

**Town of Milford**  
**Zoning Board of Adjustment**  
**JULY 7, 2022**  
**Public Hearings**

**Case #2022-13 George & Jacqueline Thurrott, SPECIAL EXCEPTION**  
**Case #2022-14 TM Bolduc Holdings, LLC. and Salt Creek Properties, LLC. SPECIAL EXCEPTION**

**Present:** Jason Plourde, Chair  
Karin Lagro, Vice Chair  
Michael Thornton, Member  
Andrea Kokko Chappell, Member  
Joan Dargie, Alternate  
Lincoln Daley, Director of Community Development  
David Freel, BOS Representative

**Not Present:** Tracy Steel, Member  
Jane Hesketh, Recording Clerk

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**Meeting Agenda**

1. Call to Order
2. Public Hearing(s):
  - a. Case #2022-13 George & Jacqueline Thurrott for the property located at Tax Map 34, Lot 68-5, 9 Walnut Street are seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.02.2.A.8 and 5.02.5.A to allow the construction of a single-family residence 20 feet from the front dimensional setback where 30 feet is required on the subject property located in the Residential 'A' District.
  - b. Case #2022-14 TM Bolduc Holdings, LLC. and Salt Creek Properties, LLC. for the property located at Tax Map 43, Lot 69 are seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.05.8.C and 5.07.7.C to allow the construction of six, multi-family buildings with a maximum height of 56 feet where 35 feet is permitted in the Limited Commercial-Business District "LCB" Zoning District and 45 feet is permitted in the Commercial 'C' Zoning District.
3. Meeting Minutes: 6/16/2022
4. Other Business: TBD
5. Next Meeting: July 21, 2022, August 4, 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 with all Covid protocols in place.

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](http://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.

1 **MINUTES OF THE ZBA MEETING JULY 7, 2022**

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4 Chair Plourde stated all votes taken during the meeting must be done by Roll Call vote. He started the meeting with a roll call  
5 attendance by asking each member to state their name; this is required under the Right-to-Know Law. Roll Call Attendance with  
6 everyone in attendance at Milford Town Hall: M. Thornton present; Andrea Kokko Chappell present; K. Lagro present; J. Dargie  
7 present; J. Plourde present. To make a 5 member board he appointed Alternate Joan Dargie as a full board member for this  
8 meeting.

9  
10 He stated there are 2 cases to be heard and then explained the process of the case hearings for the applicant and the public. He said  
11 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  
12 would proceed for the cases that may not be heard in that they would be continued or tabled to another agreed upon meeting. He  
13 also explained the notification process for continued cases.

14  
15 J. Plourde then moved ahead to the cases to be heard.

16  
17  
18 **2. PUBLIC HEARINGS**

19  
20 **a. Case #2022-13 George & Jacqueline Thurrott for the property located at Tax Map 34, Lot 68-5, 9 Walnut Street**  
21 **are seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.02.2.A.8 and 5.02.5.A to allow**  
22 **the construction of a single-family residence 20 feet from the front dimensional setback where 30 feet is required on the**  
23 **subject property located in the Residential ‘A’ District.**

24  
25 A. Kokko Chappell stated she would be excusing herself from the meeting due to a potential conflict of interest. J. Plourde then  
26 explained the process with a 4 member board vs. 5 member board. 3 favorable votes will be needed to pass and a split decision  
27 would mean the case would not be approved. He gave the representative from Fieldstone Land Consultants an opportunity to  
28 delay the hearing but the representative opted not to delay.

29  
30 Chris Guida from Fieldstone Land Consultants stepped forward to make his presentation. He used a tax map to display the  
31 proposed location of the new house which is a small lot that has a steep drop off in the rear. He explained the design of the home  
32 by the builders is based on the size of the lot and the type of property. He stated the home could be setback a bit further from the  
33 front property line, but the topography of the land in the back is a hardship.

34  
35 J. Plourde asked about the possibility of having a larger front yard instead of a back yard.

36  
37 C. Guida: he stated it was one option but with a walkout to the back, most families prefer to have the privacy of a backyard; the  
38 front yard is usually for just esthetics and not for entertainment purposes.

39  
40 J. Plourde stated he understands the need for privacy and the esthetics of the front yard.

41  
42 C. Guida stated there is a concern for safety due to the extreme drop off.

43  
44 More discussion continued on this subject between C. Guida and J. Plourde.

45  
46 To confirm what C. Guida had been saying, J. Plourde then stated C. Guida’s concerns are that he wants to have more space in the  
47 back to keep a larger distance from the home to the drop off. C. Guida agreed.

48  
49 L. Daley brought up an aerial map of Walnut Street. He showed homes in the area that have encroachment into the front setback.

50  
51 L. Daley asked if this was the final design.

52  
53 Nate Ball from Ball Design stepped forward to answer this question. The design did go through variations before this last one.

54  
55 J. Plourde asked if there were any further questions.

56  
57 C. Guida stepped forward and asked about the letter from the abutter before moving forward. J. Plourde said the letter is in the  
58 packet and he will read it into the record.

1 MINUTES OF THE ZBA MEETING JULY 7, 2022

2  
3 Special Exception criteria under 10.02.1:

4  
5 **a. Criteria: proposed use is similar to those permitted in the district**

6 This will be a single family residence like those permitted in the district. Request is to locate the home within the  
7 30 ft. front setback to avoid the steep drop off in the back.

8  
9 **b. Criteria: specific site is in an appropriate location for the proposed use**

10 The site is located on a dead end road and similar to the homes on the street.

11 J. Plourde asked if there was a possibility for Walnut Street to be extended. L. Daley: there is that possibility but it  
12 would be challenging to do it.

13  
14 **c. Criteria: the use as developed will not adversely affect the adjacent area**

15 The proposed use is in line with the abutting homes. The request is for 10 ft. into the front setback which will  
16 allow for a safe distance from the drop off in the rear of the property.

17  
18 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

19 It will provide for a driveway and safe access.

20  
21 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

22 Appropriate facilities will be provided with a larger back yard, driveway, municipal sewer and water.

23  
24 J. Plourde opened the meeting to the public.

25  
26 L. Daley read a letter into the record from an abutter from Kokko Builders which explained the topography of the Walnut  
27 Street neighborhood and requested the ZBA take his points into consideration.

28  
29 J. Plourde closed the public portion of the meeting and moved to Deliberations.

30  
31 **Deliberations:**

32  
33 Special Exception criteria under 10.02.1:

34  
35 **a. Criteria: proposed use is similar to those permitted in the district**

36 M. Thornton: it is in a residential area

37 K. Lagro: by special exception this is allowed

38 J. Dargie: abutting homes have encroached into the front setback

39 J. Plourde: agrees with all that was said

40  
41 **b. Criteria: specific site is in an appropriate location for the proposed use**

42 K. Lagro: due to the topography of the lot it makes sense to move the house closer to the front

43 J. Dargie: agrees and cited the letter read into the record by L. Daley; she cited the point regarding the front  
44 setbacks on Walnut Street

45 M. Thornton: the site places restrictions on the building design

46 J. Plourde: agrees with all that was said

47  
48 **c. Criteria: the use as developed will not adversely affect the adjacent area**

49 J. Dargie: it is the same use as the homes in the area and on the street

50 M. Thornton: Minor adjustment

51 K. Lagro: minimal impact

52 J. Plourde: feels c and d go together; agrees with what has been said

53  
54 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

55 M. Thornton: no vehicles or pedestrians will be on private property

56 K. Lagro: agrees

57 J. Dargie: no impact; also a dead end

58 J. Plourde: already zoned for single family homes; there will still be plenty of space in front from the roadway

59  
60 MINUTES OF THE ZBA MEETING JULY 7, 2022

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

3 K. Lagro: parking will be available, municipal water and sewer

4 M. Thornton: agrees

5 J. Dargie: agrees

6 J. Plourde: agrees; plenty of separation

7  
8  
9 **Voting:**

10 Special Exception criteria under 10.02.1:

11  
12  
13 **a. Criteria: proposed use is similar to those permitted in the district**

14 K Lagro yes; M. Thornton yes; J. Dargie yes; chair votes yes.

15  
16 **b. Criteria: specific site is in an appropriate location for the proposed use**

17 M. Thornton yes; J. Dargie yes; K. Lagro yes; chair votes yes.

18  
19 **c. Criteria: the use as developed will not adversely affect the adjacent area**

20 J. Dargie yes; K. Lagro yes; M. Thornton yes; chair votes yes.

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

23 K Lagro yes; M. Thornton yes; J. Dargie yes; chair votes yes.

24  
25 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

26 M. Thornton yes; J. Dargie yes; K. Lagro yes; chair votes yes.

27  
28 Is the Special Exception allowed by the Ordinance?

29 J. Dargie yes; K. Lagro yes; M. Thornton yes; chair votes yes.

30  
31 Are all the specified conditions present under which the Special Exception may be granted?

32 K Lagro yes; M. Thornton yes; J. Dargie yes; chair votes yes.

33  
34 Chair Plourde asked if there is a motion to approve **Case #2022-13 George & Jacqueline Thurrott for the property**  
35 **located at Tax Map 34, Lot 68-5**, 9 Walnut Street are seeking a Special Exception from the Milford Zoning Ordinance,  
36 Article V, Section 5.02.2.A.8 and 5.02.5.A to allow the construction of a single-family residence 20 feet from the front  
37 dimensional setback where 30 feet is required on the subject property located in the Residential 'A' District.

38  
39 J. Dargie made a motion to approve **Case #2022-13** and K. Lagro seconded.

40  
41 J. Plourde: A motion has been made to approve **Case #2022-13**. Those in favor: J. Dargie yes; K. Lagro yes;

42 M. Thornton yes; chair votes yes.

43  
44 Chair Plourde stated the criteria for the Special Exception request had been satisfied and the application approved. There is  
45 a 30 day appeal period that can be filed with the Zoning Board.

46  
47 Chair Plourde moved to the next case.

48  
49 **b. Case #2022-14 TM Bolduc Holdings, LLC. and Salt Creek Properties, LLC. for the property located at**  
50 **Tax Map 43, Lot 69** are seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.05.8.C and  
51 5.07.7.C to allow the construction of six, multi-family buildings with a maximum height of 56 feet where 35 feet is  
52 permitted in the Limited Commercial-Business District "LCB" Zoning District and 45 feet is permitted in the Commercial  
53 'C' Zoning District.

54  
55 Christopher Swinarski, Attorney for TM Bolduc Holdings, stepped forward. He stated the request is for a special  
56 exception due to the height of the proposed 6 residential buildings. He stated there will be 2 driveways with only one for  
57 entrance by residents and the second will be for emergency use. C. Swinarski reviewed the special exception criteria

1 MINUTES OF THE ZBA MEETING JULY 7, 2022

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5 Special Exception criteria under 10.02.1:

6  
7 **a. Criteria: proposed use is similar to those permitted in the district**

8 Multi-family is permitted in the district.

9  
10 **b. Criteria: specific site is in an appropriate location for the proposed use**

11 Provides a customer base for the commercial businesses and is in an ideal location for access to the complex. Also, it  
12 will not be visible to the abutting properties.

13  
14 **c. Criteria: the use as developed will not adversely affect the adjacent area**

15 Residential use will usually have minimal impact. No traffic problems are anticipated but this will be discussed in detail  
16 with the Planning Board. Also a traffic study will be conducted.

17  
18 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

19 Residential with good access and will be largely invisible.

20  
21 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

22 The facilities will be municipal water and sewer as well as green space for the residents.

23  
24 J. Plourde wanted to review these points with Attorney Swiniarski. Discussions commenced about each of the points. One specific  
25 point was in regards to density due to the height. J. Dargie asked about the height and if it was for units or the underground  
26 parking.

27 Matt Bolduc stepped forward to explain. He stated the underground parking could be moved to the outside of the buildings by  
28 providing paved parking spaces. This would then eliminate the need for a special exception. It was then pointed out that the  
29 underground parking was preferred in order to minimize the impact to this parcel of land. The Conservation Commission was  
30 consulted and viewed the area in question. The height of the buildings are increased due to the underground parking and not due  
31 to increased residential units, therefore, density is not an issue in relation to the height.

32  
33 J. Plourde stated that the height is open to review in relation to its impact on the traffic. He would like to see what the trip  
34 valuation will be; trip generation letter.

35  
36 In order to prevent any further delays, C. Swiniarski asked if the project could be approved with this condition in place.

37  
38 J. Dargie then stated her feelings in regards to the renderings that were presented so far. She feels she does not have enough to go  
39 forward with making her decision. She gave examples about height in relation to the abutters and how this will affect them. She  
40 expressed her concerns about how much of the land will be cleared. All of this she stated, is not clear in the renderings given in  
41 the application.

42  
43 M. Bolduc came forward to outline the areas on the rendering to show what each area is. He explained there will be trees  
44 surrounding the complex and the wetlands will not be touched.

45  
46 C. Swiniarski stated there will be a great deal of vegetation surrounding the buildings which will keep the units from being seen  
47 by abutters. J. Dargie then asked how far it will be from the abutters since nothing is shown on the map.

48 M. Bolduc did a measurement on the map to scale out from the buildings to the residential homes; 260 ft. from one, 400 ft. from a  
49 second and 220 ft. from the other. K. Lagro asked about elevation of these homes in relation to the proposed buildings. M. Bolduc  
50 did a calculation on this for the board which showed floors above the 1<sup>st</sup> floor will be higher than the elevation of the homes on  
51 Ponemah Hill Road.

52  
53 M. Bolduc brought up the traffic which he has a report from. Weekday a.m. peak, Weekday p.m. peak and Weekend peak. He  
54 then presented the numbers to the board.

55  
56 J. Plourde stated the numbers given are higher than the threshold from the D.O.T. which means it will have a noticeable impact.  
57 He feels ZBA will need more information because there are a number of unknowns which will not assist the board in making a  
58 decision.

59  
60 J. Plourde stated a balloon test will help the abutters to determine what the view will be. C. Swiniarski said this can be done and  
61 wanted to know where the balloon should be placed. This was deferred to L. Daley

1 **MINUTES OF THE ZBA MEETING JULY 7, 2022**

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4 L. Daley stated it should be shown with the vegetation that will remain with the construction of the complex. He then said there  
5 should be 2 balloons; one at the group of 3 buildings and the second at the 2 buildings closest to the road in back. J. Dargie asked  
6 about the elevation of the buildings in the front and the back.  
7

8 M. Bolduc addressed Chair Plourde to tell him he had made a mistake with the traffic numbers he previously stated. With that  
9 information, the numbers are within the threshold.  
10

11 L. Daley stated it is important to maintain the visual impact to the main corridor into Milford.  
12

13 Further discussions continued about height and the possibility of cupolas which the Planning Board could request. C. Swinarski  
14 stated there will not be cupolas but is concerned there could be additions made to the height by the Planning Board which would  
15 result in the need to come back to the Zoning Board. Further discussion continued about the height and a possible need to change  
16 the height requested in the application as well as how high the balloons should be placed for the test. L. Daley stated the balloon  
17 should be at 56 ft.  
18

19 J. Plourde feels a site walk is needed during the balloon testing. It was agreed the balloons will be placed in the center of the 2  
20 buildings and at the front of the area where the other buildings will be. Also stated; abutters will be notified of the test and the date  
21 it will be conducted. A date of July 14, 2022 was suggested based on the availability of someone to conduct the test. There was  
22 also discussion about the board members present at this meeting who cannot attend the meetings on July 21, 2022 and  
23 August 4, 2022.  
24

25 J. Plourde asked for a copy of the traffic report.  
26

27 The site walk will be made at a specific time but the balloon test will go on all day; it may not be just a balloon but a reasonable  
28 facsimile at the correct height of 56 ft.  
29

30 J. Plourde then opened the meeting to the public.  
31

32 L. Daley indicated there was a person on the phone waiting. Jonathan Hahn from 59 Poneham Hill Rd. was on the line. He  
33 expressed his interest in the traffic study. With his concerns regarding the increase in traffic, he feels there is a need for a  
34 sidewalk.  
35

36 J. Plourde: the ZBA is only looking at the special exception in regards to the height, however, the Planning Board will need to  
37 look at this aspect which is a viable concern. He confirmed, as an abutter, he will receive notification from the Planning Board.  
38

39 Maureen O'Reilly from 91 Poneham Hill Rd. stepped forward to the microphone. She indicated her residence as being one of the  
40 homes in the rear of the 2 buildings. She expressed her concerns about the site lines. She explained that the rendering does not  
41 depict the actual foliage coverage which is less dense than shown. There are trees that have been cleared and the wet land has  
42 increased since that has happened.  
43

44 J. Plourde this is part of the ZBA review and will take her concerns seriously.  
45

46 K. Lagro asked about the trees that have been cleared. M. O'Reilly explained there has been some clearing that appears to have  
47 gone up to her property line. L. Daley asked for permission to go view her property and she said this would be permissible.  
48

49 Steve Demers from Salt Lake Properties stepped forward to explain the tree clearing. He stated the trees were cleared as part of a  
50 logging operation. This was where the logger loaded. Years ago this was also used as a snow disposal spot.  
51

52 J. Plourde asked if there were any further comments.  
53

54 David Freel stepped forward to make a comment. Selectman Freel expressed he did not understand the concerns about height.  
55 This subject was then discussed with the board and an explanation was given regarding the numerous reasons/points the ZBA  
56 needs to consider, and why the ZBA is the first part in the process vs. going to the Planning Board first.  
57

58 J. Plourde asked if there were any other abutters who wished to comment. Hearing none, he summarized what needs to occur  
59 moving forward; the height test, the site walk, traffic report, and input from the Planning Board. L. Daley stated he will act as the  
60 intermediary with the Planning Board to gain comments from them. However, the Planning Board can make changes after this.  
61

62 M. Bolduc asked there also be a letter from the Conservation Committee.  
63

64 K. Lagro asked about any concerns about the height from the Fire Department. L. Daley said there were none.

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7/14/2022 from 9 a.m. – 6 p.m. was the agreed upon time for the height test, and 7/14/2022 at 3:00 p.m. for the site walk.

Chair Plourde asked for a motion to **approve** the site walk for Case #2022-14; it will be open to the public. He summarized the five items of concern: input from Planning Board and Conservation Commission, site walk, traffic report and height test.

Chair Plourde asked for another motion to **continue Case #2022-14** TM Bolduc Holdings, LLC. and Salt Creek Properties, LLC. for the property located at Tax Map 43, Lot 69 are seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.05.8.C and 5.07.7.C to allow the construction of six, multi-family buildings with a maximum height of 56 feet where 35 feet is permitted in the Limited Commercial-Business District “LCB” Zoning District and 45 feet is permitted in the Commercial ‘C’ Zoning District.

M. Thornton made the motion and K. Lagro seconded; all were in favor. **Case #2022-14** will be continued to July 21, 2022 at 7:00 p.m. and a site walk will be held on July 14, 2022 at 3:00 p.m. L. Daley confirmed abutters will be notified about both dates.

**3. MEETING MINUTES**

6/16/2022:  
J. Plourde asked for a motion to approve minutes of June 16, 2022 as amended.  
J. Dargie made a motion to approve and A. Kokko Chappell seconded.  
All were in agreement.

**4. OTHER BUSINESS**

Dan Sadkowski of 27 Timber Ridge Drive came forward to the microphone to introduce himself as having served on the Zoning Board in Amherst. He went over his history of residences in New Hampshire and his employment; now retired. He wants to get involved with the community. He would like to be a part of the Milford Zoning Board. J. Plourde explained this was D. Sadkowski’s second time at a ZBA Meeting. The board went over the various resources available on Zoning. J. Plourde recommended he view the training sessions available. Chair Plourde asked for a motion to approve Dan Sadkowski as an Alternate Member of the Milford Zoning Board and to provide the Planning Board with this recommendation.. J. Dargie made a motion and K. Lagro seconded. All were in favor.

**Motion to Adjourn**

Chair Plourde asked if there was anything else. J. Dargie made a motion to adjourn and M. Thornton seconded. All Board Members were in agreement. Meeting adjourned.

**Motion to Approve:** \_\_\_\_\_

**Seconded:** \_\_\_\_\_

**Signed** \_\_\_\_\_

**Date:** \_\_\_\_\_