

Town of Milford
Zoning Board of Adjustment
SEPTEMBER 22, 2022
Public Hearings

Case #2022-22 371 Elm Street, LLC., VARIANCE
Case #2022-23 371 Elm Street, LLC., VARIANCE

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

Not Present: Jane Hesketh, Recording Clerk

Meeting Agenda

1. Call to Order
2. Public Hearing(s):
 - a. Case #2022-22 371 Elm Street, LLC. for the property located at Tax Map 16, Lot 1, 371 Elm Street is seeking a Variance from the Milford Zoning Ordinance, Article V, Sections 5.08.1 to allow the conversion of an existing motel to a multi-family use (apartments) on the subject property located in the Integrated Commercial Industrial District.
 - b. Case #2022-23 371 Elm Street, LLC. for the property located at Tax Map 16, Lot 1, 371 Elm Street is seeking a Variance from the Milford Zoning Ordinance, Article V, Sections 5.03.4 to permit a total density of 12 units within an existing residential/commercial building on the subject property located in the Integrated Commercial Industrial District.
3. Meeting Minutes: 8/4/22, 8/18/22
4. Other Business: TBD
5. Next Meeting: September 22, 2022 October 6, 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 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>

1 **MINUTES OF THE ZBA MEETING SEPTEMBER 22, 2022**

2
3 He then went on to inform everyone about the procedures of the Board.

4
5 Chair Plourde stated all votes taken during the meeting must be done by Roll Call vote. He started the meeting with a roll
6 call attendance by asking each member to state their name; Roll Call Attendance with everyone in attendance at Milford
7 Town Hall: M. Thornton present; Andrea Kokko Chappell present; K. Lagro present; T. Steel present; D. Zurkowski
8 present; J. Plourde present. He explained D. Zurkowski is present as an alternate board member and will be taking part in
9 all discussions, but will not be participating in the deliberations or voting since there is already a full board present.

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

15
16 J. Plourde then moved ahead to the case to be heard.

17
18 **2. PUBLIC HEARINGS**

19
20 **a. Case #2022-22 371 Elm Street, LLC. for the property located at Tax Map 16, Lot 1, 371 Elm Street** is seeking a
21 Variance from the Milford Zoning Ordinance, Article V, Sections 5.08.1 to allow the conversion of an existing motel to a
22 multi-family use (apartments) on the subject property located in the Integrated Commercial Industrial District.

23
24 Ben Legare 3 Colby Farm Rd., Newburyport, MA stepped forward as a representative of the LLC that owns the property.
25 A picture of the subject property was displayed. He explained the history of the property and what changes have been made
26 since obtaining ownership. He also stated the building is currently vacant. He stated that in this zoning district motel usage
27 is no longer allowed. He displayed the current structures in the vicinity of this property with 2 neighboring properties being
28 residential homes as well as homes across the street with the exception of a Day Care facility. With his presentation, he
29 talked about occupant problems with the property. He then displayed a rendering of the property along with a layout of
30 what will be included in each unit. He explained the resident problem has to do with long term occupants of the motel. As a
31 motel, he has no idea who may be living in the units and cannot do any background checks on the occupants. It appears to
32 be transients who occupy the motel and, again, without the ability to check on their credit or background, anyone is allowed
33 to live there under the motel rules. If the motel rules are not adhered to, it becomes difficult to have the occupant removed.
34 After renovations were done to some of the units, the new owners found the renovated units were not being cared for
35 properly. This is why they decided to remove the occupants and vacate the property. This would allow them to go through
36 the process of changing it to a rental property with smaller apartments. He explained what would be in the renovated units.
37 He also displayed a project he was involved with in Salisbury, MA which encouraged surrounding properties to improve
38 due to the renovations made to the property that was purchased in Salisbury, MA. Property values were increased in this
39 area as a result. He explained his process, with his other properties, for reviewing/checking potential tenants as well as
40 obtaining a security deposit. This would eliminate the transient situation the property in Milford has been dealing with.
41 He went into detail about funding and his ideas for improvements to the property should this project be approved for
42 apartments. He also said he is focusing on providing affordable housing, stabilizing the occupancy, attracting young
43 professionals, elderly or just someone who needs an affordable place to live. Basically, he said, he is asking for this
44 structure which is already non-conforming to change the use that will also be non-conforming for this district.

45
46 J. Plourde asked about the why the Fire Department at first said it was a multi-family then retracted that and said it was not,
47 and he is wondering why the state said it wasn't. B. Legare explained the Fire Department thought there was a restriction
48 on length of time and the State Fire Marshall said it does not matter how long an occupant has been residing in the motel. It
49 is based on whether or not the occupant is required to stay; a motel does not require this but a rental would require a lease.
50 Technically, even though a person may be living in the motel for an extended period of time, it is not considered a multi-
51 family.

52
53 J. Plourde asked about the affordability and if all the units will be affordable housing. B. Legare said he is applying for a
54 grant that will allow him to do everything he wants to do to the property. This will improve the property tremendously. In
55 order to get this grant, he will have to commit to 5 years of affordable housing for all of the units. After that time, the units
56 will not be very large which will keep the rent within reason.

57
58 J. Plourde then went to say that he is hearing the property has been a problem for quite some time. B. Legare said as a
59 motel it is impossible to control who is living there. L. Daley said while this type of housing will certainly be beneficial,
60 grant money is never guaranteed; therefore, is there a backup plan and will the units still be made into affordable housing.

61 **MINUTES OF THE ZBA MEETING SEPTEMBER 22, 2022**

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3 B. Legare stated he will commit to the same 5 year restriction of affordable housing even if he does not get the grant
4 funding. L. Daley went on to say that the motel has been there a long time under different owners and circumstances. He
5 then asked B. Legare to confirm what he has been saying that as a motel, this property does not function properly and the
6 use is not viable. B. Legare stated it is not viable if the community wants to continue with the numerous problems this
7 property has presented. He went on to explain what he has done to work with the tenants that were there in order to keep it
8 as a motel and all efforts failed.

9 A. Kokko Chappell asked if B. Legare has met with the Building Inspector to verify code compliance to determine what the
10 town requires for a studio apartment; as an example the cooking facilities that were described. He said roughly yes, and
11 went on to say a sprinkler system will be installed. L. Daley stated, and to clarify, the property has been inspected for motel
12 use and if this goes forward with the ZBA, there will be further work needed with the Planning Board and there will be
13 code changes. A. Kokko Chappell said she is wondering about the plans presented to them at this meeting and if there had
14 been any input from the town Building Inspector because she wanted to clarify the next step if it is approved by the ZBA.
15 L. Daley said it will go to the Planning Board for site plan approval due to the change of use.

16
17 D. Zurkowski to B. Legare: you are planning on renovating the existing units, but have you considered demolishing the
18 structure and rebuilding. B. Legare: that option had been considered, but to keep the units as affordable housing it is best to
19 renovate to simply make them better than they are now.

20
21 J. Daley, just to reiterate what has been said, the property has been a motel for a number of years and there have been
22 residents who have lived there for a long time in most cases so it has served as a long term residency for some time now.
23 B. Legare added tenants on a lease will be more conscientious about their living environment and will report problems with
24 a unit vs. those living without a lease and not adhering to the rules, have a tendency not to report problems because they
25 fear being found out and losing their residence.

26
27 J. Plourde to B. Legare: were other uses considered. B. Legare: there were other scenarios such as a much larger facility as
28 a condo complex and other options but this option seems to be the best for the area. He did research about keeping it as a
29 motel, but based on what happened when he first took ownership, this just did not work.

30
31 A. Kokko Chappell explained when the motel first opened, the home next door was where the owner lived and was easier
32 to maintain it as a motel. She went on to say that every Friday an agreement had to be signed by all the tenants because a
33 stay longer than a week was not allowed. Due to this, it started to become a long term residency. She continued by saying
34 she is not sure this was ever run like a true motel should be run. Also, management must be in residence on the property.

35
36 B. Legare went into the details of how to manage a motel with digital equipment from a distance without management
37 living on the property. L. Daley interjected that density would be an issue in Milford for a larger multi-unit motel. The
38 subject of property management was elaborated on by B. Legare. Other subject discussed was the improvements to the
39 property which will make it nicer for the area. M. Thornton asked about the cooking equipment in regards to the possibility
40 of an induction stove which is much safer. B. Legare said it is worth looking into.

41
42 J. Plourde asked if there any further comments or questions before going over the Variance Criteria. There were none so he
43 moved forward.

44
45 Variance Criteria:

46
47 **1. This will not be contrary to the public interest.**

48 Property has been used as a multi-family for many years. The change will allow control of who resides there.

49
50 **2. The spirit of the Ordinance is observed.**

51 The ICI Zone is varied in use but it is surrounded by residential homes. This building is designed toward residential
52 living.

53
54 **3. Substantial Justice is done.**

55 The ICI Zone abuts the Commercial Zone that allows for residential properties. This property is at the very edge of the
56 ICI Zone.

57
58 **4. The Values of Surrounding Properties will not be diminished.**

59 Most of the neighborhood is residential. The property will be brought up to code and be improved upon. A change to
60 the residency will allow for less strain on emergency assistance services.

61 **MINUTES OF THE ZBA MEETING SEPTEMBER 22, 2022**

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3 **5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.**

4 The building is already non-conforming and it has been used as a long term residency which is like a multi-family
5 unit. The current non-conforming use, however, makes it difficult to provide upgrades to the property. Changing
6 the use will allow for more control of the residency, allow for grant funding to make substantial improvements,
7 and decrease the strain on emergency calls to the motel. In addition, the use as a motel will diminish the value of
8 the property vs. use as a multi-family.
9

10 J. Plourde asked if there were any comments or questions from the board. Hearing none he opened the meeting to the
11 public.
12

13 Tracy from the Condominiums across the street from the property called in. She said initially she was not in favor of the
14 motel becoming a rental property but after listening to the meeting she is now very much in favor of this change. She has
15 never been comfortable with the residency at the motel.
16

17 Paul from the Condominiums across the street from the property called in. He is in favor of a lease for the residents. He was
18 not happy with the residents at the motel. B. Legare explained his management style for the property. Paul then stated he is
19 in support of this change.
20

21 J. Plourde said seeing no more comments from the public he asked if the board had any more questions or comments.

22 L. Daley stated that what he heard is that if the grant is not awarded the applicant is still committed to providing a 5 year
23 plan for affordable housing for the rental units. J. Plourde then questioned that since this was a commitment made by the
24 applicant this will not need to be a condition. L. Daley stated he would “codify” that offer.
25

26 A. Kokko Chappell wanted to clarify with the applicant the difference between workforce housing and affordable housing.
27 She then went on to say the grant B. Legare has referred to is for workforce housing and there are guidelines for the rental
28 amount. She cited the workforce rental guideline for a studio apartment as being \$958-\$1500. She went on to say that
29 affordable housing is more lenient than workforce housing. A. Kokko Chappell to L. Daley she asked if he concurred with
30 that. L. Daley explained that affordable housing is based on the median income for the area. The applicant interjected with
31 the offer of putting the figures she cited into the application. She stated she wants to clarify the direction the applicant is
32 going in; affordable housing vs. workforce housing. Again, she stated the grant the applicant would be applying for does
33 stipulate workforce housing. A. Kokko Chappell to B. Legare: she asked if he would be willing to put a condition on the
34 variance that would stipulate the enforcement of the grant guidelines for the 5 years even if he does not get the funding. B.
35 Legare stated he could do that within the rental amounts she cited.
36

37 Damon Amato was recognized via Zoom. He is part owner of the property and business partner of B. Legare. He said he
38 has been the one directly involved with the state in regards to the grant. He went on to explain the state was more interested
39 in the affordable housing and there was no mention of workforce housing. Even so, either with or without the grant money
40 he is comfortable with the rental range B. Legare has offered to commit to as well as the 5 years. Either way, it will allow
41 them to make improvements to the property by providing some financial assistance through a grant or bank loan. He added
42 he would be comfortable with the ZBA making the stipulation of either affordable housing or workforce housing. B. Legare
43 added his opinion on this and what he feels could be added to the variance. Discussions continued on this subject. A.
44 Kokko Chappell cited the state guidelines for affordable housing which specifies this type of housing be made available to
45 people making 80% or less of the median income for the area. Discussions ensued regarding this specification. B. Legare
46 elaborated on the obstacles that would be encountered with the grant restrictions as well as bank loan requirements for a
47 rural motel.
48

49 J. Plourde asked L. Daley about the workforce restriction according to grant. L. Daley indicated he was still searching for
50 information. In the meantime, J. Plourde read into the record the following: RSA 674:58 Definitions for Workforce
51 Housing. In essence, the RSA clearly specifies the income requirements for Workforce Housing and the meaning of
52 Workforce Housing. One of the key points brought out with this RSA states a property cannot have more than 50% of its
53 units with less than 2 bedrooms to constitute as Workforce Housing. Commented on by J. Plourde and M. Thornton, the
54 motel will be converted to Studio Apartments; therefore, no bedrooms. J. Plourde to L. Daley: does this qualify for
55 Workforce Housing. L. Daley to D. Amato: questioned what the state official’s response was to this. D. Amato stated he
56 provided the state with a packet of information describing the project and what the end result would be. He added the
57 person he is in contact with is aware of the plans being for Studio Apartments and she told him they would be eligible for it.
58 J. Plourde went on to summarize the ZBA will not be looking at this variance in terms of the grant perspective, but in terms
59 of the use perspective. Therefore, when looking at it from a use perspective, the use will change from a 12 unit motel to
60 a 12 unit complex of Studio Apartments; one bedroom units.
61

1 **MINUTES OF THE ZBA MEETING SEPTEMBER 22, 2022**

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3 J. Daley, in response to J. Plourde’s summarization, stated it is correct but he would recommend adding the affordability
4 component of Workforce Housing to extend to 5 years. D. Amato, in response to J. Daley’s statement, said the project was
5 not based on receiving the grant funding; they planned to go ahead with the progress regardless. J. Plourde then explained
6 why the discussion needs to be very specific because any decision the ZBA makes has to be specific. He then went on to
7 say the ZBA is not approving Workforce Housing because it contradicts the statement in the RSA regarding the number of
8 bedrooms. He continued by saying Workforce Housing does not have to be part of the ZBA decision other than the
9 requirements be similar to a Workforce Housing development. To L. Daley he asked for clarification on what the board
10 should be recommending in regards to Workforce Housing. L. Daley read what he feels should be included with this
11 variance; “the proposed multi-family use is a condition of which the board should consider; the proposed multi-family use
12 will remain affordable as defined by the New Hampshire Housing Authority for a period of 5 years”.

13
14 J. Plourde to L. Daley: the housing should remain affordable and not Workforce Housing. L. Daley: affordable is the key
15 word. D. Amato then asked what should be done if affordable housing is attached as a condition for approval of the
16 variance and then the grant approval is received stating it is based on Workforce Housing. This point was discussed at great
17 length. L. Daley cited another point in RSA 674 which is from RSA 674:61. He read the RSA into the record which defines
18 income limits and further definitions of Workforce Housing. This RSA is part of the New Hampshire Housing Authority
19 under definitions; J. Plourde previously cited RSA 674:58. L. Daley asked about certain wording be part of the variance
20 that cites RSA 674. D. Amato said they should be hearing by the end of the month in regards to the grant approval. More
21 discussions continued about the income limits and definitions by the New Hampshire Housing Authority. B. Legare
22 continued with further presentation about the personal financing and problems he may encounter if restrictions are placed
23 on the variance approval vs. grant funding, should it happen, all those problems will not be encountered. The board
24 discussed these points. B. Legare suggested to the board what restrictions he would be open to which will assist him in
25 obtaining the personal financing if the grant is denied. J. Plourde asked if he would be open to extending beyond the 5
26 years. B. Legare and D. Amato said as long as it is a reasonable and specific time frame. B. Legare elaborated on the idea
27 of an extension and what he would need to make it work. L. Daley interjected that the financial aspect is more the concern
28 of B. Legare; he added there is a real need for affordable housing in the community given the businesses providing
29 employment. Therefore, it is his feeling there will not be a problem getting people to rent especially being close to certain
30 services and in a proximal location to their possible employment. L. Daley has learned from the technical center of the
31 community there is a need for affordable housing. The point L. Daley made was debated and discussed with B. Legare
32 continuing with the financial aspects of the project. D. Amato also added information to B. Legare’s presentation.

33 A. Kokko Chappell cited the 30 day appeal attached to ZBA approval in order to work with the applicant to provide
34 affordable opportunities and asked can the board then rescind any restrictions or requirements attached to the approval of
35 the variance within this 30 day time frame. L. Daley stated the board can do that. A. Kokko Chappell then asked the
36 applicants if they would know about the decision on the grant within the next 30 days. D. Amato said they should be having
37 a preliminary hearing in October. L. Daley stated the time is getting late, and unless the board deems otherwise, the meeting
38 should end at 10:00 p.m. as outlined in the procedures. He recommended the board start to go through the deliberations. J.
39 Plourde since B. Legare has already presented the criteria; the next step should be to move ahead as suggested if the board
40 feels they are ready to do that. L. Daley, to summarize, and addressing the applicants, a variance has been submitted to
41 change the use to a multi-family dwelling and a part of that is the affordability aspect of the units; either all the units or a
42 percentage of the units and the applicants need to come to a decision on this. He cited what A. Kokko Chappell brought up
43 in regards to the 30 day appeal for the board. He then emphasized the board should not consider the grant but instead focus
44 on the opportunity to provide Workforce Housing as offered by the applicant. The applicant should then decide their
45 financial needs within their own operation. B. Legare responded by continuing to present his perspective on the losses he
46 could encounter trying to get bank funding with restrictions placed on the variance. A. Kokko Chappell to B. Legare: within
47 30 days you should have an answer from the lenders if you present to them what the ZBA is asking and then you can come
48 back to work with the board. Further debates and discussions continued about the various options that would work for the
49 applicants and the town as well as what the board can do to work with them in order to achieve a compromise if the grant
50 funding is not approved. B. Legare stated he is not comfortable proceeding with a personal loan if restrictions/conditions
51 are placed on the variance. He then went on to say if the variance is not approved or is tabled, the grant application cannot
52 be processed due to the fact that the motel use has not been changed to a multi-family. The applicant also said he was not
53 prepared to discuss the subject of placing restrictions on the variance if the grant is not approved. He went on to say that
54 basically it may come down to keeping it as a motel if the grant is not approved but, again, the grant application cannot be
55 submitted until the use of the dwelling is changed to a multi-family.

56
57 J. Plourde stepped in to say he is looking at the project favorably in terms of improving the property and positively
58 influencing the neighbors. M. Thornton said he would look at it a different way and that is to go into deliberations where a
59 decision can be made and the applicant can then decide if they can work with the board’s decision. Again, debates and
60 discussions continued about the needs for the applicant if no grant is awarded and what will be best for the community.

1 **MINUTES OF THE ZBA MEETING SEPTEMBER 22, 2022**

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3 D. Amato said it is not that they are uncomfortable with getting their own financing, it is the restrictions that could be
4 applied by the board that may not make it possible for them to get the needed financing but if the board is willing to
5 consider a restriction of just 2 units being for Workforce Housing then they would be more comfortable with obtaining their
6 own financing should the grant not be approved. B. Legare continued with the pros and cons of personal financing.
7

8 J. Plourde then noted the time as 10:00 p.m. and asked the board how they would like to proceed; close the public portion
9 of the meeting and go into deliberations in order to finish with this case then postpone the other case until the next meeting
10 on September 29, 2022.
11

12 The board had no objections and J. Plourde closed the public portion of the meeting and moved to deliberations.
13

14 **Deliberations:**

15
16 **1. This will not be contrary to the public interest.**

17 J. Plourde: he added what he feels needs to be focused on with this specific criteria; “does the variance alter the
18 essential character of the neighborhood or threaten the general health, safety or welfare of the public”. He stated this
19 will do the opposite and actually help the neighborhood and is a positive improvement to the property. In addition,
20 neighbors feel positive towards this change. He feels the proposed development will be a benefit to the area.

21 M. Thornton: He concurs.

22 K. Lagro: she feels adding studio apartments will be in the public interest.

23 T. Steel: nothing more to add; agrees with what has been said.

24 A. Kokko Chappell: agrees
25

26 **2. The spirit of the Ordinance is observed.**

27 J. Plourde: he stated criteria 1 and 2 are related because, “it is important to uphold the spirit of the ordinance”.

28 M. Thornton: he stated it exceeds the spirit of the ordinance; the previous use was a nuisance and a visual eyesore as
29 well as being a drain on the services in the town without providing much in return. This change will be a benefit in
30 terms of the tenants and the employers in the area.

31 A. Kokko Chappell: nothing further to add; agrees with has been said.

32 K. Lagro: agrees

33 T. Steel: agrees

34 J. Plourde: he added that another way to evaluate this is would be to ask if granting the variance would alter the look of
35 the area and it will in a positive way; therefore, he is in agreement with what has been said.
36

37 **3. Substantial Justice is done.**

38 A. Kokko Chappell: she stated any gain to the public will far exceed any loss to an individual; the gain to the public
39 will be substantial in that it will provide housing to the town which is needed.

40 J. Plourde: this will be a positive change for the public

41 T. Steel: agrees
42

43 **4. The Values of Surrounding Properties will not be diminished.**

44 T. Steel: it will not diminish the value of the surrounding properties because it will be an improvement to the
45 surrounding neighborhood.

46 K. Lagro: this will provide long term permanent housing and not just temporary short term housing; therefore long
47 term reliable tenants

48 M. Thornton: concurs with what has been said

49 J. Plourde: nothing further to add; agrees with has been said.
50

51 **5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.**

52 J. Plourde read the following for the board to consider with this criteria:

53 “Is the restriction on the property necessary to fully affect the purpose of the ordinance”; or “Can relief be granted to
54 this property without frustrating the purpose of the ordinance.”

55 T. Steel: she added that this is an example of an unusual property in town, therefore its use is potentially unlimited.

56 J. Plourde went on to add about the things that are looked at on the property, i.e. the contour, the land as well as the
57 structure..

58 M. Thornton: the acreage of this property makes it difficult

59 K. Lagro added other options were explored for this property and none of the workable options were to revive it.
60
61

1 **MINUTES OF THE ZBA MEETING SEPTEMBER 22, 2022**

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3 J. Plourde went on to read the following for consideration; “because of the special conditions of the property that
4 includes the structure, application of the ordinance provision to the property would not advance the purpose of the
5 ordinance provision in any fair and substantial way”. He went on to add that the structure is currently being used as a
6 short term multi-family dwelling and the use, as stated by the applicant, was not deemed multi-family even though it is
7 functioning in this manner. K. Lagro added this is what makes the property unique in that the usage has been blurred
8 for a long time. M. Thornton said consideration should be given to other uses for the property which would also be
9 non-conforming. J. Plourde went on to add a further consideration concerning the proposed use is a reasonable one.
10 More discussions continued in regards to hardship. J. Plourde stated he feels Criteria 5 A: 1 and 2 have been satisfied
11 and the board concurred. He went to say that if the existing use is a viable one then the proposed alternative may not be
12 available, but in this case the existing motel is no longer viable.

13
14 J. Plourde feels hardship has been established and stated deliberations have been completed. He then moved on to
15 voting.

16
17 Chair Plourde stated that before voting he wants to review for the board’s benefit a proposal that was made by the
18 applicant. This proposal is that of the 12 existing units on the property today, any more than 10 of these units will be
19 considered in the category of Workforce Housing in regards to the requirements; not in regards to the funding which is
20 totally separate but in regards to the operation and management of the 2 units for rent and all other specific requirements.
21 He asked the board if this should be made a condition.

22
23 M. Thornton moved that based on the applicant’s offer and the board’s favorable consideration, that no fewer than 10 units
24 be at the market rate price, and the remaining units be at a lower price equal to what is stipulated for Workforce Housing.
25 A. Kokko Chappell added a simplification by stating that anything over 10 units will be subject to Workforce Housing
26 regulations. L. Daley added the length of time of 5 years to be extended to 10 years for the 2 units should be put up for
27 discussion. The board then continued with discussions on this point and each member had varying opinions as well as
28 examples; additional information was provided by L. Daley.

29
30 The decision was made for the *condition* to be: “Any units over 10 would be held to Workforce Housing regulations for a
31 period of 5 years.”

32
33 J. Plourde asked for a motion on the condition. M. Thornton made a motion to approve the condition which he amended
34 from his initial motion and A. Kokko Chappell seconded. Those in favor: M. Thornton: yes; A. Kokko Chappell yes; K.
35 Lagro yes; T. Steel yes; Chair votes yes.

36
37
38 **Voting:**

- 39
40 **1. This will not be contrary to the public interest.**
41 K. Lagro yes; T. Steel yes; A. Kokko Chappell yes; M. Thornton yes; Chair votes yes.
42
43 **2. The spirit of the Ordinance is observed.**
44 T. Steel yes; A. Kokko Chappell yes; M. Thornton yes; K. Lagro yes; Chair votes yes.
45
46 **3. Substantial Justice is done.**
47 A. Kokko Chappell yes; M. Thornton yes; K. Lagro yes; T. Steel yes; Chair votes yes.
48
49 **4. The Values of Surrounding Properties will not be diminished.**
50 M. Thornton yes; K. Lagro yes; T. Steel yes; A. Kokko Chappell yes; Chair votes yes.
51
52 **5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.**
53 K. Lagro yes; T. Steel yes; A. Kokko Chappell yes; M. Thornton yes; Chair votes yes.
54

55 Chair Plourde asked if there is a motion to approve **Case #2022-22 371 Elm Street, LLC. for the property located at Tax**
56 **Map 16, Lot 1, 371 Elm Street** is seeking a Variance from the Milford Zoning Ordinance, Article V, Sections 5.08.1 to
57 allow the conversion of an existing motel to a multi-family use (apartments) on the subject property located in the
58 Integrated Commercial Industrial District.

59
60 M. Thornton made a motion to approve **Case #2022-22** and A. Kokko Chappell seconded.
61

1 **MINUTES OF THE ZBA MEETING SEPTEMBER 22, 2022**

2
3 J. Plourde: A motion has been made to approve **Case #2022-22**. Those in favor: K. Lagro yes; T. Steel yes; A. Kokko
4 Chappell yes; M. Thornton yes; Chair votes yes.

5
6 Chair Plourde stated the criteria for the Variance request had been satisfied and the application approved. There is a 30 day
7 appeal period that can be filed with the Zoning Board.

8
9 J. Plourde moved to the next case which was not opened.

10
11 **b. Case #2022-23 371 Elm Street, LLC. for the property located at Tax Map 16, Lot 1, 371 Elm Street** is seeking a
12 Variance from the Milford Zoning Ordinance, Article V, Sections 5.03.4 to permit a total density of 12 units within an
13 existing residential/commercial building on the subject property located in the Integrated Commercial Industrial District.

14
15 He requested this case be continued to the next meeting. He asked the applicant if this case can be moved to
16 September 29, 2022 at 7:00 p.m. The applicant agreed.

17
18 There was a motion to approve this request by A. Kokko Chappell and T. Steel seconded. All were in favor.

19
20 **3. MEETING MINUTES**

21 8/4/22

22 In Attendance: K. Lagro, M. Thornton, T. Steele

23 J. Plourde asked for a motion to approve minutes of August 4, 2022 as amended.

24 M. Thornton made a motion to approve and T. Steel seconded.

25 All were in attendance at that meeting were in agreement.

26
27 8/18/22

28 In Attendance: K. Lagro, M. Thornton, A. Kokko Chappell, J. Dargie, J. Plourde

29 J. Plourde asked for a motion to approve minutes of August 18, 2022 as amended.

30 T. Steel made a motion to approve and K. Lagro seconded.

31 All were in agreement.

32
33 **4. OTHER BUSINESS**

34 No further business.

35
36 **Motion to Adjourn**

37
38 Chair Plourde asked for a motion to adjourn. M. Thornton made a motion to adjourn and T. Steel seconded. All Board
39 Members were in agreement. Meeting adjourned.

40
41
42 **Motion to Approve:** _____

43
44 **Seconded:** _____

45
46 **Signed** _____

47
48 **Date:** _____