

**Town of Milford**  
**Zoning Board of Adjustment**  
**AUGUST 3, 2023**  
**Public Hearings**

**Case #2023-11 77 Crosby Street, SPECIAL EXCEPTION**  
**Case #2023-12 84 Prospect Street, SPECIAL EXCEPTION**

**Present:** Joan Dargie, Vice Chair  
Michael Thornton, Member  
Dan Sadkowski, Member  
Rich Elliott, Alternate  
Terrey Dolan, Director of Community Development  
David Freel, BOS Representative

**Not Present:** Andrea Kokko Chappell, Chair  
Tracy Steel, Member

**Recording Clerk:** Jane Hesketh, Community Development

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**Meeting Agenda**

1. Call to Order

2. Public Hearing(s):

a. Case #2023-11 The applicant is seeking a Special Exception for the creation of a single (1) Accessory Dwelling Unit (ADU), comprising 638 sq. feet in size, to be located in both a small portion of the rear yard and a portion of the existing basement level of the existing single-family residence, located @ 77 Crosby Street, Street, Tax Map 39, Lot 6. A Special Exception from the Milford Zoning Ordinance, pursuant to Article X, Section 10.02.6, is required for this request. The property lies within the Res "A" Zoning District.

b. Case #2023-12 Need for Postponement to future Mtg (tbd): The applicant is seeking a Special Exception for the creation of a single (1) Accessory Dwelling Unit (ADU) with two bedrooms; comprised of approximately 720 sq. feet. The existing single-family home is located at 84 Prospect Street, Map 30 Lot 84, in the Res "A" Zoning District. The proposal is to convert the existing detached garage into a two-level ADU, with the kitchen/living area on the lower level, and the two bedrooms on the upper level. A Special Exception from the Milford Zoning Ordinance, pursuant to Article X, Section 10.02.6, is required for this request.

3. Meeting Minutes: Review and Approval of the 6/15/23 & 7/6/23 Mtg. Minutes

4. Other Business: TBD

5. Next Meeting(s): August 17th & September 7<sup>th</sup>

6. Adjournment

1 MINUTES OF THE ZBA MEETING AUGUST 3, 2023

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3  
4 Voting:

5  
6 Special Exception criteria under 10.02.1:

7  
8 e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use  
9 D. Sadowski yes; R. Elliott yes; M. Thornton yes; Chair votes yes.

10  
11  
12 **Is the Special Exception allowed by the Ordinance?**

13 R. Elliott yes; M. Thornton yes; D. Sadowski yes; Chair votes yes.

14  
15 **Are all the specified conditions present under which the Special Exception may be granted?**

16 M. Thornton yes; D. Sadowski yes; R. Elliott yes; Chair votes yes.

17  
18 Vice Chair Joan Dargie stated all requirements have been met. There is a 30 day appeal period that can be filed with the  
19 Zoning Board and the application has been approved.

20  
21 J. Dargie moved to the next case.

22  
23  
24 **b. Case #2023-12 Need for Postponement to future Mtg (tbd):** The applicant is seeking a **Special Exception** for the  
25 creation of a single (1) Accessory Dwelling Unit (ADU) with two bedrooms; comprised of approximately 720 sq. feet. The  
26 existing single-family home is located at **84 Prospect Street, Map 30 Lot 84, in the Res "A" Zoning District**. The proposal  
27 is to convert the existing detached garage into a two-level ADU, with the kitchen/living area on the lower level, and the two  
28 bedrooms on the upper level. A Special Exception from the Milford Zoning Ordinance, pursuant to Article X, Section  
29 10.02.6, is required for this request.

30  
31 Vice Chair Dargie stated there is a request for a postponement because the applicant needs time to get additional  
32 information. Director Dolan informed the committee about the current status of this application and told the committee he  
33 is working with the applicant on this.

34  
35 **Vice Chair asked for a motion to postpone Case #2023-12 to August 17, 2023.** M. Thornton made a motion to postpone and  
36 D. Sadowski seconded. All were in favor.

**Town of Milford**  
**Zoning Board of Adjustment**  
**AUGUST 17, 2023**  
**Public Hearings**

**Case #2023-02 689 North Main Street, LLC and Salt Creek Properties, LLC, VARIANCE**  
**Case #2023-12 84 Prospect Street, SPECIAL EXCEPTION**  
**Case #2023-14 72 Federal Hill Road, SPECIAL EXCEPTION**  
**Case #2023-15 72 Federal Hill Road, VARIANCE**

**Present:** Andrea Kokko Chappell, Chair  
Joan Dargie, Vice Chair  
Michael Thornton, Member  
Dan Sadkowski, Member  
Rich Elliott, Alternate  
Terrey Dolan, Director of Community Development  
David Freel, BOS Representative

**Not Present:** Tracy Steel, Member

**Recording Clerk:** Jane Hesketh, Community Development

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**Meeting Agenda**

1. Call to Order

2. Public Hearing(s):

a. Case #2023-02 (Continued from June 20, 2023 Mtg) 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. (Request by applicant to postpone the scheduled 8/17/23 Mtg. Continuance for the case, to the September 7, 2023 scheduled ZBA Mtg.)

b. Case #2023-12 The applicant is seeking a Special Exception for the creation of a single (1) Accessory Dwelling Unit (ADU) with two bedrooms; comprised of approximately 720 sq. feet. The existing single-family home is located at 84 Prospect Street, Map 30 Lot 84, in the Res "A" Zoning District. The proposal is to convert the existing detached garage into a two-level ADU, with the kitchen/living area on the lower level, and the two bedrooms on the upper level. A Special Exception from the Milford Zoning Ordinance, pursuant to Article X, Section 10.02.6, is required for this request.

c. Case #2023-14 The applicant is seeking a required Special Exception for an existing, previously un-permitted Accessory Dwelling Unit (ADU), pursuant to Article X, Section 10.02.6.C. The single-family residential property is located at 72 Federal Hill Road, and is zoned Residence 'A'. This existing ADU also requires Special Exception Approval under Article V, Section 5.02.2.A.13.

d. Case #2023-15 The applicant (for the same single-family residential property in Case #2023-14, located @ 72 Federal Hill Rd.) is also seeking a required Variance due to the existing ADU's overall floor area (1,100 sq. ft.) exceeding the current 750 sq. ft. maximum floor area allowed for ADU's, pursuant to requirements under Article X, Section 10.02.6.A1.c.

3. Meeting Minutes: None

4. Other Business: TBD

5. Next Meeting(s): September 7<sup>th</sup> & September 21<sup>st</sup>

6. Adjournment

1 MINUTES OF THE ZBA MEETING AUGUST 17, 2023

2  
3 **1. CALL TO ORDER**

4  
5 Chair Andrea Kokko Chappell opened the meeting by welcoming everyone and introducing herself. The Chair welcomed  
6 those attending in person and electronically.

7  
8 The Chair stated you may also attend this meeting in person at the Milford Town Hall, Board of Selectmen's Meeting Room.

9  
10 If you would like to participate in the public meeting, please call this number from home: +1 646-558-8656 and enter the  
11 Meeting ID: 851 6407 7601 and Password: 269952 or log in via [www.zoom.com](http://www.zoom.com) using the Meeting ID and Password  
12 previously stated.

13  
14 A digital copy of the meeting materials can be found on the Town website at: [https://www.milford.nh.gov/zoning-board-  
15 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  
16 21: <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>.

17  
18 Roll call attendance with all present at Milford Town Hall: D. Sadkowski present; R. Elliott present; J. Dargie present;  
19 M. Thornton present; A. Kokko Chappell present.

20  
21 Chair then stated Alternate Rich Elliott will be seated as a full voting member in order to allow for a 5 member board due to  
22 Member Tracy Steel being unable to attend.

23  
24 Chair Kokko Chappell continued by saying 4 cases are to be heard, and explained the process of the case hearings for the  
25 applicant and the public. The Chair said a full agenda may not allow all cases to be heard and that at 10:00 p.m. the meeting  
26 will end. The Chair explained how the meeting would proceed for the cases that may not be heard in that they would be  
27 continued or tabled to another agreed upon meeting and the public notification process for a continued case.

28  
29 A. Kokko Chappell moved on to the cases to be heard.

30  
31 **2. PUBLIC HEARINGS**

32  
33 **a. Case #2023-02 (Continued from June 20, 2023 Mtg) 689 North Main Street, LLC and Salt Creek Properties, LLC.**  
34 **for the property located at Tax Map 43, Lot 20-2 are seeking a Variance** from Milford Zoning Ordinance, Article VI,  
35 Sections 6.01.3.B.7 to allow the retail sale of petroleum products in the Groundwater Protection District on a property  
36 located in the Commercial and Limited Commercial Zoning Districts. (Request by applicant to postpone the scheduled  
37 8/17/23 Mtg. Continuance for the case, to the September 7, 2023 scheduled ZBA Mtg.)

38  
39 Chair Kokko Chappell asked for a motion to continue **Case #2023-02** to September 7, 2023. M. Thornton made a motion to  
40 continue and J. Dargie seconded. All were in favor.

41  
42  
43 **b. Case #2023-12 The applicant is seeking a Special Exception** for the creation of a single (1) Accessory Dwelling Unit  
44 (ADU) with two bedrooms; comprised of approximately 720 sq. feet. The existing single-family home is located at **84**  
45 **Prospect Street, Map 30 Lot 84, in the Res "A" Zoning District.** The proposal is to convert the existing detached garage  
46 into a two-level ADU, with the kitchen/living area on the lower level, and the two bedrooms on the upper level. A Special  
47 Exception from the Milford Zoning Ordinance, pursuant to Article X, Section 10.02.6, is required for this request.

48  
49 Chair Kokko Chappell needed to recuse herself from the hearing for this case. In view of that, Vice Chair Joan Dargie took  
50 over the meeting. There would now be only 4 voting members. Vice Chair Dargie explained to the applicant that to be  
51 approved there would need to be 3 votes for approval and if the decision were split then the case would not be approved.

52  
53 She asked the applicant if they wanted to proceed. The applicant said they would proceed.

54  
55 Chris Guida, Soil Scientist from Fieldstone Land Consultants stepped forward to make the presentation for the applicant.  
56 He handed out plans (already included in the application packet) that were a larger view; there was a picture he handed out  
57 that was not included in the packet but is from a different perspective.

58  
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60  
61 MINUTES OF THE ZBA MEETING AUGUST 17, 2023

1  
2  
3 **b. Case #2023-12**  
4

5 He used the schematic drawing to point out the location of the existing garage where the ADU will be built. It will be one  
6 story unit that will be expanded but will be within the 15 ft. setback. He continued by say it does meet the special exception  
7 criteria. Mr. Guida proceeded by reading from the application the special exception criteria.  
8

9 **Special Exception Criteria under 10.02.1:**  
10

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

12 "The existing lot and dwelling has access off both Prospect Street and Glenn Drive. This lot is located within the  
13 Residence "A" District of the Town of Milford Zoning Ordinance. The proposed use is permitted and similar to  
14 others in the district. This request is to allow construction within the existing garage on-site to be utilized as an  
15 Accessory Dwelling Unit (ADU). The existing dwelling is a single family residential use which is the same as  
16 other homes in the area; ADU is to encompass less than 750 square feet of the garage and will be utilized as an  
17 ADU for an extended member of same family occupying the primary residence. Proposed primary dwelling and  
18 ADU meet all requirements as outlined in Section 10.02.6 of Milford Zoning Ordinance."  
19

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

21 "The proposed single family residence and associated ADU is located in a residential subdivision in a residential  
22 area of the town."  
23

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

25 "The proposed ADU utilizes the garage, and existing structure on the site. It has similar building size and  
26 appearance of other dwellings in the area and meets all other criteria as outlined in Section 10.02.6 of the  
27 Ordinance."  
28

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

30 The proposed primary residence and ADU will meet all local regulations and have no difference from other similar  
31 dwellings and uses in the area and will not create any nuisance or serious hazard to vehicles or pedestrians."  
32

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

34 "The proposed use of the existing garage on site is to be utilized as an ADU. The design will meet all local  
35 regulations and will utilize existing site services."  
36

37 **ADU Criteria 10.02.6**  
38

39 **A. In all cases involving an Accessory Dwelling Unit:**

40 **1. An ADU shall meet the following minimum requirements:**

41 **a. Only one (1) ADU shall be allowed per property.**

42 "Only one ADU proposed."  
43

44 **b. Either the principal dwelling unit or the ADU must be owner occupied.**

45 "Dwelling(s) to be owner occupied."  
46

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

48 "Proposed ADU is less than 750 SF (672 SF proposed)."  
49

50 **d. The ADU shall include no more than two (2) bedrooms.**

51 "Proposed ADU is one bedroom."  
52

53 **e. No additional curb cuts shall be allowed.**

54 "Proposed ADU utilizes an existing curb cut."  
55

56 **f. An attached ADU shall have and maintain at least one common interior access between the principal  
57 dwelling unit and the ADU consisting of a connector that is a minimum of 36:in width or a doorway a  
58 minimum of 32" in width.**

59 "Proposed ADU is detached."  
60

1  
2  
3 b. Case #2023-12

4  
5 ADU Criteria 10.02.6

6  
7 A. In all cases involving an Accessory Dwelling Unit:

8 1. An ADU shall meet the following minimum requirements:

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

12 "Proposed ADU is an expansion of the detached garage."

13  
14 h. Deleted 2013

15  
16 i. An existing, nonconforming, single family residential structure or its detached accessory structure shall  
17 not be made more nonconforming.

18 "Proposed ADU is part of new construction utilizing the footprint of the existing garage. The portion of the garage  
19 that encroaches in the side setback is an existing non-conforming structure, and will not be made more  
20 non-conforming."

21  
22 j. An ADU shall meet all applicable local and State Building, Fire and Health Safety Codes.

23 "Proposed ADU will comply with all codes and get all the necessary permits during the building process."

24  
25 k. Must have adequate provisions for a water supply and sewerage disposal method for the ADU, in  
26 accordance with NH RSA 485-a:38 Approval to Increase Load on a Sewage Disposal System.

27 "Proposed ADU is located within the existing garage and will utilize both a municipal sewer and water  
28 connection."

29  
30 2. The Board of Adjustment, prior to granting a Special Exception, shall conduct a hearing to determine if the  
31 proposed ADU complies with the following criteria:

32  
33 a. The ADU must be developed in a manner which does not alter the character or appearance of the  
34 principal use as a single family dwelling.

35 "Proposed ADU will not alter the character or appearance of principal use as a single family dwelling or the  
36 property. The ADU is proposed to be a single story building placed, expanding the footprint of the existing  
37 detached garage. The character of the land and appearance of the property will be unaltered."

38  
39 b. The ADU is intended to be secondary and accessory to a principal single family dwelling unit.

40 "Proposed ADU is secondary to principal."

41  
42 c. The ADU shall not impair the residential character of the premises nor impair the reasonable use,  
43 enjoyment and value of other property in the neighborhood.

44 "Proposed ADU will not impair residential character or premises nor impair reasonable use or value of other  
45 properties."

46  
47 d. Adequate off street parking must be provided.

48 "Proposed ADU will have adequate off street parking – 2 spots are shown on the exhibit."

49  
50 e. Any necessary additional entrances or exits shall be located to the side or rear of the building whenever  
51 possible.

52 "Two proposed entrances on the side and the gable end of the building."

53  
54 B. All ADU's must apply for a compliance inspection when a change of ownership occurs, to ensure compliance with  
55 Section 10.02.6:A.

56 "Proposed ADU will apply for compliance inspection when change of ownership occurs."

57  
58 Vice Chair Dargie asked if there were any questions.

59  
60  
61 MINUTES OF THE ZBA MEETING AUGUST 17, 2023

1  
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3 **b. Case #2023-12**  
4

5 Member Mike Thornton to Mr. Guida: the rendering shows the parking spaces; do they exist or are they already there?  
6 Mr. Guida: they do not exist but will be added. M. Thornton asked about the location shown on the rendering and if it is  
7 actually located on the property. Mr. Guida stated that is on the property near Glenn St.  
8

9 There was a question raised about the additional curb cut. Director Dolan informed the committee the applicant went to the  
10 DPW Director in January 2023 to request a second curb cut. The curb cut is for an elderly resident to exit and enter the  
11 property in the winter. The second curb cut on Glenn Drive, T. Dolan stated, cannot be the primary access for the ADU.  
12 T. Dolan continued by saying the 2 parking spaces shown on the rendering are to be entered from Prospect Street and not  
13 Glenn Drive; the additional cut for spaces on Glenn Drive are not intended for daily use. This is due to the topography of  
14 the driveway off Prospect; it is at an incline that does level out. The secondary access was allowed for a need by the  
15 resident.  
16

17 Joan Dargie asked about the steps and how far they are away from the parking spaces. Mr. Guida pointed out the area for  
18 the entrance and it is a concrete slab about 2 ft. from the parking area.  
19

20 Vice Chair asked for more questions.  
21

22 Member Rich Elliott: is the driveway off Glenn Drive intended for the owner of the home or resident of the ADU? Joan  
23 Dargie confirmed only one person can access that driveway.  
24

25 Vice Chair asked if the committee had any more questions. Hearing none, she opened the meeting to the public.  
26

27 Susan Clark, 28 Glenn Drive stepped forward. Her concern is about the driveway on Glenn Drive; it is where snow is  
28 usually left during plowing and now there will be nowhere to put it. Also, there are children that play in that circle. Even  
29 though the use is only for the elderly resident during the winter, who will actually monitor that access in and out of the  
30 ADU; especially in view of the children who ride their bikes there.  
31

32 Vice Chair asked if there was anyone online and there wasn't. She asked Director Dolan to read the email received from  
33 another abutter who was unable to attend. Daniel Burke, 24 Glenn Drive wrote:  
34

35 *"I'm writing in regards to case #2023-12. I would like to object to the passing approval of the aforementioned case of*  
36 *building an ADU at 84 Prospect Street. We as a neighborhood on adjacent Glenn Drive have discussed the issue this*  
37 *creates. We all seem to be in agreement to stopping the building. When we moved to our home on Glenn Drive in 2009*  
38 *there were 4 residents on a quiet cul-de-sac. This was important to us in starting a family as it was quiet with minimal*  
39 *traffic. My wife and I now have 4 small boys who frequently ride bikes and play basketball in the cul-de-sac. I think the*  
40 *concern here is obvious that the small kids playing in the area as this will essentially cause a 20% increase in traffic in the*  
41 *area where they frequently play. The plan for this building to build on an existing garage area and to utilize Glenn Drive as*  
42 *the primary entrance for the unit; this requires cutting into the existing curb on a road where owners are not residents of. I*  
43 *do not know all the ins and outs of Zoning Ordinances but I was under the assumption you cannot cut into an existing curb*  
44 *on a road you are not a resident of. It is my personal belief that the current resident knows some of the process of how to go*  
45 *about making this happen. The approval of a driveway on another road I believe was the same way. We are finding a*  
46 *sneaky loophole in order to get the approval of having the unit built. Again, I do not know all the ins and outs of the*  
47 *process but I feel it was done in poor taste as none of the adjacent properties were made aware of the changes until the*  
48 *driveway plan was already underway. Please take into consideration the families of Glenn Drive and how this affects them*  
49 *and their safety. That being said, I am not absolutely opposed to the building of an ADU at this residence as I am*  
50 *supporting the idea of families supporting each other and living close by. I do, however, object essentially to this becoming*  
51 *another resident of Glenn Drive which it is not zoned for and with the increase of traffic backing in and out of cars we will*  
52 *see on our street. Since this drive has already been cleared, we have already seen multiple different cars utilizing it as a*  
53 *primary driveway which was supposed to not ever have existed. Thank you for your time. I ask that a thoughtful and fair*  
54 *decision is made."*  
55

56 Since there were no more public comments that portion of the meeting was closed. The public portion was re-opened.  
57

58 At that time, Mr. Guida approached the microphone to respond to the public concerns. Mr. Guida cited the memo to  
59 Terrance Dolan from Leo Lessard dated August 11, 2023 addressing the second entrance on Glenn Drive for 84 Prospect  
60 Street. Joan Dargie interjected by saying the DPW may have approved this, but an ADU is only allowed one driveway.  
61

**MINUTES OF THE ZBA MEETING AUGUST 17, 2023**

1  
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3 **b. Case #2023-12**  
4

5 J. Dargie emphasized the meaning the DPW Director had in this was to facilitate the *one* elderly woman easier access and  
6 not to allow just anyone to use this driveway; especially in view of the ADU being built. She added that a condition can be  
7 placed on the approval for the ADU.  
8

9 She re-closed the public portion of the meeting and moved ahead to deliberations.  
10

11 **Deliberations:**  
12

13 **Special Exception criteria under 10.02.1:**  
14

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

16 R. Elliott: yes because they are allowed with special exception

17 D. Sadkowski: yes permitted in the district

18 M. Thornton: similar to other ADU's in the area

19 J. Dargie: agrees; you can have an ADU in most residential districts  
20

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

22 M. Thornton: the site has an existing building to be demolished but only using the same footprint

23 D. Sadkowski: agrees

24 R. Elliott: agrees; using the garage footprint and following all the setback requirements (grandfathered)

25 J. Dargie: agrees  
26

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

28 D. Sadkowski: there will not be any additional parking; will not affect adjacent area

29 R. Elliott: agrees

30 M. Thornton: not changing the lot as it is, just the use

31 J. Dargie: she is not sure she agrees it will not affect the adjacent area because of the Glenn Drive access  
32

33 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians due to the proposed use**

34 M. Thornton: vehicles or pedestrians are not supposed to be in your yard

35 J. Dargie: disagrees with M. Thornton; Prospect St. is a very steep driveway where 2 additional parking spaces  
36 will be added. Looking at the photo, the parking will be at an angle and backing out of that driveway with one lane  
37 can be hazardous. She feels this driveway can be a hazard especially with the addition of 2 spaces.

38 M. Thornton added: if this driveway is a steep and dangerous driveway, what can be done about it.

39 R. Elliott: feels the driveway cannot accommodate additional vehicles and it will be dangerous  
40

41 M. Thornton brought up the idea of designating Glenn Drive as the primary entrance to alleviate the hazardous  
42 driveway at 84 Prospect St. This topic as addressed. The main point brought up is that this driveway has been this  
43 way since the home was built in 1920.  
44

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

46 D. Sadkowski: it is an existing driveway

47 R. Elliott: electric, water and sewer will be available to operate

48 M. Thornton: yes, will be available.

49 J. Dargie: agrees  
50

51 Mr. Guida asked if the owner could speak since she was unaware she was able to during the public portion. Vice Chair re-  
52 opened the public portion of the meeting to allow the applicant to address questions or concerns.  
53

54 Linda Ledger 84 Prospect Street stepped forward to the microphone at 50:28. She introduced herself as Linda Ledger of  
55 **85 Prospect Street**. Then Vice Chair asked her if she is residing at 85 Prospect Street and Linda corrected the address at this  
56 time to 84 Prospect Street. Vice Chair stated that Linda's voter registration is registered at 70 Armory Road. Linda  
57 responded by saying she used to live there, and that her whole family has been in town for over 40 years.  
58  
59  
60



1  
2  
3 **b. Case #2023-12**  
4

5 L. Ledger continued by saying she has a very large family, a number of children and her parents are both in their late 80's.  
6 The driveway she explained at the house is very steep. She also explained the driveway off Glenn Drive will have a  
7 turnaround so they can drive out; not back out. Also, the driveway off Glenn Drive is to the side and not in the middle of  
8 the cul-de-sac.  
9

10 Mr. Guida then cited the permit regulations, Section V Residential Access Points, from the Town of Milford Driveway  
11 Permit Regulations. He read:

12  
13 *"A second cut may be granted under the following conditions: 1. A second curb cut is necessary for access to a secondary  
14 use or structure, or if the physical constraints of the lot, including natural features, unusual lot shape, size or elevation  
15 change necessitates the second access. 2. A second curb cut is necessary to allow handicapped access for an individual  
16 who is a permanent resident of the property."*  
17

18 He went on to say he feels those conditions fit this property perfectly. He understands only one curb cut is allowed,  
19 however, the DPW can grant a second one.  
20

21 He continued by saying this was something that has been discussed with the DPW and the Office of Community  
22 Development. J. Dargie added there is set of rules that state you can only have one curb cut for an ADU and a residence;  
23 perhaps the DPW was not aware of the changes that were being made.  
24

25 On the rendering, Chris Guida pointed out the 2 spaces to be added and explained the area to park will be fairly level and it  
26 is not anticipated drivers will back out. He explained there can be other areas besides what is shown to allow for vehicles to  
27 turn around before exiting the driveway.  
28

29 Discussion continued about the location of the back door in relation to the driveway. Usually the driving pattern on a  
30 property is not evaluated unless there is a situation that could cause a hazard.  
31

32 J. Dargie to C. Guida: did you look at placing the structure into the setback so it would not be non-conforming; since the  
33 footprint is non-conforming it has to stay in that location. Chris Guida explained this. J. Dargie asked if he had considered  
34 shifting the structure back. C. Guida said they can; they were trying to stay within the regulations. If the board feels and  
35 agrees moving the structure back 7-8 feet is something that is agreeable, then he has no problem with this.  
36

37 M. Thornton pointed out that doing this there would be better parking spaces made available. C. Guida stated he has no  
38 problem making changes to the plans to accommodate better and safer parking and bringing those plans back to the board  
39 for approval. M. Thornton added if the board agrees to the changes there would be no need to come back to the board. T.  
40 Dolan: it would be made a condition for approval. T. Dolan added to clarify: shifting the structure to the east and not  
41 making it any more non-conforming into the side set back, giving 7.5 feet of margin would facilitate forward movement of  
42 vehicles out of the driveway onto Prospect St. M. Thornton said that is correct and continued to describe how this change  
43 would affect the driveway safety especially with people exiting the back door. The idea of moving the structure continued  
44 to be discussed and examples given for doing it this way. The need to have the applicant return with an updated plan was  
45 discussed and it was felt a condition should be added which would negate have the applicant re-submit a plan. The 2<sup>nd</sup> curb  
46 cut was brought up. Director Dolan pointed out that the owner has a valid permit from the DPW to allow this. T. Dolan  
47 added that as part of the special exception it should be noted this 2<sup>nd</sup> cut is not for the ADU. This would mean 2 conditions  
48 be placed on the special exception.  
49

50 The owner, Linda Ledger, then spoke up to express her concerns for what her neighbors have expressed. She is not sure  
51 about how she wants to go about this for her parents. Therefore, the case will be continued to the meeting of September 21,  
52 2023.  
53

54 J. Dargie asked for a motion to continue Case #2023-12 to September 21, 2023. M. Thornton made a motion to continue  
55 and R. Elliott seconded. All were in favor.  
56

57 Chair Kokko Chappell rejoined the meeting and proceeded to the next case.  
58  
59  
60

**Town of Milford**  
**Zoning Board of Adjustment**  
**SEPTEMBER 21, 2023**  
**Public Hearings**

**Case #2023-12 84 Prospect Street, SPECIAL EXCEPTION**  
**Case #2023-16 22 Riverlea Rd. Ext., SPECIAL EXCEPTION**

- Present:** Andrea Kokko Chappell, Chair  
Joan Dargie, Vice Chair  
Michael Thornton, Member  
Dan Sadkowski, Member  
Rich Elliott, Alternate  
Terrey Dolan, Director of Community Development  
David Freel, BOS Representative
- Not Present:** Tracy Steel, Member
- Recording Clerk:** Jane Hesketh, Community Development
- 

**Meeting Agenda**

1. Call to Order
2. Public Hearing(s):
  - a. Case #2023-12 (Continuation from August 17, 2023 ZBA Hearing for Special Exception request proposed Accessory Dwelling Unit (ADU) The applicant is seeking a Special Exception for the creation of a single (1) Accessory Dwelling Unit (ADU) with two bedrooms; comprised of approximately 720 sq. feet. The existing single-family home is located at 84 Prospect Street, Map 30 Lot 84, in the Res "A" Zoning District. The proposal is to convert the existing detached garage into a two-level ADU, with the kitchen/living area on the lower level, and the two bedrooms on the upper level. A Special Exception from the Milford Zoning Ordinance, pursuant to Article X, Section 10.02.6, is required for this request.
  - b. Case #2023-16 Applicant's request is for a required Special Exception, for property located at 22 Riverlea Rd. Ext., Tax Map 8/Blk 4/Lot 7, to encroach approximately a maximum of 6.4' into the required 15' side setback of the existing residential property, as required in the Residence "R" Zoning District. This Request is for the addition of a proposed third bay onto the existing two-bay garage for additional vehicular storage. Article V, Section 5.04.2.A.7 of the Milford Zoning Ordinance requires a Special Exception be approved for any reduced front, side or rear setbacks within the Residence "R" Zoning District.
3. Meeting Minutes: • Approval of 8/17/23 Mtg. Minutes
4. Other Business: TBD
5. Next Meeting(s): October 5th and October 19th (2023)
6. Adjournment

1 MINUTES OF THE ZBA MEETING SEPTEMBER 21, 2023

2  
3  
4 **1. CALL TO ORDER**

5  
6 Chair Andrea Kokko Chappell opened the meeting by welcoming everyone and introducing herself. The Chair welcomed  
7 those attending in person and electronically.

8  
9 The Chair 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](http://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 Roll call attendance with all present at Milford Town Hall: D. Sadkowski present; R. Elliott present; J. Dargie present;  
20 M. Thornton present; A. Kokko Chappell present.

21  
22 Chair Kokko Chappell continued by saying 2 cases are to be heard, and explained the process of the case hearings for the  
23 applicant and the public. The Chair said a full agenda may not allow all cases to be heard and that at 10:00 p.m. the meeting  
24 will end. The Chair explained how the meeting would proceed for the cases that may not be heard in that they would be  
25 continued or tabled to another agreed upon meeting and the public notification process for a continued case.

26  
27 A. Kokko Chappell moved on to the cases to be heard.

28  
29 **2. PUBLIC HEARINGS**

30  
31 **a. Case #2023-12 (Continuation from August 17, 2023 ZBA Hearing for Special Exception** request proposed  
32 Accessory Dwelling Unit (ADU) The applicant is seeking a Special Exception for the creation of a single (1) Accessory  
33 Dwelling Unit (ADU) with two bedrooms; comprised of approximately 720 sq. feet. The existing single-family home is  
34 located at **84 Prospect Street, Map 30 Lot 84, in the Res "A" Zoning District**. The proposal is to convert the existing  
35 detached garage into a one level ADU, with the kitchen/living area on the lower level, and the two bedrooms on the upper  
36 level. A Special Exception from the Milford Zoning Ordinance, pursuant to Article X, Section 10.02.6, is required for this  
37 request.

38  
39 Chair Kokko Chappell needed to recuse herself from the hearing for this case. In view of that, Vice Chair Joan Dargie took  
40 over the meeting for this case.

41  
42 The applicant was not present and no notification given from them. Therefore, the applicant will need to file the case again  
43 with the Office of Community Development. Mike Thornton stated, unless there were extenuating circumstances, he agrees  
44 the application needs to be submitted again. It was noted this cannot be a reason for allowing the absence; there was no  
45 communication to the Director of Community Development that they would not be in attendance. Joan Dargie asked for a  
46 motion to dismiss this case. Mike Thornton amended his previous statement by making a motion stating the applicant will  
47 need to start this case again; it was seconded by Dan Sadkowski. All were in favor.

48  
49 Chair Kokko Chappell returned to the meeting at 7:05 p.m. and proceeded with the next case to be heard.

50  
51 **b. Case #2023-16** Applicant's request is for a required **Special Exception**, for property located at **22 Riverlea Rd. Ext.,**  
52 **Tax Map 8/Blk 4/Lot 7**, to encroach approximately a maximum of 6.4' into the required 15' side setback of the existing  
53 residential property, as required in the Residence "R" Zoning District. This Request is for the addition of a proposed third  
54 bay onto the existing two-bay garage for additional vehicular storage. Article V, Section 5.04.2.A.7 of the Milford Zoning  
55 Ordinance requires a Special Exception be approved for any reduced front, side or rear setbacks within the Residence "R"  
56 Zoning District.

**Town of Milford**  
**Zoning Board of Adjustment**  
**OCTOBER 5, 2023**  
**Public Hearings**

**Case #2023-12 84 Prospect Street, SPECIAL EXCEPTION**  
**Case #2023-02 689 North Main Street, LLC and Salt Creek Properties, LLC, VARIANCE**  
**Case #2023-17 549 Osgood Rd., SPECIAL EXCEPTION**

**Present:** Andrea Kokko Chappell, Chair  
Joan Dargie, Vice Chair  
Michael Thornton, Member  
Dan Sadkowski, Member  
Tracy Steel, Member  
Rich Elliott, Alternate  
Terrey Dolan, Director of Community Development  
David Freel, BOS Representative

**Recording Clerk:** Jane Hesketh, Community Development

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**Meeting Agenda**

1. Call to Order
2. Public Hearing(s):
  - a. **Case #2023-12** (Continuation from August 17, 2023 & September 21, 2023 ZBA Hearings for Special Exception Request-Proposed Accessory Dwelling Unit (ADU)-Request for Further Continuance to the October 19, 2023 ZBA Mtg. The applicant, Linda Ledger, is seeking a Special Exception for the creation of a one bedroom Accessory Dwelling Unit (ADU); comprised of approximately 672 sq. feet (16' x 42'), partially utilizing the existing footprint of the existing one car garage/shed on the lot. The existing single-family home is located at 84 Prospect Street, Map 30 Lot 84, in the Res "A" Zoning District. The proposal has been modified to convert the existing detached garage into a single-level ADU, comprised of a kitchen/living area and one bedroom. A Special Exception from the Milford Zoning Ordinance, pursuant to Article X, Section 10.02.6, is required for this request.
  - b. **Case #2023-02** (Continued from September 7, 2023) Continuation of ZBA Variance Hearing for 689 North Main Street, LLC & Salt Creek Properties, LLC. This Request is for the property located at Tax Map 43, Lot 20-2, where the applicants 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 District. (Prior Hearing Request was approved by the ZBA on September 7, 2023 to schedule the requested Continuance to the October 5, 2023 ZBA Mtg.)
  - c. **Case #2023-17** The applicants, George and Lori Shepherd, have made a request for a Special Exception for a Home-Based Business, pursuant to Article VII, Section 7.12.6 & Section 10.02.1 for their 2.86-acre property located at 549 Osgood Road, Map 51, Lot 1-1. The property is zoned Residence "R". The proposed Home-Based Business is a Vehicular Detailing Business for privately-owned vehicles only. No commercial or fleet vehicles shall be accepted for detailing work at this location. All work shall be performed by appointment only within their existing on-site detached 860 square foot garage.
3. Meeting Minutes: Review and Approve Mtg. Minutes from 08/17/23 & 09/07/23
4. Other Business:
5. Next Meeting(s): October 19, 2023 & November 7, 2023
6. Adjournment

1 MINUTES OF THE ZBA MEETING OCTOBER 5, 2023

2  
3  
4 **1. CALL TO ORDER**

5  
6 Chair Andrea Kokko Chappell opened the meeting by welcoming everyone and introducing herself. The Chair welcomed  
7 those attending in person and electronically.

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

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

15  
16 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)  
17 [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  
18 21: <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>.

19  
20 Roll call attendance with all present at Milford Town Hall: D. Sadkowski present; R. Elliott present; J. Dargie present;  
21 M. Thornton present; T. Steel present; A. Kokko Chappell present. Joined at the table: Selectman David Freele.

22  
23 Chair explained the process for the case hearings. The Chair said a full agenda may not allow all cases to be heard and that  
24 at 10:00 p.m. the meeting will end. The Chair explained how the meeting would proceed for the cases that may not be heard  
25 in that they would be continued or tabled to another agreed upon meeting and the process for public notification process.

26  
27 A. Kokko Chappell moved on to the cases to be heard.

28  
29 **2. PUBLIC HEARINGS**

30  
31 **a. Case #2023-12 (Continuation from August 17, 2023 ZBA Hearing for Special Exception request proposed**  
32 **Accessory Dwelling Unit (ADU) The applicant is seeking a Special Exception for the creation of a single (1) Accessory**  
33 **Dwelling Unit (ADU) with two bedrooms; comprised of approximately 720 sq. feet. The existing single-family home is**  
34 **located at 84 Prospect Street, Map 30 Lot 84, in the Res "A" Zoning District. The proposal is to convert the existing**  
35 **detached garage into a one level ADU, with the kitchen/living area on the lower level, and the two bedrooms on the upper**  
36 **level. A Special Exception from the Milford Zoning Ordinance, pursuant to Article X, Section 10.02.6, is required for this**  
37 **request.**

38  
39 There is a request from the applicant to continue this case to the meeting of 10/19/2023. Due to a scheduling conflict with  
40 the committee members, if the applicant is agreeable to this, Chair would like to continue this case to the 11/2/2023  
41 meeting. Applicant acknowledged their acceptance of this change. Chair asked for a motion to continue **Case #2023-12 to**  
42 **11/2/2023.** Member Dargie made a motion and it was seconded by Member Steel. All were in favor.

43  
44 Chair moved to the next case.

45  
46 **b. Case #2023-02 (Continued from September 7, 2023) Continuation of ZBA Variance Hearing for 689 North Main**  
47 **Street, LLC & Salt Creek Properties, LLC. This Request is for the property located at Tax Map 43, Lot 20-2, where the**  
48 **applicants are seeking a Variance from Milford Zoning Ordinance, Article VI, Sections 6.01.3.B.7 to allow the retail sale of**  
49 **petroleum products in the Groundwater Protection District on a property located in the Commercial and Limited**  
50 **Commercial Zoning District. (Prior Hearing Request was approved by the ZBA on September 7, 2023 to schedule the**  
51 **requested Continuance to the October 5, 2023 ZBA Mtg.)**

52  
53 Due to an illness with the parties involved with the presentation, there is a request to continue this case to the meeting of  
54 11/19/23. Chair asked for a motion to continue **Case #2023-02 to 10/19/23.** Member Thornton made a motion and it was  
55 seconded by Member Sadkowski. All were in favor.

56  
57 Chair moved to the next case

58  
59 Director Dolan asked that the committee to retain the copies from previous meetings for these cases. If there is anything  
60 new, he will ensure the new information will be made available to the committee. Committee members expressed concerns  
61 about receiving updates. T. Dolan stated all new information is available via links on the website for ZBA.



**ZONING BOARD OF ADJUSTMENT**  
**AGENDA-Revised 11/2/23**

**Milford Town Hall - Board of Selectmen's Meeting Room**  
**November 2, 2023 – 7:00 PM**

You may attend this meeting in person at the Milford Town Hall, Board of Selectmen's Meeting Room with all Covid protocols in place. If you would like to participate in the public meeting, please call this number from home: +1 646-558-8656 and enter the Meeting ID: 822 1768 6560 and Password 568170 or log in via [www.zoom.com](http://www.zoom.com) using the Meeting ID and Password above.

A digital copy of the meeting materials can be found on the Town website at:  
<https://www.milford.nh.gov/zoning-board-adjustment/agenda/zba-agenda-02-November2023>.

We will also be live streaming the meeting on Granite Town Media, Government Channel 8:  
<http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>.

The Town of Milford Board of Adjustment will conduct a Public Meeting beginning at 7:00 p.m. to consider and review the following items listed below.

**1. Call to Order**

**2. Public Hearing(s):**

**a. Case #2023-02 (Continued from June 20 & August 17, 2023 Mtg's)**

Continuation of the Variance Request for property located at 689 North Main Street, LLC and Salt Creek Properties, LLC. for the property located at Tax Map 43, Lot 20-2, seeking a required 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. *(Note: Prior hearing request by applicant was approved by the ZBA on Aug. 17, 2023 to postpone the scheduled Continuance for the case, to the September 7, 2023 ZBA Mtg., then to October 4, 2023, then to be heard on October 19, 2023 due to illness, then approved to November 2<sup>nd</sup>, with a new Request for the Continued Hearing to now be held on November 16, 2023)*

**b. Case #2023-12 (Continuation from August 17, 2023, September 21, 2023 & October 3, 2023 ZBA Hearings for Special Exception Request-Proposed Accessory Dwelling Unit (ADU)-Request for Further Continuance to the November 2, 2023 ZBA Mtg.**

The applicant, Linda Ledger, is seeking a Special Exception for the creation of a one-bedroom Accessory Dwelling Unit (ADU); comprised of approximately 672 sq. feet (16' x 42'), partially utilizing the existing footprint of the existing one car garage/shed on the lot. The existing single-family home is located at 84 Prospect Street, Map 30 Lot 84, in the Res "A" Zoning District. The proposal has been modified to convert the existing detached garage into a single-level ADU, comprised of a kitchen/living area and one bedroom. A Special Exception from the Milford Zoning Ordinance, pursuant to Article X, Section 10.02.6, is required for this request. **(Now being requested for Continuation to the December 7, 2023 ZBA Mtg.)**

**c. Case #2023-19 Sons Chimney Relocation:**

The applicant, Ronald Racicot, is seeking a Variance to relocated his downtown Sons Chimney retail store location to be co-located within their existing industrial-zone warehouse facility, located at 15 Old Wilton Road, Tax Map 14, Lot 6-1. Retail sales are not allowed within the Industrial Zoning District; thus, a Variance is required in order to partially utilize a +/-1,000 square foot portion of the existing warehousing floor space to be dedicated for retail sales.