

Town of Milford
Zoning Board of Adjustment
June 4, 2020
Case 2020-01 (Continued)
KGL Landscape
Variance

Present: Jason Plourde, Chair
Rob Costantino, Vice Chair
Tracy Steel
Michael Thornton
Karin Lagro
Lincoln Daley, Director of Community Development
Paul Dargie, BOS Representative
Darlene Bouffard, Recording Secretary

Excused: 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: Rob Costantino at home alone; Tracy Steel at home alone; Karin Lagro at home alone, Mike Thornton at home alone; Jason Pourde at Town Hall alone. .

Case #2020-01

KGL Landscape Construction, LLC., 211 Mont Vernon Road, Milford Tax Map 8 Lot 73 is seeking a VARIANCE from the Milford Zoning Ordinance, Article V, Section 5.02 to allow the conversion of a 3,672 square foot garage structure into a 3 unit multi-family residence consisting of 3 condominiums in the Residential 'A' district.

J. Plourde indicated that he has received an e-mail request from the applicant for continuation to the July 2, 2020 ZBA meeting. J. Plourde requested a roll call for action on this request; R. Costantino yes; T. Steel yes; M. Thornton yes; J. Plourde yes. ZBA was in favor of the continuance to July 2, 2020. It was also noted by J. Plourde that this is the third continuance to be granted on this application. Because it is the third time, the applicant could withdraw without prejudice on

**MINUTES OF THE MILFORD ZBA JUNE 4, 2020, VARIANCE CASE #2020-01
KGL LANDSCAPE (CONTINUED)**

1 July 2, 2020 or the ZBA could ask the applicant to re-apply and then abutters would be re-
2 noticed. J. Plourde asked members their thoughts.
3
4 R. Costantino asked about having to re-do everything? J. Plourde said it is not re-applying, it
5 will just allow the opportunity to have the abutters re-notified because it has not yet been pre-
6 sented. If there are any abutters, having it noticed again would allow them to also be re-notified.
7 M. Thornton moved to continue this application to the July 2, 2020 ZBA meeting. J. Plourde
8 added that the applicant may also choose withdraw without prejudice on July 2. T. Steel second-
9 ed. J. Plourde requested a roll call: M. Thornton yes; T. Steel yes; K. Lagro yes; R. Costantino
10 yes; J. Plourde yes. Motion passed.

11
12 The decision is to continue Case 2020-01 to the July 2, 2020 ZBA meeting and to allow the ap-
13 plicant to withdraw without prejudice or re-notify all abutters of the new meeting date.
14

15
16 Motion to Approve: _____
17
18 Seconded: _____
19
20 Signed: _____
21
22 Date: _____
23

24 **THE MINUTES OF 2020-01 ON 6/4/2020 WERE APPROVED** _____

Town of Milford
Zoning Board of Adjustment
June 4, 2020
Case 2020-10
Marmon Utility LLC (Continued)
Variance

Present: Jason Plourde, Chairman
Rob Costantino, Vice Chair
Michael Thornton
Tracy Steel
Karin Lagro
Paul Dargie, BOS Representative
Lincoln Daley, Director of Community Development
Darlene Bouffard, Recording Secretary

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:

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- d) Adjourning the meeting if the public is unable to access the meeting.

Let’s start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. Jason Plourde at Town Hall alone in the room; Rob Costantino at home alone; Karin Lagro at home alone, Mike Thornton at home alone, Tracy Steel at home alone, Jason Plourde at town hall alone.
Let us begin by seating our alternates who will hear tonight’s cases.

Case 2020-10

Marmon Utility LLC, 53 Old Wilton Road, Milford Tax Map 14, Lots 8 and 9 is seeking a VARIANCE from the Milford Zoning Ordinance, Article V, Section 5.06.6 to reduce the existing total lot area open space from the minimum required 30% to 27% for the purpose of constructing a 32,924 square foot concrete storage area within the Industrial “I” Zoning District.

Attorney Tom Quinn, representing the applicant Marmon Utilities, indicated this application was continued at the May 21, 2020 ZBA meeting due to the length of that meeting. Attorney Quinn is present with Kevin Boette, Plant Engineer of Marmon Utilities. Attorney Quinn explained the applicant is proposing this Variance for Hendrix Wire & Cable, a business in Milford since about 1950. Currently 31% of the property is open space. An additional storage area is being proposed on the south side of property which is currently a grassy area. This area is adjacent to the shipping and receiving area. The storage space needs to be made of concrete and rebar because of the weight of spools. Each spool has a hub and the weight rests on that therefore it has to be steel reinforced to hold the weight of the spools. This has not gone before the Planning Board yet and some things might be worked out there, the spools must be moved with a forklift so there needs to be aisles for that to travel around the site. This activity is permitted

**MINUTES OF THE ZBA MEETING JUNE 4, 2020 VARIANCE CASE #2020-10
MARMON UTILITY LLC – VIA ZOOM (CONTINUED)**

56 but because this reduces the open space from 31% to 27%, Variance is needed. The storage space is needed for a
57 couple reasons one reason is that Hendrix continues to grow and is meeting the changing demands of its customers.
58 Many customers now want a sample to be delivered so they can test before the total run. Safety is also a concern at
59 the plant which Kevin Boette can speak to.
60

61 Kevin Boette, Plant Manager of 53 Old Wilton Road, explained that overall safety is one of the main reasons for this
62 application. An outside group was brought in to assess forklift traffic on site. We have also been doing a lot with
63 the wind farm market which requires larger conductors. During the event, they were looking at the process and it
64 was found that some operations require forklift travel around the plant. Because of this, it was decided that this
65 change needs to be done to minimize the need to travel around with forklift. This is a 24 hour a day operation and
66 this will eliminate a lot of traffic and use less electricity. K. Boette also noted they are growing and with new cus-
67 tomers we have to send out a sample before it gets released for shipment. J. Plourde asked if anyone had questions.
68 R. Costantino no; K. Lagro no. M. Thornton asked why a robotic process is not being used. K. Boette responded in
69 the past ten years we have made improvements to the process however, the equipment is very large and long and
70 does not allow that type of process. J. Plourde asked if the spools can be outside? K. Boette answered that at some
71 point, they can be outside when it is finished or when the spool is empty but when it is in the process it cannot be
72 outside.
73

74 L. Daley asked if consideration was given to restoring the parking area. K. Boette said currently some of the parking
75 is being used for spool storage, we need that area for trucks, since we are encroaching into the travel lanes and it is
76 getting very tight. We have looked at a few options over the years but this is the one option that makes the most
77 sense. R. Costantino thought an alternate option might be to use the lot across the street since they also own it but
78 now that the process has been explained he realizes that would not work. Attorney Quinn said the open space with
79 permeable surfaces is what this variance is about, he reviewed the five tests: This site is very similar to other sites in
80 the neighborhood, there is not much land in this specific area. This site is being proposed to move from 30% open
81 space to 27% open space. This will not alter the neighborhood; this is an Industrial neighborhood and it will remain
82 an Industrial neighborhood. This proposal is reasonable and this meets all the tests.
83

84 J. Plourde asked for any questions for the applicant. T. Steel asked how that large concrete pad will affect any storm
85 water flow? K. Boette said they submitted a preliminary site plan which shows an infiltration swale around the con-
86 crete pad and there are two more detention ponds on the west side of the site. K. Lagro had no questions. M.
87 Thornton suggested multiple processes that could be considered inside the warehouse. K. Boette noted these reels
88 are extremely heavy and any ramps or vertical storage might be a disaster. For this plan, the product is so large and
89 heavy it is just not a possibility. R. Costantino no further questions; P. Dargie no further questions. J. Plourde noted
90 the two lots being looked at, for zoning purposes are both owned by this owner. Attorney Quinn said that someday it
91 could be done technically (to combine the two lots into one), but we must count the green space on that other lot. L.
92 Daley said the applicant is asking for additional space for this variance, is there future expansion expected for which
93 they will request something similar to this request? K. Boette said right now there is no need and this should fulfill
94 the need for right now. L. Daley said the town has seen applicants chip away at a lot and take away a little open
95 space at a time.
96

97 J. Plourde asked if anyone is in the public waiting so speak, to please press *9 on their phone and direct any ques-
98 tions to the Chairman. L. Daley said there are no people in the waiting room to speak. J. Plourde asked if there were
99 any other questions from the Board. A poll was taken: P. Dargie no; K. Lagro no; T. Steel no; R. Costantino no; M.
100 Thornton no and J. Plourde no.
101

102 Deliberations:
103

104 T. Steel does not feel this will affect traffic or residences in the Industrial zone. R. Costantino does not think this
105 will affect the traffic, it is still an Industrial area, this will provide safety for the workers. K. Lagro does not see how
106 it would affect the neighborhood. M. Thornton said this is in the public interest because these are large units and the
107 less they are moved the better. J. Plourde agreed this does not violate the ordinance in the Industrial zone. K. Lagro
108 this does not contradict the spirit of the ordinance. R. Costantino said the one item that this would affect is the water
109 run off which they are addressing so there is no flooding. This is in the spirit of the ordinance. T. Steel agrees with
110 R. Costantino that it will not affect the wildlife and they are addressing the run off. J. Plourde said this does not
111 jeopardize the public in any way. R. Costantino added this will still be an Industrial complex. T. Steel said it will
112 not affect any residential neighborhoods. M. Thornton said there is no change to the character of the neighborhood.

**MINUTES OF THE ZBA MEETING JUNE 4, 2020 VARIANCE CASE #2020-10
MARMON UTILITY LLC – VIA ZOOM (CONTINUED)**

113 R. Costantino said there would be hardship if this were denied – the open space ordinance was put in motion later
114 than when this industrial business was developed on this site. The hardship is the ordinance on this application. M.
115 Thornton added if this was denied, it would create a hardship to set up a less than optimal work place. T. Steel the
116 site could be looked at as nonconforming and then the ordinance came in. K. Lagro agrees with R. Costantino. J.
117 Plourde agrees because of the explanation from Attorney Quinn. In this case J. Plourde agrees with the hardship that
118 denial would result in unnecessary hardship. J. Plourde asked if there was any further deliberations and took a poll:
119 R. Costantino no; K. Lagro no; M. Thornton no; T. Steel no, J. Plourde no.
120

121 Voting:

- 122 A- K. Lagro yes; M. Thornton yes; R. Costantino yes; T. Steel yes; J. Plourde yes
- 123 B- T. Steel yes; M. Thornton yes; K. Lagro yes; R. Costantino yes; J. Plourde yes
- 124 C- R. Costantino yes; T. Steel yes; M. Thornton yes; K. Lagro yes; J. Plourde yes
- 125 D- M Thornton yes; R. Costantino yes; T. Steel yes; K. Lagro yes; J. Plourde yes
- 126 E- K. Lagro yes; T. Steel yes; R. Costantino yes; M. Thornton yes; J. Plourde yes

127
128 J. Plourde asked if the Board would like to have any conditions? M. Thornton moved to approve the application as
129 submitted. T. Steel seconded. A poll was taken: R. Costantino yes; M. Thornton yes; T. Steel yes; K. Lagro yes; J.
130 Plourde yes.
131

132 J. Plourde announced the application was approved and can be appealed within 30 days. J. Plourde thanked the ap-
133 plicant’s team and summarized that the ZBA wants to go through these applications as thoroughly as it can.
134
135

136 Motion to Approve: _____

137
138 Seconded: _____

139
140 Signed: _____

141
142 Date: _____

143
144 The minutes of 2020-10 dated 6/4/2020 were approved _____

Town of Milford
Zoning Board of Adjustment
June 4, 2020
Case 2020-11
Glendale Homes (Wright Road)
Special Exception

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

Absent: Wade Campbell
Joan Dargie

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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 at Town Hall with Lincoln Daley in the room; Rob Costantino at home alone, T. Steel at home alone, K. Lagro at home alone, M. Thornton at home alone.

Chairman Plourde continued by stating that there were four new cases to be heard, with no old cases and minutes of April 30, 2020 for review. He then proceeded to summarize the hearing process, rules, and procedures for Board Members, applicants, and the general public.

Case 2020-11

Glendale Homes LLC / Gerry Tanguay, Milford Tax Map 20, Lot 2-3, is seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance Article X, Section 10.2.6. to allow the construction of a 748 sq ft accessory dwelling unit located in the basement of a single-family residence within the Residential "A" district.

Chris Guida, Meridian Land Services, representing the applicant will present the application. L. Daley asked Mr. Guida if he is representing Glendale Homes LLC? C. Guida responded that he is, to which L. Daley asked if an authorization letter was sent to the Community Development office? C. Guida believes

**MINUTES OF THE ZBA MEETING JUNE 4, 2020 VARIANCE CASE #2020-11
GLENDALE HOMES – VIA ZOOM**

1 there was. L. Daley does not see it in the file anywhere. C. Guida said he has information to provide on
2 the application for ADU if the Board wishes for him to proceed. M. Thornton asked if the Board can
3 hear the presentation and any decision would be contingent on the submission of an authorization letter
4 from Glendale Homes, or does the Board need the authorization first? L. Daley said it is up to the ZBA
5 and what they want to do. R. Costantino is willing to hear the presentation. K. Lagro asked if the lack of
6 an authorization letter has been an issue in the past? J. Plourde has not had that come up in his experi-
7 ence on the ZBA. M. Thornton said the only thing is that whatever decision is made, it would be contin-
8 gent on the submission and receipt of that authorization letter giving authorization to Chris Guida to rep-
9 resent the applicant. T. Steel agreed with M. Thornton that the authorization should be submitted after
10 the ZBA hears the presentation. J. Plourde also looked to see if anything was submitted to the Board giv-
11 ing authorization to Chris Guida, but found nothing. J. Plourde does not have a problem with having any
12 decision made contingent on the documentation being provided by the applicant that C. Guida can repre-
13 sent the applicant and the project.

14
15 M. Thornton moved to hear the case and that any decision is contingent on the submission of said author-
16 ization for C. Guida to represent the applicant. T. Steel seconded. A poll was taken: R. Costantino yes;
17 K. Lagro yes; T. Steel yes, M. Thornton yes; J. Plourde yes.

18
19 C. Guida apologized for not having that documentation. C. Guida presented the plan for an Accessory
20 Dwelling Unit (ADU) on an undeveloped road in the Glendale Homes development off Spaulding Street
21 called Wright Road. This is for an in-law apartment with one bedroom and is less than the limit of 750
22 square feet. There is no encroachment to wetlands and is a permitted use and meets all the requirements.
23 It has town water and sewer. The footprint of the home will not change. C. Guida asked for questions
24 from the Board.

25
26 J. Plourde said there are criteria that must be met in the application, asking that C. Guida review those. J.
27 Plourde noted that this particular ADU is attached, as it is in the basement of the home. C. Guida indi-
28 cated this ADU meets the criteria and has the required doorway to the main house. R. Costantino said he
29 only sees one door on the provided plan, on the left side, is that the only doorway? C. Guida noted there
30 is one door to the outside. R. Costantino does not see another doorway to the ADU. C. Guida explained
31 there is a door on the side and a door accessing the main house. R. Costantino asked about the stairway
32 in the center of the plan, does that access the ADU? C. Guida explained that stairway leads to a door that
33 goes into the ADU. R. Costantino asked about the other stairway? C. Guida explained that is the bulk-
34 head stairway. R. Costantino said so there is only one entrance into the ADU? M. Thornton asked if the
35 ADU would require an egress window if there is only one entrance in case of emergency? M. Thornton's
36 understanding is that you have to have two entrances / exits for an ADU. C. Guida said there is an egress
37 window noted on the plan if it is needed it can be incorporated. The plan does show only one entrance.
38 C. Guida would welcome a condition for another egress. M. Thornton said the bulkhead would count as
39 an emergency egress if it goes directly into the ADU.

40
41 L. Daley said there is an egress window noted on the plan. K. Lagro said there is no direct door to the
42 outside, the ADU does not have a direct access; it is either a bulkhead or a stairway but not directly into
43 the ADU. C. Guida noted this ADU is for a family member so the stairs would go up through the main
44 body of the house. L. Daley said this will be used by a family member, but when new people come into
45 the house (a future owner) the intension for the ADU might be different and they might want to rent it
46 out, the long term use has to be considered. M. Thornton agreed and if the foundation would allow an
47 exterior access door directly into the ADU plus the required internal door, that would be the best possible
48 outcome.

49
50 C. Guida is not sure if the physical construction with the elevations would allow for that. If the use were
51 to change, that would come to the Board for a change of use. L. Daley said when this comes to the ZBA,
52 it is for an ADU and the ADU is meant to be a separate space from the primary use. An ADU is an ADU

**MINUTES OF THE ZBA MEETING JUNE 4, 2020 VARIANCE CASE #2020-11
GLENDALE HOMES – VIA ZOOM**

1 whether a family member or someone else is using it. L. Daley said that must be considered. C. Guida
2 said he can look at the site access to the outside. That is something that can be addressed. R. Costantino
3 said the bulkhead could also be a stairway with a doghouse instead of a bulkhead; the entrance to the
4 ADU must be in the back and that bulkhead is already on the side. M. Thornton said any door must be
5 not visible from the front. R. Costantino agreed, that is one of the criteria. C. Guida said that is some-
6 thing we can incorporate if the ZBA would be willing to have a conditional approval and we can come to
7 the next meeting if the Board would want to see that plan. M. Thornton does not think the meeting
8 would need to be continued for that, it would just be required to be a condition of the approval. R. Cos-
9 tantino agreed.

10
11 J. Plourde asked if we go into deliberations, a condition may be placed that would require a second
12 means of access into the ADU from the side or rear of the structure for the ADU. J. Plourde asked if it
13 is possible to have a doorway off the living room? C. Guida responded he is not sure. R. Costantino is
14 concerned that the ADU should be a separate living space that you do not have to go through the main
15 house to get into. This can be handled inside the house. K. Lagro said the bulkhead is not sufficient ac-
16 cess to the outside. C. Guida responded the stairs will not be in a bulkhead, it will be a doghouse access
17 and will have a regular door. L. Daley said access to the ADU must be ADA compliant and that will be
18 worked out with the Building Inspector and Fire Department at that time. M. Thornton said ADA com-
19 pliance states that stairs are not adequate. J. Plourde asked if there were any other questions from the
20 Board.

21
22 L. Daley suggested the board may want to touch on the other criteria. J. Plourde wanted to talk about the
23 ten criteria for ADU minimum requirements. 1-There is only one ADU proposed for this property; 2-will
24 the owner be living in the primary property? C. Guida answered yes; 3-the size must be less than 750
25 square feet; C. Guida said it is 740 sf; 4-does the ADU have no more than two bedrooms? C. Guida re-
26 sponded yes it has one bedroom; 5-curbcuts – are there any additional? C. Guida there are no additional
27 curb cuts; 6-the attached ADU must have one common interior access between the ADU and the primary
28 property with an entry of at least 46”, C. Guida said it has that; 7- is the ADU located in a single family
29 residence? C. Guida responded yes; 8-are there any other Special Exceptions or variances being request-
30 ed as part of this ADU application? C. Guida said there are not, it meets the requirements; 9-will all lo-
31 cal and State safety codes be met? C. Guida said they will and 10-is there adequate provisions for water
32 and sewer? C. Guida said this is on town water and sewer.

33
34 J. Plourde reviewed the ADU criteria and asked if it is met: 1-does this alter the appearance of the single
35 family residence? C. Guida it does not; 2- is this use secondary to the principle single family residence?
36 C. Guida yes it is in the basement; 3-this shall not affect the value of properties in the neighborhood? C.
37 Guida said it will not; 4-is there adequate off street parking? C. Guida said there is ample off street park-
38 ing. M. Thornton asked how many bedrooms are in the primary residence? C. Guida said three bedrooms
39 plus the one in the ADU, and there is a two car garage. 5-any additional entrance shall be to the side or
40 rear of the primary residence. C. Guida said it is currently proposed to be a side entrance. J. Plourde
41 noted a lot of ADUs are coming before the ZBA for elderly family members or for adult children that
42 need their own space. C. Guida said the separate entrance will be studied and the final design will com-
43 ply with that requirement. J. Plourde asked if there were any further questions from the Board, taking a
44 poll: K. Lagro no, T. Steel no; R. Costantino no, M. Thornton no, P. Dargie no. J. Plourde opened the
45 meeting to the public, noting if anyone has questions or comments on this application, press *9. There
46 were no questions from the public.

47
48 L. Daley had not further questions. C. Guida indicated he will be happy to comply with the conditions
49 set forth. J. closed the public portion of the meeting.

**MINUTES OF THE ZBA MEETING JUNE 4, 2020 VARIANCE CASE #2020-11
GLENDALE HOMES – VIA ZOOM**

1 Deliberations:

2
3 J. Plourde indicated most questions have been addressed, there is one ADU allowed per property and that
4 is what they are proposing. It meets the required square footage, the owner will be living in the main
5 house. It is one bedroom and there are no additional curb cuts. R. Costantino noted the criteria was re-
6 viewed with the applicant, why were they read again? J. Plourde feels it is a good practice for all appli-
7 cations that you have solid records in the file in case someone appeals the decision. M. Thornton said
8 that is protection for the ZBA, if the ADU is consistent with the requirements it is easy to track it. R.
9 Costantino is still concerned with the connection to the primary dwelling unit. He wants that to be a
10 condition. J. Plourde said after the checklist is reviewed, we can talk about conditions to add before go-
11 ing into voting. The conditions he has: 1-separate entrance for ADU; 2-provide documentation from ap-
12 plicant that Chris Guida can represent him for this application. This is proposed to be in the basement of
13 the single family residence, this meets all zoning ordinances and criteria other than this Special Excep-
14 tion and shall meet all local and State buildings codes. This is proposed to have a total of four bedrooms
15 including the basement ADU.

16
17 The criteria were reviewed: 1-this does not alter the characteristics of a single family residence, this is a
18 proposed us and is not an expansion; 2-the ADU is secondary to the single family residence; 3-this shall
19 not impair or affect the values of surrounding properties; 4-off street parking is available, and there is a
20 two car garage and the driveway can accommodate four cars; 5-the additional entrance will be on the side
21 or the rear of the building. J. Plourde suggested talking about conditions and then get into voting. M.
22 Thornton moved that 1-the documentation authorizing that Chris Guida can represent the applicant is
23 received by the Community Development office; 2-the outside door to access the ADU directly be de-
24 signed and an updated plan be submitted to Community Development to show that door. R. Costantino
25 does not need to see those plans, he just wants the plan submitted to the office. T. Steel seconded the
26 motion. A poll was taken: R. Costantino yes; K. Lagro yes; T. Steel yes; M. Thornton yes; J. Plourde
27 yes.

28
29 R. Costantino moved that the ADU provide its own entrance (internal or external) and that those plans be
30 submitted to the Community Development office. L. Daley agrees with what R. Costantino and J.
31 Plourde are trying to come up with being a separate access for the ADU, but let's not design it. M.
32 Thornton noted there must be two methods of access to a structure. J. Plourde said that one access was a
33 window that was noted on the plan. M. Thornton indicated if we accept the window as an egress instead
34 of a standalone entrance for the ADU, that is not ADA compliant. For future use, are stairs ADA com-
35 pliant? It is in the basement with stairs. R. Costantino if an apartment building does not have an eleva-
36 tor, they have that same problem. T. Steel responded that is true and there would be ground level apart-
37 ments that would be designated as the ADA compliant units. M. Thornton said his house has two steps
38 to the inside and that is not ADA compliant. T. Steel asked if it was built before the ADA requirement
39 was there?

40
41 L. Daley suggested the ordinance states the ADU shall meet building, fire, health and safety codes, the
42 fire and building departments will work with the builders to make sure the ADU is built to those codes.
43 Those departments will work with the applicant. J. Plourde does that need to be stated? L. Daley said a
44 separate access into and out of the ADU is what the ZBA needs to look for. M. Thornton said if it must
45 be ADA compliant an egress window would not be okay. L. Daley said it must meet local building codes
46 so they will make sure it gets done, that is part of the building process. K. Lagro said the issue is that the
47 plans we see do not look like they meet those requirements. J. Plourde said that is why the condition in-
48 cludes the revised plans will be submitted to Community Development in compliance with the local and
49 state fire and safety codes. Without that stated, it looks to K. Lagro that it does not meet ADA require-
50 ments. J. Plourde said the separate entrance and the revised plans could be in the same condition.

**MINUTES OF THE ZBA MEETING JUNE 4, 2020 VARIANCE CASE #2020-11
GLENDALE HOMES – VIA ZOOM**

1 R. Costantino moved to have a condition that the plan provides a separate entrance for the ADU either on
2 the outside or the interior of residence and submit associated revised plans to the Community Develop-
3 ment Department that would be in compliance with state and local fire, safety and health codes. M.
4 Thornton seconded. A poll was taken: T. Steel yes; K. Lagro yes; M. Thornton yes; R. Costantino yes; J.
5 Plourde yes.

6
7 Voting:

8
9 The ZBA voted on the Special Exception 10.2.1:

- 10
11 A. R. Costantino yes; T. Steel yes; M. Thornton yes; K. Lagro yes; J. Plourde
12 B. K. Lagro yes; M. Thornton yes; T. Steel yes; R. Costantino yes; J. Plourde yes.
13 C. M. Thornton yes; K. Lagro yes; R. Costantino yes, T. Steel yes; J. Plourde yes
14 D. K. Lagro yes; M. Thornton yes; T. Steel yes; R. Costantino yes, J. Plourde yes
15 E. R. Costantino yes; T. Steel yes; M. Thornton yes; K. Lagro yes; J. Plourde yes
16

17 The ZBA voted on the ADU SPECIAL EXCEPTION 10.2.6:

- 18
19 A. R. Costantino yes; T. Steel yes; M. Thornton yes; K. Lagro yes; J. Plourde yes.
20 B. K. Lagro yes; T. Steel yes; M. Thornton yes; R. Costantino yes; J. Plourde yes
21 C. R. Costantino yes; K. Lagro yes; M. Thornton yes; T. Steel yes; J. Plourde yes.
22 D. R. Costantino yes, T. Steel yes; M. Thornton yes; K. Lagro yes; J. Plourde yes.
23 E. R. Costantino yes, K. Lagro yes; T. Steel yes; M. Thornton yes; J. Plourde yes.
24

25 Is the Special Exception allowed by the Ordinance? R. Costantino yes; T. Steel yes; K. Lagro yes; M.
26 Thornton yes; J. Plourde yes.

27
28 Are all the specified conditions present under which the Special Exception may be granted? R. Cos-
29 tantino yes; M. Thornton yes; K. Lagro yes, T. Steel yes; J. Plourde yes.
30

31 M. Thornton moved to grant Special Exception 2020-11 with the conditions that were voted on. R. Cos-
32 tantino seconded. R. Costantino yes; K. Lagro yes; M. Thornton yes; T. Steel yes; J. Plourde yes.
33

34 Chair J. Plourde stated that the criteria of Special Exception have been satisfied and Case 2020-11 has
35 been approved; there is a 30 day appeal process, end date for that is July 4, 2020. J. Plourde thanked the
36 applicant for attending this ZBA virtual meeting.
37

38 Review of Minutes: The minutes of April 30, 2020 were reviewed. Minor corrections were made to the
39 minutes of 2020-04, 2020-05, 2020-06 and 2020-07. J. Plourde indicated that a quorum is not available
40 for those that were in attendance at this meeting, therefore a vote cannot be taken. P. Dargie explained
41 that the minutes can be approved even without a quorum of attendees. M. Thornton does not know how
42 he can approve minutes for a meeting he did not attend. R. Costantino said as long as we have three peo-
43 ple that were in attendance we can approve the minutes. P. Dargie said it is not legally required. J.
44 Plourde said when he was previously on the ZBA as long as there were 3 people, the minutes could be
45 approved. M. Thornton said it would expedite the minute approvals, by not waiting until everyone at the
46 meeting was here. L. Daley noted the Board can consider minutes and vote even if members are not in
47 attendance. Minutes would never be approved if they were always waiting for a quorum of attendees. R.
48 Costantino said some people might not have reviewed and commented so we should give them an oppor-
49 tunity to do that. M. Thornton did not read the minutes. J. Plourde does not have a problem waiting, at
50 the next meeting the 4/30/2020 minutes will be voted on.
51

**MINUTES OF THE ZBA MEETING JUNE 4, 2020 VARIANCE CASE #2020-11
GLENDALE HOMES – VIA ZOOM**

1 R. Costantino asked if a meeting with Attorney Drescher has been set up? L. Daley anticipates getting an
2 answer next week on the issue of hardship. He will not tell the Board what to decide, he will just help
3 the Board to interpret the definition. J. Plourde said it will be helpful to the Board, as much information
4 that we can get is great.

5
6
7

8 Motion to Approve: _____

9

10 Seconded: _____

11

12 Signed: _____

13

14 Date: _____

15

16 **MINUTES APPROVED** _____