

Town of Milford
ZONING BOARD OF ADJUSTMENT
Select Board Meeting Room, Town Hall
JULY 16, 2026, 6:00 pm
Public Hearings

Case #2026-07: John Philbrick, SPECIAL EXCEPTION
Case #2026-05: Warren & Linda Aja, SPECIAL EXCEPTION
Case #2026-06: Mark Delage, SPECIAL EXCEPTION

PRESENT

Members: James Austin, Alternate
Joan Dargie, Vice Chair
Rich Elliott, Member
Jim Pouliot, Member
Mike Thornton, Alternate

Non-Members: Kyle Finnell, Director, Community Development

NOT PRESENT

Members: Andrea Kokko, Chair
Kevin Overby, Member

Non-Members: Terrey Dolan, Town Planner, Community Development
Jane Hesketh, Recording Secretary, Community Development

MEETING AGENDA

1. Call to Order

2. Public Hearings:

a. Case #2026-07: Creation of a “Two-Family” rental apartment dwelling unit, as a Special Exception Request in the Residence “R” Zoning District to allow for a second rental apartment unit on the second level of an existing barn structure where one (1) long-term apt. unit presently exists, located @ 259 Federal Hill Road, Map 56 Lot 58-3 The applicant, John Philbrick, is seeking a required Special Exception, under Section 5.04.2.A.1 of the Milford Zoning Ordinance, to allow for a second rental apartment unit on the second level of a barn building structure, where there is one unit, presently. A second residential unit is allowed via the approval of a “Special Exception” for a “Two-Family” Structure in the “R” Zoning District, under Section 5.04. Upon completion, each rental unit shall be 1,287 square feet of living space.

b. Case #2026-05: Double-Frontage Corner Lot’s Front Buffer Minimum Setback Encroachment-Special Exception Request; located at 188 Ridgefield Drive Map 36 Lot 57
The applicant, Nathaniel Wheeler, for the lot owners Warren & Linda Aja, has requested a required Special Exception Approval for an approximate seven-foot (7’) front buffer encroachment into the required minimum “double frontage” corner lot setback of thirty feet (30’), for construction of a new garage, pursuant to Section 5.02.2.A.8 and 5.02.5.B of the Milford Zoning Ordinance. The proposed garage shall be partially constructed within the same building footprint where an old utility shed now exists. The single-family residential lot is located at 188 Ridgefield Drive; Map 36 Lot 57; & is zoned Residence “A”, under Section 5.02 of the Milford Zoning Ordinance.

MINUTES OF THE ZBA MEETING JULY 16, 2026

MEETING AGENDA (continued)

2. Public Hearings (continued):

c. Case #2026-06: Side Lot Buffer Minimum Setback Encroachment, Special Exception Request; located @ “0” Osgood Road, Map 42 Lot 68 The applicant, Mark Delage, has requested a “Special Exception” to encroach approximately ten (10’) feet into the required minimum 15’ side setback, for the siting of an approved manufactured single-family home, to be located @ “0” Osgood Road, Map 42 Lot 68; pursuant to Section 5.04.2.A.7 and 5.04.5.B of the Milford Zoning Ordinance. The lot’s (common) side lot buffer to be encroached upon lies directly abutting the applicant’s adjacent residential home lot to the east, located @ 198 Osgood Road, Map 42 Lot 70. Both lots lie within the Residence “R” Zoning District, under Section 5.02 of the Milford Zoning Ordinance.

3. Other Business: TBD

4. Mtg. Minutes Approval: 06/04/2026 meeting

5. Next Mtg. TBD

6. Adjournment

1. CALL TO ORDER

Vice Chair Joan Dargie, acting as Chair, 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 remotely from home or via Zoom.

Remotely: +1 646-558-8656, Meeting ID: 869 6740 8911 and Passcode 088861

Zoom: [www.zoom.com](https://us02web.zoom.us/j/86041069909), Meeting ID: <https://us02web.zoom.us/j/86041069909>

Password: SSkKykuaC09h62BcBV42BaQwpGZPsk

Chair also provided the following information:

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-19March2026>.

Live streaming on Granite Town Media, Government Channel 8:

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

Roll call attendance. Those present at Milford Town Hall: James Austin, Joan Dargie, Rich Elliott, Jim Pouliot, Mike Thornton. Chair noted there are 3 Full (voting) Members in attendance. Therefore, she asked for a motion to have Alternate James Austin seated as a Full Member. Rich Elliott made a motion and it was seconded by Jim Pouliot. A vote was taken and all were in favor. Chair then asked for a motion to have Alternate Mike Thornton seated as a Full Member. Jim Pouliot made a motion and it was seconded by Rich Elliott. A vote was taken and all were in favor. This brought the board to 5 voting members.

Chair continued by stating there are 3 cases to be heard. Any cases continued, tabled or postponed will be considered at the next regularly scheduled meeting, unless an alternate location, date and time are scheduled at the end of the hearing. There will be no additional notification to the applicant or abutters when a hearing is either continued or tabled to a date, time and place certain

MINUTES OF THE ZBA MEETING JULY 16, 2026

2. PUBLIC HEARINGS

a. Case #2026-07: Special Exception - 259 Federal Hill Road, Map 56 Lot 58-3, Residence “R” Zoning District. Allow for a second rental apartment unit on the second level of a barn building structure where there is presently one unit.

Chair noted there is new information on this case and then invited the applicants to come forward to the table. Chair stated the additional information will change this case to a Variance from a Special Exception. As a result, the applicants are in favor of postponing this until the meeting of August 20, 2026 due to this change in the application. Chair asked for a motion to postpone this case to the meeting of August 20, 2026. Mike Thornton made a motion to **postpone Case #2026-07** to August 20, 2026 and it was seconded by Rich Elliott. A roll call vote was taken and all were in favor.

Community Development Director Kyle Finnell noted to the applicant that the new application for a Variance will need to be submitted by Thursday, July 23, 2026 in order to meet the deadline for the August 20, 2026 meeting.

b. Case #2026-05: Special Exception - 188 Ridgefield Drive Map 36 Lot 57, Residence “A” Zoning District. Request for an approximate seven-foot (7’) front buffer encroachment into the required minimum “double frontage” corner lot setback of thirty feet (30’), for construction of a new garage.

Chair invited the applicants to come forward. At that time, replacement for applicant and contractor Nathaniel Wheeler came forward since Mr. Wheeler could not be in attendance. Accompanying him was property owner Warren Aja. The following was presented.

The project is to build a two-car garage for the property owners Warren and Linda Aja. The contractor and builder will be Nathaniel Wheeler. Due to the layout of the lot, there is a need for the garage to be placed 7 feet into the 30-foot side setback. The following was read into the record from the application.

Special Exception Criteria under 10.02.1:

a. Criteria: proposed use is similar to those permitted in the district

“It would be a minor set back adjustment to allow for a garage”.

b. Criteria: specific site is in an appropriate location for the proposed use because

“It would remove an old shed and replace it with a nice garage – increasing neighborhood appeal.”

c. Criteria: the use as developed will not adversely affect the adjacent area because

“It will not. If anything, it will increase the look and therefore the value of the neighboring lots.”

d. Criteria: no nuisance or serious hazard to vehicles or pedestrians

“There is plenty of room and site distance for traffic and pedestrians.”

e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use

“There is an existing house and driveway. This will have no practical change to the facilities.”

Committee Questions and Comments

Joan Dargie stated the encroachment into the setback is actually 17 feet and not 7 feet. This resulted in a lengthy discussion amongst members. Kyle Finnell noted it would leave 10 feet of frontage based on the 17-foot encroachment.

Rich Elliott first wanted to confirm this will be just a garage and not an ADU to which the presenter stated yes, only a garage. He then asked about the height and the applicant stated it would be approximately 9.5 feet.

Chair asked for any further questions and there were none.

Chair opened the meeting to the Public, but hearing none and seeing none this part of the meeting was closed and the meeting moved to Deliberations.

1 MINUTES OF THE ZBA MEETING JULY 16, 2026

2 **2. PUBLIC HEARINGS**

3
4 **b. Case #2026-05: Special Exception**

5 **Deliberations:**

6 **Special Exception Criteria under 10.02.1:**

7 **a. Criteria: proposed use is similar to those permitted in the district**

8 R. Elliott: Agreed this is similar.

9 J. Pouliot: Yes.

10 J. Austin: Yes.

11 M. Thornton: Yes.

12 J. Dargie: Yes, and the house across the street has a similar garage.

13 **b. Criteria: specific site is in an appropriate location for the proposed use because**

14 M. Thornton: This is the only place for it.

15 J. Pouliot: Yes.

16 R. Elliott: Yes.

17 J. Austin: Yes.

18 J. Dargie asked the applicant if other locations had been investigated to which the applicant stated that
19 other locations had been looked at and this was the most appropriate. J. Dargie then stated the applicant
20 has confirmed this is the best location.

21 **c. Criteria: the use as developed will not adversely affect the adjacent area because**

22 J. Pouliot: It will not.

23 M. Thornton: This will get rid of an unsightly shed.

24 R. Elliott: This will eliminate the shed and goes along with what is in the neighborhood.

25 J. Austin: Agrees.

26 J. Dargie: Agrees and noted there will be no additional curb cuts.

27 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

28 M. Thornton: This is private property; therefore, vehicles and pedestrians should not be there.

29 R. Elliott: Agrees.

30 J. Austin: Agrees.

31 J. Pouliot: Agrees.

32 J. Dargie: Agrees and this will not impact the existing driveway.

33 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the**
34 **proposed use**

35 J. Austin: Yes, there will be.

36 R. Elliott: This is just a simple garage.

37 J. Pouliot: This will not require extra demands.

38 M. Thornton: This is just a garage with electrical.

39 J. Dargie: In addition, it will be inspected.

40
41 **Voting:**

42 a. Yes: J. Austin, J. Dargie, R. Elliott, J. Pouliot, M. Thornton

43 b. Yes: J. Austin, J. Dargie, R. Elliott, J. Pouliot, M. Thornton

44 c. Yes: J. Austin, J. Dargie, R. Elliott, J. Pouliot, M. Thornton

45 d. Yes: J. Austin, J. Dargie, R. Elliott, J. Pouliot, M. Thornton

46 e. Yes: J. Austin, J. Dargie, R. Elliott, J. Pouliot, M. Thornton

47
48 **Is the Special Exception allowed by the Ordinance?**

49 Yes: J. Austin, J. Dargie, R. Elliott, J. Pouliot, M. Thornton

50
51 **Are all the specified conditions present under which the Special Exception may be granted?**

52 Yes: J. Austin, J. Dargie, R. Elliott, J. Pouliot, M. Thornton

53
54 Chair stated the criteria for the Special Exception application has been satisfied and **Case #2025-05 has been**
55 **approved.** There is a 30-day appeal process that can be filed with the Zoning Board.

1 **MINUTES OF THE ZBA MEETING JULY 16, 2026**

2 **2. PUBLIC HEARINGS**

3
4 c. Case #2026-06: Special Exception - "0" Osgood Road, Map 42 Lot 68, Residence "R" Zoning District.
5 Request to encroach approximately ten (10') feet into the required minimum 15' side setback, for the siting of
6 an approved manufactured single-family home.
7

8 Chair asked the applicant, Mark Delage to come forward which he did along with his contractor who presented
9 the application.
10

11 **Special Exception Criteria under 10.02.1:**

12 **a. Criteria: proposed use is similar to those permitted in the district**

13 "This is the 'R' District."

14 **b. Criteria: specific site is in an appropriate location for the proposed use because**

15 "The property being encroached is the primary owner's personal residence."

16 **c. Criteria: the use as developed will not adversely affect the adjacent area because**

17 "No issue other than needing a special exception."

18 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

19 "Existing space is occupied by owner. Easements are between the owner and no other party."

20 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the**
21 **proposed use**

22 "Septic and leach field are approved and not moving from permitted location, and there is dedicated
23 power and town water."

24 **Committee Questions and Comments**

25 M. Thorton stated that it appears the manufactured home is right next to the existing home on the same lot. The
26 contractor stated the manufactured home will be on a separate lot.

27 M. Thornton then asked what is the purpose of "putting them right up next to each other?". The contractor
28 stated that due to a retaining wall it was necessary and to minimize the impact, but there is sufficient space.

29 J. Dargie questioned the "Reference Plan" map in regards to the original site in orange vs the actual site in
30 yellow. The reason for this was explained to everyone's satisfaction.

31 J. Dargie noted that with only 5 feet between each property, there could be future problems even though right
32 now the applicant owns both properties. The contractor noted that 10 feet into the setback is the most it will be
33 but it may even be less.
34

35 Chair asked if there were any more questions from the committee and there were none. Chair opened the
36 meeting to the public
37

38 **Public**

39 Peter Smith, 197 Osgood Rd. directly across the street from the applicant. In his opinion he is concerned that
40 Mr. Delage has violated residential zoning regulations, i.e. there were numerous changes made to the property in
41 question – changes such as a single family converted to a multi-family, changed another building to a residence,
42 the garage was turned into an industrial landscaping business. In addition, the lot appears to be a junk yard with
43 various machinery and vehicles on the lot. Landscapers are in and which causes a high level of noise. His
44 questions are: Will the new manufactured home be a residence or rental? Will the landscaping business and junk
45 yard be removed when the manufactured home is installed? Will the dilapidated garage be improved?
46

47 Mr. Delage's contractor stated he will be working with the applicant to improve the appearance of the garage
48 and noted the structure has been there a long time. In addition, he stated the foundation is still solid, and
49 improvements will be done that are included with the budget. In regards to the junk yard he noted he cannot
50 make a comment on that. He did note that Mark Delage will be moving into the manufactured home, therefore it
51 will not be a rental.
52

53 Geraldine Smith, 197 Osgood Rd. wife of Peter Smith. She stated Mr. Delage's property is very busy at all
54 hours with vehicles in and out as well as the winter plows; there is a business being run from the garage.
55 "There is stuff everywhere. It used to be a very quiet neighborhood".

2
3 **2. PUBLIC HEARINGS**

4
5 c. Case #2026-06: Special Exception

6
7 **Committee Questions and Comments**

8 Mike Thornton asked the applicant Mark Delage if a business is being run from his property? M. Delage stated
9 he loaned the use of his empty garage to a friend for his trucks and landscaping needs. Mr. Delage continued by
10 saying once he moves into the new home there are plans to improve the garage.

11 J. Dargie explained to M. Delage that if someone is running a business from his garage, rent or not rent, it needs
12 to go to the Office of Community Development to determine if it is zoned for the area. This resulted in
13 discussion among the members about the legality of this business being run from a residential property.

14 J. Dargie stated that vehicles need to be registered where they are garaged. Mr. Delage reiterated he was just
15 trying to help a friend and it will be gone when the manufactured home is established.

16
17 The committee then discussed placement of a fence and noted it can be placed directly on the lot line.

18
19 J. Dargie to M. Delage; is your intent to fix the garage and Mr. Delage responded that it is his intent.

20
21 J. Dargie asked if the 5 ft. remaining setback can be adjusted and the contractor stated it can be changed to
22 7.5 ft. J. Dargie explained that changing a 15 ft setback to 5 ft is asking for more than 2/3 of the setback. Even
23 if Mr. Delage owns both lots, there are future issues to consider should he no longer own the properties.

24
25 Chair Dargie asked if there any further questions and there were none.

26
27 The meeting moved to deliberations.

28
29 **Deliberations:**

30 **Special Exception Criteria under 10.02.1:**

31 **a. Criteria: proposed use is similar to those permitted in the district**

32 R. Elliott: In regards to the setback, there are other similar lots with homes in the "R" District.

33 J. Austin: Agrees.

34 M. Thornton: Agrees.

35 J. Pouliot: Agrees.

36 J. Dargie: Agrees; there are homes that are close to the lot lines.

37 **b. Criteria: specific site is in an appropriate location for the proposed use because**

38 J. Pouliot: Yes.

39 M. Thornton: Yes.

40 R. Elliott: Yes; the slope of the land dictated the placement.

41 J. Austin: Yes.

42 J. Dargie: Yes; the slope of the land and they did not want it to face the garage.

43 **c. Criteria: the use as developed will not adversely affect the adjacent area because**

44 J. Austin: No, it will not.

45 J. Pouliot: It will not.

46 M. Thornton: Sees no harm.

47 R. Elliott: It will not affect the adjacent area.

48 J. Dargie: The area and the garage will be cleaned up.

49 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

50 M. Thornton: The home will be situated well off the road therefore; there will be no vehicles or
51 pedestrians.

52 J. Austin: Agrees.

53 J. Pouliot: Agrees.

54 R. Elliott: Agrees.

55 J. Dargie: There will be no nuisance.

1 **MINUTES OF THE ZBA MEETING JULY 16, 2026**

2
3 **2. PUBLIC HEARINGS**

4
5 c. Case #2026-06: Special Exception

6
7 **Deliberations (continued):**

8 **Special Exception Criteria under 10.02.1:**

9 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the**
10 **proposed use**

11 J. Pouliot: Yes.

12 M. Thornton: Yes, it is a home.

13 J. Austin: Yes.

14 R. Elliott: Yes.

15 J. Dargie: Yes, and it will go through permitting.

16
17 Chair Dargie then asked the contractor to reconfirm that the maximum encroachment into the 15-foot setback
18 will be 7.5 feet. The contractor agreed.

19
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21 **Voting:**

22 a. Yes: J. Austin, J. Dargie, R. Elliott, J. Pouliot, M. Thornton.

23 b. Yes: J. Austin, J. Dargie, R. Elliott, J. Pouliot, M. Thornton.

24 c. Yes: J. Austin, J. Dargie, R. Elliott, J. Pouliot, M. Thornton.

25 d. Yes: J. Austin, J. Dargie, R. Elliott, J. Pouliot, M. Thornton.

26 e. Yes: J. Austin, J. Dargie, R. Elliott, J. Pouliot, M. Thornton.

27
28 **Is the Special Exception allowed by the Ordinance?**

29 Yes: J. Austin, J. Dargie, R. Elliott, J. Pouliot, M. Thornton

30
31 **Are all the specified conditions present under which the Special Exception may be granted?**

32 Yes: J. Austin, J. Dargie, R. Elliott, J. Pouliot, M. Thornton

33
34
35 Rich Elliott made a motion to **approve Case #2026-06 up to a maximum of 7.5-foot encroachment into the**
36 **setback** and it was seconded by J. Pouliot.

37
38 Chair stated the criteria for the application has been satisfied and the case has been approved. A roll call vote
39 was taken and all were in favor. There is a 30-day appeal process that can be filed with the Zoning Board.

40
41
42 **3. OTHER BUSINESS**

43 No further business.

44
45
46 **4. MINUTES**

47 **06/04/2026**

48 Chair asked for revisions and there were none. Mike Thornton made a motion to approve the minutes from
49 June 4, 2026 and it was seconded by Rich Elliott. A roll call vote was taken and all were in favor. Minutes from
50 June 4, 2026 were approved.

1 MINUTES OF THE ZBA MEETING JULY 16, 2026

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4 **6. ADJOURNMENT**

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6 Chair asked for a motion to adjourn. J. Pouliot made a motion to adjourn and it was seconded by R. Elliott.
7 A vote was taken and all were in favor. Meeting adjourned at 9:00 pm.
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21 **Motion to Approve:** _____

22
23 **Seconded:** _____

24
25 **Signed:** _____

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31 **Date:** _____
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