

**Town of Milford**  
**Zoning Board of Adjustment**  
**September 17, 2020**  
Case 2020-22  
San-Ken Homes Inc.  
Variance

**Present:** Jason Plourde, Chair  
Rob Costantino, Vice Chair  
Karin Lagro (Alternate)  
Paul Dargie, BOS Representative  
Tracy Steel  
Michael Thornton  
Lincoln Daley, Director of Community Development

**Absent:** Wade Campbell  
Joan Dargie (Alternate)

Chairman Plourde welcomed everyone and declared a State of Emergency as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, the Board of Adjustment is authorized to meet electronically. This meeting is held in accordance with the applicable New Hampshire State statutes, Town of Milford ordinances, and the Zoning Board of Adjustment Rules of Procedure. He stated that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, he confirmed that the Board is:

- a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means.
- b) Providing public notice of the necessary information for accessing the meeting.
- c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access.
- d) Adjourning the meeting if the public is unable to access the meeting.

Chairman Plourde stated that all votes that are taken during this meeting must be done by Roll Call vote. He started the meeting by taking roll call attendance. He asked each member to state their name and state whether there was anyone in the room with them during this meeting, which is required under the Right-to-Know law. Roll Call Attendance: Jason Plourde alone in the Community Development conference room at Town Hall adjacent to Lincoln Daley's office; Rob Costantino at home alone, T. Steel at home with family members in the room, K. Lagro at home alone, M. Thornton at home alone. J. Plourde asked that K. Lagro be seated as a regular member for tonight's meeting in the absence of W. Campbell. K. Lagro agreed. A poll was taken: J. Plourde yes; M. Thornton yes; R. Costantino yes; T. Steel yes.

Chairman Plourde continued by stating that there were three new cases to be heard, with no old cases. He then proceeded to summarize the hearing process, rules, and procedures for Board Members, applicants, and the general public. J. Plourde stated that the Board can move onto the first case tonight. It was requested that the second item on the agenda be discussed first, as the applicant for the first case (2020-20) is not present yet. Robert Demers, representing the applicant for Case 2020-20, said Brad Westgate is trying to gain access. Robert Demers asked that the cases be taken out of order. At some point during this meeting, M. Thornton was disconnected on the Zoom meeting and did not participate in any decisions for this hearing Case 2020-2022.

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#2020-22 SAN-KEN HOMES INC - VIA ZOOM**

**Case 2020-22**

San-Ken Homes, Inc. for the property located at Milford Tax 53, Lot 31 is seeking a VARIANCE from the Milford Zoning Ordinance, Article V, Section 5.04.4.A to permit the construction of a single-family residence and related site improvements on a lot of record with less than the minimum required frontage (200') on a principle route of access on a Class V road or better in the Residential 'R' Zoning District.

Ken Lehtonen, San-Ken Homes Inc. explained this is a 13 acre lot that was subdivided in the early 80's on which San-Ken Homes would like to build a single family home. This lot has 10' of frontage. J. Plourde stated the easement is 30' and there is an abutting lot that comes into the easement. K. Lehtonen said 10' supports the passage of most vehicles. L. Daley said part of the process will be to get a curb cut for the driveway and 10' will not satisfy that requirement. In order to access that property, there must be more than 10 feet. L. Daley pulled up the requirements for driveway on the computer screen. J. Plourde said this is a land locked piece of property; the ZBA has had a few properties that are land locked and have limited frontage like this one. K. Lehtonen reviewed the criteria, noting this variance is for construction of a single family residence that does not have the proper frontage, it is one home, this is a good fit for the use of the land and without the variance, it would stay woods forever. The applicant is looking to do an upscale home with a higher sales price which will bring up the value of neighboring properties.

R. Costantino has not seen the property, but it looks like it's all forest, and it looks like there is a slope up a hill. K. Lehtonen said the customer is looking to move the house closer to the road from the first version discussed in the conceptual, so the driveway would be about 400' instead of 900'. J. Plourde asked what the plan was when this property was first created, in reference to the driveway. L. Daley responded it was subdivided in the late 70's or early 80's so originally the access was to be from the 30' easement. J. Plourde said the easement should be confirmed. L. Daley stated the burden of proof for the easement is on the applicant by doing a title search. L. Daley looked at the neighboring property plans, but was unable to find any reference to the easement. K. Lehtonen asked what is the minimum driveway width? L. Daley said the minimum driveway width is 10'. K. Lehtonen said we would not need to use that easement if it is only 10'. J. Plourde said as long as it does not go on the abutting property at 387 Ponemah Hill Road. Chairman Plourde recognized Lisa Newbury, 387 Ponemah Hill Road, who noted there are many concerning things on this plan. We have seen how the water runs down the dirt drive, traffic on Ponemah Federal Hill Road is a concern, run off affecting the watershed and septic installation are all concerns. At the end of their driveway it is very dangerous when entering Ponemah Hill Road.

Mark Desjardins, abutter, said the access point for both driveways is dangerous. Sandra Lehtonen, San-Ken Homes Inc. does not see any impact to the entry onto Ponemah Hill Road. M. Desjardins stated that because of the hill, there will be no site sight distance. R. Costantino asked why is that different from what is already being dealt with? L. Newbury said another driveway is being added in the same location. J. Plourde is hearing some uncertainty about the driveway design, and asked the applicant to come back with a driveway design from DPW and present that at the next ZBA hearing with the legal requirements for a driveway on Ponemah Hill Road. K. Lehtonen does not see any issue with this access since it is the access point that is there now. J. Plourde feels the ZBA does not have any enough information for on this tonight. J. Plourde further stated the ZBA would like to see a plan drawn up that shows where the driveway would be with regard to the easement and the driveway issue with Lisa Newbury. L. Newbury said the house location was located near the back of the lot and now is being put closer to her home which takes away from their experience on their lot. R. Costantino said there are legal setback limits for the house, asking if Lisa is concerned with those? L. Newbury said they are moving the house closer to her to get a shorter driveway. K. Lehtonen said it will still be 200' away from her home. M. Desjardins asked if the applicant if he can build a driveway with this terrain, with the grades etc? J. Plourde

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asked that any questions be addressed to him so that he can relay them to ask for the information to be brought back at the next meeting.

Mike Unsworth, Mountain View Court, asked what is the precedent of having 10' of frontage? J. Plourde said Milford has had two other homes built with 10' of frontage which were landlocked parcels and both have come to ZBA for a variance because they had limited frontage on a class V road. The ZBA had to go through the criteria with the applicants just as this applicant will do. L. Daley explained the intent of that easement being set up for that lot was to connect the back lot to Ponemah Hill Road. M. Unsworth asked if this land is in Current Use? K. Lehtonen responded it is a vacant lot, if a plan is recorded with an easement access, it is a buildable lot. This just happened in Amherst and was approved by the ZBA. J. Plourde said the 10' counts for access but not for frontage, that is why this application is before the ZBA.

Nikki O'Neil, speaking on behalf of the applicant, asked if the Registry of Deeds page could be shown, since that shows that the plan shows a private road for access to Ponemah Hill Road intended for access, the deed calls it a private road for the landlocked lot. L. Daley asked if Town Counsel needs to take a look at this. J. Plourde said the ZBA needs to get more information from the Applicant and get advice from Town Counsel on that. L. Newbury is concerned with required blasting for septic and a well, she has a well and septic system and is downhill from this lot. That dirt road flows water like a river when it rains so drainage is a concern. J. Plourde asked if that is a Planning Board issue. L. Daley met with Lisa and Mark and this is a permitted use that will require certain permits such as a storm water permit and blasting permit. Lisa and Mark will be notified of blasting, but there is not a Planning Board approval required.

K. Lehtonen indicated he does not do blasting. R. Costantino said when more information is brought back, could he also bring more information on drainage. K. Lehtonen said the driveway designs are not required but he is familiar with building on a hill (Boynton Hill was done by San-Ken Homes) and the drainage calculations will be done for the driveway. R. Costantino said there are two drainage concerns, this site and the run off to other sites. K. Lehtonen said the driveway will be paved but we can swale the driveway so that the water is mitigated along the way. The drainage can be directed so that it does not go out onto Ponemah Hill Road as it does now. M. Desjardins said he wants to be assured that this is only for one single family home. J. Plourde responded yes the application is for one home, they would have to come back to the ZBA if they were to change that. K. Lehtonen indicated he is currently under contract for a single family residence on this lot.

Deena Spanos, 70 Mountain View Court, was told 13 years ago that there was conservation land behind their property and there are historical stone walls and she wants to confirm that. L. Daley responded that the conservation land that surrounds this property is common land partly owned by each owner; this particular lot is privately owned and is not part of that conservation common land. D. Spanos asked about tree removal and stone wall protection. L. Daley responded that only the stone walls on a scenic road can be protected, if they are on a private property, there is no protection and a land owner has the right to remove trees on their property. J. Plourde asked if there are any other questions that should be asked of the applicant for him to bring to the next meeting.

L. Newbury, abutter, just wants to make sure that it is saved and stays beautiful. J. Plourde asked if the abutters that are concerned with the safety of Ponemah Hill Road have come to any traffic safety committee meetings? M. Desjardins said he has not but he could look into that. C. Rowe said his neighbors received the notice for tonight's meeting and it has caused a stir; they feel like all the development is causing a stir to the area. J. Plourde said someone else's property can usually be used however they want. Wooded space, it is nice, but it always can get developed. J. Plourde and encouraged abutters concerned with the safety of Ponemah Hill Road attend a Traffic Safety Committee meeting.

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D. Spanos asked what the yellow ribbons are on the trees? J. Plourde answered when a property is being surveyed, they will mark they trees. K. Lehtonen indicated a development of ten homes was being considered for this property by the previous owner. He will gather detailed plans for the driveway and drainage for the next meeting. S. Lehtonen asked if the checklist could be sent to him so that nothing is missed. K. Lehtonen said details for the easement, driveway location and property line with existing driveway will be provided for the next meeting. J. Plourde agreed a checklist could be provided.

R. Costantino moved to continue this meeting Case 2020-22 for Variance to October 1, 2020. T. Steel seconded. A poll was taken: R. Costantino yes; T. Steel yes; K. Lagro yes; J. Plourde yes.

Deliberations: There were no deliberations this evening.

Voting: There were no votes taken this evening.

Meeting Minutes:

T. Steel moved to approve the minutes of Case 2020-15 as presented. K. Lagro seconded. A poll was taken: T. Steel yes; K. Lagro yes; R. Costantino yes; J. Plourde yes.

T. Steel moved to approve the minutes of Case 2020-16 as amended. K. Lagro seconded. A poll was taken: T. Steel yes; K. Lagro yes; R. Costantino yes; J. Plourde yes

T. Steel moved to approve the minutes of Case 2020-17 as presented. K. Lagro seconded. A poll was taken: T. Steel yes; K. Lagro yes; R. Costantino yes; J. Plourde yes

T. Steel moved to approve the minutes of Case 2020-18 as presented. K. Lagro seconded. A poll was taken: T. Steel yes; K. Lagro yes; R. Costantino yes; J. Plourde yes

Adjournment: T. Steel moved to adjourn at 10:10 p.m. K. Lagro seconded. A poll was taken: K. Lagro yes; R. Costantino yes; T. Steel yes; J. Plourde yes.

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

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

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

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

**THE MINUTES OF CASE 2020-22 DATED 9/17/2020 WERE APPROVED \_\_\_\_\_**