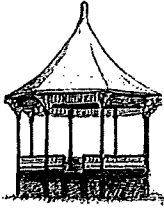



ZBA Application Variance  
MILFORD ZONING BOARD OF ADJUSTMENT



TOWN OF MILFORD, NH  
OFFICE OF COMMUNITY DEVELOPMENT

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**Date:** October 27, 2023  
**To:** Zoning Board of Adjustment  
**From:** Terrence S. Dolan, Director of Community Development 

**Subject:** Case #2023-19: Variance Request to allow for retail sales within the existing +/- 1,100 sq. foot office portion of the Industrially-Zoned Warehouse Site for “Sons Chimney”; located 15 Old Wilton Road, Tax Map 14, Lot 10-1.

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This Staff Memorandum is being submitted to the Board of Adjustment regarding the upcoming **Case #2023-19, (Sons Chimney)**, requesting a required Variance to allow for retail sales within the existing +/- 1,100 sq. foot (50’ x 22’) office portion of the Industrially-Zoned (+/- 5,700 sq. foot Warehouse Building Site) for Sons Chimney.

Existing warehousing usage consists of approximately 4,600 square feet of the building’s overall floor space. The 1.04-acre site is located at 15 Old Wilton Road.

Industrial Zoned parcels may not engage in onsite retail sales with the general public without a (case by case) Variance Request being first reviewed and approved by the Zoning Board of Adjustment.

This industrial warehousing property was approved by the Planning Board on October 19, 2021 (Case #SP2021-20 – Racicot); and again approved for a *Lot Line Adjustment* and *Site Plan Amendment* on August 16, 2022 (Case #SP 2022-07). The facility was recently opened in early 2023. (Planning Board Notice of Decisions for both cases are provided as separate file links).

Mr. Ronald Racicot (owner of *Sons Chimney*) has a downtown (50 Nashua Street) long standing retail store presence, but is proposing to no longer utilize his 50 Nashua Street retail store location, and to consolidate both the retail and warehousing operations at the 15 Old Wilton Road (Industrial-Zoned) property. (see attached photos in the case materials).

Since the now preferred location for retail sales operations is within the Town's Industrial “I” Zoning District a Variance is required under criteria set forth in the Milford Zoning Ordinance, Article VII, Section 5.06.1 and Section 5.06.3 in order to allow for retail sales on a given subject property within the Industrial (“I”) Zoning District.

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The site shall be required to be submit any proposed site signage, and meet all requirements as set forth in the Sign Ordinance Criteria. A Sign *Permit Application*, (to the Office of Community Development) will need to be submitted. Pursuant to the Town's Sign Ordinance (Section 7.06.9.E)

**Parking**

Parking appears to be accommodated on the existing site, as only 4.5 parking spaces were originally required for the existing Warehousing facility, and seven (7) parking spaces (including one handicap space) were provided.

Only 1.5 parking space is required for the 1,100 retail space allocation in this "*Specialty*" Use storefront (i.e. Heating Retail Sales).

All required parcel setback criteria will continue to be met with this proposal.

Included you shall find the following:

1. Variance Application Materials (Pursuant to Section 10.01-General Criteria & Article VII, Section 7.06.9.E.) Justification
2. Assorted reference color images of the location
3. Google Color *Street View* Images of both 15 Old Wilton Road and 50 Nashua Street (existing retail location)

The applicant has addressed all required criteria, and has adequately provided a justification for meeting all aspects in seeking the approval of the required Variance for conducting retail sale operations at this location.

Thank you for your time and consideration.