

TOWN OF MILFORD

Zoning Board of Adjustment



DATE: November 17, 2023

TO: 689 North Main Street, LLC
689 North Main Street
Leomeinster, MA 10453

RE: **ZBA Case #2023-02-Variance Approval**
Tax Map 43, Lot 20-2, Proposed Gas Station Facility
(Northeast Corner of South Street & Nathaniel Drive)

NOTICE OF DECISION

You are hereby notified that on November 16, 2023, the Zoning Board of Adjustment **GRANTED** the request for a required **VARIANCE** of the Milford Zoning Ordinances per Article VI, Section 6.01.3.B.7 to permit for the retail sales of petroleum products within the Groundwater Protection District, and in excess of the maximum 5,000-gallon aggregate tank capacity.

This *Variance Approval* is subject to the following Conditions, as listed:

1. Prior to the issuance of a Certificate of Occupancy (C.O.) for the referenced gas station facility, the Little Arrows Day Care Facility located at 365 South Street shall be fully disconnected from their existing (onsite) potable water well (NHDES No. 24-156510, Valid 7/1/23 through 6/30/24), and transitioned over to a newly installed Town of Milford's potable water supply via a 2-inch water service line connection (or a varying line size to be determined and agreed to by the applicant's engineer & the Water Utility Director for the Town of Milford). The full cost of the potable water line cost and installation to Little Arrows Daycare shall be provided for and funded by the gas station applicant, *689 North Main Street, LLC*.
2. Once the above-referenced potable drinking water service line at Little Arrows Daycare Facility is installed, said potable drinking water well must immediately be abandoned and de-commissioned pursuant to NHDES protocols; or, if allowed by NHDES, otherwise converted to irrigation supply only for the Little Arrows Day Care Facility.
3. A (*to be determined*) form of a protective "Third Layer of Site Containment" must be provided & approved by the Town of Milford prior to construction. This proposal shall be noted in the *Site Containment Management Plan* for the proposed petroleum storage tanks; and subject to the review of the Milford Planning Board. The additional containment protection layer may be the form of an acceptable clay layer (i.e. "Bentonite"), subject to the recommendations of a licensed Professional Geo-Technical Engineer.

TOWN OF MILFORD

Zoning Board of Adjustment



The Town of Milford' Planning Board shall provide a final decision on the approved type of "third containment layer", pursuant to the required Major Site Plan Approval.

Please note that this does not constitute Planning Board, Building Department or any other state and/or local approvals that may be still be required for your project.

All applicable Town of Milford Building Permit Regulations & Codes shall be adhered to, and complied with.

Terrence S. Dolan

Community Development Director & Zoning Administrator

11/17/23
Date

In accordance with NH RSA 677:2, any person directly affected by this decision may make an application for a rehearing in this matter. **Any application for rehearing must be received by the Board of Adjustment prior to close of business (4:30 p.m.) on December 16, 2023.**

In accordance with Article X, Section 10.060, this Special Exception is subject to expiration, if within two (2) years after the granting of a variance or special exception by the Board of Adjustment, none of the work required by a building permit covered by the variance or special exception has been executed, then such variance or special exception shall become null and void except in any case where legal proceedings relative to the variance or special exception shall have caused an undue delay in the execution of the required building permit. Only one, six-month extension may be granted for any variance or special exception. The applicant may apply for the extension at a regularly scheduled Zoning Board meeting.

CC: Building Department/ Assessor/ File