

Town of Milford
Zoning Board of Adjustment
June 4, 2020
Case 2020-10
Marmon Utility LLC (Continued)
Variance

Present: Jason Plourde, Chairman

Rob Costantino, Vice Chair

Michael Thornton

Tracy Steel

Karin Lagro

Paul Dargie, BOS Representative

Lincoln Daley, Director of Community Development

Darlene Bouffard, Recording Secretary

Absent: Wade Campbell

Joan Dargie (Alternate)

Chairman Plourde welcomed everyone and declared a State of Emergency as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, the Board of Adjustment is authorized to meet electronically. This meeting is held in accordance with the applicable New Hampshire State statutes, Town of Milford ordinances, and the Zoning Board of Adjustment Rules of Procedure. He stated that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, he confirmed that the Board is:

- a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means.
- b) Providing public notice of the necessary information for accessing the meeting.
- c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access.
- d) Adjourning the meeting if the public is unable to access the meeting.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. Jason Plourde at Town Hall alone in the room; Rob Costantino at home alone; Karin Lagro at home alone, Mike Thornton at home alone, Tracy Steel at home alone, Jason Plourde at the Community Development conference room at town hall adjacent to Lincoln Daley's office.

Let us begin by seating our alternates who will hear tonight's cases.

Case 2020-10

Marmon Utility LLC, 53 Old Wilton Road, Milford Tax Map 14, Lots 8 and 9 is seeking a VARIANCE from the Milford Zoning Ordinance, Article V, Section 5.06.6 to reduce the existing total lot area open space from the minimum required 30% to 27% for the purpose of constructing a 32,924 square foot concrete storage area within the Industrial "I" Zoning District.

Attorney Tom Quinn, representing the applicant Marmon Utilities, indicated this application was continued at the May 21, 2020 ZBA meeting due to the length of that meeting. Attorney Quinn is present with Kevin Boette, Plant Engineer of Marmon Utilities. Attorney Quinn explained the applicant is proposing this Variance for Hendrix Wire & Cable, a business in Milford since about 1950. Currently 31% of the property is open space. An additional storage area is being proposed on the south side of property which is currently a grassy area. This area is adjacent to the shipping and receiving area. The storage space needs to be made of concrete and rebar because of the weight of spools. Each spool has a hub and the weight rests on that therefore it has to be steel reinforced to hold the weight of the spools. This has not gone before the Planning Board yet and some things might be worked out there, the spools

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must be moved with a forklift so there needs to be aisles for that to travel around the site. This activity is permitted but because this reduces the open space from 31% to 27%, Variance is needed. The storage space is needed for a couple reasons one reason is that Hendrix continues to grow and is meeting the changing demands of its customers. Many customers now want a sample to be delivered so they can test before the total run. Safety is also a concern at the plant which Kevin Boette can speak to.

Kevin Boette, Plant Manager of 53 Old Wilton Road, explained that overall safety is one of the main reasons for this application. An outside group was brought in to assess forklift traffic on site. We have also been doing a lot with the wind farm market which requires larger conductors. During the event, they were looking at the process and it was found that some operations require forklift travel around the plant. Because of this, it was decided that this change needs to be done to minimize the need to travel around with forklift. This is a 24 hour a day operation and this will eliminate a lot of traffic and use less electricity. K. Boette also noted they are growing and with new customers we have to send out a sample before it gets released for shipment. J. Plourde asked if anyone had questions. R. Costantino no; K. Lagro no. M. Thornton asked why a robotic process is not being used. K. Boette responded in the past ten years we have made improvements to the process however, the equipment is very large and long and does not allow that type of process. J. Plourde asked if the spools can be outside? K. Boette answered that at some point, they can be outside when it is finished or when the spool is empty but when it is in the process it cannot be outside.

L. Daley asked if consideration was given to restoring the parking area. K. Boette said currently some of the parking is being used for spool storage, we need that area for trucks, since we are encroaching into the travel lanes and it is getting very tight. We have looked at a few options over the years but this is the one option that makes the most sense. R. Costantino thought an alternate option might be to use the lot across the street since they also own it but now that the process has been explained he realizes that would not work. Attorney Quinn said the open space with permeable surfaces is what this variance is about, he reviewed the five tests: This site is very similar to other sites in the neighborhood, there is not much land in this specific area. This site is being proposed to move from 30% open space to 27% open space. This will not alter the neighborhood; this is an Industrial neighborhood and it will remain an Industrial neighborhood. This proposal is reasonable and this meets all the tests.

J. Plourde asked for any questions for the applicant. T. Steel asked how that large concrete pad will affect any storm water flow? K. Boette said they submitted a preliminary site plan which shows an infiltration swale around the concrete pad and there are two more detention ponds on the west side of the site. K. Lagro had no questions. M. Thornton suggested multiple processes that could be considered inside the warehouse. K. Boette noted these reels are extremely heavy and any ramps or vertical storage might be a disaster. For this plan, the product is so large and heavy it is just not a possibility. R. Costantino no further questions; P. Dargie no further questions. J. Plourde noted the two lots being looked at, for zoning purposes are both owned by this owner. Attorney Quinn said that someday it could be done technically (to combine the two lots into one), but we must count the green space on that other lot. L. Daley said the applicant is asking for additional space for this variance, is there future expansion expected for which they will request something similar to this request? K. Boette said right now there is no need and this should fulfill the need for right now. L. Daley said the town has seen applicants chip away at a lot and take away a little open space at a time.

J. Plourde asked if anyone is in the public waiting so speak, to please press *9 on their phone and direct any questions to the Chairman. L. Daley said there are no people in the waiting room to speak. J. Plourde asked if there were any other questions from the Board. A poll was taken: P. Dargie no; K. Lagro no; T. Steel no; R. Costantino no; M. Thornton no and J. Plourde no.

Deliberations:

T. Steel does not feel this will affect traffic or residences in the Industrial zone. R. Costantino does not think this will affect the traffic, it is still an Industrial area, this will provide safety for the workers. K. Lagro does not see how it would affect the neighborhood. M. Thornton said this is in the public interest because these are large units and the less they are moved the better. J. Plourde agreed this does not violate the ordinance in the Industrial zone. K. Lagro this does not contradict the spirit of the ordinance. R. Costantino said the one item that this would affect is the water run off which they are addressing so there is no flooding. This is in the spirit of the ordinance. T. Steel agrees with R. Costantino that it will not affect the wildlife and they are addressing the run off. J. Plourde said this does not jeopardize the public in any way. R. Costantino added this will still be an Industrial complex. T. Steel said it will

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not affect any residential neighborhoods. M. Thornton said there is no change to the character of the neighborhood. R. Costantino said there would be hardship if this were denied – the open space ordinance was put in motion later than when this industrial business was developed on this site. The hardship is the ordinance on this application. M. Thornton added if this was denied, it would create a hardship to set up a less than optimal work place. T. Steel the site could be looked at as nonconforming and then the ordinance came in. K. Lagro agrees with R. Costantino. J. Plourde agrees because of the explanation from Attorney Quinn. In this case J. Plourde agrees with the hardship that denial would result in unnecessary hardship. J. Plourde asked if there was any further deliberations and took a poll: R. Costantino no; K. Lagro no; M. Thornton no; T. Steel no, J. Plourde no.

Voting:

- A- K. Lagro yes; M. Thornton yes; R. Costantino yes; T. Steel yes; J. Plourde yes
- B- T. Steel yes; M. Thornton yes; K. Lagro yes; R. Costantino yes; J. Plourde yes
- C- R. Costantino yes; T. Steel yes; M. Thornton yes; K. Lagro yes; J. Plourde yes
- D- M Thornton yes; R. Costantino yes; T. Steel yes; K. Lagro yes; J. Plourde yes
- E- K. Lagro yes; T. Steel yes; R. Costantino yes; M. Thornton yes; J. Plourde yes

J. Plourde asked if the Board would like to have any conditions? M. Thornton moved to approve the application as submitted. T. Steel seconded. A poll was taken: R. Costantino yes; M. Thornton yes; T. Steel yes; K. Lagro yes; J. Plourde yes.

J. Plourde announced the application was approved and can be appealed within 30 days. J. Plourde thanked the applicant's team and summarized that the ZBA wants to go through these applications as thoroughly as it can.

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

The minutes of 2020-10 dated 6/4/2020 were approved 7/16/2020