

# TOWN OF MILFORD

Office of Community Development  
Planning • Zoning • Building Safety • Code Enforcement • Health  
Economic Development • Active Projects



## Administrative Review

**Date:** June 29, 2022  
**To:** Jason Plourde, Chair, Zoning Board of Adjustment  
**From:** Lincoln Daley, Community Development Director  
**Subject:** **Case #2022-14 TM Bolduc Holdings, LLC. and Salt Creek Properties, LLC. for the property located at Tax Map 43, Lot 69 – Special Exception Application to Exceed Maximum Structure Height**

The applicants are before the Board of Adjustment 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. In reviewing the files for this property, I offer the following comments:

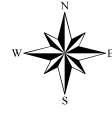
1. Existing Conditions:
  - a. The subject property is approximately 61 acres with 900 linear feet of frontage on Stoneyard Drive and 90 feet Ponemah Hill Road. The property is undeveloped.
  - b. The subject property is situated an established mixed use area. To the north, southeast, and east, the subject property abut single- and multi-family uses and vacant land. To the west and southwest, the property abuts commercial uses on Hammond Road and vacant land.
  - c. The property is bisected by the Commercial Zoning District to the west and the Limited Commercial Business District to east.
2. The proposal calls for the construction of six (6) residential, multi-family buildings with a maximum stated height of 56 feet within both the Commercial Zoning District and Limited Commercial Business Zoning District.
3. In accordance with Section 5.07.7.C, the maximum height of a structure within the Limited Commercial-Business District ‘LCB’ Zoning District is 35 feet. In accordance with Section 5.05.8.C, the maximum height of a structure permitted within the Commercial Zoning District is 45 feet. As such, a special exception is required by the applicant to receive the requested relief.
4. Staff Comments:
  - a. The applicant should explain the total amount of area to be cleared/disturbed to construct the proposed buildings. What impact will the removal of natural vegetation/trees have on the visibility of said buildings from the neighboring properties and roadways?
  - b. The applicant states that the maximum height of the buildings is 56 feet. The applicant should explain if additional architectural features (eg. cupola, roof mounted equipment) will increase the overall height of the structure.

- c. The application states that there will be minimal visual impact on abutting properties given its proposed location and natural buffering. The applicant should be prepared to explain/detail what analysis has been completed to make this determination? The Board may want to consider additional analysis to determine the potential visual impact along abutting properties and Route 101, South Street/Rte. 13 South, Ponemah Hill Road, Powers Street, and Hammond Road.
- d. In addition to requiring a Special Exception, the project will also require approval by the Planning Board for a major site plan application. It is recommended that the Board request formal input from the Planning Board.
- e. Staff recommends that Board of Adjustment continue the application and schedule a site walk to better understand/determine the visual impact on the surrounding properties and roadways.

Aerial Photos of Subject Property:







# Map 43 Lot 69

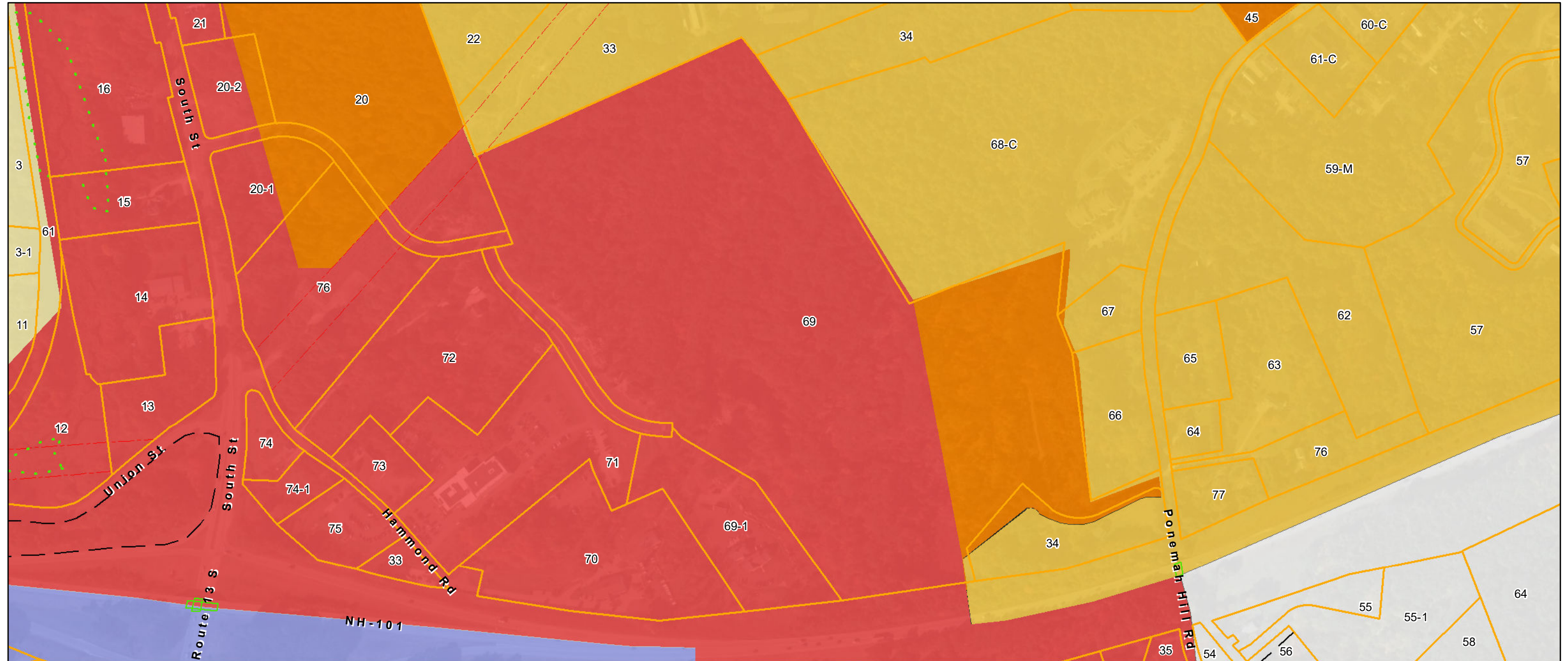
Zoning Map

1 inch = 350 Feet



www.cai-tech.com

July 2, 2022



Private Road	Utility	Residence B
Property Line	Bridge	Residence R
Public Road	Intergrated Commercial Industrial	
Wetland	Commercial	
Right of Way	Limited Commercial	
Private Road ROW	Residence A	

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



CHRISTOPHER A. SWINIARSKI  
Admitted in NH and MA

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Manchester, NH 03105

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Application for Special Exception

### The Q

Ponemah Hill Road, Milford, NH

Tax Map 43 Lot 69

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May 19, 2022



**ZBA Application**  
**MILFORD ZONING BOARD OF ADJUSTMENT**  
**GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS**

**PROPERTY INFORMATION**

Street Address: Ponemah Hill Road

Tax Map / Parcel #: Map 43 Lot 69      Lot Size: 60.73 acres +/-

**PROPERTY CURRENTLY USED AS**

Vacant land - historic quarry site

*If the application involves multiple lots with different owners, attach additional copies of this page.*

**PROPERTY OWNER**

Name: Salt Creek Properties, L.L.C.

Address: P.O. Box 967

City/State/Zip: Amherst, New Hampshire 03031

Phone: (    ) (603) 554-1749

Email: tqinn@tfqtitle.com

**APPLICANT/REPRESENTATIVE**

SAME AS OWNER

*The applicant is the person who is making this proposal on behalf of themselves, the owner or a third party. This is usually the same as the property owner, but might be a tenant, someone who plans to purchase the property, an engineer or lawyer, etc. If the applicant is the same as the owner, just check "Same as owner" and leave the rest of this section blank.*

**APPLICANT/REPRESENTATIVE**

SAME AS OWNER

Name: TM Bolduc Holdings, LLC

Address: c/o Devine Millimet, 111 Amherst Street

City/State/Zip: Manchester, NH 03101

Email: cswiniarski@devinemillimet.com

Phone: (    ) 603-695-8709      Cell: (    )

The undersigned property owner(s) hereby authorize(s) the filing of this application and agree to comply with all code requirements applicable to this application.

**5/19/22**

Property Owner's signature

Date:

Date Received: \_\_\_\_\_  
Case Number: \_\_\_\_\_  
Application Number: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_  
Decision Date: \_\_\_\_\_  
Decision: \_\_\_\_\_

**Zoning District (check one):**

- Residence A
- Residence B       Residence R
- Commercial
- Limited Commercial
- Industrial
- Integrated Commercial-Industrial
- Integrated Commercial-Industrial-2

**Overlay District (check any that apply):**

- West Elm Street Overlay
- Nashua/Elm Street Overlay
- Commerce & Community Overlay
- Open Space & Conservation
- Wetlands Conservation
- Groundwater Protection
- Floodplain Management

**APPLICATION FEES**

Application Fee:	\$75.00
Abutters Fee: \$4 x _____	
Amount received:	
Date Received:	

Check \_\_\_\_\_ Cash \_\_\_\_\_

*THE FEES ASSOCIATED WITH THIS APPLICATION DO NOT APPLY TO ANY OTHER FEES REQUIRED FOR APPROVAL OF THIS PROJECT. PLANNING, IMPACT, BUILDING AND OTHER FEES MAY APPLY.*





**ZBA Application – Special Exception**  
**MILFORD ZONING BOARD OF ADJUSTMENT**

Date Received: \_\_\_\_\_  
 Case Number: \_\_\_\_\_  
 Application #: \_\_\_\_\_  
 Date Complete: \_\_\_\_\_  
 Hearing Date: \_\_\_\_\_  
 Decision Date: \_\_\_\_\_  
 Decision: \_\_\_\_\_

**PROPERTY INFORMATION**

Street Address: Ponemah Hill Road

Tax Map / Parcel #: Map 43, Lot 69

*A Special Exception is a use which is permitted by the Zoning Ordinance, but requires approval from the Zoning Board of Adjustment. Most special exceptions have a list of additional criteria that must be met in order for the ZBA to approve the application.*

**\*Note that in addition to the specific criteria that may be listed for a particular special exception, all special exceptions are subject to the general criteria in Section 10.02.1 of the Zoning Ordinance.**

What section of the Zoning Ordinance are you applying under?

Article 5 Section 5.8 C and/or 7.7 C

Describe the **use** you are proposing under the above section of the Ordinance.

Multi-family residential development

**Application for  
(check all that apply):**

- Change/Expansion of Non-conforming Use/Structure (2.03.1.C)
- Wetland Buffer Impact (6.02.6)
- Accessory Dwelling Unit (10.2.6)
- Office in Res-A & B (10.2.7)
- Home Business (7.12.6)
- Side/Rear Yard Setback Reduction (Zoning District Specific)
- Other

**General Criteria Section 10.02.1**

Describe the project you are requesting a Special Exception for:

**Redevelop abandoned old quarry property into 6 buildings of multi-family housing with approximately 216 units on approximately 43 acres of available land on a parcel which is approximately 60 acres.**

***Explain how the proposal meets the general criteria as specified in Article X, Section 10.02.1 of the Zoning Ordinance:***

A. The proposed use is similar to those permitted in the district because:

see project narrative and special exception criteria at Tab 3

B. The specific site is an appropriate location for the proposed use because:

see project narrative and special exception criteria at Tab 3

C. The use as developed will not adversely affect the adjacent area because:

see project narrative and special exception criteria at Tab 3

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:

see project narrative and special exception criteria at Tab 3

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:

see project narrative and special exception criteria at Tab 3

May 19, 2022

VIA Hand Delivery  
Zoning Board of Adjustment (the "Board")  
Town of Milford  
1 Union Square  
Milford, NH 03055

RE: Application for Special Exception (the "Application") of TM Bolduc Holdings, LLC (the "Applicant") for building heights in excess of 35 feet at Tax Map 43 Lot 69, on Ponemah Hill Road, Milford, NH (the "Property")

Hello Board Members:

The purpose of this submission is to provide you with the information evidencing the Applicant's compliance with the Special Exception criteria set forth in of the Town of Milford Zoning Ordinance, 2022 Edition (the "Ordinance"). Specifically, this submission addresses the special exception criteria for building heights in excess of 35 feet as set forth in § 5.05.8 C (C District) or § 5.07.7 C (LC District) of the Ordinance.

### **INTRODUCTION**

The Property is an approximately 61 acre parcel located off of Ponemah Hill Road. It is in partially in the C zoning district, and partially in the LCB zoning district. The Property is currently vacant land, but was historically one of the many granite quarries in Milford. The Property is surrounded by dense vegetative buffers to the North, South, East, and partially to the West, with some commercial development to the South West on Hammond Road. Access to the Property and proposed development would be via Stoneyard Drive out to Route 13, linking residents to Rt 101.

The Applicant requests a Special Exception to construct six (6) buildings in the development at heights that exceed the Ordinance's stated maximums of 40 (C District) and 35 (LC District) feet. Specifically, both § 5.05.8 (C District) or § 5.07.7 (LC District) state as follows (highlighting added):

#### **5.05.8 HEIGHT REQUIREMENTS (2005)**

A. *The maximum height of a building or structure in the Commercial District shall be forty (40) feet, except as noted in B. below.*



B. The maximum height of school and municipal buildings or structures in the Commercial District shall be forty-five (45) feet.

C. A Special Exception shall be required for heights greater than allowed in either A or B above.

**5.07.7 HEIGHT REQUIREMENTS (2005)**

A. The maximum height of a building or structure in the Limited Commercial-Business District shall be thirty-five (35) feet, except as noted in B. below.

B. The maximum height of school and municipal buildings or structures in the Limited Commercial-Business District shall be forty-five (45) feet.

C. A Special Exception shall be required for heights greater than allowed in either A or B above.

The Applicant seeks the Special Exception analyzed below to construct the six (6) buildings of the proposed development at the heights set forth in the table below. Building designations are shown on the Conceptual Site Plan found at Tab 4. The elevations showing the heights are depicted on the Elevation Plans found at Tab 5. The maximum height of buildings by the Special Exception sought in this Application will be 56 feet.

Building	Front Height	Rear Height	Side Heights
B	56'	56'	56'
C	56'	56'	56'
D	56'	56'	56'
E	56'	56'	56'
F	56'	46'	51'
G	56'	46'	51'

**ANALYSIS**

Section 10.02.1 of the Ordinance provides the following special exception criteria in pertinent part:

*The Board of Adjustment, in acting on an application for a special exception shall take into consideration the following conditions: (1992)*

- A. The proposed use shall be similar to those permitted in the district.
- B. The specific site is an appropriate location for the proposed use.
- C. The use as developed will not adversely affect the adjacent area.
- D. There will be no nuisance or serious hazard to vehicles or pedestrians.
- E. Adequate appropriate facilities will be provided for the proper operation of the proposed

use.

The Applicant provides the following analysis for each of the foregoing criteria:

**A. The proposed use shall be similar to those permitted in the district.**

The proposed use is a multi-family residential development, which is expressly permitted in both the LC and C Districts. Sections 5.05.01 P (C District) and 5.07.01 H (LC District) specifically allow as an "Acceptable Use" the following:

*"Two-family and multi-family dwellings and their accessory uses and structures, with their related conditions set forth in the Residence "B" District."*

Section 5.03.01 C. (pertaining to the RB District) specifically allows as an "Acceptable Use" the following:

*"Multi-family dwellings with municipal sewerage and water systems and their accessory uses and structures."*

**The proposed project that is the subject of this Application will be served by municipal sewerage and water systems accessed from Ponemah Hill Road via the gated utility road shown at the Eastern edge of the Conceptual Site Plan at Tab 4. It is therefore fully compliant with this criteria for Special Exception.**

*Similar use completed in the past five years located east of the Property.*



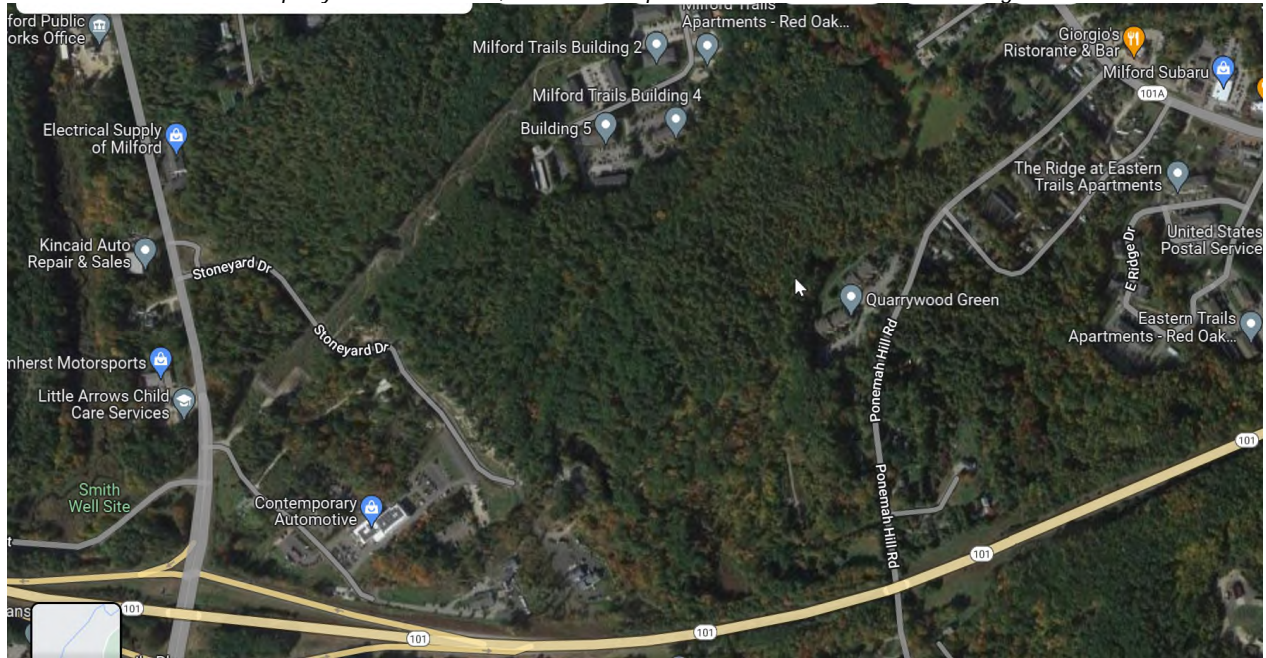
**B. The specific site is an appropriate location for the proposed use.**

The Property is quite perfectly suited for the proposed use. Among other things:

- Proposed use is expressly allowed in the zoning district in which the Property is located
- Access to the property is virtually direct to Route 13 from Stoneyard Road and from there only approximately 1,500 feet to Route 101.
- The Property is not visible from residential properties in the community, or from Route 13 or Route 101.

- The proposed project on the Property is an adaptive re-use of a historic quarry site that utilizes the land for much needed housing while leaving large areas of land undeveloped and green.
- The proposed project conserves vast wetlands while making the best use of the density allowed by the Ordinance, i.e., 5 units per acre.

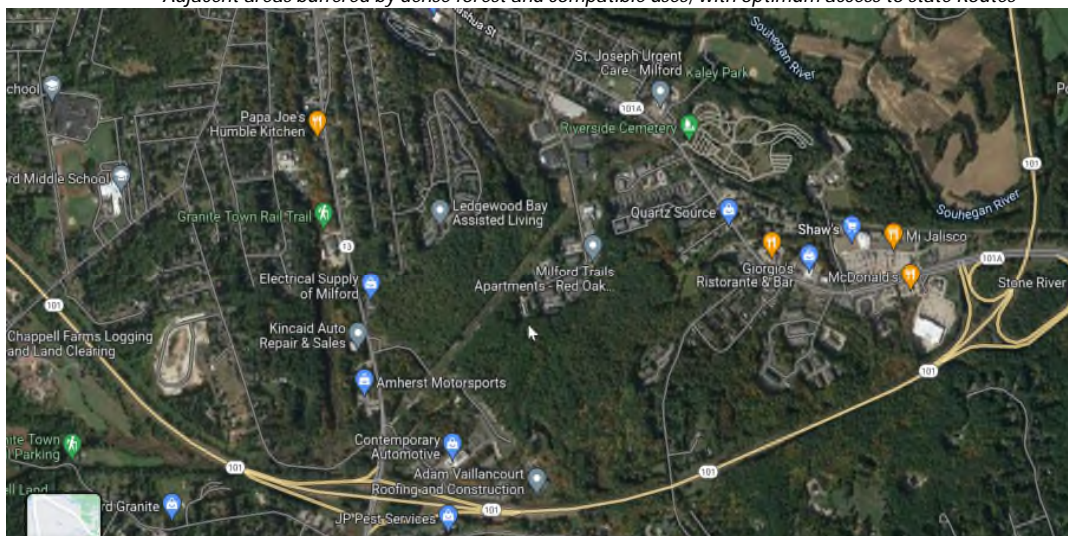
*Property shown at middle, with several apartments and amenities surrounding*



**C. The use as developed will not adversely affect the adjacent area.**

Quite the opposite, proposed use will be a vital enhancement to the adjacent commercial areas on Route 13 and Route 101, providing a significant additional customer base that will be an economic boost to this micro-economy. This economic boost comes with no discernable detriment, as the buildings even at their tallest 56 foot height will not be visible from any surrounding properties. There will be no adverse effect on water supplies or septic capabilities, as the project will utilize municipal utilities for both.

*Adjacent areas buffered by dense forest and compatible uses, with optimum access to state Routes*





**D. There will be no nuisance or serious hazard to vehicles or pedestrians.**

The proposed project has no discernable way to cause nuisance or hazard to pedestrians or vehicles. As stated above, the housing units will access Route 13 from Stoneyard Road only, and Route 101 from Route 13. The Applicant has commenced a traffic study in anticipation of its site plan review before the Planning Board. Preliminary results show no significant impact to vehicular traffic.

**E. Adequate appropriate facilities will be provided for the proper operation of the proposed use.**

The proposed project requires no extraordinary facilities and will utilize municipal water and sewer. Residents of the community will have ample parking, including garage parking under several of the buildings. As shown on the Conceptual Site Plan, large areas of the development will remain green.

**SUMMARY**

The Applicant seeks to provide much needed housing by reuse of a historic granite quarry at the Property now abandoned. The proposal unquestionably meets the exception special exception criteria as noted above, and largely exceeds the criteria in several instances. The Ordinance expressly allows for the increased height that the Applicant seeks when the Special Exception criteria are met as set forth above. The Applicant therefore respectfully requests that this Board grant the Special Exception sought for 56' building heights for the proposed use described above, which will be known as "The Q." Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CS', is positioned above the typed name of Christopher Swiniarski.

Christopher Swiniarski  
Attorney for TM Bolduc Holdings, LLC










FRONT ELEVATION BUILDING B&D

NTS SCALE

THE Q at MILFORD  
MILFORD, NEW HAMPSHIRE

**BURNELL**  **JOHNSON**  
ARCHITECTS

80 STARK STREET, MANCHESTER, NEW HAMPSHIRE 03101  
(603) 625-5098 (603) 625-5107 FAX

MAY 16, 2022

EMAIL: [burnell@burnellarchitects.com](mailto:burnell@burnellarchitects.com)





1 Front Bldg C Elev  
SCALE: 1/8\"/>

FRONT ELEVATION BUILDING C  
NTS SCALE

THE Q at MILFORD  
MILFORD, NEW HAMPSHIRE

BURNELL  JOHNSON  
ARCHITECTS

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MAY 16, 2022

EMAIL: [burnell@burnellarchitects.com](mailto:burnell@burnellarchitects.com)



FRONT ELEVATION BUILDING F&G  
SCALE 1/8" = 1'-0"

56'



LEFT SIDE BUILDING ELEVATION F&G  
SCALE 1/8" = 1'-0"

51'

THE Q at MILFORD  
MILFORD, NEW HAMPSHIRE

**BURNELL & JOHNSON**  
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MAY 16, 2022

EMAIL: [burnell@burnellarchitects.com](mailto:burnell@burnellarchitects.com)





46'

REAR ELEVATION BUILDING F&G  
SCALE 1/8" = 1'-0"



51'

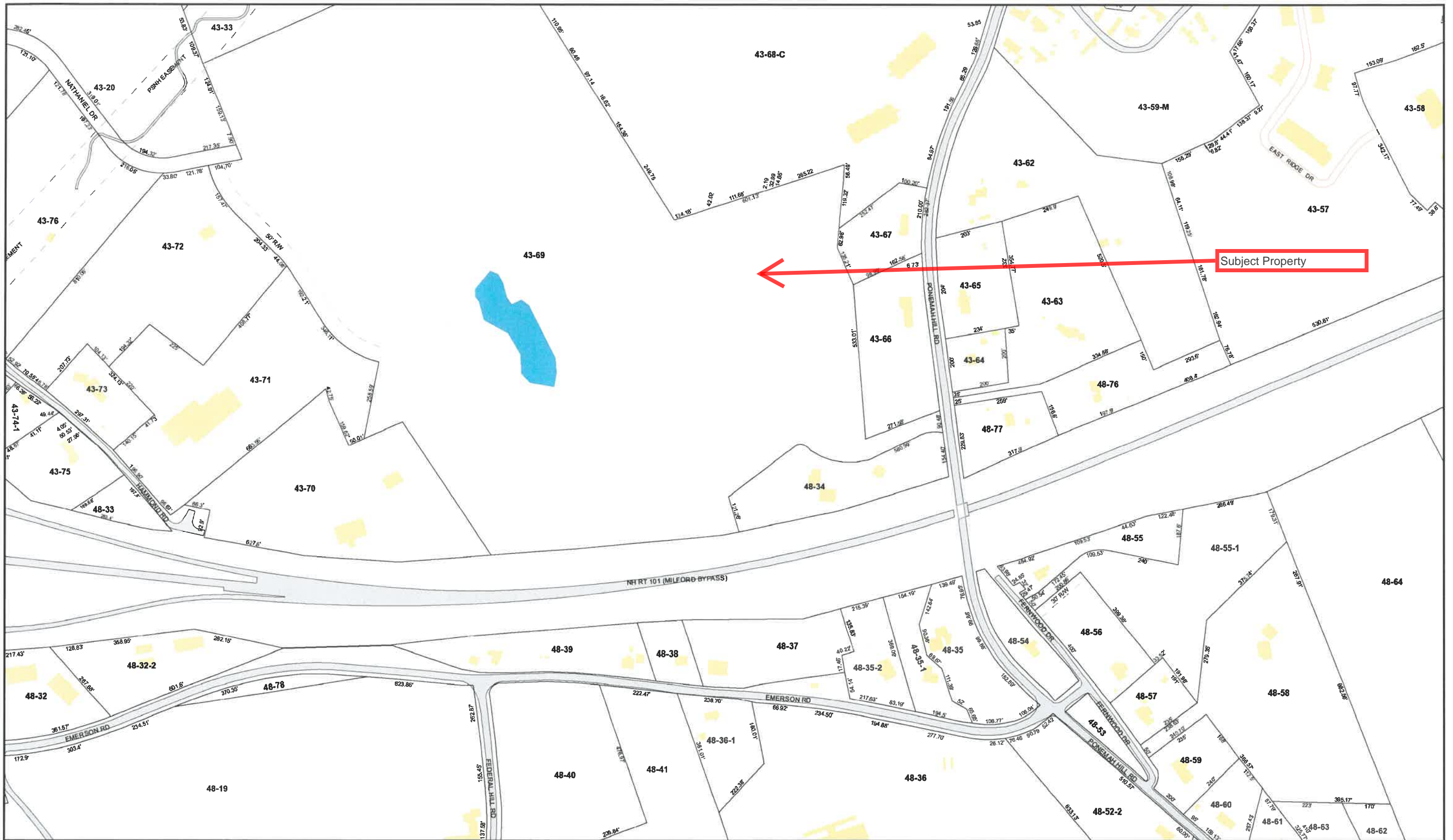
RIGHT SIDE BUILDING ELEVATION F&G  
SCALE 1/8" = 1'-0"

THE Q at MILFORD  
MILFORD, NEW HAMPSHIRE

BURNELL & JOHNSON  
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MAY 16, 2022





- Parcel
- Town Owned Land
- Cemetery
- State
- Class VI
- Wetlands
- Water
- Road
- Abandoned/Discontinued Rd
- Conservation Easement
- Easement
- Private

# MILFORD, NH

This document has been prepared to show approximate lot location only. Information shown is not to be used for deed descriptions. The Community Development Department maintains a continuing program to identify and correct errors. The Department makes no claims to the veracity or reliability, or to any implied uses of this representation.



Date:  
**April 2018**  
 1 inch approx. 300 feet



# G6



THE Q  
Milford, NH

