

Town of Milford
Zoning Board of Adjustment
DECEMBER 16, 2021
Public Hearings

CASE #2021-27 The Dubai Group, Inc./Doug McGuire, SPECIAL EXCEPTION
CASE #2021-28 The Dubai Group, Inc./Doug McGuire, VARIANCE

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

Not Present: Joan Dargie, Alternate
Jane Hesketh, Recording Clerk

Meeting Agenda

1. Call to Order
2. Public Hearing(s):
 - a. **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.
 - b. **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.
3. Other Business: Review of Draft Zoning Amendments
4. Meeting Minutes: 11/18/21, 12/2/21
5. Next Meeting:
 - a. January 6, 2022
 - b. January 20, 2022

1 **MINUTES OF THE ZBA MEETING DECEMBER 16, 2021**

2 **Public Hearings**

3

4

5 **1. CALL TO ORDER**

6

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

9

10 He stated you may also attend this meeting in person at the Milford Town Hall, Board of Selectmen’s Meeting Room with
11 all Covid protocols in place.

12

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

16

17 A digital copy of the meeting materials can be found on the Town website at: [https://www.milford.nh.gov/zoning-board-
18 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
19 21: <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>

20

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

22

23 Chair Plourde stated all votes taken during the meeting must be done by Roll Call vote. He started the meeting with a roll
24 call attendance by asking each member to state their name (all members were at Town Hall); this is required under the
25 Right-to-Know Law. Roll Call Attendance: T. Steele present; K. Lagro present; R. Costantino present; M. Thornton
26 present; J. Plourde present. He stated there are 5 voting members present and 2 continued cases.

27

28 He explained the process of the case hearings for the applicant and the public. He said a full agenda may not allow all cases
29 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
30 may not be heard in that they would be continued to the next meeting or another agreed upon meeting. He also explained
31 the notification process for continued cases.

32

33 He asked Lincoln Daley about how the meeting will be handled at the end with information L. Daley will present regarding
34 Zoning Amendments. L. Daley stated the meeting will be open to the public and will not be a work session.

35

36 J. Plourde moved on to the cases to be heard.

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

1 **MINUTES OF THE ZBA MEETING DECEMBER 16, 2021**

2 **Public Hearings**

3
4
5 **2. PUBLIC HEARINGS**

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

11
12 Chair Plourde stated L. Daley received an email on Monday, December 13, 2021 from the Dubai Group requesting a
13 continuance until the next ZBA Meeting on January 6, 2022.

14
15 J. Plourde asked for a motion to continue **Case #2021-27** until January 6, 2022 at 7:00 p.m. R. Costantino made a motion
16 to continue this case and K. Lagro seconded. All were in favor. **Case #2021-27** will be continued to January 6, 2022 at 7:00
17 p.m.

18
19 **b. Case #2021-28** The Dubai Group, Inc./Doug McGuire for the property located at 586 Nashua Street, Tax Map 44, Lot 6
20 are seeking a VARIANCE from the Milford Zoning Ordinance, Article V, Section 5.05.6 Open Space to permit a three lot
21 subdivision with two of the proposed lots resulting in less than the required 30 percent open space in the Commercial ‘C’
22 Zoning District.

23
24 Chair Plourde again noted the email L. Daley received on Monday, December 13, 2021 from the Dubai Group requesting a
25 continuance until the next ZBA Meeting on January 6, 2022.

26
27 J. Plourde asked for a motion to continue **Case #2021-28** until January 6, 2022 at 7:00 p.m. R. Costantino made a motion
28 to continue this case and K. Lagro seconded. All were in favor. **Case #2021-28** will be continued to January 6, 2022 at 7:00
29 p.m.

30
31 J. Plourde stated these are all the cases to be heard.

32
33 He asked for a motion to change the agenda. He asked to move the approval of minutes to occur before OTHER
34 BUSINESS. R. Costantino made a motion change the agenda as requested and K. Lagro seconded. All were in favor.

35
36 **3. MEETING MINUTES**

37
38 **a. 11/18/2021**

39 Present at this meeting: R. Costantino, M. Thornton, K. Lagro, J. Plourde

40 Changes have been recommended and per L. Daley those changes are included in the draft presented to the board.

41 J. Plourde asked for a motion to approve minutes from 11/18/2021 as amended. R. Costantino made a motion to approve
42 the minutes as amended and K. Lagro seconded. All were in favor. Minutes from 11/18/2021 were approved.

43
44 **b. 12/2/2021**

45 Present at this meeting: R. Costantino, M. Thornton, K. Lagro, J. Dargie, J. Plourde

46 Changes have been recommended and per L. Daley those changes are included in the draft presented to the board.

47 J. Plourde asked for a motion to approve minutes from 12/2/2021 as amended. R. Costantino made a motion to approve the
48 minutes as amended and K. Lagro seconded. All were in favor. Minutes from 12/2/2021 were approved.

49
50 J. Plourde all the minutes are now caught up on.

1 **MINUTES OF THE ZBA MEETING DECEMBER 16, 2021**

2 **Public Hearings**

3
4 **4. OTHER BUSINESS**

5
6 L. Daley stated the Planning Board is requesting 4 Amendments to the Zoning Ordinances.

7
8 **a. Amendments to Zoning Ordinance Article III, Section 3.01.0 Districts**

9
10 “Change eleven parcels from “ICI” – Integrated Commercial- Industrial to Residential “B”. The affected properties under
11 consideration include Tax Map 11, Parcels 13, 14, 14-1, 15, 16, 17, 18, 19, 20, 21, and 22. The proposed amendment would
12 rezone these properties in a more consistent manner with how they have historically been used, protect the general
13 developed area from any incompatible uses that would be allowed under the Integrated Commercial – Industrial zoning,
14 and to better reflect current built conditions and existing residential neighborhood. The intent of the Residence "B" District
15 is to provide areas for increased residential density and other uses which are compatible with single-, two-family, and
16 multi-family uses.”

17
18 This is on the west side of Milford by Wilton Rd. L. Daley used an aerial map to depict the area in question. This has
19 traditionally been a residential area. In order to preserve this use, the Planning Board is considering this change to keep it
20 residential homes and preserve the integrity of the area.

21
22 J. Plourde to L. Daley: if this amendment is adopted at Town Meeting will the existing commercial properties be
23 grandfathered in. L. Daley: yes they would be

24
25 R. Costantino to L. Daley: there is very little frontage in this area and could this be an issue for changes in the future in
26 regards to set backs. L. Daley: presented a discussion on this subject

27
28 J. Plourde: each case is evaluated individually and will be reviewed as such.

29
30 M. Thornton presented a situation that could come up in regards to size of lots especially since the lot sizes in this area are
31 already small.

32
33 J. Plourde pointed out that all the smaller lots are already developed.

34
35 J. Plourde stated he is in favor, R. Costantino is in favor, K. Lagro is in favor; no formal vote is required. This is still in the
36 discussion stages with the Planning Board. L. Daley stated it requires a process of 2 public hearings. He also stated the
37 Planning Board welcomes input from the ZBA.

38
39 **b. Amendments to Zoning Ordinance Article V, Section 5.04.0 Residence ‘R’ District –**
40 **Creation of an Estate Lot as a permitted use**

41
42 “To create and establish the requirements for an Estate Lot. Estate Lots are residentially zoned parcels of ten (10) acres or
43 more in size containing or proposed to contain a maximum of three single-family dwellings. The proposed amendments
44 were introduced and discussed at the November 2nd and November 30th Planning Board Work Sessions. At these
45 meetings, the Planning Board suggested some substantive changes to the initial draft language including, but not limited to
46 defining an estate lot, allowing Accessory Dwelling Units (via Special Exception Permit), establishing the maximum
47 number of residences before requiring a subdivision, and Estate Lot title/ownership.”

48
49 There are approximately 160 lots like this in Milford. This is to allow owners with larger lots to sub-divide for multiple
50 single family homes on these larger lots keeping in mind the zoning ordinances. He went over the details of what
51 determines an estate lot and the requirements of owners; also what is and what is not allowed with this amendment
52 (parameters).

53
54 Discussion continued among the board members and various scenarios were brought up. Concerns were expressed about
55 how this could possibly be open to abuse by owners. It is felt the amendment needs to state the intent. The wording of the
56 ordinance was reviewed to decide what it meant, how this could be interpreted, and how this would impact future ZBA
57 requests.

58
59 M. Thornton brought up a concern regarding home based businesses and presented a possible situation. This issue was
60 discussed along with various situations. It was again stated the intent of the Planning Board needs to be clearer.

1 **MINUTES OF THE ZBA MEETING DECEMBER 16, 2021**

2 **Public Hearings**

3
4
5 K. Lagro presented the possible issue this change could create in regards to non-conforming lots. This was then discussed
6 along with possible wording changes. It was pointed out there needs to be reasonable setbacks within the parameters of the
7 zoning ordinances. More discussion and presentation of various scenarios continued.

8
9 The wording of “should” vs “shall” was discussed. L. Daley said he will go back to the Planning Board about this wording.

10
11 **c. Amendments to Zoning Ordinance Article 6 – Section 6.02.0 Wetland Conservation District**

12
13 “The amendment seeks to expand the number/type of allowable uses within the wetland buffer zone to include the
14 construction of a driveway access, specific water impoundments, pre-existing uses as defined in Section 2.0 of the Zoning
15 Ordinance, and the replacement/repair of septic systems. Lastly, the amendments propose general housekeeping and
16 administrative updates to reference the correct applicable State wetland and environmental regulations/statutes. The
17 suggested amendments were developed by the Conservation Commission for Board consideration and comment.”

18
19 L. Daley presented this change. J. Plourde stated: to summarize these changes would be allowable by the Conservation
20 Commission, therefore, there would not be a need for Zoning Board oversight. Basically, the changes covered in this
21 change will be reviewed by the Conservation Commission and not the Zoning Board.

22
23 Chris Costantino of the Conservation Commission was present. She explained these changes will take the burden off the
24 ZBA; they were compiled by looking at ordinances from other towns. J. Plourde agrees that the Conservation Commission
25 will be a better judge on these issues. C. Costantino stated the wording will make this easier for applicants. J. Plourde said
26 he is all in favor for making it better for applicants. He asked if there were anymore questions for Chris and there were
27 none.

28
29 **d. Amendments to Zoning Ordinance Article VII – Section 7.11 Solar Collection Systems**

30
31 “The amendment seeks to modify the definition of Residential Solar collection system, clarifying submittal requirements as
32 part of Conditional Use Permit review, and amending locational requirements for solar collection systems larger than 750 sf
33 within the Residential ‘A’, ‘B’, ‘R’ zoning districts. The proposed modifications seek to increase the maximum size
34 permitted for residential ground mounted units permitted by the Zoning Ordinance to more accurately reflect industry
35 standards regarding size, reduce the regulatory/administrative burden on property owners/applicants, and mitigate potential
36 visual impacts on abutting properties.”

37
38 L. Daley made the presentation. Basically this change is to increase allowable sizes on residential properties. Discussions
39 continued on this subject. L. Daley continued his presentation by going over additional information regarding future
40 systems.

41
42 **Zoom Meetings**

43
44 L. Daley stated he needs to discuss the future of Zoom Meetings. He said the town is not required to provide this according
45 to the current state guidelines. He asked if the ZBA should continue with this for the public and/or members.

46 M. Thornton asked if the ZBA is covered with the availability of Granite Town Media which could be streamed live.
47 This communication, though, would not allow for public access during meetings. It was emphasized it would be beneficial
48 for members to be allowed to continue with Zoom. It was pointed out there is minimal public involvement during ZBA
49 meetings. L. Daley said there are additional costs involved by providing Zoom access for the public.

50 J. Plourde asked if Chris Gentry had input on the subject. C. Gentry said it is ultimately the board’s decision but it is easier
51 to just stream live. There is a set-up process for a Zoom meeting that takes a significant amount of time vs set-up for
52 streaming live through GTM, therefore, additional costs.

53 Discussion continued about the need for the public to have Zoom access in regards to the COVID virus. There was
54 discussion about the current statistics on the virus. R. Costantino stated in view of these statistics, and to provide safety, it
55 would be best to continue with Zoom for the public.

56 It was agreed it should be reviewed at a later date. All agreed Zoom availability should be continued for the public.

57
58 J. Plourde stated this is the last meeting of the year. He expressed his sincere appreciation for the board and the significant
59 amount of time that is devoted to this; especially the efforts of L. Daley.

1 **MINUTES OF THE ZBA MEETING DECEMBER 16, 2021**

2 **Public Hearings**

3
4
5

6 R. Costantino brought up **Case #2021-24** from the meeting of 10-21-21 and asked what the resolution was. L. Daley stated
7 he is working with the parties involved to come to a mutual agreement regarding the parking situation. He did not want to
8 bring it back to the Zoning Board. Discussion continued about how this will be enforced.

9
10
11

12 **Motion to Adjourn**

13 Chair Plourde asked if there was anything else. K. Lagro made a motion to adjourn and R. Costantino seconded. All Board
14 Members were in agreement. Meeting adjourned.

15
16
17

18
19 **Motion to Approve:** _____

20
21 **Seconded:** _____

22
23 **Signed** _____

24
25 **Date:** _____

26
27
28
29