

Town of Milford
Zoning Board of Adjustment
APRIL 20, 2023
Public Hearings

Case #2023-01 689 North Main Street, LLC and Salt Creek Properties, LLC, SPECIAL EXCEPTION
Case #2023-02 689 North Main Street, LLC and Salt Creek Properties, LLC, VARIANCE
Case #2023-04 61 Briarcliff Drive, Pamela Rice, SPECIAL EXCEPTION

Present: Andrea Kokko Chappell, Chairperson
Tracy Steel, Member
Michael Thornton, Member
Dan Sadkowski, Alternate
Joan Dargie, Alternate
Tim Finan, BOS Representative
Terrey Dolan, Director of Community Development
Lincoln Daley, Town Administrator

Not Present: Jane Hesketh, Recording Clerk

Meeting Agenda

1. Call to Order
2. Public Meeting – Chair / Vice Chair determination
3. Public Hearing(s):
 - a. Case #2023-01 689 North Main Street, LLC and Salt Creek Properties, LLC. for the property located at Tax Map 43, Lot 20-2 are seeking a Special Exception from the Milford Zoning Ordinance, Article VI, Sections 6.02.6.A and B to disturb approximately 2,299 square feet of wetlands area and 7,202 square feet of wetland buffer area to allow for the construction of a gas station store, pump stations, access driveway and parking areas, and related storm water management structures for a property located in the Commercial and Limited Commercial Zoning Districts. (New Request by applicant to postpone indefinitely - Updated 4-20-23)
 - b. Case #2023-02 689 North Main Street, LLC and Salt Creek Properties, LLC. for the property located at Tax Map 43, Lot 20-2 are seeking a Variance from Milford Zoning Ordinance, Article VI, Sections 6.01.3.B.7 to allow the retail sale of petroleum products in the Groundwater Protection District on a property located in the Commercial and Limited Commercial Zoning Districts. (New Request by applicant to postpone indefinitely - Updated 4-20-23)
 - c. Case #2023-04 The applicant, Pamela Rice, has made a request for property located at 61 Briarcliff Drive, Tax Map 36, Lot 111, seeking a required Special Exception Approval from the Milford Zoning Ordinance, Article X, Section 10.02.6. to place a single (1) Accessory Dwelling Unit (“ADU”) within an existing on-site garage (proposed to be 700 square feet in size). This property is located in the Residential “A” Zoning District. (Postponed from 4/6/23)
4. Other Business: TBD
5. Next Meeting(s): May 4, 2023 & May 18, 2023

1 **MINUTES OF THE ZBA MEETING APRIL 20, 2023**

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3
4 **1. CALL TO ORDER**

5
6 Chair Kokko Chappell opened the meeting by welcoming everyone and introducing herself. She welcomed those attending
7 in person and electronically since this meeting is being conducted in a unique manner.

8
9 She stated you may also attend this meeting in person at the Milford Town Hall, Board of Selectmen's Meeting Room.

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

14
15 A digital copy of the meeting materials can be found on the Town website at: [https://www.milford.nh.gov/zoning-board-](https://www.milford.nh.gov/zoning-board-adjustment/agenda/zba-agenda)
16 [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
17 21: <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>

18
19 She then went on to inform everyone about the procedures of the Board.

20
21 Chair Kokko Chappell stated all votes taken during the meeting must be done by Roll Call vote. She started the meeting
22 with a roll call attendance by asking each member to state their name; at Milford Town Hall: M. Thornton present;
23 D. Sadkowski present; J. Dargie present; T. Steel present; A. Kokko Chappell present.

24
25 She stated that for this meeting, Alternates Joan Dargie and Dan Sadkowski will be seated as regular voting members
26 bringing it to a 5 member board. She continued by saying there are 3 cases to be heard. She then explained the process of
27 the case hearings for the applicant and the public. She said a full agenda may not allow all cases to be heard and that at
28 10:00 p.m. the meeting will end. She explained how the meeting would proceed for the cases that may not be heard in that
29 they would be continued or tabled to another agreed upon meeting. She also explained the notification process for
30 continued cases.

31
32 A. Kokko Chappell then referred to the agenda which states the first order of business to be the determination of Chair and
33 Vice Chair. She stated this business will be discussed after the Public Hearings are completed. She moved ahead to the
34 cases to be heard by reading the first and second cases into the record since both were submitted from the same applicant
35 and both are requesting for a postponement.

36
37 **2. PUBLIC HEARINGS**

38
39 **a. Case #2023-01 689 North Main Street, LLC and Salt Creek Properties, LLC. for the property located at Tax Map**
40 **43, Lot 20-2** are seeking a Special Exception from the Milford Zoning Ordinance, Article VI, Sections 6.02.6.A and B to
41 disturb approximately 2,299 square feet of wetlands area and 7,202 square feet of wetland buffer area to allow for the
42 construction of a gas station store, pump stations, access driveway and parking areas, and related storm water management
43 structures for a property located in the Commercial and Limited Commercial Zoning Districts. (New Request by applicant
44 to postpone indefinitely - Updated 4-20-23)

45
46 **b. Case #2023-02 689 North Main Street, LLC and Salt Creek Properties, LLC. for the property located at Tax**
47 **Map 43, Lot 20-2** are seeking a Variance from Milford Zoning Ordinance, Article VI, Sections 6.01.3.B.7 to allow the
48 retail sale of petroleum products in the Groundwater Protection District on a property located in the Commercial and
49 Limited Commercial Zoning Districts. (New Request by applicant to postpone indefinitely - Updated 4-20-23)

50
51 After reading the cases, Chair Kokko Chappell stated the applicant requested a postponement for these cases. L. Daley then
52 read a letter into the record from the engineer representing the applicant that was addressed to Terrey Dolan dated April 20,
53 2023 which states a request for a postponement until the June 15, 2023 meeting. It then went on to say they would like to
54 meet with T. Dolan to discuss the project.

55
56 Chair Kokko Chappell asked for a motion to approve a postponement for **Case #2023-01** and **Case #2023-02** to the
57 June 15, 2023 meeting. M. Thornton made a motion to approve. L. Daley interjected by saying that before the board moves
58 ahead to approval he wants to note that due to the length of time before the case is heard, the public must be notified again.

1 **MINUTES OF THE ZBA MEETING APRIL 20, 2023**

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4 To ensure this is noted in the board’s approval, Chair Kokko Chappell asked again for a motion to approve a postponement
5 for **Case #2023-01** and **#2023-02** to the June 15, 2023 Zoning Board of Adjustment meeting, and that abutters will be re-
6 noticed with the postponement of the applications. J. Dargie made a motion to approve and M. Thornton seconded. All
7 board members were in favor.

8
9 **c. Case #2023-04 The applicant, Pamela Rice, has made a request for property located at 61 Briarcliff Drive, Tax**
10 **Map 36, Lot 111**, seeking a required Special Exception Approval from the Milford Zoning Ordinance, Article X, Section
11 10.02.6. to place a single (1) Accessory Dwelling Unit (“ADU”) within an existing on-site garage (proposed to be 700
12 square feet in size). This property is located in the Residential “A” Zoning District. (Postponed from 4/6/23)

13
14 Charles Foley from Fieldstone Land Consultants was present as a representative for the applicant Pamela Rice who was
15 present via Zoom. He stepped forward to address the board. He restated the purpose of the application as previously
16 presented by Chair Kokko Chappell. He went on to say his purpose at the meeting is to present the Special Exception
17 criteria. He indicated at that time if others would like to ask questions or if L. Daley had additional information to provide.

18
19 L. Daley went on to provide some background information on the property. The property was purchased with a partially
20 completed ADU. The Town Inspector viewed the property to access the condition of the ADU per ordinance. According to
21 the applicant, L. Daley stated they would like to start fresh with the ADU building process; basically start from scratch.

22
23 Pam Rice, applicant via Zoom, then spoke. She said the property is owned by her daughter and she recently moved in with
24 her daughter. The purpose for the ADU will be for her living in the residence but in a separate unit. Her understanding is
25 that the partially done ADU was not permitted and she would like to now complete this project the right way in accordance
26 with the applicable ordinances.

27
28 L. Daley prepared a visual presentation. A. Kokko Chappell addressed C. Foley by stating he could move ahead with the
29 criteria and questions could be addressed during his presentation.

30
31 He started by stating the purpose of the application that was previously read into the record. He read directly from the
32 application when presenting the various criteria for the proposed ADU. .

33
34 **Special Exception criteria under 10.02.1:**

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

37 “The existing lot and dwelling has access off Briarcliff Drive. This lot is located within the Residence ‘A’ District
38 of the Town of Milford Zoning Ordinance. The proposed use is permitted and similar to others in the district. This
39 request is to allow construction within the residential use which is the same as other homes in the area; ADU is to
40 encompass 700 square feet of the garage and will be utilized as an ADU for extended member of the same family
41 occupying the primary residence. Proposed primary dwelling and ADU meet all dimensional and use requirements
42 as outlined in Section 10.02.6 of Milford Zoning Ordinance.”

43
44 **b. Criteria: specific site is in an appropriate location for the proposed use because**

45 “The proposed single-family residence and associated ADU is located in a residential subdivision in a residential
46 area of the town.”

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

49 “The proposed ADU is located within the existing garage with similar building size and appearance of other
50 dwellings in the area and meets all other criteria as outlined in Section 10.02.6 of the Ordinance.”

51
52 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

53 “The proposed primary residence and ADU will met all local regulations and have no difference from other similar
54 dwellings and uses in the area and will not create any nuisance or serious hazard to vehicles or pedestrians.”

55
56 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

57 “The proposed use of the existing garage on-site is to be utilized as an ADU. The design will meet all local
58 regulations and will utilize existing site services.”

1 MINUTES OF THE ZBA MEETING APRIL 20, 2023

2
3
4 Charles Foley from Fieldstone Land Consultants continued with a presentation of the criteria for an ADU. He read directly
5 from the application.
6

7 **A. Special Exception ADU Requirements under 10.2.6:**

8
9 **1. Only one ADU shall be allowed per property.**

10 "Only one ADU is proposed".
11

12 **2. Either the principal dwelling unit or the ADU must be owner occupied.**

13 "Dwelling(s) to be owner occupied".
14

15 **3. The size of an ADU shall be no more than 750 SF gross floor area.**

16 "Proposed ADU is 700 SF".
17

18 **4. The ADU shall include no more than two (2) bedrooms.**

19 "Proposed ADU is one bedroom".
20

21 **5. No additional curb cuts shall be allowed.**

22 "Proposed ADU has no additional curb cuts".
23

24 **6. An attached ADU shall have and maintain at least one common interior access between the principal**
25 **dwelling unit and the ADU consisting of a connector that is a minimum of 36" in width or a doorway a**
26 **minimum of 32" in width.**

27 "Proposed ADU is within the detached garage".
28

29 **7. The ADU shall be located in an existing or proposed single-family dwelling, its detached accessory**
30 **structure(s), or as a stand-alone dwelling unit subordinate to the single-family dwelling.**

31 "Proposed ADU is located within the detached garage".
32

33 **8. An existing, nonconforming, single-family residential structure or its detached accessory structure shall**
34 **not be made more nonconforming.**

35 "Proposed ADU is part of new construction within the existing garage and will not make structure non-
36 conforming".
37

38 **9. An ADU shall meet all applicable local and State Building, Fire and Health Safety Codes.**

39 "Proposed ADU will comply with all codes".
40

41 **10. Must have adequate provisions for a water supply and sewerage disposal method for the ADU, in**
42 **accordance with NH RSA 485-a:38 Approval to Increase Load on a Sewage Disposal System.**

43 "Proposed ADU is located within the existing garage and will utilize both a municipal sewer and water
44 connection."
45

46 **ADU Criteria:**

47
48 **1. The ADU must be developed in a manner which does not alter the character or appearance of the**
49 **principal use as a single-family dwelling.**

50 "Proposed ADU will not alter character or appearance of principal dwelling".
51

52 **2. The ADU is intended to be secondary and accessory to a principal single-family dwelling unit.**

53 "Proposed ADU is secondary to principal dwelling."
54

55 **3. The ADU shall not impair the residential character of the premises nor impair the reasonable use,**
56 **enjoyment and value of other property in the neighborhood.**

57 "Proposed ADU will not impair residential character or premises nor impair reasonable use or value of other
58 properties".
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4 **4. Adequate off-street parking must be provided.**

5 “Proposed ADU will have adequate off street parking”.

6
7 **5. Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.**

8
9 “Any necessary additional entrances/exits will be located on side or rear whenever possible”.

10
11 **B. All ADU’S must apply for a compliance inspection when a change of ownership occurs, to ensure compliance with Section 10.02.6:A**

12
13 “Proposed ADU will apply for compliance inspection when change of ownership occurs”.

14
15 Charles Foley ended his presentation.

16
17 Chair Kokko Chappell asked if there were any questions. She then asked C. Foley to explain the plans for parking. He deferred to the applicant Pam Rice. A picture of the home and driveway were displayed. P. Rice explained she is currently living at the residence and there are only 2 cars; her car and her daughter’s. They share the driveway by parking side by side. It was confirmed the driveway is wide enough to accommodate this.

21
22 Chair Kokko Chappell asked about the entrances and exits which C. Foley addressed. He referred to the picture being displayed showing the location of doors that are already there. P. Rice added the doors will be relocated and there will be a front and rear entrance to the ADU. The outdoor stairway shown will be replaced to ensure safety. Pam Rice added her plans are to make sure the changes will be done to go along with the neighborhood and the existing home.

26
27 Chair Kokko Chappell asked if there were any more questions.

28
29 L. Daley asked if the current utilities to the ADU have been disconnected. Pam Rice confirmed they have been with the exception of possibly one electrical outlet.

30
31
32 Terrey Dolan, Director of Community Development added that building inspector Jamie Ramsey performed an inspection of the property on Monday, April 10, 2023 as required under the Zoning Ordinance 10.02.6.C.2 which states an inspection be done prior to the Special Exception hearing. He noted the ADU at this point is not being built off a grid as being gutted. The applicant will apply for the appropriate Building Permits as well as work with a General Contractor or Architect. The building plans will need to be submitted to the Town. He then stated that everything he just presented should be a condition for approval.

38
39 Joan Dargie asked about the layout for the interior of the ADU. She said usually a drawing is usually provided when presented to the ZBA. Charles Foley said there is a schematic drawing included in the application packet.

40
41
42 The board members viewed the drawing in their packets and then discussed. It was determined that the proposed ADU will be on the ground level located at the back of the existing garage, and there will still be a one car garage at the front of the structure. A. Kokko Chappell expressed her questions about the egress points. L. Daley said that 2 egress points will be required per building ordinances. Pam Rice spoke up by pointing out where a small patio will be and this is where a door will possibly be established.

47
48 Chair Kokko Chappell asked if there any further questions and there were none. She asked if there was anyone from the public who wished to make comments or had questions. There was no one online and no one present. Therefore, she closed the public portion of the meeting.

2
3
4 **Deliberations:**

5
6 Chair Kokko Chappell then moved onto deliberations for the additional Special Exception criteria.

7
8 **Special Exception criteria under 10.02.1:**

9
10 **a. Criteria: proposed use is similar to those permitted in the district**

11 J. Dargie: ADU's are allowed in this residential area with special exception

12 T. Steel: agrees

13 D. Sadkowski: agrees

14 M. Thornton: agrees

15 A. Kokko Chappell: agrees that with special exception this is allowed in this district

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

18 D. Sadkowski: it is in a residential area and allowed with special exception

19 J. Dargie: in a detached garage that is pre-existing

20 T. Steel: not adding on but just using an existing structure

21 M. Thornton: changes will be inside an existing garage with no changes to the outside

22 A. Kokko Chappell: the ADU will be in an existing garage that will not alter the landscape of the residential
23 dwelling or the neighborhood

24
25 **c. Criteria: the use as developed will not adversely affect the adjacent area**

26 J. Dargie: no additional cars; not increasing the number of people to the area

27 T. Steel: it will still look like a garage; there is enough space on the driveway; on private property

28 M. Thornton: no visible change

29 D. Sadkowski: no changes to the area

30 A. Kokko Chappell: agrees; single family with a detached garage similar to other homes in the district and there
31 will be no changes to the existing area

32
33 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

34 M. Thornton: no vehicles or pedestrians should be that far back on private property

35 D. Sadkowski: agrees

36 T. Steel: private property and nobody should be on the property without invitation

37 J. Dargie: by adding an ADU there should be no hazard

38 A. Kokko Chappell: agrees with all comments

39
40 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

41 J. Dargie: the ADU will be hooked up to public water and sewer which will make it appropriate along with
42 electrical and an inspection by the Building Inspector

43 T. Steel: everything will be inspected and approved

44 D. Sadkowski: agrees with all comments

45 M. Thornton: agrees

46 A. Kokko Chappell: agrees with what has been said; public water and sewer are available for this property and
47 electrical is in place

48
49 Chair Kokko Chappell read the following ADU requirements to verify compliance. Each requirement was answered with a
50 yes or non-applicable.

51
52 **Special Exception ADU Requirements under 10.2.6:**

53
54 **1. Only one ADU shall be allowed per property.**

55
56 **2. Either the principal dwelling unit or the ADU must be owner occupied.**

57
58 **3. The size of an ADU shall be no more than 750 SF gross floor area.**

59
60 **4. The ADU shall include no more than two (2) bedrooms.**

2
3
4 **5. No additional curb cuts shall be allowed.**

5
6 **6. An attached ADU shall have and maintain at least one common interior access between the principal dwelling unit and the ADU consisting of a connector that is a minimum of 36” in width or a doorway a minimum of 32” in width.**

7
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9
10 **7. The ADU shall be located in an existing or proposed single-family dwelling, its detached accessory structure(s), or as a stand-alone dwelling unit subordinate to the single-family dwelling.**

11
12
13 **8. An existing, nonconforming, single-family residential structure or its detached accessory structure shall not be made more nonconforming.**

14
15
16 **9. An ADU shall meet all applicable local and State Building, Fire and Health Safety Codes.**

17
18 **10. Must have adequate provisions for a water supply and sewerage disposal method for the ADU, in accordance with NH RSA 485-a:38 Approval to Increase Load on a Sewage Disposal System.**

19
20
21 **ADU Criteria:**

22
23 **1. The ADU must be developed in a manner which does not alter the character or appearance of the principal use as a single-family dwelling.**

24
25 **2. The ADU is intended to be secondary and accessory to a principal single-family dwelling unit.**

26
27 **3. The ADU shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other property in the neighborhood.**

28
29
30 **4. Adequate off-street parking must be provided.**

31
32 **5. Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.**

33
34
35
36 All criteria were met with a “yes” and only one was non-applicable.

37
38 **Voting:**

39
40 **Special Exception criteria under 10.02.1:**

41
42 **a. Criteria: proposed use is similar to those permitted in the district**

43 T. Steel yes; M. Thornton yes; J. Dargie yes; D. Sadkowski yes; Chair votes yes.

44
45 **b. Criteria: specific site is in an appropriate location for the proposed use**

46 M. Thornton yes; J. Dargie yes; D. Sadkowski yes; T. Steel yes; Chair votes yes.

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

49 J. Dargie yes; D. Sadkowski yes; T. Steel yes; M. Thornton yes; Chair votes yes.

50
51 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

52 D. Sadkowski yes; T. Steel yes; M. Thornton yes; J. Dargie yes; Chair votes yes.

53
54 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

55 T. Steel yes; M. Thornton yes; J. Dargie yes; D. Sadkowski yes; Chair votes yes.

56
57 **Is the Special Exception allowed by the Ordinance?**

58 M. Thornton yes; J. Dargie yes; D. Sadkowski yes; T. Steel yes; Chair votes yes.

59
60 **Are all the specified conditions present under which the Special Exception may be granted?**

61 J. Dargie yes; D. Sadkowski yes; T. Steel yes; M. Thornton yes; Chair votes yes.

1 **MINUTES OF THE ZBA MEETING APRIL 20, 2023**

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4 Chair Kokko Chappell stated the criteria for the Special Exception request had been satisfied and the application approved.
5 There is a 30 day appeal period that can be filed with the Zoning Board.

6
7 A. Kokko Chappell asked if there is a motion to approve.

8
9 J. Dargie made a motion to approve **Case #2023-04 for property located at 61 Briarcliff Drive, Tax Map 36, Lot 111,**
10 seeking a required Special Exception Approval from the Milford Zoning Ordinance, Article X, Section 10.02.6. to place a
11 single (1) Accessory Dwelling Unit (“ADU”) within an existing on-site garage (proposed to be 700 square feet in size).

12 D. Sadkowski seconded the motion to approve.

13
14 A motion has been made to approve **Case #2023-04.** Chair Kokko Chappell asked for a vote and all were in favor.

15
16 **3. OTHER BUSINESS**

17
18 Chair Kokko Chappell then addressed the subject of positions for Chair and Vice Chair. She stated she wants to wait on
19 this decision until both Joan Dargie and Dan Sadkowski are made seated members of the Zoning Board. She went to say
20 she wants to make a recommendation to the Board of Selectman to appoint Joan Dargie and Dan Sadkowski as full
21 members of the Zoning Board. She asked for a motion to approve and all were in favor.

22
23 Lincoln Daley then recognized Rich Elliott as a potential member of the Zoning Board. He was in attendance for the
24 meeting to observe the process. Rich came forward to meet with the members. He is an alternate on the Conservation
25 Commission and would like to become more involved. He asked if being on the Conservation Commission would be a
26 conflict of interest. The board stated they do look to the Conservation Commission for advice but do not see it would be a
27 conflict. Board members provided their own insights and advice.

28
29 There was discussion about the process for the recommendation for the Board of Selectman and when this would happen.

30 A. Kokko Chappell stated the vote will be on May 8, 2023 for J. Dargie and D. Sadkowski.

31
32 Right now it appears there will not be a ZBA meeting on May 4, 2023.

33
34 **Motion to Adjourn**

35
36 Chair Kokko Chappell asked for a motion to adjourn. Joan Dargie made a motion to adjourn and Mike Thornton seconded..
37 All Board Members were in agreement. Meeting adjourned.

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54 **Motion to Approve:** _____

55
56 **Seconded:** _____

57
58 **Signed** _____

59
60 **Date:** _____