

**Milford Board of Adjustment Minutes  
August 3, 2006  
Case #24A-06  
Jared Bosse/Saabworks**

Present:        Len Harten  
                  Katherine Bauer  
                  Bob Levenson  
                  Fletcher Seagroves  
                  Kevin Taylor

Secretary:     Kathryn Parenti

**Case #24A-06: Jared Bosse/Saabworks – Special Exception.**

The owner of Saabworks, 760 Elm Street, Jared Bosse, Map 12, Lot 12, in the Commercial “C” district, is requesting a special exception from Article V, Section 5.055.B to permit construction of an auto repair shop ten (10) feet from both the rear and side setbacks.

Motion to Approve: \_\_\_\_\_

Seconded: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

L. Harten, chairman, opened the regular meeting of the Milford Board of Adjustment at 7:30 pm. He then stated that the hearings are held in accordance with the Town of Milford Zoning Ordinances and the applicable New Hampshire statutes. He continued by informing all of the procedures of the board. He then introduced the board.

L. Harten read the notice of hearing into the record; he then read the abutters list; none were present. He then invited Jared Bosse, the applicant and owner of Saabworks, to present his case.

J. Bosse began by stating he had spoken with one of his abutters, John Sheldon, about this case. He wanted to talk to him first before he received his official notice of hearing from the town. He gave L. Harten the notarized letter he had received from J. Sheldon, dated July 25, 2006.

L. Harten read the letter into the record. He also read an additional letter from J. Sheldon, dated July 5, 2006, into the record.

J. Bosse stated that he was the owner of Saabworks. He has worked there for 13 years, owned the business for five years and just purchased the property in April of 2006. He would like to expand the business and that was why he was before the board. He would like to build a new steel building but cannot afford to stop doing business while the new building is under construction. In order to build the new building behind the existing building, he must encroach on the setbacks.

L. Harten asked if he would tear down the existing building once the new building was finished.

J. Bosse stated he would.

B. Levenson asked about the section of the building on the proposed site plan that would be in the way of the new building.

J. Bosse stated that that was a dilapidated shed that had been attached to the building. It is no longer there; he had taken it down before he purchased the property. He stated the drawing was made by the planning department; the one he submitted showed the shed as no longer present.

L. Harten asked who the previous owner was.

J. Bosse replied it was owned by Luke Peterson, who used to run a business named Integrity Motors.

B. Levenson asked if Kevin Lynch, Zoning Official, had spoken to him about the two separate tracts of land that made up this piece.

J. Bosse said he had and he had spoken with his attorney, Will Sullivan. He has prepared the voluntary lot merger form to join the two tracts of land into one. He would be filing that paper work once this was approved.

B. Levenson stated that if they remained two separate tracts, the new building would be zero feet off the property line of one tract. He stated it was obvious that J. Bosse was working on this.

J. Bosse stated he was not aware of this by reading his deed.

B. Levenson stated that he could not make the footages work by the wording of the one deed.

J. Bosse stated that K. Lynch told him the second tract was a small piece of property. There was one map and lot number but two tracts of land.

L. Harten asked if this was filed with the registry of deeds.

J. Bosse said it was in process; K. Lynch had told him to wait for the approval.

B. Levenson stated that the issue of two separate tracts needed to be resolved before the construction can begin.

L. Harten stated that he wanted the applicant to understand that if the request is granted, the next step is to put it on the record, that it is one tract, at the registry of deeds.

K. Bauer stated that this property is in the ground water protection district. She read from the notes on the plan: "...the fuel storage tank be brought into compliance with the ground water protection district regulations...." She wondered if he knew what he had to do to comply.

J. Bosse stated that there is a heating oil storage tank in the ground between his property and John Sheldon's property. The oil tank is in a concrete vault with a roof over it. Neither he nor J. Sheldon liked it but that is the way it's always been. He would put the new heating oil tank inside the new building; there would be no more outside storage and no more concrete vault.

K. Bauer asked if K. Lynch specifically talked about this.

J. Bosse stated he went to the Planning Board for a minor site review when he was planning to buy the property and add onto the existing building. The whole outdoor storage would need to be inside the confines of the building. In the new building, there would be no drains in the floor or anything of that nature. He and K. Lynch spoke about it briefly.

B. Levenson stated J. Bosse would need to go before the planning board if this is approved.

K. Bauer stated he should get a copy of the ground water protection ordinance in order to be prepared to go before the Planning Board.

L. Harten stated that working with K. Lynch would also be helpful.

J. Bosse stated that K. Lynch and the planning office had been very helpful. He stated that he did not cut corners and wanted to do this right. He really did not like outdoor storage of oil, especially in the winter.

L. Harten asked if any board members had any questions. He then asked the applicant to respond to the criteria for a special exception.

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

J. Bosse replied yes, there are other auto repair facilities in the area; auto repair facilities are a permitted use in the district. The use will be the same.

**2. The specific site is an appropriate location for the proposed use because:**

J. Bosse replied the lot is currently used for auto repair. Auto repair shops surround this location for the most part. The new building will be more efficient.

**3. The use as developed will not adversely affect the adjacent area because:**

J. Bosse replied the use is the same. The new building will be better for the area and thus improve the area.

**4. There will be no nuisance or serious hazard to vehicles or pedestrians:**

J. Bosse replied no, the entrance will remain the same but the traffic flow on the lot will be better. At the current time, the volume of business is too large for the tight site. The changes will relieve the crowding.

**5. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:**

J. Bosse replied yes because water and sewer will be installed and there will be improved parking along with better traffic flow.

K. Bauer stated the notes on the plan mentioned snow storage. She asked if there would be any salt used in snow removal.

J. Bosse replied that he doesn't use salt in the parking area. It is paved and the sun melts whatever ice is left. He does put some ice melt where customers walk, for their protection. K. Bauer wanted to make sure he didn't use salt or chemicals in a ground water protection area.

J. Bosse stated that the snow ends up in the northeast portion of the lot, where there is a storm drain. He spoke with K. Lynch about this. The water drains around the perimeter of his property and ends up in the rear of the property in a swale that is between the Silva Mart and J. Sheldon's property.

L. Harten asked if the board had any more questions.

B. Levenson asked if he lived in the house on the property.

J. Bosse replied that he lived in Wilton and the house was rented out.

L. Harten closed the public portion of the hearing. He then asked if the board had any more questions.

B. Levenson proposed the board apply a condition that the two tracts need to be combined into one tract, in order for the approval to be granted.

F. Seagroves seconded the motion.

All were in favor of adding the following condition to the approval: The approval is dependent upon the two tracts of land being combined into one tract of land.

The board then voted on the request for special exception.

**1. Is the exception allowed by the ordinance?**

K. Bauer – yes      K. Taylor – yes      F. Seagroves – yes      B. Levenson – yes

L. Harten – yes

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

K. Taylor – yes      F. Seagroves – yes      B. Levenson – yes      K. Bauer – yes

L. Harten – yes

B. Levenson made a motion to approve the construction of an auto repair shop ten (10) feet from both the side and rear property lines with the condition that the two tracts of land be combined into one tract of land.

F. Seagroves seconded the motion.

The final vote was unanimous to approve the request for special exception.

L. Harten wished J. Bosse good luck.

B. Levenson suggested he go to the Conservation Commission for assistance with the ground water protection issue.

K. Bauer suggested he meet with K. Lynch to discuss matters related to the Ground Water Protection District.