Lagro 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.

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1 **3. MEETING MINUTES**

2
3 No minutes to review.

4
5 **4. OTHER BUSINESS**

6
7 None was presented.

8
9 **Motion to Adjourn**

10
11 Chair Plourde asked if there was anything else. J. Dargie made a motion to adjourn and R. Costantino seconded.
12 All Board Members were in agreement. Meeting adjourned.

13
14 **Motion to Approve:** _____

15
16 **Seconded:** _____

17
18 **Signed:** _____

19
20 **Date:** _____

21
22
23
24 **THE MINUTES OF CASE 2021-26 WERE APPROVED** _____

25
26
27 **THE MINUTES OF CASE 2021-29 WERE APPROVED** _____

28