

Town of Milford
Zoning Board of Adjustment
OCTOBER 19, 2023
Public Hearings

Case #2023-02 689 North Main Street, LLC and Salt Creek Properties, LLC, VARIANCE
Case #2023-18 Hitchiner Manufacturing, Inc., VARIANCE

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 Frele, BOS Representative

Recording Clerk: Jane Hesketh, Community Development

Meeting Agenda

1. Call to Order

2. Public Hearing(s):

a. Case #2023-02 (Continued from June 20 & August 17, 2023 Meetings)-**Request for Continuance to the November 2, 2023 ZBA Mtg.** 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. (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 and now approved to be heard on October 19, 2023 due to illness).

b. Case #2023-18 The applicant, Hitchiner Manufacturing, Inc., is seeking a required Variance, for property located at 594 Elm Street, Town Map 13, Lot 6, for the approval of a second ground monument sign for their existing manufacturing plant business. In the Industrial Zoning District, pursuant to Article VII, Section 7.06.E.e.ii, of the Milford Zoning (Sign) Ordinance, only one ground monument sign is allowed per parcel. This request is for the addition of a proposed second ground-mounted (up lit) monument sign for their 12.26-acre property along the Elm Street view corridor of Hitchiner manufacturing site.

3. Meeting Minutes: Review and Approve Mtg. Minutes from 08/17/23 & 09/21/23

4. Other Business:

5. Next Meeting(s): November 2, 2023 & November 16, 2023

6. Adjournment

1 MINUTES OF THE ZBA MEETING OCTOBER 19, 2023

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4 **1. CALL TO ORDER**

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

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

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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 using the Meeting ID and Password
13 previously stated.

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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>.

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

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

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

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30 **2. PUBLIC HEARINGS**

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32 **a. Case #2023-02 (Continued from June 20 & August 17, 2023 Meetings)-Request for Continuance to the**
33 **November 2, 2023 ZBA Mtg. Continuation of the Variance Request for property located at 689 North Main Street,**
34 **LLC and Salt Creek Properties, LLC for the property located at Tax Map 43, Lot 20-2, seeking a required Variance**
35 **from Milford Zoning Ordinance, Article VI, Sections 6.01.3.B.7 to allow the retail sale of petroleum products in the**
36 **Groundwater Protection District on a property located in the Commercial and Limited Commercial Zoning Districts. (Prior**
37 **hearing request by applicant was approved by the ZBA on Aug. 17, 2023 to postpone the scheduled Continuance for the**
38 **case, to the September 7, 2023 ZBA Mtg., then to October 4, 2023 and now approved to be heard on October 19, 2023 due**
39 **to illness).**

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41 There is a request from the applicant to continue this case to the meeting of 11/2/2023. Chair asked for a motion to
42 **continue Case #2023-12** to 11/2/2023. Member Thornton made a motion and it was seconded by Member Dargie. All were
43 in favor.

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45 Chair moved to the next case.

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47 **b. Case #2023-18 The applicant, Hitchiner Manufacturing, Inc., is seeking a required Variance, for property located**
48 **at 594 Elm Street, Town Map 13, Lot 6, for the approval of a second ground monument sign for their existing**
49 **manufacturing plant business. In the Industrial Zoning District, pursuant to Article VII, Section 7.06.E.e.ii, of the Milford**
50 **Zoning (Sign) Ordinance, only one ground monument sign is allowed per parcel. This request is for the addition of a**
51 **proposed second ground-mounted (up lit) monument sign for their 12.26-acre property along the Elm Street view corridor**
52 **of Hitchiner manufacturing site.**

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54 Director Terrey Dolan provided a history on this request that dates back to the Zoning Board Meeting of June 16, 2022
55 (Case #2022-11 and #2022-12) at which some of the present board members were in attendance as members.
56 Case #2022-11 was withdrawn without prejudice. Case #2022-12 was approved for an electronic sign on Elm Street.
57 Director Dolan noted the request that was withdrawn is now being requested again. T. Dolan explained the size of the
58 Hitchiner Campus and feels the property has sufficient space to support this sign. T. Dolan stated part of the structure is
59 already in place; the framing.

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61 MINUTES OF THE ZBA MEETING OCTOBER 19, 2023

Case #2023-18

Bill McFadden, representative for Hitchiner Manufacturing stepped forward to present the case. Mr. McFadden, reading from the application, said: "The town of Milford's restriction on number of ground signs does not take into consideration properties of this magnitude, and their ability to sustain multiple ground signs without 'over-signing' a parcel. The public would easily assume due to the size of the lot and buildings contained on the lot, that this parcel in fact could be two separate lots. At over 12 acres it is reasonable for Hitchiner to want to identify the distinct buildings on their lot."

Mr. McFadden proceeded to review the variance criteria.

Variance Criteria per New Hampshire RSA 674:33.I:

1. This will not be contrary to the public interest.

"Our proposal is to update an existing sign structure, the addition of a monument sign panel, which will aid in the identification of an existing Hitchiner Building."

2. The spirit of the Ordinance is observed.

"Our proposed sign effectively communicates, aids economic growth, and does not adversely affect its surroundings."

3. Substantial Justice is done.

"Proposal allows Hitchiner to continue to update the numerous properties they maintain in Milford with aesthetically pleasing sign improvements."

4. The Values of Surrounding Properties will not be diminished.

"Proposal adds to surrounding properties, this location is entirely commercial/industrial and quality signs are enhancements to the neighborhood."

5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

A. Owing to special conditions of the property that distinguish it from other properties in the area; denial of the Variance would result in unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

"The sign ordinance does not speak to large scale parcels, there is no known argument as to why a second ground sign on this substantial parcel would be detrimental or should be prohibited."

ii. The proposed use is a reasonable one because:

"It is reasonable for Hitchiner to want to clearly identify the separate areas of their property to the wayfinding public and enhance their image."

Joan Dargie asked why the original request was withdrawn. Andrea Kokko Chappell recalled the withdrawal was to focus on the request for the electronic sign (Case #2022-12) and wait on the monument sign (Case #2022-11). There was a discussion about the location. The sign will be two sided and illuminated by up lighting.

Chair asked for input from the public. Hearing none and seeing none this part of the meeting was closed. Meeting moved to deliberations.

Case #2023-18

Variance Criteria per New Hampshire RSA 674:33.I:

Deliberations:

1. This will not be contrary to the public interest.

T. Steel: Allowed with a variance.

D. Sadkowski: Sign is needed for identification of the building.

J. Dargie: Signs are allowed in that area; it is a very commercial/industrial area. It is a 12.26 acre property that allows for two signs.

R. Elliott: agrees; each sign is providing different information for identification of Hitchiner

M. Thornton: appropriately located, good size, back off the road and informative.

A. Kokko Chappell: agrees with what has been stated; identifying sign for the buildings which will assist the public

2. The spirit of the Ordinance is observed.

J. Dargie: the variance is to allow relief from the sign ordinance, therefore based on what she stated before (the size of the lot); the spirit of the ordinance will be observed.

R. Elliott: sign is providing information of the address

M. Thornton: the spirit of the ordinance is to prevent over signage but the size of this parcel calls for an information sign to provide directions which keeps with the spirit of the ordinance

T. Steel: since the property is so large it is necessary to provide directions; and the variance provides relief

D. Sadkowski: it aids economic growth but does not adversely affect the surroundings

A. Kokko Chappell: agrees with all the statements; in addition, the sign itself meets the sign ordinance standards and by providing relief from the ordinance it will support the spirit of the ordinance.

3. Substantial Justice is done.

R. Elliott: in this case doing this will provide substantial justice due to the 2 buildings on this lot that need to have direction and communication information.

M. Thornton: it provides justice to the public by giving information without obstruction and is aesthetically pleasing.

T. Steel: because it will assist in safety by giving directional information and it will not be obtrusive

D. Sadkowski: it assists Hitchiner in its operation along with sign improvements in the area

J. Dargie: it will provide substantial justice for the public and Hitchiner because this has been a long standing company in the town

A. Kokko Chappell: substantial justice is done for the community and the size of the property

4. The Values of Surrounding Properties will not be diminished.

M. Thornton: the surrounding properties are all commercial or industrial which should not diminish the values

T. Steel: no residential properties

D. Sadkowski: agrees

J. Dargie: all commercial

R. Elliot: agrees; all businesses in the area

A. Kokko Chappell: Concur

Case #2023-18
Variance Criteria per New Hampshire RSA 674:33.I:

Deliberations:

5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

A. Owing to special conditions of the property that distinguish it from other properties in the area; denial of the Variance would result in unnecessary hardship because:

J. Dargie: believes the special conditions of this property is the property; it could be subdivided into multiple lots that could result in multiple signs in this area on each of the lots.

R. Elliott: agrees; denying this would create a hardship

M. Thornton: the size of the property; it is otherwise confusing without the signage which would be a hardship to the public as well.

T. Steel: the size of the lot causes the hardship which calls for additional signs

D. Sadkowski: the additional signage is needed

Director Dolan added: the current sign is a pole sign and the proposed sign is a ground sign; in addition, there are only 3 or so homes in the area which are also owned by Hitchiner.

A. Kokko Chappell: the applicant stated it well in their application that there is a restriction on the number of ground signs for properties of this size; it is referred to as a "Campus" because there are so many structures on the property; more signs will be adequate and expected therefore it is an improvement and a hardship for the property; not allowing more signs on the property would affect the public in that directions would not be readily available.

Voting:

1. This will not be contrary to the public interest.

J. Dargie yes; D. Sadkowski yes; T. Steel yes; M. Thornton yes; Chair votes yes.

2. The spirit of the Ordinance is observed by creating affordable housing in keeping with the area.

D. Sadkowski yes; T. Steel yes; M. Thornton yes; J. Dargie yes; Chair votes yes.

3. Substantial Justice is done.

T. Steel yes; M. Thornton yes; J. Dargie yes; D. Sadkowski yes; Chair votes yes.

4. The Values of Surrounding Properties will not be diminished.

M. Thornton yes; J. Dargie yes; D. Sadkowski yes; T. Steel yes; Chair votes yes.

5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

J. Dargie yes; D. Sadkowski yes; T. Steel yes; M. Thornton yes; Chair votes yes.

Chair stated the criteria for the Variance has been satisfied and the application approved. There is a 30 day appeal period that can be filed with the Zoning Board.

Chair asked for a motion to approve Case #2023-18 The applicant, Hitchiner Manufacturing, Inc., is seeking a required Variance, for property located at 594 Elm Street, Town Map 13, Lot 6, for the approval of a second ground monument sign for their existing manufacturing plant business. In the Industrial Zoning District, pursuant to Article VII, Section 7.06.E.e.ii, of the Milford Zoning (Sign) Ordinance, only one ground monument sign is allowed per parcel. This request is for the addition of a proposed second ground-mounted (up lit) monument sign for their 12.26-acre property along the Elm Street view corridor of Hitchiner manufacturing site.

Member Thornton made a motion to approve Case #2023-18 and it was seconded by Member Dargie. Chair Kokko Chappell stated a motion was made to approve Case #2023-18. Chair Kokko Chappell asked for a vote; all were in favor.

MINUTES OF THE ZBA MEETING OCTOBER 19, 2023

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4 **3. MEETING MINUTES**
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6 8/17/2023

7 A. Kokko Chappell has revisions therefore; these minutes will be tabled until the next meeting.
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9 9/21/2023

10 In Attendance: J. Dargie, M. Thornton, D. Sadkowski, R. Elliott, A. Kokko Chappell

11 Chair asked for a motion to approve minutes of September 21, 2023.

12 J. Dargie made a motion to approve and T. Steel seconded.

13 All were in favor.
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16 **4. OTHER BUSINESS**
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18 No other business.
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21 **Motion to Adjourn**
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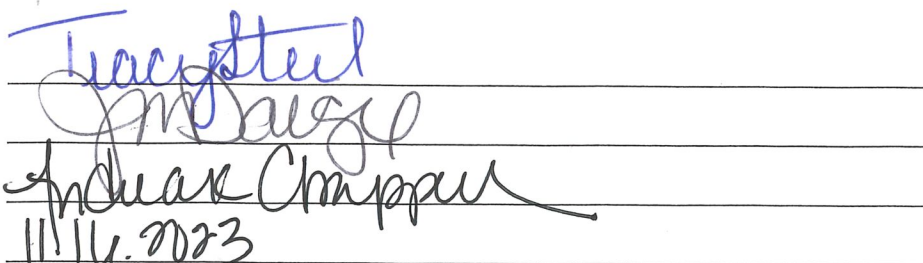
23 Chair Andrea Kokko Chappell asked for a motion to adjourn. J. Dargie made a motion to adjourn and it was seconded by
24 D. Sadkowski. All Board Members were in favor. Meeting adjourned.
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48 Motion to Approve:

49 Seconded:

50 Signed

51 Date:

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The bottom of the page contains four horizontal lines for signatures and dates. The first line has a signature that appears to be 'T. Steel'. The second line has a signature that appears to be 'J. Dargie'. The third line has a signature that appears to be 'Andrea Chappell'. The fourth line has the date '11/16. 2023' written on it.