

**Town of Milford
Zoning Board of Adjustment Minutes
August 7, 2014
Case #2014-08
Nathan & Brooke Langlais
Abutter's Request for Rehearing**

Present: Fletcher Seagroves, Vice Chair
Michael Thornton
Joan Dargie
Len Harten, Alternate

Katherine Bauer, Board of Selectmen Representative

Absent: Zach Tripp, Chair
Laura Horning

Secretary: Peg Ouellette

Aaron Kaplan, Trustee of RDM Trust of 14 Adams Street, owner of 7 Willow Street, an abutting property, is requesting a rehearing of Case #2014-08, filed in accordance with RSA 677:2 and 677:3, and the Rules of Procedure, Rule XIII, of the Town of Milford Zoning Board of Adjustment.

Minutes approved on September 4, 2014

F. Seagroves opened the meeting by stating that this was a request for a rehearing and under the rules of procedure it was a public hearing. The public is invited to attend but no public testimony taken. If possible, the same members from the original hearing should be present to consider the request for a rehearing and the Board should make every effort to have a full five-member board present. The Board must find an error in procedure or there was new evidence that was not available at the time of the hearing. He asked if anybody has a problem with a four member board. He asked if all Board members present had read the application. He then proceeded to the two questions to be considered.

1. Any error of procedure?

M. Thornton said he didn't see any. He had read through both stacks of paper and could not find any obvious error.

J. Dargie didn't find any. In response to her question, there was discussion as to whether it was necessary for L. Horning to be present, since she had attended the original meeting. It was determined that an alternate who was familiar with the case could be seated for the rehearing request.

L. Harten said if an alternate had been in the audience for both hearings, they could sit.

F. Seagroves agreed.

L. Harten said in reading through the minutes he didn't find any place he felt the Board made an error in making the decision. He not only read the minutes, but was at that meeting.

F. Seagroves agreed with everyone. He didn't think they did anything wrong. Everything was according to procedure.

2. Was there any evidence in this application submitted that was new and not available at the time of the hearing?

M. Thornton said not that wasn't available.

J. Dargie said she read through everything to see any new evidence and didn't find any.

L. Harten agreed. He didn't believe there was any new evidence presented in the request for rehearing.

M. Thornton commented he alluded to a new survey but was not presented.

L. Harten agreed.

F. Seagroves agreed. In reading through it he thought he recognized the mention an appraiser but that evidence had to be available at the time of the first hearing. That was the only thing he wasn't aware of he may have missed, just a name of an appraiser. That was not new and not unavailable at that time, which was the key thing.

F. Seagroves asked the Board for any further questions.

J. Dargie made a motion to deny the request for rehearing.

L. Harten seconded.

Final Vote: (yes vote was to deny request)

M. Thornton – yes

J. Dargie – yes

L. Harten – yes

F. Seagroves – yes

F. Seagroves stated that the request was denied.