

**Town of Milford  
Zoning Board of Adjustment  
February 16, 2017  
Case #2017-03  
Hitchiner Manufacturing, Inc.  
Special Exception**

Present: Kevin Johnson, Chair  
Michael Thornton, Vice Chair  
Joan Dargie  
Jason Plourde  
Steven Bonczar  
Rob Costantino, Alternate  
Robin Lunn, Zoning Administrator

Absent: Tracy Steel  
Kathy Bauer, Board of Selectmen Representative

Secretary: Peg Ouellette

**Case #2017-03**

Hitchiner Manufacturing, Inc., for property located at 594 Elm Street, Milford, NH, Tax Map 13, Lot 6, in the Industrial (I) District, is seeking a Special Exception per the Milford Zoning Ordinances Article V, Section 5.06.2.A.3 to allow the reduction of the front yard setback for the proposed addition to the existing manufacturing facility, and Article II, Section 2.03.1.C.1 to allow the expansion of a pre-existing non-conforming structure.

**Approved Minutes on April 20, 2017**

K. Johnson, Chair, opened the meeting and introduced the Board members. He informed all of the procedures of the Board. He stated there were Minutes of meetings to approve, and three new cases on the agenda.

Earle Blatchford of Haynes/Swanson, Inc. was representing Hitchiner. Also present was Anthony Rodrigues, VP, Corp Affairs & Services for Hitchiner.

E. Blatchford pointed out on the plan the existing site. Hitchiner had been there almost 60 years. It is manufacturing – allowed use. Different configurations of buildings and parking over the years. He pointed out existing building and parking to the south of that. Access drive to the office and connection to Elm St. and several curb cuts.

K. Johnson asked Bd if they understood why it was an existing nonconforming structure. He said it was an existing building and back edge is within the setback.

E. Blatchford pointed 30 ft on the setback. One had 10.5 ft and other 14.5 ft. That had been the case for many years. Any expansion of the building triggers the Special Exception. Quite a bit of outdoor equipment on side of building they want to bring inside. That was one addition. On south side, a

manufacturing addition. Allows them to expand manufacturing, add additional foundry equipment and push finish lines into the portion of the building Also relocating cafeteria space. Makes more room in existing building for manufacturing process. Have had several expansions over the years. This is driven by new business opportunities. Had a preliminary session with Planning Bd. Since then, made formal site plan review application to the Planning Bd. and State. Critical for them in expanding manufacturing facility to have linear production area. Coming off existing column lines within existing building. He pointed out what was in setback. They were asking for 27 ft setback where 30 ft. was required. Rounded it to have a little bit of play. Those were two special exceptions they were requesting. Did he need to go through 5 points?

K. Johnson said not necessarily.

E. Blatchford asked if there were any questions.

J. Dargie had none.

S. Bonczar said he reviewed the application, which was quite complete.

M. Thornton said it was pretty clear.

J. Plourde had no questions.

K. Johnson said it was clear the application was all they needed.

E. Blatchford said Suburban Propane was across the street. Parking lot there on land owned by Suburban but built by Hitchiner and has long term lease. Hitchiner's metal casting building over there, and the administrative building is there, as far as who is adjacent to the area.

K. Johnson said expansion was on Hitchiner Way, which was a minor street compared to Elm and Old Wilton.

R. Costantino knew the building would be where parking is now. Will parking be built out?

E. Blatchford said they ended up with same number of spaces. They had excess currently because of two shifts. Reconfiguring parking around new building.

A. Rodrigues said new parking will go where grassy field is where building was demolished.

K. Johnson opened hearing for public comment. None. He closed the public portion of the meeting.

He also noted they had received no e-mails or letters on this application. Also none on the previous two cases (2017-01 and 2017-02), which he should have noted. He said they had two sets of Special Exception criteria. Because this was an existing nonconforming structure. Reason was that the footprint was into the setback, not any of the many other nonconformance reasons based on use. Simply because of construction of the buildings and proximity to the road. He quoted Sec. 2.03.1 of Ordinance, regarding Intent. He said, based on testimony, they were not proposing to change use of the structure; simply to modify way of using existing structure. It will not unduly impact neighborhood. He read subsections A, B and C of 2.03.1 regarding: Continuance; Discontinued Use; and Alteration, Expansion, or Change. They were concerned with alteration, expansion or change. He referred to Sec. 5.06.2.2 which dealt only with home alteration of ADUs. He didn't see this would have substantially different effect on neighborhood, which is industrial business in the industrial area. Industrial business across the street. Felt it could be granted without violating letter or intent.

M. Thornton felt same way. Hitchiner had been good neighbor. His wife worked there until retirement. He lives nearby. Hitchiner had done nothing to besmirch neighborhood in the previous 60 years.

R. Costantino had no comment.

J. Plourde had no comment.

J. Dargie asked if Hitchiner Way was private or town road.

E. Blatchford said it was a town accepted road.

S. Bonczar said this was same lot being proposed that was going to be developed in nonconforming way, not changing the way it was being used. In other cases, he had little bit of disagreement. Might be different if it was a house. In this case it was a parking lot serving nonconforming use. K. Johnson said it was a nonconforming structure.

S. Bonczar said parking serviced a nonconforming structure and they were adding to it. Square ft encroaching on the setback was minimal compared to the total plan. He just wanted to be clear where he said this made sense for nonconforming use to be approved.

K. Johnson said other section was general criteria for all special exceptions. He quoted Section 10.02.1 of the Ordinance and then proceeded through the conditions, A through E.

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

He said the way criteria were written they tend to be sometimes overbroad or restrictive. In this case they were looking at nonconforming structure. If they look at others in the industrial district they would find others that have nonconforming regarding setbacks. It is similar to those in the district.

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

He saw no problem with this location.

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

Based on the design layout of the road which is not a major road, he didn't see adverse effect to the area. Only possible concern would be they were putting parking where old buildings were rather than across the street and having people crossing the road.

D. & E. There will be no nuisance or serious hazard to vehicles or pedestrians; adequate appropriate facilities will be provided for the proper operation of the proposed use:

He didn't see anything with that. It was a well-engineered project.

K. Johnson opened the meeting for further discussion.

S. Bonczar agreed with K. Johnson. No other comment.

R. Lunn informed K. Johnson that Brandi in the office printed out separate lists for each set of criteria.

K. Johnson said no need because you can't have one without the other. So, basically there were seven criteria.

**Vote on Criteria:**

**1. Is the proposed used allowed by the ordinance?**

J. Dargie – yes S. Bonczar – yes J. Plourde – yes M. Thornton – yes K. Johnson – yes

**2. Are the specific conditions present under which the special exception may be granted?**

J. Plourde – yes M. Thornton – yes J. Dargie – yes S. Bonczar – yes K. Johnson – yes

K. Johnson asked for a motion to approve Case #2017-03 for property at 594 Elm St. to allow construction of a building into the front yard setback on existing nonconforming structure.

S. Bonczar moved to approve Case #2017-03

J. Dargie seconded.

**Final Vote:**

**J. Dargie – yes**

**S. Bonczar – yes**

**J. Plourde – yes**

**M. Thornton – yes**

**K. Johnson – yes**

K. Johnson informed applicant of unanimous approval and reminded applicant of 30-day appeal period.

There was no further business before the Board. K. Johnson said currently there was one case on the agenda for the first meeting in March, election of members, any changes to rules of procedure. There had been some discussion, re the parking situation, that they may want to consider moving meetings to another night of the week. Might want to consider making a motion to investigate that.

There being no other business, meeting adjourned at 8:15 p.m.