

**Town of Milford
Zoning Board of Adjustment
January 6, 2022
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
Lincoln Daley, Director of Community Development

Not Present: Tracy Steel, Member
Joan Dargie, Alternate
Jane Hesketh, Recording Clerk

Meeting Agenda

1. Call to Order

2. Public Hearing(s):

- a. Case #2021-16 Gretchen Davidson for the property located at 64 Federal Hill Road, Tax Map 48, Lot 43 is seeking a Variance from Milford Zoning Ordinance, Article V, Section 5.02.4 to allow the creation/subdivision of a lot with less than the minimum required frontage (150') on a principle route of access on a Class V road or better in the Residential 'A' Zoning District. (Continuance from December 2, 2021)
- 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. (Continuance from December 16, 2021)
- 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. (Continuance from December 16, 2021)

3. Meeting Minutes: None

4. Other Business: TBD

5. Next Meeting:

- a. January 20, 2022
- b. February 3, 2022

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

8
9 If you would like to participate in the public meeting, please call this number from home: +1 646-558-8656 and
10 enter the Meeting ID: 851 6407 7601 and Password: 269952 or log in via www.zoom.com using the Meeting ID
11 and Password previously stated.

12
13 A digital copy of the meeting materials can be found on the Town website at:
14 <https://www.milford.nh.gov/zoning-board-adjustment/agenda/zba-agenda>. We will also be live streaming the
15 meeting on Granite Town Media, Government Channel 21:
16 <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>

17
18 He then went on to inform everyone about the procedures of the Board.

19
20 Chair Plourde stated all votes taken during the meeting must be done by Roll Call vote. He started the meeting
21 with a roll call attendance by asking each member to state their name (all members were at Town Hall); this is
22 required under the Right-to-Know Law. Roll Call Attendance: K. Lagro present; R. Costantino present; M.
23 Thornton present; J. Plourde present. He stated there are only 4 voting members present and 3 continued cases.

24
25 He explained the process of the case hearings for the applicant and the public. He said a full agenda may not
26 allow all cases to be heard and that at 10:00 p.m. the meeting will end. He explained how the meeting would
27 proceed for the cases that may not be heard in that they would be continued to the next meeting or another
28 agreed upon meeting. He also explained the notification process for continued cases.

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

31
32
33 **2. PUBLIC HEARINGS**

34
35 **a. Case #2021-16** Gretchen Davidson for the property located at 64 Federal Hill Road, Tax Map 48, Lot 43 is
36 seeking a Variance from Milford Zoning Ordinance, Article V, Section 5.02.4 to allow the
37 creation/subdivision of a lot with less than the minimum required frontage (150’) on a principle route of
38 access on a Class V road or better in the Residential ‘A’ Zoning District. (Continuance from December 2,
39 2021)

40
41 Chris Guida, Fieldstone Landscape Consultants, representing Gretchen Davidson, stepped forward to the
42 microphone. He stated he will be requesting a continuance. He would like a continuance to the end of
43 February since it is taking more time than expected to get the information back from the DOT.

44
45 Chair Plourde, to confirm, C. Guida is requesting a continuance until February 17, 2022 and not a
46 withdrawal of the current application without prejudice. L. Daley went over the reasoning for a continuance
47 and he supports this request.

48
49 J. Plourde went over the additional information that the board is requesting from C. Guida as well as
50 reaffirming what L. Daley stated. He asked if there were any questions.

51
52 There was discussion about the application issues in regards to the driveway installation for the subdivision.

1 J. Plourde explained the process of the NHDOT approval for the driveway since the driveway would access
2 Federal Hill Road which is under the jurisdiction of the state. Discussion continued about the proposed
3 driveway and the board's responsibility in regard to this driveway if it is deemed legal by NHDOT. In
4 addition to the driveway issue to be worked out between the applicant and NHDOT officials, the 5 Variance
5 Criteria need to be explained in more detail for the board.
6

7 The need to re-publish this application for the public was discussed. Since a great deal of time has passed
8 from the initial public notice, it is recommended another public notice be published even though this is a
9 continuance and not a new application.
10

11 J. Plourde opened the meeting to the public.

12
13 Present via Zoom, Ray Nichols of 72 Federal Hill Road; he is one of the abutters. He stated he understands
14 what was discussed and plans to be present at the meeting of February 17, 2022.
15

16 Chair Plourde stated there is a request to continue **Case #2021-16** with two conditions; 1) notify the abutters
17 2) re-publish the public notice. He asked for a motion to continue **Case #2021-16** to February 17, 2022 at
18 7:00 p.m.
19

20 R. Costantino made a motion to continue this case with the two conditions and K. Lagro seconded. All were
21 in favor. **Case #2021-16** will be continued to February 17, 2022.
22

- 23 **b. Case #2021-27 The Dubai Group, Inc./Doug McGuire for the property located at 586 Nashua Street,**
24 **Tax Map 44, Lot 6.** Special Exception Application seeking relief from the Milford Zoning Ordinance,
25 Article V, Section 5.05.5 to allow a zero side dimensional setback and permit a proposed subdivision line
26 delineated through an existing plaza building where 15 feet is required in the Commercial 'C' Zoning
27 District.
28

29 Chair Plourde stated L. Daley received an email on Wednesday, January 5, 2022, from The Dubai Group
30 requesting a continuance until the next ZBA Meeting on January 20, 2022 and will request a separate
31 continuance with the Planning Board to February 15, 2022.
32

33 J. Plourde asked for a motion to continue **Case #2021-27** until January 20, 2022 at 7:00 p.m. R. Costantino
34 made a motion to continue this case and K. Lagro seconded. All were in favor. **Case #2021-27** will be
35 continued to January 20, 2022 at 7:00 p.m.
36

- 37 **c. Case #2021-28 The Dubai Group, Inc./Doug McGuire for the property located at 586 Nashua Street,**
38 **Tax Map 44, Lot 6.** Variance Application seeking relief from the Milford Zoning Ordinance, Article V,
39 Section 5.05.6 Open Space to permit a three lot subdivision with two of the proposed lots resulting in less
40 than the required 30 percent open space in the Commercial 'C' Zoning District.
41

42 Chair Plourde again noted the email L. Daley received on Wednesday, January 5, 2022, from The Dubai
43 Group requesting a continuance until the next ZBA Meeting on January 20, 2022 and will request a separate
44 continuance with the Planning Board to February 15, 2022.
45

46 J. Plourde asked for a motion to continue **Case #2021-28** until January 20, 2022 at 7:00 p.m. M. Thornton
47 made a motion to continue this case and K. Lagro seconded. All were in favor. **Case #2021-28** will be
48 continued to January 20, 2022 at 7:00 p.m.
49

50 J. Plourde stated these are all the cases to be heard.
51

52 **3. MEETING MINUTES**
53

1 None

2
3 **4. OTHER BUSINESS**

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5 L. Daley said he had nothing further to discuss.

6
7 M. Thornton brought up a recent event in the Town where a responder answered an emergency call in a building
8 that did not allow for access via phone or radio; this responder requested mutual assistance but was unable to get
9 this assistance because the call was not transmitted. M. Thornton is asking the board to review the need for
10 transmissions in buildings such as this; he wants to get opinions on the subject.

11
12 It is specific to concrete or masonry building with steel. He is requesting this be a requirement for future new
13 builds and then to consider modifications to existing buildings.

14
15 J. Plourde stated this situation would seem to be the land owners' responsibility for existing buildings. M.
16 Thornton stated that is true but he is thinking this would be made as a requirement through a warrant article and
17 not an increase in cost to taxpayers. L. Daley brought up the avenues available for pursuing this. M. Thornton
18 said he is bringing this up at this meeting because he has been addressed a number of times from individuals
19 asking him to solve this problem.

20
21 R. Costantino asked if other towns are doing this. M. Thornton said after a traumatic event, cities have
22 implemented this.

23
24 L. Daley said he can ask the appropriate parties what can be done. He feels it is of great merit worth further
25 investigation.

26
27 M. Thornton said first responders have been dealing with this problem for a long time.

28
29 **Motion to Adjourn**

30
31 Chair Plourde asked if there was anything else. M. Thornton made a motion to adjourn and R. Costantino
32 seconded. All Board Members were in agreement. Meeting adjourned.

33
34
35 **Motion to Approve:** _____

36
37 **Seconded:** _____

38
39 **Signed:** _____

40
41 **Date:** _____