

**Town of Milford**  
**Zoning Board of Adjustment**  
**September 17, 2020**  
Case 2020-21  
Zach Williamson  
Special Exception

**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.
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- 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 asked that the cases be taken out of order.

**MINUTES OF THE ZBA MEETING SEPTEMBER 17, 2020 SPECIAL EXCEPTION  
CASE #2020-21 WILLIAMSON SE - VIA ZOOM**

**Case 2020-21**

Zach Williamson, Milford Tax Map 31, Lot 23-1, 20 Riverview Street, is seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Section 5.02.2.A.8 to permit the construction of a 22 foot by 16 foot (352 square feet) accessory structure within the 30 foot front property setback in the Residential "A" district.

J. Plourde asked if the applicant for Case 2020-21 would like to move forward with four members tonight and out of order? Z. Williamson has no issue with moving forward. Z. Williamson corrected the agenda that the structure is 12' x 16' in depth not 22' x 16'. J. Plourde asked for a presentation for the application. Z. Williamson stated he has an 8' x 12' shed, but he does not have much other property because it slopes down to the river which is why the setback variance is being requested. J. Plourde asked if the shed is within the front setback? Z. Williamson said it is. J. Plourde asked if he is looking to build another shed where the existing shed was, noting there is a 10 foot setback. Z. Williamson explained it is 15 feet off the property line instead of 30 feet off. There is also a retaining wall in the back. This application is to allow a 12' x 16' shed with a deck off the back side. J. Plourde asked for questions from the Board.

R. Costantino indicated the applicant is looking to put a new shed where the old shed was and it is not any closer to the lot line than the old shed was. Z. Williamson said that is correct, on the same line where the previous shed was located. R. Costantino drove by this property and it has quite a drop in the back. T. Steel had no questions. K. Lagro had no questions and commented that the new shed will not be any closer than the old shed. J. Plourde said there are other structures on neighboring lots. Z. Williamson said yes, there are other sheds on the front side and his abutters do not have any issues. J. Plourde asked if there are any utilities in the shed? Z. Williamson said only for power for a refrigerator. Z. Williamson went through the criteria. L. Daley asked how the distance was verified for the previous shed? Z. Williamson responded there is a granite post property marker that he measured from. L. Daley asked if other alternatives were considered? Z. Williamson responded they looked at turning it 90 degrees but that would use up all the flat yard area. Any other orientation for the shed would not be usable to even entertain.

J. Plourde opened the meeting to the public to ask questions or make comments, please press \* and 9 so that we can see if you would like to speak. Lisa Newburg, Ponemah Hill Road, was recognized and she stated that she likes this project very much and thinks in no way does it infringe on anyone. Hearing no other comments from the public, J. Plourde closed the public meeting so that the Board could enter deliberations.

**Deliberations:**

1-R. Costantino said that this application seeks relief from a setback which is allowed by Special Exception so it is a permitted use and this house was built in 1989 before the setback rules were in place, this whole area has things that would not be allowed today and several houses are all close to the road, these things would not be allowed with the current zoning but it is similar to other residences in the area.; J. Plourde agreed that the other structures in this area are in the setback; T. Steel agreed; K. Lagro said this is an appropriate place in the neighborhood; J. Plourde added that this does not come any closer to the front lot line than the previous shed.

2- T. Steel and K. Lagro agreed that the location of the shed is appropriate, R. Costantino and J. Plourde agreed it is in the back of the existing house and it is wooded back there.

3-K. Lagro said there is a buffer in the back and that will not affect the abutters; T. Steel, R. Costantino said there is no impact; M. Thornton and J. Plourde agreed.

4-R. Costantino stated there is no road back there for this to impact any pedestrian or vehicular traffic; M. Thornton, K. Lagro, T. Steel and J. Plourde all agreed.

**MINUTES OF THE ZBA MEETING SEPTEMBER 17, 2020 SPECIAL EXCEPTION  
CASE #2020-21 WILLIAMSON SE - VIA ZOOM**

1 5-R. Costantino said this is a proper use with nothing further required; M. Thornton, K. Lagro, T. Steel,  
2 J. Plourde all agreed.

3  
4 Voting:

5  
6 The ZBA voted on the Special Exception 10.2.1:

- 7  
8 1. R. Costantino yes; T. Steel yes; M. Thornton yes; K. Lagro yes; J. Plourde yes  
9 2. K. Lagro yes; M. Thornton yes; T. Steel yes; R. Costantino yes; J. Plourde yes.  
10 3. M. Thornton yes; K. Lagro yes; R. Costantino yes, T. Steel yes; J. Plourde yes  
11 4. K. Lagro yes; M. Thornton yes; T. Steel yes; R. Costantino yes, J. Plourde yes  
12 5. R. Costantino yes; T. Steel yes; M. Thornton yes; K. Lagro yes; J. Plourde yes  
13 6. K. Lagro yes; R. Costantino yes; T. Steel yes; M. Thornton yes; J. Plourde yes  
14 7. R. Costantino yes; T. Steel yes; K. Lagro yes; M. Thornton yes; J. Plourde yes  
15

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

18  
19 Are all the specified conditions present under which the Special Exception may be granted? R. Cos-  
20 tantino yes; M. Thornton yes; K. Lagro yes, T. Steel yes; J. Plourde yes.

21  
22 R. Costantino moved to grant Special Exception 2020-21. T. Steel seconded. A roll call was taken: R.  
23 Costantino yes; K. Lagro yes; M. Thornton yes; T. Steel yes; J. Plourde yes.  
24

25 Chair J. Plourde stated that the criteria of Special Exception have been satisfied and Case 2020-21 has  
26 been approved; there is a 30 day appeal process, end date for that is October 17, 2020. J. Plourde  
27 thanked the applicant for attending this ZBA virtual meeting. Z. Williamson thanked the Board for their  
28 time.  
29  
30

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

32  
33 Seconded: \_\_\_\_\_

34  
35 Signed: \_\_\_\_\_

36  
37 Date: \_\_\_\_\_

38  
39 **THE MINUTES OF CASE 2020-21 DATED 9/17/2020 WERE APPROVED** \_\_\_\_\_

**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

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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. 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 2020-22.

**MINUTES OF THE ZBA MEETING SEPTEMBER 17, 2022 VARIANCE CASE  
#2020-22 SAN-KEN HOMES INC - VIA ZOOM**

1 San-Ken Homes, Inc. for the property located at Milford Tax 53, Lot 31 is seeking a VARIANCE from  
2 the Milford Zoning Ordinance, Article V, Section 5.04.4.A to permit the construction of a single-family  
3 residence and related site improvements on a lot of record with less than the minimum required frontage  
4 (200') on a principle route of access on a Class V road or better in the Residential 'R' Zoning District.

5  
6 Ken Lehtonen, San-Ken Homes Inc. explained this is a 13 acre lot that was subdivided in the early 80's  
7 on which San-Ken Homes would like to build a single family home. This lot has 10' of frontage. J.  
8 Plourde stated the easement is 30' and there is an abutting lot that comes into the easement. K. Lehtonen  
9 said 10' supports the passage of most vehicles. L. Daley said part of the process will be to get a curb cut  
10 for the driveway and 10' will not satisfy that requirement. In order to access that property, there must be  
11 more than 10 feet. L. Daley pulled up the requirements for driveway on the computer screen. J. Plourde  
12 said this is a land locked piece of property; the ZBA has had a few properties that are land locked and  
13 have limited frontage like this one. K. Lehtonen reviewed the criteria, noting this variance is for con-  
14 struction of a single family residence that does not have the proper frontage, it is one home, this is a good  
15 fit for the use of the land and without the variance, it would stay woods forever. The applicant is looking  
16 to do an upscale home with a higher sales price which will bring up the value of neighboring properties.

17  
18 R. Costantino has not seen the property, but it looks like it's all forest, and it looks like there is a slope up  
19 a hill. K. Lehtonen said the customer is looking to move the house closer to the road from the first ver-  
20 sion discussed in the conceptual, so the driveway would be about 400' instead of 900'. J. Plourde asked  
21 what the plan was when this property was first created, in reference to the driveway. L. Daley responded  
22 it was subdivided in the late 70's or early 80's so originally the access was to be from the 30' easement.  
23 J. Plourde said the easement should be confirmed. L. Daley stated the burden of proof for the easement  
24 is on the applicant by doing a title search. L. Daley looked at the neighboring property plans, but was  
25 unable to find any reference to the easement. K. Lehtonen asked what is the minimum driveway width?  
26 L. Daley said the minimum driveway width is 10'. K. Lehtonen said we would not need to use that  
27 easement if it is only 10'. J. Plourde said as long as it does not go on the abutting property at 387  
28 Ponemah Hill Road. Chairman Plourde recognized Lisa Newbury, 387 Ponemah Hill Road, who noted  
29 there are many concerning things on this plan. We have seen how the water runs down the dirt drive,  
30 traffic on Ponemah Hill Road is a concern, run off affecting the watershed and septic installation are all  
31 concerns. At the end of their driveway it is very dangerous when entering Ponemah Hill Road.

32  
33 Mark Desjardins, abutter, said the access point for both driveways is dangerous. Sandra Lehtonen, San-  
34 Ken Homes Inc. does not see any impact to the entry onto Ponemah Hill Road. M. Desjardins stated that  
35 because of the hill, there will be no sight distance. R. Costantino asked why is that different from what is  
36 already being dealt with? L. Newbury said another driveway is being added in the same location. J.  
37 Plourde is hearing some uncertainty about the driveway design, and asked the applicant to come back  
38 with a driveway design from DPW and present that at the next ZBA hearing with the legal requirements  
39 for a driveway on Ponemah Hill Road. K. Lehtonen does not see any issue with this access since it is the  
40 access point that is there now. J. Plourde feels the ZBA does not have enough information on this to-  
41 night. J. Plourde further stated the ZBA would like to see a plan drawn up that shows where the drive-  
42 way would be with regard to the easement and the driveway issue with Lisa Newbury. L. Newbury said  
43 the house location was located near the back of the lot and now is being put closer to her home which  
44 takes away from their experience on their lot. R. Costantino said there are legal setback limits for the  
45 house, asking if Lisa is concerned with those? L. Newbury said they are moving the house closer to her  
46 to get a shorter driveway. K. Lehtonen said it will still be 200' away from her home. M. Desjardins  
47 asked the applicant if he can build a driveway with this terrain, with the grades etc? J. Plourde asked that  
48 any questions be addressed to him so that he can relay them to ask for the information to be brought back  
49 at the next meeting.

**MINUTES OF THE ZBA MEETING SEPTEMBER 17, 2022 VARIANCE CASE  
#2020-22 SAN-KEN HOMES INC - VIA ZOOM**

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

10  
11 Nikki O'Neil, speaking on behalf of the applicant, asked if the Registry of Deeds page could be shown,  
12 since that shows that the plan shows a private road for access to Ponemah Hill Road intended for access,  
13 the deed calls it a private road for the landlocked lot. L. Daley asked if Town Counsel needs to take a  
14 look at this. J. Plourde said the ZBA needs to get more information from the Applicant and get advice  
15 from Town Counsel on that. L. Newbury is concerned with required blasting for septic and a well, she  
16 has a well and septic system and is downhill from this lot. That dirt road flows water like a river when it  
17 rains so drainage is a concern. J. Plourde asked if that is a Planning Board issue. L. Daley met with Lisa  
18 and Mark and this is a permitted use that will require certain permits such as a storm water permit and  
19 blasting permit. Lisa and Mark will be notified of blasting, but there is not a Planning Board approval  
20 required.

21  
22 K. Lehtonen indicated he does not do blasting. R. Costantino said when more information is brought  
23 back, could he also bring more information on drainage. K. Lehtonen said the driveway designs are not  
24 required but he is familiar with building on a hill (Boynton Hill was done by San-Ken Homes) and the  
25 drainage calculations will be done for the driveway. R. Costantino said there are two drainage concerns,  
26 this site and the run off to other sites. K. Lehtonen said the driveway will be paved but we can swale the  
27 driveway so that the water is mitigated along the way. The drainage can be directed so that it does not go  
28 out onto Ponemah Hill Road as it does now. M. Desjardins said he wants to be assured that this is only  
29 for one single family home. J. Plourde responded yes the application is for one home, they would have to  
30 come back to the ZBA if they were to change that. K. Lehtonen indicated he is currently under contract  
31 for a single family residence on this lot.

32  
33 Deena Spanos, 70 Mountain View Court, was told 13 years ago that there was conservation land behind  
34 their property and there are historical stone walls and she wants to confirm that. L. Daley responded that  
35 the conservation land that surrounds this property is common land partly owned by each owner; this par-  
36 ticular lot is privately owned and is not part of that conservation common land. D. Spanos asked about  
37 tree removal and stone wall protection. L. Daley responded that only the stone walls on a scenic road can  
38 be protected, if they are on a private property, there is no protection and a land owner has the right to re-  
39 move trees on their property. J. Plourde asked if there are any other questions that should be asked of the  
40 applicant for him to bring to the next meeting.

41  
42 L. Newbury, abutter, just wants to make sure that it is saved and stays beautiful. J. Plourde asked if the  
43 abutters that are concerned with the safety of Ponemah Hill Road have come to any traffic safety commit-  
44 tee meetings? M. Desjardins said he has not but he could look into that. C. Rowe said his neighbors re-  
45 ceived the notice for tonight's meeting and it has caused a stir; they feel like all the development is caus-  
46 ing a stir to the area. J. Plourde said someone else's property can usually be used however they want.  
47 Wooded space is nice, but it can get developed. J. Plourde encouraged abutters concerned with the safety  
48 of Ponemah Hill Road attend a Traffic Safety Committee meeting.

49  
50 D. Spanos asked what the yellow ribbons are on the trees? J. Plourde answered when a property is being  
51 surveyed, they will mark the trees. K. Lehtonen indicated a development of ten homes was being consid-  
52 ered for this property by the previous owner. He will gather detailed plans for the driveway and drainage

**MINUTES OF THE ZBA MEETING SEPTEMBER 17, 2022 VARIANCE CASE  
#2020-22 SAN-KEN HOMES INC - VIA ZOOM**

1 for the next meeting. S. Lehtonen asked if the checklist could be sent to him so that nothing is missed.  
2 K. Lehtonen said details for the easement, driveway location and property line with existing driveway  
3 will be provided for the next meeting. J. Plourde agreed a checklist could be provided.  
4

5 R. Costantino moved to continue this meeting Case 2020-22 for Variance to October 1, 2020. T. Steel  
6 seconded. A poll was taken: R. Costantino yes; T. Steel yes; K. Lagro yes; J. Plourde yes.  
7

8 Deliberations: There were no deliberations this evening.  
9

10 Voting: There were no votes taken this evening.  
11

12 Meeting Minutes:  
13

14 T. Steel moved to approve the minutes of Case 2020-15 as presented. K. Lagro seconded. A poll was  
15 taken: T. Steel yes; K. Lagro yes; R. Costantino yes; J. Plourde yes.  
16

17 T. Steel moved to approve the minutes of Case 2020-16 as amended. K. Lagro seconded. A poll was  
18 taken: T. Steel yes; K. Lagro yes; R. Costantino yes; J. Plourde yes  
19

20 T. Steel moved to approve the minutes of Case 2020-17 as presented. K. Lagro seconded. A poll was  
21 taken: T. Steel yes; K. Lagro yes; R. Costantino yes; J. Plourde yes  
22

23 T. Steel moved to approve the minutes of Case 2020-18 as presented. K. Lagro seconded. A poll was  
24 taken: T. Steel yes; K. Lagro yes; R. Costantino yes; J. Plourde yes  
25

26 Adjournment: T. Steel moved to adjourn at 10:10 p.m. K. Lagro seconded. A poll was taken: K. Lagro  
27 yes; R. Costantino yes; T. Steel yes; J. Plourde yes.  
28

29 Motion to Approve: \_\_\_\_\_  
30

31 Seconded: \_\_\_\_\_  
32

33 Signed: \_\_\_\_\_  
34

35 Date: \_\_\_\_\_  
36

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

**Town of Milford**  
**Zoning Board of Adjustment**  
**September 17, 2020**  
Case 2020-20  
Souhegan Nursing Association  
Special Exception

**Present:** Jason Plourde, Chair  
Rob Costantino, Vice Chair  
Karin Lagro (Alternate)  
Paul Dargie, BOS Representative  
Tracy Steel  
Michael Thornton  
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**MINUTES OF THE ZBA MEETING SEPTEMBER 17, 2020 SPECIAL EXCEPTION  
CASE #2020-20 SOUHEGAN NURSING ASSOC- SE - VIA ZOOM**

**Case 2020-20**

Souhegan Nursing Association, Inc. for the property located at Milford Tax Map 8, Lot 11-1, 24 North River Road is seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Section 5.04.2.A.6 to permit a change of use from a medical facility to a secondary educational school within the Residential 'R' Zoning District

Robert Demers, representing SNA, explained that Souhegan Nursing Association no longer functions but has title and owns this property which is up North River Road in the Residence R zone. Parking is located in front and in back of the building. There are 2.51 acres and the building was built in the 70's, with two curb cuts. This was a hub for the visiting nurses at one time with about ten people in and out to go out to do the home visits. About 7-8 years ago they stopped and the building has been vacant ever since. St. Joseph's hospital has a two year Physician's Assistant program that is currently being run out of its main campus in Nashua. The hospital would like to have some classroom space in this existing building. The students will still attend classes in Nashua and will also be doing clinical programs in doctor's offices. To start, it will be 3-4 students but they are looking to get 12-15 students that would alternate days on site. There are ten parking spaces in front of the building and 12 spaces in back, the maximum number of people there might be is 15 with instructors. There would be no deliveries or visitors other than the instructors and students. R. Demers continued by stating they are planning for one car per person.

Brad Westgate, attorney representing the applicant, addressed the five criteria, indicated this meets the definition of a school and the R district allows a school by Special Exception. J. Plourde commented this is a great use of the property asking if it will need a site plan approval? L. Daley thinks we can talk with the town Planner but that is a discussion we will have with the Planner after tonight. J. Plourde indicated that Route 13 is under DOT jurisdiction so because it is a change in use you will have to go to the DOT District office in order to get an amended access permit; NH DOT came out with a revised process 5-10 years ago for a trip credit associated with the previous use so he is not sure if they will have a problem at all but you will have to go through that process. B. Westgate indicated that there will be no renovations to the building other than for computer connections and he will talk about that if this goes through a site plan process, the parking requirements and traffic is modest. This meets the definition of school which is allowed with Special Exception in the R district. L. Daley said whether this goes to Planning Board for site plan approval is part of this discussion right now, initially I think yes, but that is subject to a discussion with the Planner. J. Plourde asked if there were questions from the Board.

R. Costantino indicated the MCAA parking is not and has never been adequate and people used to go and park at this facility all the time and it could be an issue now as well. There is adequate parking and there is space to create more parking if needed. T. Steel had no comments but said it is a good use of the building. Robert Demers said they work closely with MCAA and do allow parking during a tournament, we realize people use the parking when we are not using the facility and do not have a problem with that. K. Lagro said this is a thorough application but asked about hours of operation, this is a great use for the building but if classes go into the evening hours that might impact the residences across the street. B. Westgate responded the hours will be 8 am to 5 pm on weekdays and as it develops over time, it might extend into the evening hours. If it is successful, evening programs may be added with about 8 students and instructors for class and clinical. R. Demers said if this goes to evening classes, we will have a designated entrance and exit to prevent car lights from going into the windows across the street.

L. Daley asked if it is anticipated to have other uses at the school that may occur in the evening? B. Westgate said no, it is only for the school, if non-school uses were considered, it would need to be coordinated with planning and zoning. J. Plourde opened the meeting to the public. L. Daley said there is one person that would like to speak.

**MINUTES OF THE ZBA MEETING SEPTEMBER 17, 2020 SPECIAL EXCEPTION  
CASE #2020-20 SOUHEGAN NURSING ASSOC- SE - VIA ZOOM**

1 Steve Bonczar, Jennison Road, owns 25 Hutchinson Point which faces this nursing building, he does not  
2 have an issue with the use, but has concern about the criteria about affecting the adjacent area. The even-  
3 ing hours this could utilize between the 8-5 pm hours are not an issue, but he has an issue with hours go-  
4 ing until 10 pm. The Hutchinson Point community is 55+ and people go to bed early and the point of  
5 access and exit are directly across from the units. The lighting is for the existing use and there needs to  
6 be an update to the lighting plan. The existing lighting is on a pole that is close to the road and projects  
7 light off the property and onto the Hutchinson Point property, he would like to see that lighting projected  
8 differently and onto the property parking lot. J. Plourde asked if the vegetation along that side of  
9 Hutchinson Point is mature yet? S. Bonczar responded no, they will be maintained at an 8 foot height  
10 and will not have enough foliage to block the light. With this change of use, that light should be changed.  
11 R. Costantino agrees with the light being changed to light up the parking lot. R. Demers said that light  
12 was used when it was a 24 hour nursing service and can be adjusted with different lights.  
13

14 L. Daley said as part of a condition, the applicant can work with staff to come up with a lighting plan and  
15 the lumens used. R. Costantino asked about the car lights casting onto the residences and how that is any  
16 different from people leaving a house? S. Bonczar said until 8 pm is one thing, but 10 pm is too late in a  
17 residence R zone, 8 pm would be more reasonable. B. Westgate asked if 9 pm would work with this cur-  
18 rent plan? Vickie said we have a minimum number of clinical hours in order for the students to qualify.  
19 B. Westgate said if it goes until 9 pm that would run with the MCAA field use. R. Demers thinks operat-  
20 ing with MCAA hours (9 pm) might work. S. Bonczar said 9 is better than 10; it is not the lights, it is the  
21 activity going in and out at that hour and it is not fair to the residents living there. This use will generate  
22 more traffic in and out. J. Plourde asked for other input. Seeing none, he read the emails provided by the  
23 applicant. R. Costantino asked what will be done for the hours? J. Plourde asked if there could be a  
24 buffer added for the headlights? R. Demers said they could put up a fence that would block headlights or  
25 some greenery. R. Costantino asked if the ZBA can just talk about approval of this application with day-  
26 time hours? K. Lagro said the latest time she would want to see this open is 8 pm, to which S. Bonczar  
27 agreed. B. Westgate said the hours of 8-5 and future consideration of later hours at a later date.  
28

29 Deliberations:  
30

31 R. Costantino said to just consider the hours of 8-5 pm and take the other later hours up when that comes  
32 up in a few years. K. Lagro and T. Steel stated their preference for limiting the hours of operation from 8  
33 am to 8 pm. Anything beyond 8 pm would need to come back to extend the later hours. After a brief dis-  
34 cussion, members concurred with limiting the hours of operation from 8 am to 8 pm.  
35

36 J. Plourde then proceeded to formally state into the record that the hours of operation for the school use  
37 will be from 8 am to 8 pm. Further, any extended hours beyond the 8pm by applicant/landowner would  
38 require Board approval.  
39

40 The criteria for the Special Exception were discussed:

41 1-R. Costantino yes this is allowed by Special Exception; T. Steel, K. Lagro, and J. Plourde agreed.

42 2- T. Steel yes this is an appropriate use; K. Lagro agreed, the requirements are met for parking and a  
43 separate entrance/exit; R. Costantino and J. Plourde agreed and this will not require more parking

44 3-R. Costantino – lights, noise and later hours are an issue. but as applied for, this use will not affect the  
45 neighborhood. ; K. Lagro agreed; T. Steel agreed and thinks it should keep similar hours to the MCAA  
46 fields; J. Plourde said lighting must be handled as discussed.

47 4-K. Lagro said this will not be a lot of traffic and will be staggered; T. Steel agreed; R. Costantino  
48 agreed, J. Plourde yes and they need an access permit on a NHDOT roadway for a changed use

49 5-T. Steel said the facilities are adequate for this use; R. Costantino yes water and sewer on the site; K.  
50 Lagro they have all facilities for this use; J. Plourde agreed.  
51

52 Voting:

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The ZBA voted on the Special Exception 10.2.1:

- A. R. Costantino yes; T. Steel yes; K. Lagro yes; J. Plourde yes
- B. K. Lagro yes; T. Steel yes; R. Costantino yes; J. Plourde yes.
- C. K. Lagro yes; R. Costantino yes, T. Steel yes; J. Plourde yes
- D. K. Lagro yes; T. Steel yes; R. Costantino yes, J. Plourde yes
- E. R. Costantino yes; T. Steel yes; K. Lagro yes; J. Plourde yes
- F. K. Lagro yes; R. Costantino yes; T. Steel yes; J. Plourde yes
- G. T. Steel yes; K. Lagro yes; R. Costantino yes; J. Plourde yes

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

Are all the specified conditions present under which the Special Exception may be granted? R. Costantino yes; K. Lagro yes, T. Steel yes; J. Plourde yes.

R. Costantino moved to grant Special Exception 2020-20. K. Lagro seconded. A roll call was taken: R. Costantino yes; K. Lagro yes; T. Steel yes; J. Plourde yes.

Chair J. Plourde stated that the criteria of Special Exception have been satisfied and Case 2020-20 has been approved; there is a 30 day appeal process, end date for that is October 17, 2020. J. Plourde thanked the applicant for attending this ZBA virtual meeting.

Motion to Approve: \_\_\_\_\_  
Seconded: \_\_\_\_\_  
Signed: \_\_\_\_\_  
Date: \_\_\_\_\_

**THE MINUTES OF CASE 2020-20 DATED 9/17/2020 WERE APPROVED**