

February 15, 2023

Town of Milford  
Planning Development - Zoning Board of Adjustments  
1 Union Square  
Milford, New Hampshire 03055

**Re: Variance & Special Exception Application  
Route 13 Gas Station - Tax Map 43; Lot 20-2  
Corner of South Street (Route 13) & Nathaniel Drive  
Milford, New Hampshire 03101 - KNA Project # 21-0526-1A**

Dear Chairman and Board Members:

The above referenced parcel is being submitted for a Variance and Special Exception from the Milford Zoning Board. The property is located at the corner of South Street and Nathaniel Drive. The variance requested is from **Article VI Overlay Districts; Section 6.01.3 Uses; B.7.a Prohibited Uses** to allow for the retail sale of petroleum projects. The included documents outline the applicants request for this variance and Special Exception. All required information has been included within the submittal package. KNA will be present to further discuss the variance at the scheduled hearing.

*1. Granting the variance would not be contrary to the public interest because:*

**Granting the will not be contrary to the public interest. More specifically, the requested variance will not unduly conflict with the basic purposes of the relevant zoning provisions and a new station being built to today's standards would neither alter the essential character of the area nor threaten public health, safety, or welfare.**

**The location of this request at the interchange of Route 101 and Route 13 were you already have vehicles coming and going from this location to access travel routes to the north, south, east, and west would suggest this location is perfect to assist the general public. Also due to advances in permitting, construction and monitoring of any type of potential containment to the State of New Hampshire water supply these facilities pose a very minor risk to the ground waters of New Hampshire and I would suggest due to other issue facing the State that this type of use has shown to be a very safe and efficient way to service the public while protection it at the same time with all the required station standards that are in place these days. As such the applicant does not believe this variance would be contrary to the public interest.**

*2. If the variance were granted, the spirit of the ordinance would be observed because;*

**The applicant believes that the spirit of the ordinance would be to protect the Groundwater of the State of NH from possible pollutants and in 2023 Gas station are designed, permitted, constructed and monitored to the highest of standards to protect all of the ground water in the state and not just Milford so with an proposed new state of the art facility the applicant believes this variance would be in the spirit of the ordinance.**

3. *Granting the variance would do substantial justice because;*

**Due to the location of this parcel at the interchange of two major State Routes and on the outer end of the protective well radius substantial justice would be done for the current owner and the applicant to develop the parcel in a manner that serves the communities at the appropriate roadway interchanges.**

4. *Granting the variance would not diminish the value of surrounding properties because;*

**The construction of a state of the art million dollar facility that is designed, permitted, constructed and monitored per current regulations would not diminish the value of surrounding properties and in reality this type of development usually increases the values of surrounding properties when located in an appropriate location like this.**

5. *Owing to special conditions of the property that distinguish it from other properties in the area; denial of the variance would result in unnecessary hardship because;*

i. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because;*

**The location of this parcel at the interchange of Route 101 and Route 13 distinguish it from other locations in Town, that were allowed gas stations, and its location on the very outer limits of the protective radius also distinguish it from other properties in town. Not allowing a state-of-the-art gas station at a location that see the majority of commuter traffic pass by it again distinguishes it from other parcel in Town and is why the applicant feels there is no substantial relationship between the general purposes of the ordinance and the specific violation being applied to the property for all variances being requested.**

ii. *The proposed use is a reasonable one.*

***The applicant believes a proposed state of the art gas station at the interchange of two major state routes in Milford is a reasonable one.***

If you have any questions or comments, please contact me at (603) 627-2881.

Sincerely,



**Matthew J. Peterson**

**Senior Project Manager**

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