

**Town of Milford**  
**Zoning Board of Adjustment**  
**August 20, 2020**  
Case 2020-18 AND 2020-19  
MVC EYE CARE  
Special Exception and Variance

- 9 **Present:** Rob Costantino, Vice Chair  
10 Tracy Steel  
11 Michael Thornton  
12 Karin Lagro (Alternate)  
13 Paul Dargie, BOS Representative  
14 Lincoln Daley, Director of Community Development  
15 Darlene Bouffard, Recording Secretary
- 17 **Excused:** Jason Plourde, Chair  
18 Wade Campbell  
19 Joan Dargie (Alternate)

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

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

37 Vice Chairman Costantino stated that all votes that are taken during this meeting must be done by Roll  
38 call vote. He started the meeting by taking roll call attendance. He asked each member to state their name  
39 and state whether there was anyone in the room with them during this meeting, which is required under  
40 the Right-to-Know law: Rob Costantino at home alone; Tracy Steel at home alone; Karin Lagro at  
41 home alone, Mike Thornton at home alone. R. Costantino asked that K. Lagro be seated as a  
42 voting member of the Board in the absence of W. Campbell. A Poll was taken: M. Thornton yes;  
43 T. Steel yes; K. Lagro yes; R. Costantino yes.

44  
45 **Case #2020-18 AND Case #2020-19**

46 MVC Eye Care / Kevin Chauvette for the property located at Milford Tax 44, Lot 11-1, seeking a  
47 SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article VI, Section 6.02.6.B to im-  
48 pact approximately 2,700 square feet within the 25 foot wetland buffer area to construct a drive-  
49 way entrance to a commercial development / office in the Integrated Commercial-Industrial (ICI)  
50 District

51  
52 **AND**

**MINUTES OF THE MILFORD ZBA AUGUST 20, 2020, SPECIAL EXCEPTION AND VARIANCE CASES #2020-18 AND #2020-19 MVC EYE CARE**

1  
2 MVC Eye Care / Kevin Chauvette for the property located at Milford Tax 44, Lot 11-1 1 is seeking a  
3 VARIANCE from the Milford Zoning Ordinance, Article V, Section 5.08.4.A to permit the construction  
4 of a commercial building and related site improvements on a lot of record with less than the minimum  
5 required frontage (150') on a principle route of access on a Class V road or better in the Integrated  
6 Commercial-Industrial ('ICI') District. (*Continued from August 6, 2020*)  
7

8 R. Costantino indicated that these applications were continued from August 6, 2020. R. Costan-  
9 tino asked the applicant if they would mind presenting the two applications concurrently and then  
10 the ZBA can deliberate and vote separately on each case (Case 2020-18 and Case 2020-19). R.  
11 Knowles, representing the applicant, indicated they would like to move forward with presenting  
12 both cases and then the ZBA may deliberate and vote on the cases separately. R. Costantino ex-  
13 plained the Board has only 4 members this evening instead of five, would the applicant want to  
14 move forward with only 4 members? R. Knowles said they are okay with only four members.  
15 R. Costantino requested a roll call for action on this request: R. Costantino yes; T. Steel yes; K.  
16 Lagro yes; M. Thornton yes. The ZBA was in favor of moving forward on these cases.  
17

18 R. Knowles asked that Doug MacGuire of the Dubay Group present the application that was  
19 submitted August 6, 2020 and continued to tonight. R. Knowles indicated that they will try not  
20 to repeat what has already been presented to the Board. The new plan in tonight's packet is for  
21 5,900 SF of impact and the slopes will be about 3,900 SF and the balance is the pavement itself.  
22 R. Knowles has worked with D. MacGuire on the site plan. This will be the only impact. The  
23 report from the soils scientist has also been added in the packet. Milford Conservation Commis-  
24 sion had a site visit, it was productive, and clarified the questions from the last meeting. R.  
25 Knowles emailed the deed that might be helpful and found it runs with the easement and goes  
26 with the property and includes construction and maintenance of it. Luke's report has been pro-  
27 vided and he was able to answer a lot of the Conservation Commission questions. R. Knowles  
28 asked for questions from the Board.  
29

30 K. Lagro said the new packet answered all of the questions she had at the last meeting and it  
31 brought additional information forward. T. Steel reviewed the new documents and it seems the  
32 concerns were answered and what is proposed will benefit the area and minimize the impact with  
33 the culvert. M. Thornton questioned the effluent from surrounding properties into the area is  
34 consistent with other properties. His question for the Conservation Commission is if Chris Cos-  
35 tantino understands the recommendation given but was that provided after the report from the  
36 applicant? M. Thornton referred to the environmental impact statement and is talking about the  
37 run off and that it is okay for the animals to use. R. Knowles responded that the run off from any  
38 property use will be collected and treated, it will not just go right into the wetland. R. Knowles  
39 stated as part of the plan, the applicant will have to go to the wetland board with the State. M.  
40 Thornton just wanted clarification on that. R. Costantino asked M. Thornton if there was a ques-  
41 tion on the memo from Conservation? M. Thornton only heard that this is a minimal impact but  
42 did not hear it addressed about the different components of the run off.  
43

44 Chris Costantino was present, and can speak to the letter, stating the Conservation Commission  
45 does not separate out what floats across the buffer, the impact in the buffer will be mostly tempo-  
46 rary and will not affect the buffer. We did ask that some of the parking be done with gravel so  
47 that it would not just create run off. There are also two rain gardens being installed. M.  
48 Thornton thanked C. Costantino for that clarification.

**MINUTES OF THE MILFORD ZBA AUGUST 20, 2020, SPECIAL EXCEPTION AND VARIANCE CASES #2020-18 AND #2020-19 MVC EYE CARE**

1  
2 R. Costantino said there was reference to a sidewalk in the original application, will there be a  
3 sidewalk? R. Knowles said yes it will run along one side or another and lead people out to  
4 Nashua Street. L. Daley asked if the applicant could submit the revised site plan with the updat-  
5 ed amount as a condition of approval. R. Knowles said that can be done. M. Thornton asked if  
6 they need an agreement for the sidewalk? L. Daley said the sidewalk falls under the purview of  
7 the Planning Board, as a function of the Planning process. R. Costantino asked if the update of  
8 the plan needs to be a condition? L. Daley said the application says the sidewalks will get done  
9 so it would not need to be a condition. R. Costantino asked for any questions from the Board,  
10 then we can open up the discussion to the public. R. Costantino noted that Milford Conservation  
11 Commission sent a memo and had a sidewalk and sent through criteria for wetland Special Ex-  
12 ception and they have not issues. R. Costantino asked to have that memo as Exhibit A of the ap-  
13 plication.

14  
15 There were no further questions from the Board. R. Costantino opened it up to the public, asking  
16 if there is anyone that would like to speak, to press \*9 on the phone then state your name and ad-  
17 dress. L. Daley said there was not anyone waiting to speak. R. Costantino asked if there was any  
18 further discussion before entering deliberations. M. Thornton said no, his concerns will be de-  
19 ferred to the Planning Board. K. Lagro said her questions from the last meeting have been ad-  
20 dressed. T. Steel said the memo was clear and the applicant talked about the run off and an-  
21 swered her questions. R. Costantino asked if there is anything else for the Variance (#2020-19)  
22 that needs to be added. R. Knowles indicated that the outstanding issue on the Variance was the  
23 deed and that has been reviewed and sent to L. Daley and found that the deed runs with the prop-  
24 erty. M. Thornton moved to closed the public meeting for #2020-18 and #2020-19. T. Steel se-  
25 conded. A poll was taken: T. Steel yes; M. Thornton yes; K. Lagro yes; R. Costantino yes.

26  
27 **DELIBERATIONS (2020-18):**

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29 R. Costantino indicated the ZBA will now deliberate the applications for #2020-18 for the Spe-  
30 cial Exception for MVC Eyecare.

31  
32 T. Steel - this is similar to other developments, it is commercial and retail which is what is in that  
33 area; R. Costantino said it is allowed in the district by Special Exception; K. Lagro said they are  
34 in one of the last properties to develop in this area and it is very similar to current uses; L. Daley  
35 said the Special Exception is specifically for the wetland buffer impact, that is what the ZBA  
36 needs to focus on, not the use. R. Costantino read the criteria and asked if Board members had  
37 anything to add. K. Lagro and T. Steel feel this is the best place to have the driveway.  
38 The response from the applicant was ready. M. Thornton said it is the least harmful to make the  
39 property useful; T. Steel and K. Lagro agreed.

40  
41 **VOTE (2020-18) SPECIAL EXCEPTION 10.2.1**

42 1-T. Steel yes; M. Thornton yes; K. Lagro yes; R. Costantino yes.  
43 2-K. Lagro yes; M. Thornton yes; T. Steel yes; R. Costantino yes.  
44 3-T. Steel yes; K. Lagro yes; M. Thornton yes; R. Costantino yes.  
45 4-M. Thornton yes; T. Steel yes; K. Lagro yes; R. Costantino yes.  
46 5-T. Steel yes; M. Thornton yes; K. Lagro yes; R. Costantino yes.

47

**MINUTES OF THE MILFORD ZBA AUGUST 20, 2020, SPECIAL EXCEPTION AND VARIANCE CASES #2020-18 AND #2020-19 MVC EYE CARE**

- 1 Wetland Buffer 6.02.6
- 2 1-T. Steel yes; M. Thornton yes; K. Lagro yes; R. Costantino yes
- 3 2-K. Lagro yes; M. Thornton yes; T. Steel yes; R. Costantino yes.
- 4 3-T. Steel yes; K. Lagro yes; M. Thornton yes; R. Costantino yes.
- 5 4-M. Thornton yes; T. Steel yes; K. Lagro yes; R. Costantino yes.
- 6 5-T. Steel yes; M. Thornton yes; K. Lagro yes; R. Costantino yes.
- 7 6-T. Steel yes; K. Lagro yes; M. Thornton yes; R. Costantino yes.
- 8 7-M. Thornton yes; T. Steel yes; K. Lagro yes; R. Costantino yes.

9

10 The Special Exception #2020-18 has passed all the criteria and is hereby granted. There is a 30  
11 day appeal period.

12

13 DELIBERATIONS (#2020-19):

14

15 R. Costantino indicated the ZBA will now deliberate the application for #2020-19 for the Vari-  
16 ance for MVC Eyecare.

17

18 T. Steel said this use will benefit the public; M. Thornton said denying this request would not  
19 benefit the public; K. Lagro said this proposal is the same as what is currently in that area and  
20 will have more space; M. Thornton added that it is consistent with the surrounding properties. T.  
21 Steel added that this will be an improvement to the site, especially with the addition of a rain  
22 garden. R. Costantino does not see any impact that would reduce values of the surrounding  
23 properties. T. Steel indicated if the properties cannot be accessed with a driveway, it could not  
24 be developed, so it would be a hardship to the owner. K. Lagro said the property would be land-  
25 locked and could not be used without the driveway access.

26

27

28 VOTE (#2020-19 VARIANCE (5.08.4.A))

29

- 30 A-T. Steel yes; M. Thornton; K. Lagro yes; R. Costantino yes
- 31 B-K. Lagro yes, T. Steel yes; M. Thornton yes; R. Costantino yes
- 32 C-T. Steel yes; K. Lagro yes; M. Thornton yes; R. Costantino yes
- 33 D-M. Thornton yes; K. Lagro yes; T. Steel yes; R. Costantino yes
- 34 E-K. Lagro yes; T. Steel yes; M. Thornton yes; R. Costantino yes

35

36 The Variance #2020-19 has been passed all the criteria and is therefore approved. There is a 30  
37 day appeal period.

38

39

40 M. Thornton moved to adjourn at 8:23 p.m. T. Steel seconded. A poll was taken: M. Thornton  
41 yes; T. Steel yes; K. Lagro yes; R. Costantino yes. The meeting was adjourned.

42

43

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

45

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

47

MINUTES OF THE MILFORD ZBA AUGUST 20, 2020, SPECIAL EXCEPTION AND  
VARIANCE CASES #2020-18 AND #2020-19 MVC EYE CARE

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

2

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

4

5 THE MINUTES OF 2020-18 AND 2020-19 ON 8/20/2020 WERE APPROVED XXXX/2020\_

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