

# TOWN OF MILFORD



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

## Administrative Review

**Date:** June 10, 2019  
**To:** Steve Bonczar, Chair, Zoning Board of Adjustment  
**From:** Lincoln Daley, Community Development Director  
**Subject:** #2019-12 – Pasta Loft Restaurant II, LLC, 241 Union Square, Milford Tax Map 25, Lot 45. Special Exception Request pursuant to the Milford Zoning Ordinances per Article V, Section 5.05.2.A.4 to permit the manufacturing/production of beer products associated with the restaurant business.

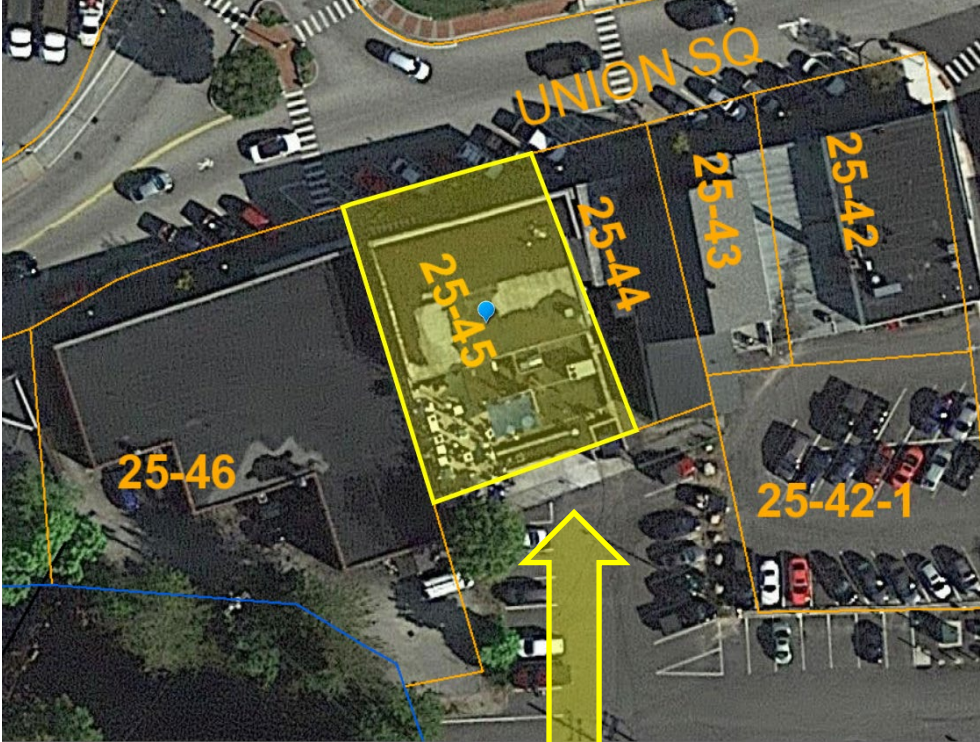
The applicant is before the Board of Adjustment seeking a Special Exception Request from Article V, Section 5.05.2.A.4 to permit the manufacturing/production of beer products associated with the restaurant business. The applicant proposes to construct a small 8' x 17' addition to the rear of the building to house the equipment. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions – The subject property consists of a mixed-use, 2 story building situated on 6,970 square foot parcel that is owned by the applicant, Pasta Loft Restaurant II, LLC.
2. The proposed brewing of craft beer will subordinate to and incidental to primary use as a restaurant and sale of alcohol. The brewing operations fall under the definition of manufacturing. Pursuant to Section 5.05.2.A.4 manufacturing is permitted in the Commercial Zoning District through the issuance of Special Exception.
3. The brewing system/process will be self-contained within the proposed 8' x 17' addition. The proposed addition is exempt from the dimension setbacks pursuant to Section 5.05.7 Oval District.
4. The equipment will be electric and the application states that no fuel exhaust will be vented. The system includes a condenser to turn the steam generated by boiling the wort back into water and then discharging it into the municipal sewer system. As a result, no steam is vented outside.
5. Operations will use municipal water and sewer. Projected water consumption and waste discharge volumes for the operation are currently unknown and should be detailed by applicant.
6. The applicant/restaurant is currently permitted by the town to discharge to the municipal sewer system. However, the applicant should clarify if the current permit allows the additional discharge of waste material from the brewing operations into the municipal system.
7. The applicant has stated that the physical waste material will be stored inside the building and removed within 48 hours of generation. Staff recommends that the applicant provide a written management plan for waste byproduct detailing the removal, timing, storage location, and removal details with a commercial contractor or hauler.

Respectfully submitted

Lincoln Daley, Community Development Director

**Aerial & Street Level Photographs of Subject Property:**





**ZBA Application**  
**MILFORD ZONING BOARD OF ADJUSTMENT**

**GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS**

TOWN OF MILFORD  
 RECEIVED  
 MAY 23 2019  
 PB ZBA Office

Date Received: 5-23-19  
 Case Number: 2019-12  
 Application Number: 2019 0771  
 Hearing Date: 6-20-19  
 Decision Date: \_\_\_\_\_  
 Decision: \_\_\_\_\_

**PROPERTY INFORMATION**

Street Address: 241 Union Square  
 Tax Map / Parcel #: 25-45 Lot Size: 0.159 acres (6,921sqft)

**PROPERTY CURRENTLY USED AS**

Restaurant/Pub

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

**PROPERTY OWNER**

Name: Pasta Loft Restaurant II, LLC  
 Address: 241 Union Square  
 City/State/Zip: Milford, NH, 03055  
 Phone: ( ) 603-475-1045  
 Email: \_\_\_\_\_

*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: Law Office of Thomas F. Quinn  
 Address: 62 Elm Street  
 City/State/Zip: Milford, NH, 03055  
 Email: tqinn@tfqtitle.com  
 Phone: ( ) 603-554-1662 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.

Thomas F. Quinn 5/23/2019  
 Property Owner's signature Date:

**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 <u>9</u>	<u>36</u>
Amount received:	<u>111-</u>
Date Received:	<u>5-23-19</u>

Check  Cash \_\_\_\_\_  
 CK# 0003  
10054

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: 241 Union Square
Tax Map / Parcel #: 24-45
<p><i>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.</i></p> <p><b>*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.</b></p>
<p>What section of the Zoning Ordinance are you applying under?</p> <p>Article <u>V</u> Section <u>5.05</u></p> <p>Describe the <b>use</b> you are proposing under the above section of the Ordinance.          The property is currently used as a restaurant and pub. A small addition will be added to the rear of the building for brewing beer.</p>

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

Home Occupation  
 Self-Storage Facilities  
 Accessory Dwelling Unit  
 Office in Res-A & B  
 Wetland Buffer Impact  
 Change/Expansion of Non-conforming Use/Structure  
 Side/Rear yard setback reduction  
 Other

**General Criteria Section 10.02.1**

Describe the project you are requesting a Special Exception for:  
A small addition approximately 17x18 (140sqft) will be added to the rear of the building. A building permit will be obtained. The special exception is solely for the purpose of allowing the applicant to brew its own craft beer on the premise. A special exception is required because the state classifies the brewing of beer as "manufacturing" and manufacturing is permitted in the commercial district only by special exception.

**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:  
 The primary use of the property is as a restaurant and pub. These uses will continue to be the primary use. The additional activity of brewing beer will be subordinate to and incidental to the primary use. Restaurants and pubs exist throughout the district in general and on the oval in particular.

B. The specific site is an appropriate location for the proposed use because:  
 The restaurant and pub has operated for years from this site and has always sold beer and other types of alcohol. The only change is that now a small area of the building will be used for brewing our own craft beer.

C. The use as developed will not adversely affect the adjacent area because:  
 The existing use of the property is consistent with other uses on the oval. A small addition will be constructed to house the brewing operation but no additional seating will be added. The additional activity will not be noticed from the outside.

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:  
There will be no nuisance because the brewing system is electric. No fuel will be vented to the outside. Similarly, the system includes a condenser unit so the steam generated from boiling the wort will not be vented to the outside. The current plan is to acquire roasted hops. This process will not be conducted on site. The spent grain will be removed within two days of the time that is generated. The owner of the Pasta Loft has a small farm. The spent grain will be brought there. The spent grain will not be disposed of in the dumpster on site or stored outside the facility.

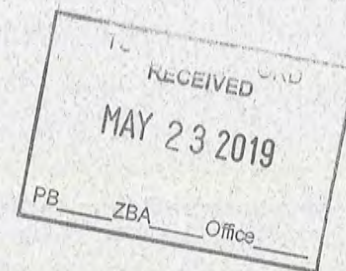
E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:  
 The applicant is an experienced operator of the existing restaurant and pub. The applicant is fully familiar with the health codes and liquor laws. The applicant has an existing liquor license. A different form of license will be required when brewing commences. The applicant is in contact with the state regarding these requirements. The additional space will be constructed pursuant to a building permit issue by the Town.

**Abutter's List**

Parcel	Owner
Map 25 - Lot 45	Pasta Loft Restaurant II, LLC 241 Union Square Milford, NH 03055
Map 25 - Lot 46	Walkwood, LLC 26 Union Square, Ste 1 Milford, NH 03055
Map 25 - Lot 44	Dreymann Corp 293 Union Square, Ste 2 Milford, NH 03055
Map 25 - Lot 40	Milford Cooperative Bank c/o TD Bank 57 South Street Milford, NH 03055  Milford Cooperative Bank c/o TD Bank 380 Wellington Street, 12 <sup>th</sup> Floor London, Ontario N6A 454
Map 25 - Lot 32	Town of Milford 1 Union Square Milford, NH 03055
Map 25 - Lot 21	Souhegan Auto Sales, LLC 345 Boston Post Road Amherst, NH 03031
Map 25 - Lot 20	David E Ross, Trustee David E Ross Revocable Trust 1990 PO Box 571 Amherst, NH 03031
Map 25 - Lot 19	193 Union Square, LLC 12 Coles Rock Road Merrimack, NH 03054

Milford News  
16 oak st  
Milford

LAW OFFICE OF  
**THOMAS F. QUINN**  
PROF. CORP.



62 Elm Street  
Milford, NH 03055

PH: 603-554-1662  
FAX: 603-554-1495

E-MAIL: [tquinn@tfqttitle.com](mailto:tquinn@tfqttitle.com)

May 23, 2019

Lincoln Daley, Director  
Community Development  
1 Union Square  
Milford, NH 03055

Re: Special Exception/Pasta Loft/241 Union Square

Dear Lincoln,

Enclosed herewith is an Application for Special Exception to allow the Applicant to brew his own beer at 241 Union Square. The Applicant will construct a small addition to the rear of the building, being approximately 8x17 feet. The addition will be used to house the equipment. No additional seating is proposed.

We haven't submitted a management plan because nothing is vented to the outside. The equipment is electric, so there is no fuel exhaust to vent. And the equipment includes a condenser to turn the steam generated by boiling the wort back into water, which is easily disposed of. So, no steam is vented to the outside. All spent grain will be stored inside the building and brought to a farm owned by the owner of the Pasta Loft. The spent grain will be removed within forty-eight hours of the time it is generated.

A plan of the addition will be proposed in connection with the Applicant's request for a building permit. Enclosed are photographs of the equipment at another facility. The Applicant's design for the addition will be similar to this except that the back windows will be reduced to three from four, and the facade will be brick instead of stone blocks.

I would appreciate it if you could double-check the Abutter's List. We want to be sure to notify all parties entitled to notice.

If there is additional information that you think we should include, please let me know. We will do what we can to provide it.

Thank you.

Sincerely,

  
Thomas F. Quinn











