

**Town of Milford
Zoning Board of Adjustment Minutes
Sept 1, 2011
Case #13-11
Carolyn Magri Halstead**

Present: Kevin Johnson, Chairman
Laura Horning
Fletch Seagroves
Steve Winder
Zach Tripp - Alternate

Absent: Steve Bonczar
Michael Unsworth - Alternate

Secretary: Peg Ouellette

Case #13-11 - The applicant, Carolyn Magri Halstead, owner of Map 52, Lot 18-1, 365 Melendy Rd and NH Rte. 13 South., in the Residence "R" district, is requesting a special exception from Article VI, Section 6.02.6:B to impact not more than 1,800SF of wetland buffer for the construction of a proposed driveway.

MINUTES OF CASE #13-11 WERE APPROVED ON OCTOBER 6, 2011.

Motion to Approve: L. Horning

Seconded: Z. Tripp

Kevin Johnson, Chairman, opened the meeting by stating that the hearings are held in accordance with the Town of Milford Zoning Ordinance and the applicable New Hampshire Statutes. He continued by informing all of the procedures of the Board; he then introduced the Board. He read the notice of hearing into the record as well as the list of abutters. This case was tabled from the August 4 meeting. Kevin and Miriam Frederico of 353 Melendy Road, Milford NH were present as abutters.

The applicant, Carolyn Magri Halstead, stated that the property has 5.5 acres which can be subdivided into two conforming lots. The reason for requesting a special exception is the lot opposite Rte 13 has been encroached on and now there is need for more of a buffer zone. The Conservation Commission has done a site walk, discussed other possibilities for access and has provided a recommendation with some stipulations.

S. Winder asked if this is the only access they have.

C. Halstead stated it is the only way to access the back of the property if they subdivide.

F. Seagroves asked if applicant intended to subdivide.

C. Halstead responded that is the intent and both lots will be conforming and the driveway coming off Rte 13 does meet the state requirements.

K. Johnson stated he did not see anything stated in the application regarding the need for a special exception is to subdivide.

C. Halstead asked if that should have been in the application.

K. Johnson stated it should have been in the application and as the application is before the Board, the Board must consider the impact on the lot as it is, as a single lot.

C. Halstead questioned where on the application (for special exception) she would have included this information.

K. Johnson responded that it would have been in the application for special exception under the description of proposed use and that this was necessary for the subdivision of the lot.

C. Halstead asked whether it was not clear enough when she stated the need for access to the lot.

K. Johnson said that is correct. There is existing access to the lot off Melendy Road and the Board would need to see how the applicant is intending to subdivide the lot.

C. Halstead stated that information must have been given to the Planning Board.

K. Johnson stated that since the Zoning Board does not have the information before them at this time the Board would have to take and consider the application for the wetland impact based on the piece of property as a whole.

C. Halstead stated she wanted to write down what was needed.

K. Johnson asked if the application can be tabled for additional information.

L. Horning said that can be done.

K. Johnson told the applicant she must make a request to the Board to table the application until applicant can provide the Board with additional information regarding the proposed use of the property.

L. Horning told the applicant that by tabling it, the applicant will not have to re-file, etc.

K. Johnson clarified that she wouldn't have to have all the notices sent out again.

C. Halstead requested specifics as to what information is missing.

K. Johnson said they need to see plans as to how the lot would be subdivided.

L. Horning said they need to see the actual plat of how they will subdivide the lot and how they are planning on accessing the second lot from the actual plat.

C. Halstead stated she thought that the Planning Board sent a copy to this Board.

L. Horning said the Planning Board would probably not have, because the information was not included in the initial application. The language wasn't in there stating that the plan was to subdivide.

C. Halstead asked when the next ZBA meeting will take place.

L. Horning stated in two weeks; however, K. Johnson stated that he believes the deadline for that meeting has passed so it would be the first meeting in October – the first Thursday in October.

Z. Tripp asked if they were being asked to consider the wetland also.

C. Halstead stated the jurisdiction for the wetland is from the Conservation Commission.

L. Horning said applicant should bring all the information with her from the Conservation Commission so the Board can fully evaluate it.

K. Johnson stated that the ZBA does not have the plot plan so they don't know how the applicant intends to subdivide it and the applicant needs to request the application be tabled to the next scheduled ZBA meeting.

It was determined that the "next scheduled" meeting is October 6. Because applications have already closed for the meeting taking place in two weeks, it is no longer scheduled.

C. Halstead requested that the application be tabled to the next available meeting.

L. Horning made the motion to table the application.

S. Winder seconded the motion.

K. Johnson called for a vote. The vote was unanimously in favor and the application was tabled to the meeting on October 6, 2011.