

Town of Milford
ZONING BOARD OF ADJUSTMENT
Select Board Meeting Room, Town Hall
NOVEMBER 7, 2024
Public Hearings

Case 2024-16: 31 Union Square, LLC, VARIANCE

Members

Present: Andrea Kokko Chappell, Chair
Rich Elliott, Member
Tracy Steel, Member
Michael Thornton, Alternate
Kevin Overby, Alternate

Not Present: Joan Dargie, Vice Chair

Non-Members

Not Present: Terrey Dolan, Town Planner, Community Development
David Freel, Select Board Representative
Jane Hesketh, Recording Secretary, Community Development

MEETING AGENDA

1. Call to Order

2. Public Meetings:

a. Case #2024-16: **Variance** Request to allow for Increased Multi-Family Density at **31 & 37 Union Square, Map 26, Lots 184 & 184-1 continuation from the October 3rd ZBA Meeting.**

The applicant, 31 Union Square, LLC, for the properties located in the one building structure at both 31 & 37 Union Square, is proposing the two separate lots to be merged. The applicant is also requesting a needed Variance to approve one additional multi-family unit for each adjoining lot, through the elimination of the first floor 1,000 sq. feet of retained commercial space at 37 Union Square; while also proposing the elimination of approximately 1,200 square feet of remaining commercial space in 37 Union Square to facilitate the addition of one more multi-family unit in its first-floor area. The singular building lies on both lots, which is zoned Commercial (pursuant to Section 5.05.0) and also lies within the Oval Sub-District (Section 5.05.7). The newly proposed multi-family units for each lot will be on the first-floor level within the current commercially designated areas. A Variance is therefore required to allow for the two additionally-proposed multifamily dwelling units, pursuant to the Commercial (& its corresponding Residence "B") Zoning Regulations, providing for a maximum of five (5) total units per acre within the Commercial Zoning District.

3. Other Business: TBD

4. Meeting Minutes Approval: 8/15/2024 and 9/19/2024

5. Next Meeting(s): November 21, 2024 & December 5, 2024

MINUTES OF THE ZBA MEETING NOVEMBER 7, 2024

1. CALL TO ORDER

Chair Andrea Kokko Chappell opened the meeting at 6:00 pm. by welcoming everyone and introducing herself.

The Chair stated you may attend this meeting in person at the Milford Town Hall Select Board Conference Room or you can participate in the public meeting by:

Call from home:

+1 646-558-8656 and enter the Meeting ID: 874-4572-1173 and Password 088861.

OR

Log in via www.zoom.com using:

Meeting ID 82217686560 and Password 568170.

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 be live streaming this meeting on Granite Town Media, Government Channel 21:

<http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>.

Roll call attendance with all present at Milford Town Hall: Mike Thornton, Kevin Overby, Tracy Steel, Rich Elliott, Andrea Kokko Chappell.

Chair explained the process for the case hearings. The Chair said a full agenda may not allow all cases to be heard and 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 stated that Kevin Overby will be seated as a full member for this meeting to bring the board to 5 members.

2. PUBLIC HEARINGS

a. Case #2024-16: Variance continuation from meeting of November 7, 2024 was read into the record by the Chair.

Applicants came forward to make their presentation; Doug MacGuire from the Dubay Group (Civil Engineering) along with the property owner Justin DeMontigny.

Doug MacGuire:

- Reiterated the concerns from the previous meeting; the elimination of the first floor commercial spaces.
- Reminded the board about what was previously presented.
- Changes have been made from the previous request of 12 residential units and no commercial units to now requesting an enlarged (combined) commercial space on the first floor along with one additional residential unit of a studio apartment in the back of the first floor.
- Referred to the updated renderings of the building and pointed out the full glass storefronts (same as the previous building design).
- Due to concerns about the smaller commercial units not being marketable, the request is to combine the 2 smaller spaces into one larger commercial space that will make it more desirable. This will increase the commercial square footage.
- The basement will be cleaned up and provided with all required safety measures therefore, it can be usable space that could tie in with the first floor commercial space since the stairs are in a location that would facilitate that.
- Noted some items with the criteria have been slightly amended.

MINUTES OF THE ZBA MEETING NOVEMBER 7, 2024

2. PUBLIC HEARINGS

a. Case #2024-16: Variance

Chair stated to clarify:

- The original request was for 12 residential units; an increase from the 10 units already in the building.
- The new request is for 1 additional (studio) residence and 1 enlarged commercial space with frontage.
- The density increase was previously approved.
- This proposal will not change that density.

Discussions and comments began about the new proposed change and its positive impact.

Chair opened the meeting to the public but seeing no one and hearing none that was closed and the meeting moved to deliberations for the amended request.

Deliberations:

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

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

T. Steel: This would not be contrary to the public interest because the mixed use in the Oval is allowed and this request is in line with the Master Plan.

M. Thornton: This keeps the spirit of what is attempting to be achieved in the Oval alive and it provides residential space; overall a good use of the existing building.

K. Overby: This change matches the existing building and improves the appearance.

R. Elliott: By making the entire first floor commercial, it goes along with the look and feel of the downtown.

A. Kokko Chappell: Concurs with all statements and agrees it keeps the downtown district as it has been and what the Master Plan states.

2. The spirit of the Ordinance is observed.

M. Thornton: This was covered in #1; spirit was to keep the Oval as it is and as a gathering place; it does maintain the spirit.

K. Overby: Because of the upgrades it may bring a better business.

R. Elliott: agrees.

T. Steel: Maintains character.

A. Kokko Chappell: Spirit of the ordinance is observed with the mixed use of commercial and residential in this district.

3. Substantial Justice is done.

R. Elliott: Yes, because there is a larger commercial area being created and it maintains the mixed use.

K. Overby: It will be an improvement to the commercial space and building; bring in better business and improve the Oval.

T. Steel: This will increase housing units.

M. Thornton: The applicant accommodated input from the ZBA and has made substantial improvements.

A. Kokko Chappell: The way the space is being divided does not affect the density from what was previously requested; this update will be an important improvement for the Town.

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

K. Overby: The upgrade will be an improvement to values.

R. Elliott: This will not diminish values but improve them. Also, the parking is not an issue for the commercial space (parking out front) since tenants will have their own parking areas.

M. Thornton: This will increase values and hopefully trigger more upgrades to other buildings.

T. Steel: Agrees; updating the commercial space is an improvement to the building and may start a trend for changes to other buildings in the Oval.

A. Koko Chappell: Also hopes for upgrades to other building and this does not diminish values but will be an added bonus.

1 **MINUTES OF THE ZBA MEETING NOVEMBER 7, 2024**

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4 **3. PUBLIC HEARINGS**

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6 **a. Case #2024-16**

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8 **Deliberations:**

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

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

12 R. Elliott: The Oval is a unique district with no density requirements; this in itself is a hardship.

13 M. Thornton: The Oval is a congested area that needs to accommodate a commercial area which the ZBA
14 has required the applicant to do. This presents a hardship. It would be a greater hardship to impose any
15 further requirements since the applicant has done everything to accommodate the ZBA's requests.

16 T. Steel: Just being on the Oval is a hardship.

17 K. Overby: Agrees; just being on the Oval itself and the applicant has changed plans and the outlook to
18 accommodate the ZBA requests.

19 A. Kokko Chappell: If a larger commercial space is an improvement for marketability (which is the owner's
20 choice), then denying this would create a hardship.

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22 **Voting:**

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

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

26 R. Elliott yes; T. Steel yes; M. Thornton yes; K. Overby yes; Chair votes yes.

27 **2. The spirit of the Ordinance is observed.**

28 T. Steel yes; M. Thornton yes; K. Overby yes; R. Elliott yes; Chair votes yes.

29 **3. Substantial Justice is done.**

30 M. Thornton yes; K. Overby yes; R. Elliott yes; T. Steel yes; Chair votes yes.

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

32 T. Steel yes; M. Thornton yes; K. Overby yes; R. Elliott yes; Chair votes yes.

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

34 K. Overby yes; R. Elliott yes; T. Steel yes; M. Thornton yes; Chair votes yes.

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36 Chair asked for a motion to **approve Case #2024-16 Variance** request to allow for Increased Multi-Family
37 Density at **31 & 37 Union Square, Map 26, Lots 184 & 184-1**. R. Elliott made a motion to **approve**
38 **Case #2024-16** and T. Steel seconded. A vote was taken and all were in favor.

39 Chair stated all criteria have been met and the case approved. There is a 30 day appeal period that can be filed
40 with the Zoning Board.

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42 **3. OTHER BUSINESS: None**

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44 **4. MEETING MINUTES APPROVAL: 8/15/2024 and 9/19/2024**

45 Since not all members had an opportunity to review the minutes, approval was tabled for the next meeting on
46 November 21, 2024.

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49 **Motion to Adjourn**

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52 Chair asked for a motion to adjourn. R. Elliott made a motion to adjourn and it was seconded by T. Steel.
53 A vote was taken and all were in favor. Meeting adjourned.

MINUTES OF THE ZBA MEETING NOVEMBER 7, 2024

Motion to Approve:

Seconded:

Signed

Date: