

**Town of Milford
Zoning Board of Adjustment
June 17, 2021
Public Hearings**

**Case 2021-10 Duane S. Myers Revocable Trust, Duane S. Myers Trustee, Special Exception
Case #2021-11 Hannah and Kenneth Wiggins Special Exception
Case #2021-12 Vicki Bissonnette, Special Exception
Case #2021-13 Colleen Johnson, Special Exception**

- Present:** Jason Plourde, Chair
Rob Costantino, Vice Chair
Karin Lagro, Member
Michael Thornton, Member
J. Dargie, Alternate
Paul Dargie, BOS Representative
Lincoln Daley, Director of Community Development
- Absent:** Tracy Steel, Member
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Meeting Agenda

1. Call to Order
 2. Public Hearing(s):
 - a. **Case #2021-10 Duane S. Myers Revocable Trust, Duane S. Myers Trustee**, for the property located at 4 Fernwood Drive, Tax Map 48, Lot 55 is seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.04.2.7 to allow the construction of a 24' x 28' accessory structure (detached garage) within the 30 foot and 15 foot side dimensional setbacks in the Residential 'R' Zoning District. (Request to continue to 7/1/21)
 - b. **Case #2021-11 Hannah and Kenneth Wiggins** for the property located at 14 Dearborn Street, Tax Map 22, Lot 66 is seeking a Special Exception from the Milford Zoning Ordinance, Article V, Sections 5.02.2 and 5.02.5.B to allow the construction of a 26' x 36' accessory structure (detached garage) 13 feet within the 15 foot side dimensional setbacks in the Residential 'A' Zoning District.
 - c. **Case #2021-12 Vicki Bissonnette** for the property located 25 Merrimack Street, Tax Map 27, Lot 24 is seeking a Special Exception from the Milford Zoning Ordinance, Articles V, VII, X, Sections 5.02.2.A.1, 7.12.6, and 10.02.1 to permit a Home Based Business, a dog training operation, within the first floor of the existing barn structure located within the Residential 'A' Zoning District.
 - d. **Case #2021-13 Colleen Johnson** for the property located 103 Webster Street, Tax Map 35, Lot 6-1 is seeking a Special Exception from the Milford Zoning Ordinance, Article V, Sections 5.02.2 and 5.02.5.B to allow the construction of a single family residence and accessory structure (pool) within the 15 foot side and 30 foot dimensional setbacks in the Residential 'A' Zoning District.
 3. Meeting Minutes: 4/15/21
 4. Other Business: TBD
 5. Next Meeting: a. July 1, 2021 b. July 15, 2021
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MINUTES OF THE ZBA MEETING JUNE 17, 2021

Public Hearings

CASE #2021-10 Duane S. Myers Revocable Trust, Duane S. Myers Trustee, SPECIAL EXCEPTION

CASE #2021-11 Hannah and Kenneth Wiggins, SPECIAL EXCEPTION

CASE #2021-12 Vicki Bissonnette, SPECIAL EXCEPTION

CASE #2021-13 Colleen Johnson, SPECIAL EXCEPTION

1. CALL TO ORDER

Chair Plourde opened the meeting by welcoming everyone and introducing himself. He welcomed those attending in person and electronically since this meeting is being conducted in a unique manner.

He stated you may also attend this meeting in person at the Milford Town Hall, Board of Selectmen’s Meeting Room with all Covid protocols in place.

If you would like to participate in the public meeting, please call this number from home: +1 646-558-8656 and enter the Meeting ID: 851 6407 7601 and Password: 269952 or log in via www.zoom.com using the Meeting ID and Password previously stated.

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-17june2021>. We will also be live streaming the meeting on Granite Town Media, Government Channel 21: <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>

He then went on to inform everyone about the procedures of the Board.

Chair Plourde stated all votes taken during the meeting must be done by Roll Call vote. He started the meeting with a roll call attendance by asking each member to state their name, where they are located and if there was anyone in the room with them during the meeting. This is required under the Right-to-Know Law. Roll Call Attendance: Jason Plourde in attendance at Milford Town Hall, Board of Selectmen’s Meeting Room with J. Dargie present; K. Lagro present; M. Thornton present; Attending remotely R. Costantino present alone in room.

There are 4 members present with 1 alternate; there is a quorum. J. Dargie, Alternate will be seated as a full member for this meeting.

Chair Plourde stated there is one continued case and 3 new cases.

2. PUBLIC HEARINGS

a. CASE #2021-10 Duane S. Myers Revocable Trust, Duane S. Myers Trustee

For the property located at 4 Fernwood Drive, Tax Map 48, Lot 55 is seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.04.2.7 to allow the construction of a 24’ x 28’ accessory structure (detached garage) within the 30 foot and 15 foot side dimensional setbacks in the Residential ‘R’ Zoning District. (Request to continue to 7/1/21)

Case is continued from May 20, 2021 due to a postponement. The applicant is again seeking a postponement. The Chair read into the record an email from Duane Myers to Lincoln Daley dated June 7, 2021 stating a request for a postponement until the July 1, 2021 meeting. Chair asked for a motion to postpone. J. Dargie presented a motion to postpone case #2021-10 to July 1, 2021 and K. Lagro seconded the motion. Chair asked for a vote on the motion: J. Dargie yes; K. Lagro yes; M. Thornton yes; R. Costantino yes; chair votes yes.

Case #2021-10 will be postponed to first meeting in July.

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4 **CASE #2021-11 Hannah and Kenneth Wiggins, SPECIAL EXCEPTION**
5 **CASE #2021-12 Vicki Bissonnette, SPECIAL EXCEPTION**
6 **CASE #2021-13 Colleen Johnson, SPECIAL EXCEPTION**
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9 **2. PUBLIC HEARINGS (continued)**
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11 **b. CASE #2021-11 Hannah and Kenneth Wiggins**
12 For the property located at 14 Dearborn Street, Tax Map 22, Lot 66 is seeking a Special Exception from the Milford Zoning
13 Ordinance, Article V, Sections 5.02.2 and 5.02.5.B to allow the construction of a 26' x 36' accessory structure (detached
14 garage) 13 feet within the 15 foot side dimensional setbacks in the Residential 'A' Zoning District.
15
16 Chair asked if the applicant was present. Kenneth Wiggins, applicant, was not present due to a family emergency. Their
17 neighbor across the street was standing in for the applicant at the Milford Town Hall Location. At that time, the applicant
18 became present via Zoom.
19
20 Chair asked the applicant to explain his application. He presented an aerial map of the location. A garage is needed for his
21 business storage needs and to keep the property neat. It has been difficult to find an appropriate location due to the shape of
22 the lot. The driveway is positioned in such way that it makes it difficult to move the location of that. He discussed the
23 difficulties that would be created if the driveway had to be moved to accommodate a garage in a different location such as
24 in the middle of the front yard. He then presented a picture view of the lot with the house to show that the proposed location
25 appears to be appropriate in relation to the house, driveway and lot. He has talked to the neighbors and they are in
26 agreement. He concluded by saying this garage is essential for his family and the proposed location would also be essential
27 for his families' needs.
28
29 Chair Plourde: He expressed his concerns regarding the amount of space the garage will go into the setback (13 ft. when 15
30 ft. is required). He asked about what the neighbors view would be. L. Daley presented a drawing of the structure and stated
31 it will be about 15 ft. high.
32 J. Dargie: the top of the roof will be within 10-11 ft. withing the setback
33 L. Daley: agreed
34 R. Costantino: his concern is that the structure will be only 2 ft. from the setback. While the current neighbor is agreeable to
35 the new structure, at some point there may be a new neighbor and what happens when the Wiggins need to walk around the
36 garage and they need to go into the abutters' property. Understands the location at the end of the driveway is the best place,
37 but it is so close to the abutter.
38 J. Dargie: reminded the board about a previous case that was approved within 1 ft. of the property line
39 J. Plourde: is the garage being built at an angle or will it be straight along the property line?
40 L. Daley: the closest point will be 2 ft. at the corner but the other part will be 4 ft.
41 L. Daley: what alternatives were considered? He presented the scale drawing. He asked if the structure on the right could be
42 moved to the left side.
43 K. Wiggins: he stated it would be extremely inconvenient to move that
44 L. Daley: is this section of the garage a necessity?
45 K. Wiggins: stated he needs to have the cover over that section and it is necessary for the needed storage he requires.
46 L. Daley: asked about the equipment that will be stored in the garage
47 K. Wiggins: he is a carpenter and needs to store a 16 ft. enclosed trailer, his tools, family vehicles, yard tools, etc.
48 L. Daley: asked if he is an independent contractor or if he works with a company?
49 K. Wiggins: he and his wife renovate homes; the 16 ft. trailer is used for his own person carpentry tools.
50 M. Thornton: are you involved in a home based business?
51 K. Wiggins: he does work for a carpentry business and he does some work on the side and he does have an LLC set-up,
52 and does use it for business sometime.
53 L. Daley: There appears to be a need for another Special Exception as part of this application based on the previous
54 discussion. He expressed his appreciation for the forwardness of the applicant. At this point he questioned if this application
55 can be moved on especially since the intended use by the applicant is for a business. The Board may want to consider
56 tabling or combining this application with an additional Special Exception.
57 K. Lagro: pointed out that the water run-off will go directly into the neighbor's property
58 J. Dargie: move the carport
59 M. Thornton: is this design and use appropriate to the neighborhood?
60

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9 **2. PUBLIC HEARINGS (continued)**

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11 **b. CASE #2021-11 Hannah and Kenneth Wiggins(continued)**

12
13 L. Daley: Can this applicant go through with this application and then come back with an additional Special Exception
14 application?

15 J. Plourde: To summarize: 1. To proceed tonight with the Special Exception from the board for the set back
16 2. Then come back to seek a second Special Exception application for the home based business OR continue the case to a
17 later date for both cases.

18 Chair Plourde then presented these options to K. Wiggins.

19 K. Wiggins: he would prefer to continue the cases.

20 J. Plourde: suggested he confer with L. Daley on the additional Special Exception and how to proceed.

21 J. Plourde: should we continue with opening this case to the public for comments?

22 L. Daley: feels this would be a good idea to get feed back
23

24 J. Plourde: this will be opened to the public to get feedback.
25

26 Paul Dargie, Prospect Street at Milford Town Hall stepped forward: At the setback is it measured from where the post hits
27 the ground or from the furthest point of the roof ?

28 J. Plourde: it is my understanding it is the furthest part of the structure that is from the property line

29 Paul Dargie: So it is measuring off the roof?

30 J. Plourde: yes, the eve of the roof

31 J. Dargie: so that will give even more room around the structure
32

33 P. L. Larginon, 19 Dearborn Street at Milford Town Hall stepped forward: pointed out the abutting home is at least 40 ft.
34 away from the driveway of the proposed structure; he spoke in favor of the applicant and how he handles his equipment in
35 the neighborhood. Also, the elevation is a lot higher on the abutter's property so they would be looking over the proposed
36 structure. The home for the proposed structure is set back and down a hill. There should not be a problem with the water.

37 J. Plourde: asked about the water run-off from the carport; so, you are suggesting because of the grading on the property
38 (going down a hill), the water will be going to the back of the property

39 P. L: yes, that is correct, there is a steep drop on the driveway

40 I have no problem with what is being proposed.
41

42 Kyle McShea, Shea Lane stepped forward: he was there to support the application; he questioned the ordinance; feels he
43 should be able to build what he wants on his own land.

44 J. Plourde: stated the need for ordinances
45

46 J. Plourde is there anyone else? Seeing none and hearing none he opened it to the Board. The Board had no further
47 questions.
48

49 J. Dargie: just want to make one comment about the statements from the previous speaker; if we just went by the ordinance
50 there would be no need for a Zoning Board. The Zoning Board is there to supply relief from the ordinance.
51

52 J. Dargie asked for a motion to continue case #2021-11 to the meeting of August 5, 2021. J. Dargie proposed a motion to
53 continue case #2021-11 and K. Lagro seconded.
54

55 K. Wiggins: wants to move to an even later date; he is feeling discouraged and is considering withdrawing the application.

56 L. Daley: if you choose to do that you can ask the board to withdraw the case without prejudice so if you decide to return at
57 a later point in time you would have the ability to re-apply with the same application or a similar application.

58 R. Costantino: asked the applicant to wait on his decision and apologized for the burden. He explained why applicant
59 should reconsider his decision.

60 J. Dargie: agrees with R. Costantino and the applicant should talk with L. Daley first.

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9 **2. PUBLIC HEARINGS (continued)**

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11 **b. CASE #2021-11 Hannah and Kenneth Wiggins(continued)**

12
13 K. Wiggins: agrees and will wait on withdrawing his application.
14

15 J. Plourde: There is a motion to continue case #2021-11 to August 5, 2011. Those in favor: J. Dargie yes; K. Lagro yes; M.
16 Thornton yes; R. Costantino yes; chair votes yes.
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18 Chair Plourde then moved to the next case.
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9 **2. PUBLIC HEARINGS (continued)**

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11 **c. CASE #2021-12 Vicki Bissonnette, SPECIAL EXCEPTION**

12 For the property located 25 Merrimack Street, Tax Map 27, Lot 24 is seeking a Special Exception from the Milford Zoning Ordinance, Articles V, VII, X, Sections 5.02.2.A.1, 7.12.6, and 10.02.1 to permit a Home Based Business, a dog training operation, within the first floor of the existing barn structure located within the Residential 'A' Zoning District.

15
16 Vicki Bissonnette stepped forward to present her application.

17
18 She explained her business operation. None of the business will be conducted in her home. It is a separate structure; a single room approximately 360 sq. ft. Hours of operation: Tuesday – Friday, 11:00 a.m. to 7:00 p.m. and Saturday 11:00 a.m. to 2:00 p.m. (the last sessions end at the exact closing times). Classes will be: Private Sessions; a one on one session (owner and dog) with the instructor and Group Classes with a maximum of 3 dogs and owners. Each class will be one hour.

22
23 M. Thornton: Will you be having classes on your property outside?

24 V. Bissonnette: No, classes will be held in the barn away from the property.

25 M. Thornton: There will be a number of car trips because of the Group Classes.

26 V. Bissonnette: There will be 3 Group Classes a day but that may not be every day.

27 J. Plourde: What will be the break time between classes?

28 V. Bissonnette: 30 minutes

29 J. Plourde: Will there be a dog guardian there as well?

30 V. Bissonnette: yes, absolutely required; she can present her waivers of liability, COVID Response; Policies and Consents which require that all dogs on the property must be leashed for safety purposes. She stated there are very strict policies regarding which dogs can attend.

31 J. Plourde: Based on his own personal experience, he asked what kind of training will be done?

32 V. Bissonnette: She explained he procedures on the type of training. She did say it would be better to exclude certain dogs from a Group Session but will only know until she becomes familiar with the dogs.

33 V. Bissonnette: she added that Puppy Recess sessions will be 4 dogs.

34 R. Costantino: asked if she has her own dogs

35 V. Bissonnette: her dogs will be in her home and not on the property close to the barn; she feels her dogs will not be an issue.

36 J. Plourde: asked if there were any other questions

37 J. Dargie: no questions

38 K. Lagro: asked about the length of the driveway and how the traffic will be handled

39 V. Bissonnette; She explained how her driveway will be expanded to accommodate extra vehicles.

40 J. Plourde: asked if there might be some overlap of classes coming and going.

41 V. Bissonnette: she explained that the 10 minutes will be a wrap up of the class and discourages any lingering

42 L. Daley: please walk us through how the client with a dog will enter the facility

43 V. Bissonnette: explained there are double doors for entry and there are signs that clearly show where the entry is; also she will be waiting for the clients as they arrive.

44 M. Thornton: have you considered a second entry way as a “no escape” barrier?

45 V. Bissonnette: no, I have not but feel it will block off more usable space on the driveway

46 M. Thornton: he is concerned about dogs getting loose even on a leash

47 V. Bissonnette: stated she will be right there when dogs arrive

48 L. Daley: pointed out the application states 350 sq. ft. but she stated 360 sq. ft. Asked how she will manage the business? Will there be an office in the house?

49 V. Bissonnette: she indicated she did put on the application there is a space in her house for an office

50 L. Daley: asked about fences and protective measures?

51 V. Bissonnette: will have sound barrier insulation, new double paned windows, entire room will be sound proofed

52 L. Daley: asked about driveway being pushed back? Is there a plan to enclose the extended driveway from the abutting property? He noted her property is already fenced.

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9 **2. PUBLIC HEARINGS (continued)**
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11 **c. CASE #2021-12 Vicki Bissonnette, SPECIAL EXCEPTION (continued)**
12
13 V. Bissonnette: there is already a 4 ft. wire fence around the entire property and it is completely contained but may be
14 changing it to a 5 ft. privacy fence in the future.
15 L. Daley: given the variety of the types of dogs do you feel a 4 ft. fence will suffice? Dogs can get over a fence that size
16 V. Bissonnette: she again stated dogs will be on leashes as well as the fact that she will step in if there is a situation
17 K. Lagro: stated what about dogs that may just jump out when getting out of the car
18 V. Bissonnette: she explained her training should prevent this from happening
19 M. Thornton: pointed out it is legally binding on the owner and on the property of the owner to be held fiscally responsible
20 V. Bissonnette: she will be covered with the necessary insurance
21 L. Daley: on the street view map he pointed out where the parking will be and that there will a turn around
22 L. Daley: he is concerned about the need for a privacy fence on the side of the driveway extension
23 V. Bissonnette: she stated she is not opposed to that
24 L. Daley: regarding signage; the town allows a 6 sq. ft. sign
25 V. Bissonnette: on the street view map she pointed out a bear on the property that can hold a sign; above the barn door will
26 also be a sign; she also wants to do clarifying signs on the property further back; the only sign will be the small sign
27 hanging on the bear in order to minimize impact to the neighborhood
28 L. Daley: you can have directional signs just not a sign larger than 6 sq. ft. stating the name of the company
29 J. Plourde: any further questions?
30 V. Bissonnette: answered a question about headlights coming into the driveway; the driveway faces the back of a garage
31 with no windows. There will be outdoor lights that have sensors and are solar.
32 J. Plourde: expressed concern about lights not spilling over
33 V. Bissonnette: assured the Board there would be no spillage of lights and the business does close at 7:00 p.m.
34 J. Plourde: any further questions? R. Costantino no; J. Dargie no; K. Lagro no;
35 M. Thornton: questioned the total square footage
36 L. Daley: the application is within the limit
37
38 J. Plourde opened the meeting to the public
39
40 Dawn McMillan, stepped forward. She sent a letter and will go over the major points. Safety is her biggest concern because
41 she does have grandchildren in her yard. There is a clear view from her property to the applicant's property. The wire fence
42 is only a chicken wire fence that really could not hold back a loose dog. Also, there is debris there. Her main concern is
43 about the existing fence. She strongly feels there is going to be a huge noise problem and she doesn't want that situation in
44 her neighborhood. She feels this business will impact the safety, quality of life and characteristics of the neighborhood. She
45 is also concerned about all the outdoor lights that will be going off and on. A privacy fence needs to be put on her side too.
46 She is concerned about property values in the area being decreased.
47 J. Plourde: expressed his appreciation for her letter and the points that were raised. He also stated how he views each case.
48 M. Thornton: is there one thing that can be done to make you feel better?
49 D. McMillan: yes, install an 6 ft. privacy fence
50 J. Plourde: is there a way to compromise? This process is the place to bring up solutions.
51 L. Daley asked if the board wants to see the video D. McMillan sent.
52 R. Costantino: no questions
53 L. Daley: will products be sold to the public?
54 V. Bissonnette: yes, there will be but only for the clients and not the public
55 V. Bissonnette: I spoke to all abutters close by but did not speak with Dawn because she is distance away. I do want to say I
56 do not have active/aggressive dogs come onto the property. If there are dogs like that, my business is to work with these
57 types of dogs in the home. She is totally fine with putting in a 6 ft. privacy fence before opening. In regards to noise, this is
58 not a doggy daycare but a training session. Part of the training is to keep the dogs quiet.
59 J. Plourde: moving onto the video
60

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9 **2. PUBLIC HEARINGS (continued)**

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11 **c. CASE #2021-12 Vicki Bissonnette, SPECIAL EXCEPTION (continued)**

12
13 D. McMillan: feels the fence will solve the safety issue; also feels the noise issue has been addressed; not in agreement with
14 the Saturday classes and potential noise factor.

15 V. Bissonnette: on Saturday there will be a puppy recess from 11:00-11:30 a.m. that is held inside and one group class from
16 12: p.m.-1:00 p.m., also held inside.

17
18 Kyle McShea, Shea Lane stepped forward: asked about the additional driveway space and the privacy fence for abutters,
19 and stated there is an ordinance requiring a privacy fence for all public roadways

20 L. Daley: does not recall that ordinance

21 K. McShea: Ordinance 7.12.3c

22 J. Plourde: He then stated K. McShea is correct. He then read the ordinance into the record.

23 J. Plourde: Stated to the applicant there needs to be some additional screening on the right of the driveway for privacy.

24 L. Daley: the applicant did state there would be a fence added

25 J. Plourde: stated the applicant can decide if the screening is with a fence or plantings

26 L. Daley: wants to make sure the design that is laid out works for the applicant and the abutters

27 Start a privacy fence from just in back of the fire hydrant up to where the box truck is

28 Discussion ensued among the Board members and the applicant regarding placement of the fencing brought up with this
29 ordinance.

30 Gary Worcester, owner of the property, stepped forward to speak. He explained where he already has fences. Further
31 discussion continued about the location of a fence.

32 K. McShea: is there a fence in front of the house to keep the dogs in or a gate across the driveway?

33 Is the property going to be air conditioned?

34 V. Bissonnette: yes it will be air conditioned

35 K. McShea: questioned the number of classes and the breaks between classes

36 J. Plourde: stated it will be limited and the number of attendees will vary with a maximum of 3; the ZBA is there to ensure
37 the right precautions are in place

38 Discussion then ensued about traffic flow.

39 J. Plourde: cited traffic regulations for a home based business.

40 V. Bissonnette: stated the prime hours will be the evening hours; also stated she will be the only trainer, therefore, there
41 cannot be that many attendees.

42
43 J. Plourde: any further questions from the public or the Board? The fencing issue still needs to be resolved.

44 L. Daley: The applicant addressed concerns from the direct abutter and D. McMillan, but need to resolve the screening
45 from the street or the side facing the direct abutter with his operation. Possibly survey the property to determine where to
46 place a fence.

47
48 J. Dargie: stated the next applicant is waiting and it is late.

49 J. Plourde: the next case is **CASE #2021-13 Colleen Johnson, SPECIAL EXCEPTION**. More than likely the board will
50 not get to that case. Therefore, the case needs to be postponed to the next meeting on July 1, 2021.

51
52 J. Plourde: need to discuss the fence

53 Discussion went on about the type of the fence.

54 R. Costantino: pointed out the owner said he already had a post and beam fence in place.

55 J. Dargie: the owner did say that, but we don't have photos of that; feels if they agree to screen it and it is up to the Building
56 and Planning Department that it has been done, feels that is sufficient and the ZBA does not need to define what that is
57 going to be.

58 J. Plourde: but if that is not sufficient, then they need to work that out with the Office of Community Development.

59 He then stated the applicant did say there is already a post and rail fence there and it will be up to the Building and Planning
60 Department as to what the screening is.

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8
9 **2. PUBLIC HEARINGS (continued)**

10
11 **c. CASE #2021-12 Vicki Bissonnette, SPECIAL EXCEPTION (continued)**

12
13 L. Daley: stated there is a safety issue about the extended parking area and there should be fencing around the parking area;
14 not vegetation.

15 V. Bissonnette: agrees and stated it is something that she has wanted to do

16 L. Daley: he has a general understanding about the location of a screened privacy fence and he will work with the applicant
17 to maximize the area and minimize the cost as much as possible; this will be done to address safety, visualization, and the
18 movement of the dogs from the vehicles to the facility as well as provide screening to Merrimack Rd.

19 J. Plourde: are there any other questions or comments?

20 J. Dargie: it seems like just safety and the mitigation issues are the only items outstanding.

21 K. Lagro: everything else has been addressed

22 J. Plourde: I agree

23 J. Dargie: brought up a previous case for a grooming business and the need for a fenced in area

24 R. Costantino: does not think the purpose or the spirit of the ordinance is being broken by letting the dogs outside to do
25 their business; feels the purpose was to stop businesses from doing significant things outside and he doesn't think this is a
26 significant part of what the applicant's business is.

27 Discussion went on about outside activity.

28 K. McShea pointed out that there is a need for puppy training to be done outside with the puppy. He disagrees with R.
29 Costantino's comment.

30 J. Plourde: are there any further comments from the public?

31 J. Dargie: what about the fact that the dogs are outside when getting out of the vehicles?

32 L. Daley: he disagreed with J. Dargie's comment

33 Further discussion went on about Puppy training and the fact business will in fact be done outside.

34 J. Plourde: To L. Daley he stated, the application has been presented as a home based business and the question is that if the
35 outdoor activities for the puppies or other dogs are such that they go outside to do their business, then should this be a home
36 based business or a home based industry? Home Based Industry is the only home based business that would allow for any
37 kind of outdoor activity.

38 L. Daley: Yes, that is correct.

39 J. Plourde: then from a procedural standpoint, if the ZBA looks at this case as a Home Industry would it have to be re-
40 advertised?

41 L. Daley: that would require a different level of review and would take it out of the ZBA and bring it to the Planning Board
42 for a special use permit.

43 R. Costantino: there was a similar case for an animal rescue which is down the road from my home; he never hears the dogs
44 and there is an outside pen. It was brought before the ZBA.

45 J. Plourde: would the fenced in area be considered an outside structure?

46 L. Daley: no it would not

47 R. Costantino: still feels the spirit would not prevent this.

48 J. Plourde: trying to look at it based on the definitions available within the home based businesses especially the home
49 business; trying to figure out how the board can take into consideration the outside activity as being in consequential and
50 how it would be able to fit within the category of a home based business.

51 J. Dargie: Can we put a condition on this that any outside activity will be only for the dogs to relieve themselves?

52 J. Plourde: I believe we can

53 J. Dargie: Let's do that; make a condition that limits outside activity.

54 M. Thornton: That would then be a second condition in addition to the fencing.

55 J. Plourde: Correct.

56
57 J. Plourde is there anything else from the public? Is there a motion to close the public portion of the meeting?

58
59 Applicant for **Case #2012-13** stepped forward to express why their case could not be heard at this meeting? The Board
60 explained there simply would not be enough time.

1 **MINUTES OF THE ZBA MEETING JUNE 17, 2021**

2 **Public Hearings**

3 **CASE #2021-10 Duane S. Myers Revocable Trust, Duane S. Myers Trustee, SPECIAL EXCEPTION**

4 **CASE #2021-11 Hannah and Kenneth Wiggins, SPECIAL EXCEPTION**

5 **CASE #2021-12 Vicki Bissonnette, SPECIAL EXCEPTION**

6 **CASE #2021-13 Colleen Johnson, SPECIAL EXCEPTION**

7
8 **2. PUBLIC HEARINGS (continued)**

9
10 **c. CASE #2021-12 Vicki Bissonnette, SPECIAL EXCEPTION (continued)**

11
12 J. Plourde is there a motion to close the public portion of the meeting? J. Dargie made a motion and K. Lagro seconded.
13 Those in favor: J. Dargie yes; K. Lagro yes; R. Costantino yes; M. Thornton yes; chair votes yes.

14
15 J. Plourde then moved onto deliberations.

16
17 **Deliberations:**

18
19 He stated there are 10 points to cover under Home Based Business Criteria 7.12.6.

20
21 1. Is the Home Business located in the Residential 'A', Residential 'B', or Residential 'R' Zoning District?

22 J. Dargie yes it is.

23
24 2. Please explain if the Home Business is conducted entirely within the dwelling or accessory structure.

25 J. Dargie there will be a condition for this.

26
27 3. A sign of not more than six (6) square feet is allowed and shall not advertise in such a way that would encourage
28 customers or salespersons to come to the property without an appointment. Please provide the dimensions, design, and
29 approximate location of the sign.

30 J. Plourde the business sign will be placed on the wooden bear.

31
32 4. There shall be no more than two (2) non-resident employees of the Home Business. Please provide the total number of
33 non-resident employees.

34 J. Plourde only one.

35
36 5. The Home Business shall not be more than 25% of the combined floor area of all structures on the property. Please detail
37 the total combined floor area of all structures on the property used for Home Business.

38 J. Plourde it is 360 sq. ft.

39
40 6. Retail sales of goods incidental to Home Business are allowed. Please explain if there will be retail sales of goods
41 incidental to Home Business.

42 J. Dargie there will be but only for the clients.

43
44 7. There shall be not more than sixteen (16) clients or deliveries per day. If applicable, please provide the anticipated
45 number of clients or deliveries per day.

46 J. Plourde there will be 12 but below the 16.

47
48 8. There shall be no parking of or deliveries by vehicles with more than two (2) axles. Only one (1) commercial vehicle
49 may be parked on the property in conjunction with the Home Business. Please summarize the anticipated size of the
50 delivery vehicles and number of commercial vehicles serving the Home Business.

51 J. Plourde standard delivery vehicles such as UPS, Fedex; otherwise, only vehicles from clients.

52
53 9. A Home Business shall not be conducted in a way that is perceptible in external effects (such as but not limited to noise,
54 odors, traffic) from beyond the lot line between the hours of 9:00 p.m. and 7:30 a.m. Please explain the hours of operation.

55 J. Plourde applicant explained the hours of operation in the presentation and in the application. Noise will be handled with
56 new windows and sound proof insulation.

57
58 10. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and
59 amounts commonly found in a dwelling. The use shall not involve the use or storage of toxic substances. If applicable,
60 please explain if there will be the storage of hazardous, flammable or explosive, or toxic substances associated with the
61 Home Business and its location on the property.

62 J. Plourde in the application only the cleaning supplies.

1 **MINUTES OF THE ZBA MEETING JUNE 17, 2021**

2 **Public Hearings**

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6 **CASE #2021-13 Colleen Johnson, SPECIAL EXCEPTION**

7
8 **2. PUBLIC HEARINGS (continued)**

9
10 **c. CASE #2021-12 Vicki Bissonnette, SPECIAL EXCEPTION (continued)**

11
12 J. Plourde: Stated that concluded the presentation for the Home Business portion of the application. Now the Special
13 Exception portion 10.2.1 needs to be discussed. He noted the time was 10:00 p.m. J. Plourde asked for a motion to extend
14 the meeting. J. Dargie felt there was no need to do that and the board should just keep going with the 5 criteria.

15
16 Special Exception 10.2.1:

17
18 **a. Criteria: proposed use is as described for the district**

19 J. Dargie: yes, we have already addressed this

20
21 **b. Criteria: specific location for the proposed site**

22 J. Dargie: yes, we have gone over this in detail

23
24 **c. Criteria: the use will not adversely affect the area**

25 M. Thornton: yes, with 2 mitigating conditions

26
27 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

28 J. Dargie: yes, with 2 mitigating conditions

29
30 **e. Criteria: adequate and appropriate facilities will be provided for the proposed use**

31 J. Dargie: yes

32
33 J. Plourde we have discussed all the criteria. No voting is needed for the Home Business criteria because that criteria was
34 discussed and explained previously, but voting is necessary for the Special Exception Criteria.

35
36 **Voting Case #2021-12**

37 **Special Exception**

38
39 J. Plourde are there any conditions to be placed on this case?

40
41 L. Daley: the applicant shall provide a privacy fence around the extended parking area to mitigate the visual impact of the
42 parked cars as well as safety for the area and provide privacy to the abutting areas as well as Merrimack St. This will also
43 address the concerns of the abutting property owner in the rear of the property that was presented and discussed earlier.

44 J. Plourde asked for a motion to approve the conditions. J. Dargie made a motion to approve these conditions and it was
45 seconded by K. Lagro. Those in favor: J. Dargie yes; K. Lagro yes; M. Thornton yes; R. Costantino yes; chair votes yes.

46 J. Plourde the conditions are approved.

47
48 J. Dargie made another motion to approve the second condition for allowing an outside relief area for the dogs that is
49 incidental to the operation of the business.

50 L. Daley: to reiterate what R. Costantino said earlier that the element involving the outdoor operations is incidental to the
51 primary use of the home based business which is dog training.

52 J. Plourde: J. Dargie has made a motion; seconded by K. Lagro. Those in favor: J. Dargie yes; K. Lagro yes; M. Thornton
53 yes; R. Costantino yes; chair votes yes.

54 J. Plourde: Both conditions have been approved, therefore, we can move ahead to the voting on the special exception
55 criteria.

56
57 Is the Special Exception allowed by the Ordinance? R. Costantino: yes; K. Lagro yes; M. Thornton yes; J. Dargie yes; the
58 chair votes yes.

59
60 Are all the specified conditions present under which the Special Exception may be granted? K. Lagro yes; M. Thornton yes;
61 J. Dargie yes; R. Costantino yes; the chair votes yes.

1 **MINUTES OF THE ZBA MEETING JUNE 17, 2021**
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5 **CASE #2021-12 Vicki Bissonnette, SPECIAL EXCEPTION**
6 **CASE #2021-13 Colleen Johnson, SPECIAL EXCEPTION**

7
8 **2. PUBLIC HEARINGS (continued)**

9
10 **c. CASE #2021-12 Vicki Bissonnette, SPECIAL EXCEPTION (continued)**

11
12 **Voting Case #2021-12 (continued)**
13 **Special Exception**

- 14
15
16 The ZBA voted on the Special Exception 10.2.1.
17 a. M. Thornton yes; J. Dargie yes; R. Costantino yes; K. Lagro yes; the chair votes yes.
18 b. J. Dargie yes; R. Costantino yes; K. Lagro yes; M. Thornton yes; the chair votes yes.
19 c. R. Costantino yes; K. Lagro yes; M. Thornton yes; J. Dargie yes; the chair votes yes.
20 d. K. Lagro yes; M. Thornton yes; J. Dargie yes; R. Costantino yes; the chair votes yes.
21 e. M. Thornton yes; J. Dargie yes; R. Costantino yes; K. Lagro yes; the chair votes yes.
22

23 Chair Plourde stated all of the criteria for the special exception were unanimously voted on by the board members.
24

25 Chair Plourde asked if there is a motion to approve CASE #2021-12 Vicki Bissonnette for the property located 25
26 Merrimack Street, Tax Map 27, Lot 24 is seeking a Special Exception from the Milford Zoning Ordinance, Articles V, VII,
27 X, Sections 5.02.2.A.1, 7.12.6, and 10.02.1 to permit a Home Based Business, a dog training operation, within the first
28 floor of the existing barn structure located within the Residential 'A' Zoning District.
29

30 J. Dargie made a motion to approve and K. Lagro seconded.
31 J. Plourde: A motion has been made to approve Case #2021-12. Those in favor: M. Thornton yes; J. Dargie yes; K. Lagro
32 yes; R. Costantino yes; chair votes yes.
33

34 Chair Plourde stated the criteria for the special exception request had been satisfied and application approved. There is a 30
35 day appeal process that can be filed with the Zoning Board.
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1 MINUTES OF THE ZBA MEETING JUNE 17, 2021
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7
8
9

10 **3. MEETING MINUTES**

11 4/15/2021:
12 L. Daley stated the minutes presented were already changed by Chair Plourde, therefore he expressed his desire to move
13 ahead with approval.
14 M. Thornton moved to approve and J. Dargie seconded; Those in favor: M. Thornton yes; J. Dargie yes; K. Lagro yes; R.
15 Costantino yes; chair votes yes.
16
17
18

19 **4. OTHER BUSINESS**

20 J. Plourde stated that Wade Campbell has submitted his resignation from the Zoning Board, therefore on May 27, 2021
21 Wade Campbell sent an email to all concerned parties stating his need to step down from his Zoning Board position. His
22 email was entered into record.
23

24 L. Daley expressed his appreciation for Wade Campbell's contributions. He also stated there is a need for recruitment of
25 new members. All members of the board expressed their thanks to Wade.
26
27

28 **Motion to Adjourn**

29
30 Chair Plourde asked if there was anything else. M. Thornton motioned for adjournment and J. Dargie seconded. All Board
31 Members were in agreement. Meeting adjourned.
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45 **Motion to Approve:** _____

46
47
48 **Seconded:** _____

49
50
51 **Signed** _____

52
53
54 **Date:** _____

55
56
57 **THE MINUTES OF CASE 2021-12 WERE APPROVED** _____