

**Town of Milford
Zoning Board of Adjustment
Case #2015-21
October 29, 2015
Leopold & Diane Bergeron
Special Exception**

Present: Zach Tripp, Chairman
Fletcher Seagroves
Joan Dargie
Kevin Johnson

Excused: Michael Thornton
Len Harten, Alternate
Katherine Bauer – Board of Selectmen’s representative

Secretary: Peg Ouellette

The applicant, Leopold & Diane Bergeron owner of Map 26, Lot 75, located at 59 Souhegan St in the Residence “A” District, is requesting a Special Exception from Article V, Section 5.02.2.A.8, to allow construction of a metal carport within the front setback.

Minutes Approved on 11-19-15

Z. Tripp opened the meeting and introduced the Board and explained the procedures. The list of abutters was read. No abutters were present. Leopold Bergeron, the applicant, and his son, Norman Bergeron were present.

L. Bergeron and N. Bergeron came forward to present the case.

N. Bergeron said his father has had a pickup truck for the past three years. The past three winters were severe. They are hoping to have a metal structure over it to avoid brushing off snow every time it snows. His father had a heart attack a couple of years ago. Location is within the setback and they are requesting a special exception.

Z. Tripp showed a small picture provided, from the Milford tax record, and asked if the location was where the red truck in the picture was parked.

N. Bergeron said it was.

Z. Tripp asked whether any reason it couldn’t be put somewhere else on the property.

N. Bergeron said location of the red car in the picture is for the apartment. If they put it there tenants won’t have access to their drive. The side next to it is a right of way by the town, so they have to keep that clear.

Z. Tripp asked if Board had any questions. There were none. He opened the public comment portion of the meeting. There were no public comments or questions. He closed the public comment portion of the meeting. He said no letters were received for this case.

Applicant read the application into the record:

A Special Exception, as specified in Article V Section 5.02.2.A.8 of the Zoning Ordinance is requested to permit: a 10 X 18 metal carport to be placed approximately 3' from the front property line.

A. The proposed use is similar to those permitted in the district because:

The carport is an accessory structure that is commonly permitted in the residence "A" district throughout town.

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

The carport will be placed on an existing driveway to cover the location where my vehicle is normally parked.

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

There will be no adverse impact on the adjacent area because the carport will sit entirely on our property and will serve to protect our vehicles from the weather. The carport is not a permanent structure and is similar to those you see throughout town.

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:

The carport will be located on an existing driveway and there will be no nuisance or hazard created.

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

The carport is considered a structure by the building codes and will be compliant with codes and permits.

Z. Tripp proceeded to discussion of the criteria:

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

J. Dargie – yes, it is similar to those permitted in the district and didn't see anything different. It is temporary.

F. Seagroves – yes, this is a structure but it is temporary. Could put a garage there and be similar.

K. Johnson – yes, it is similar to those uses permitted in the district.

Z. Tripp – yes, carports are allowed in Res. A and reduced setbacks are allowed with Special Exception.

B. The specific site is an appropriate location for the proposed use:

F. Seagroves – yes, there is already a cement slab there and it's an appropriate place to park vehicle. Parking vehicles in the dirt in winter causes them to rust out very fast. That is where he is parking.

K. Johnson – No, it is not appropriate. While parking there is one thing, adding a structure to cover it in that specific location is not appropriate.

J. Dargie – it is appropriate considering it is temporary and already vehicles parked and the other location site is being used for parking.

Z. Tripp – location is reasonable over driveway and current parking area. Other area is for apartment, and the right of way. Having a carport three ft. from the front of the property is appropriate. He doesn't think it will be that much larger than most trucks. The vehicle is already there and the carport is open on the sides. Given it is open on the sides and not much larger than the truck already there, it is an appropriate location.

C. The use developed will not adversely affect the adjacent area:

K. Johnson – could look at it one of two ways. One is the carport being similar to what is permitted, in which case it would not affect adjacent area or, inappropriate location for the structure. While it will be open on the sides that will be blocked by the vehicle underneath and top does wrap around sides to a degree. From obstruction of view lines and so on, it would adversely affect area. He can't give a specific answer to that.

F. Seagroves – it will not affect the area. Vehicle will be there anyway. It will be blocking, but doesn't see what it will be blocking. He doesn't see it would affect area and already there for parking. They are just putting a roof over it.

J. Dargie – agreed, he doesn't see it will affect the area.

Z. Tripp – struggled with this similar to Kevin, having carport he doesn't think would affect area. Having it with three feet of setback would not affect adjacent area and doesn't think it will be serious hazard to vehicles. Doing quick look at map it looks like many houses on the street are within the setback. Doesn't think having a carport would affect adjacent area.

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

J. Dargie – doesn't believe there would be nuisance or serious hazard. Car is already parked there and will be same amount of traffic; no additional traffic. Site impediment she is not sure about but doesn't see any nuisance.

F. Seagroves – Doesn't see any nuisance or serious hazard and the vehicle already being parked there. Doesn't see a pedestrian would be walking there. Yes, there will be no nuisance.

K. Johnson – On this point looking at it in strict sense. One is being nuisance. Doesn't think carport in and of itself is a nuisance. Serious hazard to vehicles – doesn't think it will be.

Z. Tripp – agreed. He has been down that street several times. Doesn't think it will block any vehicle. Pedestrian should not be any closer to the street than getting into the car. Doesn't think it will cause any nuisance or serious hazard.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use:

F. Seagroves – Doesn't see it will need facilities. Only concern is whether it will be tied down. Other than that, sees no facilities it needs.

K. Johnson – yes. They have given specifics of the proposed carport and it included the illustration so that the proposed use being parking under the shed the facilities would be the information they have provided that it is an appropriate carport.

J. Dargie – agreed.

Z. Tripp – agreed. They provided a print-out from web site they are buying from. Looks well-engineered structure intended to be a carport. Not used for what it is not intended for. Building Inspector will make sure it is safe.

Vote on Criteria:

Is the special exception allowed by the ordinance?

F. Seagroves - yes; K. Johnson– yes; J. Dargie – yes; Z. Tripp - yes

Are the specific conditions present under which a special exception may be granted?

K. Johnson – no; J. Dargie – yes; F. Seagroves – yes; Z. Tripp - yes

Z. Tripp asked if there was a motion to approve the application.

J. Dargie moved to accept Case #2015-21.

F. Seagroves seconded.

Final Vote: J. Dargie – yes; F. Seagroves – yes; K. Johnson – no; Z. Tripp – yes

Z. Tripp informed applicant he was approved and reminded him of the 30-day appeal period.