

Town of Milford
ZONING BOARD OF ADJUSTMENT
JUNE 20, 2024
Public Hearings

Case #2024-02: Marmon Utilities, LLC, SPECIAL EXCEPTION
Case #2024-03: Marmon Utilities, LLC, VARIANCE
Case #2024-06: 30 Mill Street, LLC, VARIANCE

Present: Andrea Kokko Chappell, Chair
Joan Dargie, Vice Chair
Rich Elliot, Member
Dan Sadkowski, Member
Tracy Steel, Member
Michael Thornton, Member
Camille Pattison, Director of Community Development
David Freel, BOS Representative

Recording Clerk: Jane Hesketh, Community Development

MEETING AGENDA

1. Call to Order
2. Mtg. Minutes Approval: 5/02/2024 & 5/16/2024 Mtg. Minutes
3. Public Hearings:

a. Case #2024-03-New **Request to Continue Case to June 20, 2024 Mtg.:** Marmon Utilities, LLC, Variance Request to allow for portions of adjacent Off-Site Lots to provide required Open Space for existing Industrial Plant Proposed Expansion: Note: **New Request to now Continue the Case to the July 11, 2024 ZBA Mtg.** The applicant, Marmon Utility, LLC, is seeking approval of a Variance in regards to the Milford Zoning Ordinance, Article V, Sections 5.06.6 (Open Space Requirements), for their existing manufacturing plant property located @ 53 Old Wilton Road, Milford Tax Map 14, Lot 8 & 9 (both zoned Industrial "I"). The Variance request is to allow for the utilization of the applicant's two adjoining vacant lots located on the south side of Old Wilton Road, (Map 38-6 and Map 7, Lot 16-1). Both lots are zoned "ICI-2" and directly across from the existing Marmon plant lot, located on the north side of Old Wilton Road. Portions of both identified South Lots are being proposed for supplementing the required open space needs for the developed northern lot's proposed expansion needs. The proposed portion of the two adjoining Marmon-owned South Lots (41.97 total acres) is to be 5.0 acres. This acreage is proposed to be permanently set-aside in preservation. The proposed preservation acreage along the Tucker Brook portion of the two South Lots are to be dedicated for serving as the necessary allocated acreage, providing to serve as the existing manufacturing plant's (north lot) required Minimum 30% Open Space. As well, a fifteen (15) foot wide general public accessible pedestrian public trail within this set-aside preservation area is proposed.

1 **MINUTES OF THE ZBA MEETING JUNE 20, 2024**

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4 **MEETING AGENDA**

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6 3. Public Hearings:

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8 b. Case #2024-02 New **Request to Continue Case to June 20, 2024 Mtg.:** Marmon Utilities, LLC, Special
9 Exception Request to allow for Front Setback Reduction for proposed Plant Expansion Facilities Note: **New**
10 **Request to now Continue the Case to the July 11, 2024 ZBA Mtg.** The applicant, Marmon Utility, LLC, is
11 seeking a Special Exception in regards to the Milford Zoning Ordinance, Article V, Sections 5.06.5 (Set-Backs-
12 Yard Requirements), for their property located @ 53 Old Wilton Road, Milford Tax Map 14, Lot 8 & 9 (both
13 Lots are zoned Industrial "I"-Section 5.06.0). The applicant's request is for a reduction of the required front
14 setback buffer in order to construct a 51,000 square foot addition onto the southern side of the existing facility
15 structure on their manufacturing plant site. This proposed building expansion shall create a building
16 encroachment into their existing req'd thirty (30) foot front set-back buffer area, along Old Wilton Road,
17 consisting of approximately 3,300 square feet.

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19 c. **Continuation** of Case #2024-06 Variance Request to Allow for the Transfer of Density Within Multi Zoned
20 Lot, 30 Mill Street, LLC: Note: **New Request to Continue the (commenced) ZBA Hearing to the July 25,**
21 **2024 ZBA Mtg.** The applicant, 30 Mill Street, LLC, for property located at 30 Mill Street, Map 25 Lot 95, is
22 requesting a Variance from Article V Section 5.02.1, to allow for a density transfer of approximately twenty
23 (20) multifamily units from the 6.99-acre Residence "A" portion of their overall 9.877-acre Lot. This requested
24 multifamily density transfer is proposed to be added the more northerly 2.89 acre Commercially-zone (C")
25 portion of their Lot located along the Mill Street frontage. The Commercially-zoned portion of the Lot does
26 allow for multi-family units up to a density of 5 DU's/acre (Section 5.05.1.P), requiring conformance with
27 Residence "B" multi-family criteria (Section 5.03.4A). The Variance would provide for approval to construct 34
28 rental multi-family apartments contained within one (1) building, with three (3) living floors. The building
29 height is proposed to have a maximum height of forty (40) feet. A Variance is required due to the Residence
30 "A" "Acceptable Uses" (Section 5.02.1) does not permit multi-family units.

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32 4. Other Business: TBD

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34 5. Next Meeting(s): July 11, 2024 & July 25, 2024
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MINUTES OF THE ZBA MEETING JUNE 20, 2024

1. CALL TO ORDER

Chair Andrea Kokko Chappell opened the meeting by welcoming everyone.

The Chair stated you may also attend this meeting in person at the Milford Town Hall, Board of Selectmen's Meeting Room. Roll call attendance with all present at Milford Town Hall: Mike Thornton, Dan Sadkowski, Rich Elliot, Tracy Steel, Joan Dargie, Andrea Kokko Chappell.

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: 851 6407 7601 and Password: 269952 or log in via www.zoom.com using the Meeting ID and Password previously stated.

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>. We will not be live streaming this meeting on Granite Town Media, Government Channel 21, but will be on Zoom. <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>.

Chair explained the process for the case hearings. The Chair said a 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 meeting would proceed for the cases that may not be heard in that they would be continued or tabled to another agreed upon meeting; also explained was the process for public notification.

Chair moved to the next item on the agenda.

2. MEETING MINUTES

5/2/2024

In Attendance: M. Thornton, D. Sadkowski, R. Elliot, T. Steel, A. Kokko.

Chair asked for a motion to approve minutes from May 2, 2024.

R. Elliot made a motion to approve minutes from May 2, 2024 and T. Steel seconded.

All were in favor.

5/16/2024

In Attendance: M. Thornton, D. Sadkowski, R. Elliot, T. Steel, J. Dargie

Chair asked for a motion to approve minutes from May 16, 2024.

J. Dargie made a motion to approve minutes from May 16, 2024 and R. Elliot seconded.

All were in favor; A. Kokko Chappell abstained since she was not in attendance at this meeting.

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4 **3. PUBLIC HEARINGS**

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6 **a. Case #2024-03-New Request to Continue Case to June 20, 2024 Mtg.: Marmon Utilities, LLC, Variance**
7 Request to allow for portions of adjacent Off-Site Lots to provide required Open Space for existing Industrial
8 Plant Proposed Expansion: Note: **New Request to now Continue the Case to the July 11, 2024 ZBA Mtg.** The
9 applicant, Marmon Utility, LLC, is seeking approval of a Variance in regards to the Milford Zoning Ordinance,
10 Article V, Sections 5.06.6 (Open Space Requirements), for their existing manufacturing plant property **located @**
11 **53 Old Wilton Road, Milford Tax Map 14, Lot 8 & 9 (both zoned Industrial “I”)**. The Variance request is to
12 allow for the utilization of the applicant’s two adjoining vacant lots located on the south side of Old Wilton Road,
13 (Map 38-6 and Map 7, Lot 16-1). Both lots are zoned “ICI-2” and directly across from the existing Marmon plant
14 lot, located on the north side of Old Wilton Road. Portions of both identified South Lots are being proposed for
15 supplementing the required open space needs for the developed northern lot’s proposed expansion needs. The
16 proposed portion of the two adjoining Marmon-owned South Lots (41.97 total acres) is to be 5.0 acres. This
17 acreage is proposed to be permanently set-aside in preservation. The proposed preservation acreage along the
18 Tucker Brook portion of the two South Lots are to be dedicated for serving as the necessary allocated acreage,
19 providing to serve as the existing manufacturing plant’s (north lot) required Minimum 30% Open Space. As well,
20 a fifteen (15) foot wide general public accessible pedestrian public trail
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22 **b. Case #2024-02 New Request to Continue Case to June 20, 2024 Mtg.: Marmon Utilities, LLC, Special**
23 **Exception** Request to allow for Front Setback Reduction for proposed Plant Expansion Facilities Note: **New**
24 **Request to now Continue the Case to the July 11, 2024 ZBA Mtg.** The applicant, Marmon Utility, LLC, is
25 seeking a Special Exception in regards to the Milford Zoning Ordinance, Article V, Sections 5.06.5 (Set-Backs-
26 Yard Requirements), for their property **located @ 53 Old Wilton Road, Milford Tax Map 14, Lot 8 & 9** (both
27 Lots are zoned Industrial “I”-Section 5.06.0). The applicant’s request is for a reduction of the required front
28 setback buffer in order to construct a 51,000 square foot addition onto the southern side of the existing facility
29 structure on their manufacturing plant site. This proposed building expansion shall create a building
30 encroachment into their existing req’d thirty (30) foot front set-back buffer area, along Old Wilton Road,
31 consisting of approximately 3,300 square feet.
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33 Chair Kokko Chappell read both cases into the record. A letter was received from Attorney Quinn on behalf of
34 the applicant asking for a continuance to the July 11th meeting.

35 Chair asked for a motion to **continue Cases #2024-02 and #2024-03** to the meeting of July 11, 2024.

36 Joan Dargie made a motion and it was seconded by Tracy Steel.

37 Chair asked for a vote and all were in favor.
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39 Chair moved to the next case.
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41 **c. Continuation of Case #2024-06 Variance** Request to Allow for the Transfer of Density Within Multi Zoned
42 Lot, **30 Mill Street, LLC:** Note: **New Request to Continue the (commenced) ZBA Hearing to the July 25,**
43 **2024 ZBA Mtg.** The applicant, 30 Mill Street, LLC, for property **located at 30 Mill Street, Map 25 Lot 95**, is
44 requesting a Variance from Article V Section 5.02.1, to allow for a density transfer of approximately twenty
45 (20) multifamily units from the 6.99-acre Residence “A” portion of their overall 9.877-acre Lot. This requested
46 multifamily density transfer is proposed to be added the more northerly 2.89 acre Commercially-zone (C”)
47 portion of their Lot located along the Mill Street frontage. The Commercially-zoned portion of the Lot does
48 allow for multi-family units up to a density of 5 DU’s/acre (Section 5.05.1.P), requiring conformance with
49 Residence “B” multi-family criteria (Section 5.03.4A). The Variance would provide for approval to construct 34
50 rental multi-family apartments contained within one (1) building, with three (3) living floors. The building
51 height is proposed to have a maximum height of forty (40) feet. A Variance is required due to the Residence
52 “A” “Acceptable Uses” (Section 5.02.1) does not permit multi-family units.
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54 Chair asked for a motion to postpone **case #2024-06** to July 25, 2024.

55 Joan Dargie made a motion and Tracy Steel seconded.

56 Chair asked for a vote and all were in favor.

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MINUTES OF THE ZBA MEETING JUNE 20, 2024

Chair Kokko Chappell then moved to the next order of business.

4. OTHER BUSINESS

No other business.

Motion to Adjourn

Chair asked for a motion to adjourn. J. Dargie a motion to adjourn and it was seconded by D. Sadkowski.
All Board Members were in favor. Meeting adjourned.

Motion to Approve:

Seconded:

Signed

Date:
