

Town of Milford
Zoning Board of Adjustment
October 1, 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 (arrived 7:10)
Joan Dargie (Alternate)
Lincoln Daley, Director of Community Development

Absent: Wade Campbell

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.
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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 her daughter and niece in the room, K. Lagro 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 and that J. Dargie be seated as a regular member for tonight’s meeting in the absence of M. Thornton. K. Lagro and J. Dargie agreed. A poll was taken: J. Plourde yes; R. Costantino yes; T. Steel yes.

Chairman Plourde continued by stating that there were four cases to be heard tonight. He then proceeded to summarize the hearing process, rules, and procedures for Board Members, applicants and the general public.

Case 2020-22

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

MINUTES OF THE ZBA MEETING OCTOBER 1, 2020 VARIANCE CASE #2020-22
SAN-KEN HOMES INC (CON'T) - VIA ZOOM

1
2 M. Thornton arrived at 7:10 p.m. J. Dargie asked if she could be excused since M. Thornton has arrived,
3 J. Plourde said that is fine. J. Plourde indicated this application was continued from September 17. K.
4 Lehtonen, applicant, indicated he can answer some of the Board's questions but he does not have all of
5 the requested information tonight. J. Plourde said that a decision may not be made tonight since the in-
6 formation being presented was not provided to the ZBA prior to tonight's meeting. K. Lehtonen said the
7 easement is only on Lot 33-1, which was the only lot he could find. It appears it does not carry over. K.
8 Lehtonen did not have anything more on the private road described on the plan. An updated conceptual
9 drawing was presented. John Rohkey is also here tonight. J. Plourde said the ZBA had previously asked
10 for clarification of the easement and if it extends across the abutting property or only has the 10', and K.
11 Lehtonen has answered that question that it does not cross and it is just the 10 feet. K. Lehtonen said that
12 is correct; an extensive title search was not done yet. J. Plourde asked if it was an easement, not a private
13 road? Has anything additional been found on that? K. Lehtonen said it is just that the recorded plan
14 shows it as a private road. L. Daley said the planning files were looked at and confirmed what is being
15 said by K. Lehtonen, it just tapered to 10' back in 1982. J. Plourde asked if there are any other questions
16 from the Board?

17
18 R. Costantino asked if L. Daley confirmed what was said by K. Lehtonen about the easement not cross-
19 ing the other property? L. Daley said that is correct. K. Lehtonen said the driveway sight distance was
20 measured today and there is 314' sight distance when turning left onto Ponemah Hill Road and turning
21 right there is over 400' sight distance. K. Lehtonen indicated on the plan, the driveway for the new home
22 is 450' long and the home is 265' off the road and 225' from the abutter. There will be rip-rap swails for
23 drainage and the water would be diverted off the sight so as not to end up out onto Ponemah Hill Road.
24 J. Plourde asked if there is a shared driveway being looked at or is there enough space between the two
25 driveways? We have not seen any plans yet, an additional driveway could cause one to cross over the
26 other. K. Lehtonen said it is a shared entrance, it would not need to be a shared driveway. J. Plourde
27 said a shared curb cut and then it splits off? R. Costantino noted that last time a picture was shown, it
28 looked like just the driveway entrance was shared. L. Daley asked if it is possible to have a shared
29 driveway? K. Lehtonen said he would be open to that so it is safer. J. Plourde thinks that is a good op-
30 portunity for both parties, it is a little tighter and it would be safer with improved access instead of it just
31 being one large driveway. J. Dargie asked if that can be made a condition of the decision? It looks like it
32 would make sense for that abutter.

33
34 M. Thornton indicated he is on the phone for tonight's meeting, as zoom will not allow him in. In re-
35 sponse, to J. Dargie, J. Plourde said that the ZBA could not require a condition to be placed upon the
36 abutter. J. Plourde agreed, however, that the two land owners can come up with a solution and present it
37 to the Board. M. Thornton said the acute angle of turning is a safety issue. R. Costantino said that
38 driveway already exists. J. Plourde said the only way the town has a say is if that existing driveway
39 crosses into the other property but we do not have that information. J. Plourde does not feel comfortable
40 making any decision without all of the information. M. Thornton agrees and said the ZBA can tell them
41 what information we still need. K. Lehtonen asked what would need to be provided for that? L. Daley
42 said the deed reference to it as an easement. K. Lehtonen said we have 10 feet of owned frontage. John
43 Rohkey said he has 10.10' of legal frontage on Ponemah Hill Road. J. Plourde asked if a sketch could be
44 put together to show the two driveway entrances. J. Plourde asked if there were any further questions
45 from Board members? A poll was taken: R. Costantino no; K. Lagro no, T. Steel no, M. Thornton no; J.
46 Dargie no, J. Plourde no. J. Plourde opened the meeting to the public.

47
48 Lisa Newberry, abutter, approves of the due diligence and the questions being asked. L. Newberry said
49 they are willing to talk to K. Lehtonen about coming up with a good plan because the corner is crazy. J.
50 Plourde thanked L. Newberry for that, noting it is the same goal and he appreciated her being open to
51 discuss this with the applicant. There were no other public comments. The public portion of the meeting
52 was closed. M. Thornton moved to continue this application to November 5, 2020 and that the ZBA be

**MINUTES OF THE ZBA MEETING OCTOBER 1, 2020 VARIANCE CASE #2020-22
SAN-KEN HOMES INC (CON'T) - VIA ZOOM**

1 provided with the requested information in enough time for the Board to review the information and be
2 provided additional information for the driveway. R. Costantino seconded. A poll was taken: M.
3 Thornton yes; R. Costantino yes; T. Steel yes; K. Lagro yes; J. Plourde yes. This application was contin-
4 ued to November 5, 2020.

5

6 Deliberations: There were no deliberations this evening.

7

8 Voting: There were no votes taken this evening.

9

10 Meeting Minutes: There were no meeting minutes reviewed this evening.

11

12

13 Motion to Approve: _____

14

15 Seconded: _____

16

17 Signed: _____

18

19 Date: _____

20

21 **THE MINUTES OF CASE 2020-22 DATED 10/1/2020 WERE APPROVED**

Town of Milford
Zoning Board of Adjustment
October 1, 2020
Case 2020-23
Clark Set Back
Special Exception

Present: Jason Plourde, Chair
Rob Costantino, Vice Chair
Karin Lagro (Alternate)
Paul Dargie, BOS Representative
Tracy Steel
Michael Thornton (arrived 7:10)
Joan Dargie (Alternate)
Lincoln Daley, Director of Community Development

Absent: Wade Campbell

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Chairman Plourde continued by stating that there were four cases to be heard tonight. He then proceeded to summarize the hearing process, rules, and procedures for Board Members, applicants and the general public.

Case 2020-23

Jason and Susan Clark, 28 Glenn Drive, Milford Tax Map 30, Lot 86-5 is seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.02.02.A.8 to the construction of a 150 s.f. addition to the existing single-family residence 4 feet within the 15 foot rear dimensional setback in the Residential 'A' Zoning District.

MINUTES OF THE ZBA MEETING OCTOBER 1, 2020 SE CASE #2020-23 JASON CLARK - VIA ZOOM

1 Jason Clark, applicant, explained the application before the ZBA is to add to the kitchen which results in
2 encroachment into the 15' setback. J. Clark said we are at the end of the cul-de-sac and this addition
3 would allow a reasonably sized kitchen. The details of the application and criteria were reviewed and
4 there will be no tree removal. The addition will replace the existing kitchen; this will go about 4' into the
5 setback, so it is 11' away from the property line and there will be no trees removed. J. Plourde asked for
6 questions from the Board.

7
8 R. Costantino and T. Steel had no questions. L. Daley asked what is on the corner of the garage? J.
9 Clark said that is a small shed with bikes stored inside that will be moved from where it is. J. Plourde
10 opened the public portion of the meeting. J. Plourde asked if any abutters want to speak and to press *9
11 if they wish to speak. L. Daley said there is no one waiting to speak. J. Plourde closed the public meet-
12 ing and asked if the ZBA had further questions? A poll was taken: T. Steel no; R. Costantino; M.
13 Thornton no; J. Plourde no. The Board entered deliberations.

14
15 Deliberations: J. Plourde asked if board members would like to deliberate the criteria:

16 A-R. Costantino indicated that this is allowed in the ordinance under a Special Exception. M. Thornton
17 said there is a reasonable the proportionate need.

18 B-K. Lagro said this is just adding to a single family residence and otherwise there is no change; T. Steel
19 said yes the shape of the lots in the area and the position of the house make this desired to the homeown-
20 er; R. Costantino said the kitchen is being opened up and this is a corner of the house so it is appropriate.

21 C-M. Thornton and T. Steel indicated this will not have any effect on the neighborhood; K. Lagro said it
22 will not have an adverse effect on the area; R. Costantino initially had an issue with this and was looking
23 for some buffer but the lots are small and this seems to be frequently done in this area. This is only one
24 corner of the house that is going into the setback and has very little impact. M. Thornton said in other
25 instances, the Planning Board and ZBA has asked the applicant to mitigate the impact in the setback. R.
26 Costantino does not feel that is necessary since there is existing landscaping and gardens there. J.
27 Plourde said that might be something to consider on other applications, but does not think it is for this
28 one.

29 D-T. Steel said this will not affect any traffic flow; K. Lagro added she sees no hazards; R. Costantino,
30 M. Thornton and J. Plourde agree.

31 E-R. Costantino said yes; M. Thornton does not see anything that the inspector would not see that would
32 affect any of the abutters; T. Steel agrees; K. Lagro agrees it is a small addition; J. Plourde agrees and
33 said it will be consistent and to code.

34 J. Plourde noted the ZBA will now begin voting on this application.

35
36 Voting:

37 A-R. Costantino yes; T. Steel yes; M. Thornton yes; K. Lagro yes; J. Plourde yes.

38 B-T. Steel yes; M. Thornton yes; K. Lagro yes; R. Costantino yes; J. Plourde yes.

39 C-M. Thornton yes; K. Lagro yes; R. Costantino yes; T. Steel yes; J. Plourde yes.

40 D-K. Lagro yes; R. Costantino yes; T. Steel yes; M. Thornton yes; J. Plourde yes.

41 E-R. Costantino yes; T. Steel yes; M. Thornton yes; K. Lagro yes; J. Plourde yes.

42 F-T. Steel yes; M. Thornton yes; K. Lagro yes; R. Costantino yes; J. Plourde yes.

43 G-M. Thornton yes; K. Lagro yes; R. Costantino yes; T. Steel yes; J. Plourde yes.

44
45 R. Costantino moved to approve the Special Exception from the 15 foot setback for this addition. T. Steel
46 seconded. A poll was taken: R. Costantino yes; T. Steel yes; M. Thornton yes; K. Lagro yes; J. Plourde
47 yes.

48
49 J. Plourde stated the ZBA has approved this Special Exception noting there is a 30-day appeal period dur-
50 ing which the case can be appealed. J. Clark thanked the ZBA.

MINUTES OF THE ZBA MEETING OCTOBER 1, 2020 SE CASE #2020-23 JASON CLARK - VIA ZOOM

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Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

THE MINUTES OF CASE 2020-23 DATED 10/1/2020 WERE APPROVED

Town of Milford
Zoning Board of Adjustment
October 1, 2020
Case 2020-24
San-Ken Homes Inc.
Variance

Present: Jason Plourde, Chair
Rob Costantino, Vice Chair
Karin Lagro (Alternate)
Paul Dargie, BOS Representative
Tracy Steel
Michael Thornton (arrived 7:10)
Joan Dargie (Alternate)
Lincoln Daley, Director of Community Development

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Chairman Plourde continued by stating that there were four cases to be heard tonight. He then proceeded to summarize the hearing process, rules, and procedures for Board Members, applicants and the general public.

Case 2020-24

San-Ken Homes, Inc. for the property located at Milford Tax 30, Lot 19 is seeking a VARIANCE from the Milford Zoning Ordinance, Article V, Section 5.02.4.A to permit the construction of a 7 unit condominium development and related site improvements on a lot of record with less than the minimum re-

**MINUTES OF THE ZBA MEETING OCTOBER 1, 2020 VARIANCE CASE #2020-24
SAN-KEN HOMES - VIA ZOOM**

1 quired frontage (100') on a principle route of access on a Class V road or better in the Residential 'A'
2 Zoning District.

3 Since Case 2020-25 was continued to October 15, 2020, it was determined this case must also be tabled.
4 R. Costantino moved to table Case 2020-24 to October 15, 2020. T. Steel seconded. A poll was taken:
5 R. Costantino yes; T. Steel yes; M. Thornton yes; K. Lagro yes; J. Plourde yes.

6 Deliberations: There were no deliberations this evening.

7

8 Voting: There was no voting this evening.

9

10 M. Thornton moved to adjourn at 10:12 p.m. R. Costantino seconded. A poll was taken: M. Thornton
11 yes; R. Costantino yes; K. Lagro yes; T. Steel yes; J Plourde yes.

12

13

14 Motion to Approve: _____

15

16 Seconded: _____

17

18 Signed: _____

19

20 Date: _____

21

22 **THE MINUTES OF CASE 2020-24 DATED 10/1/2020 WERE APPROVED**

Town of Milford
Zoning Board of Adjustment
October 1, 2020
Case 2020-25
San-Ken Homes Inc.
Variance

Present: Jason Plourde, Chair
Rob Costantino, Vice Chair
Karin Lagro (Alternate)
Paul Dargie, BOS Representative
Tracy Steel
Michael Thornton (arrived 7:10)
Joan Dargie (Alternate)
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Chairman Plourde continued by stating that there were four cases to be heard tonight. He then proceeded to summarize the hearing process, rules, and procedures for Board Members, applicants and the general public.

J. Plourde indicated that the two cases 2020-24 and 2020-25 are for the same property, Case 2020-24 is to allow a condominium development without the required frontage, but the multi-unit building has not been approved for this lot, which is Case 2020-25. J. Plourde asked the applicant if these could be talked about in reverse order, to talk about the multi-family application for a 7-unit condominium building (multi-family) first and if that is allowed then move into the frontage variance case 2020-24. R. Costantino and M. Thornton agreed that would be best. R. Costantino moved to hear Case 2020-25 before Case

**MINUTES OF THE ZBA MEETING OCTOBER 1, 2020 VARIANCE CASE #2020-25
SAN-KEN HOMES MULTI-FAMILY - VIA ZOOM**

1 2020-24 and to deliberate and vote on them separately. M. Thornton seconded. A poll was taken: T.
2 Steel yes; K. Lagro yes; R. Costantino yes, M. Thornton yes; J. Plourde yes.

3 **Case 2020-25**

4
5 San-Ken Homes, Inc. for the property located at Milford Tax 30, Lot 19 is seeking a VARIANCE from
6 the Milford Zoning Ordinance, Article V, Sections 5.02.1 and 5.02.3 to permit the construction of a 7
7 unit condominium multi-family development on a property within the Residential 'A' District.
8

9 K. Lehtonen explained this is a 5.96 acre lot and this is identified as the best use for this property.
10 Townhomes were being considered as they would fit in nicely with the area. John Rohke, engineer, said
11 this is an almost 6 acre parcel that has been in this configuration since about 1936. The criteria were re-
12 viewed. J. Rohke said if we could put in a road, we could divide it into several lots. The homes in this
13 area have smaller lots, there are existing multi-family homes in this Residence A district. These town
14 homes will be single story units. The water line will be upgraded on Nashua Street. This is a unique
15 property in the neighborhood, for which the best use would be a condominium building which will pro-
16 vide more things than a single family residence would. Instead of subdividing this property, where eve-
17 rything would be maintained by different owners, this would be one single owner. At the site walk, the
18 bounds were looked at. The driveway will be double width. These units will all be one floor units.
19 There has been concern about not having guest parking. With a hammerhead turn around, it is designed
20 to allow for visitor parking which will be discussed at the Planning Board level. There will be under-
21 ground detention ponds which will drain and be controlled into the wetland after treatment. J. Rohke
22 asked for questions.
23

24 J. Dargie asked if the only way into the property is over an easement? J. Rohke answered there is 35'
25 frontage on Wheeler Street. J. Dargie said is that the frontage? J. Rohke said the driveway will be 25'
26 wide. L. Daley said the survey says it is 30.22'. J. Rohke said the driveway will be 20' wide to access
27 the units. It is a driveway but it is wide enough to have two-way traffic. J. Dargie asked will this be a
28 town road? J. Rohke said it will be privately maintained. L. Daley said it will not be a public roadway.
29 R. Costantino asked what is the distance between the driveway and the retaining wall in the back? J.
30 Rohke said it is 70' to the retaining wall. R. Costantino asked the width of the land where the buildings
31 are. J. Rohke said about 300' of buildable area. J. Dargie asked how wide Farley Road and Wheeler
32 Street are? She remembers them being pretty narrow. J. Dargie asked if we would be allowing 7 units
33 with 30' of frontage? J. Plourde said this would be one driveway, 20' wide, to get private access to the
34 seven units. J. Plourde does not have a problem with the driveway being 20' wide because that meets the
35 regulations. J. Dargie said the town has a requirement for density, so that density is reduced, a single
36 family home would be fine, she questions putting 7 units on that location with a 20' wide driveway. J.
37 Plourde and M. Thornton both agreed with J. Dargie, the main reason to enforce the frontage is because
38 of density. J. Dargie said this is mostly wetland and there is not much of this parcel that is buildable. M.
39 Thornton said it is a large parcel, but only a small portion of it is buildable. L. Daley said the current
40 plan shows that it is bisected by a large wetland area.
41

42 K. Lehtonen said he considered developing between the Souhegan River and the wetland but decided to
43 put the units closer to Wheeler Street. L. Daley said it was mentioned that subdivision was a possibility,
44 can K. Lehtonen elaborate on that? Did you use the Residence B multi-family allowance on this? J.
45 Rohke said he can subdivide this lot which would include making a town road for one single family home
46 in this zone. L. Daley said the subdivision requirements include a 50' right of way. J. Rohke said yes,
47 we would need a public road with several lots. L. Daley asked if there were any alternatives to the densi-
48 ty considered? J. Rohke said he looked at seven units which is what was allowed in the calculation. If
49 the Board feels that a lesser number would be better, we can take a look at it. M. Thornton asked if it is
50 true there is only about a half-acre of buildable land? What is the minimum lot size? The parcel is very
51 unique in its character that it would be difficult to approve anything. L. Daley said Residence A allows

**MINUTES OF THE ZBA MEETING OCTOBER 1, 2020 VARIANCE CASE #2020-25
SAN-KEN HOMES MULTI-FAMILY - VIA ZOOM**

1 for 15,000 sf lots. M. Thornton wants to make sure it falls in the ZBA purview to grant relief. L. Daley
2 said the ZBA purview is with multi-family use which is not allowed in the Residence A zone. M.
3 Thornton said we are only answering the question of multi-family, part of the analysis is the response to
4 the criteria and the impact to the neighborhood. L. Daley said the ZBA is not making that determination
5 right now, we need additional analysis. J. Plourde said the application states the traffic would not have
6 an impact on the neighborhood. J. Rohke said that is based on the type of units, but a traffic study was
7 not done. A trip generation was not done. J. Plourde said for a 7-unit multi-family development, he
8 wants to make sure that the traffic is considered, the traffic generated needs to be talked about. J.
9 Plourde asked if the driveway regulations were looked at? J. Rohke said they were not. J. Plourde said
10 that needs to be looked at because there is a requirement for use for apartment driveways. J. Plourde
11 indicated part of the criteria is the impact on surrounding properties. J. Rohke believes that the surround-
12 ing lots will not be impacted. J. Plourde asked if there are any comparable uses in this area? J. Rohke
13 said there is one duplex on Wheeler Street and another in the neighborhood.

14
15 L. Daley suggested that the applicant provide a list of comparable houses in the neighborhood. J.
16 Plourde said that information would be helpful. L. Daley offered to help to do that, he found about 6-7
17 multi-family houses in that area including Nashua Street. K. Lehtonen noted that this neighborhood is
18 very different from the Nashua Street side. J. Plourde said this discussion is only regarding the case for
19 multi-family in a Residence A zone. The ZBA will be continuing the meeting so the applicant and abut-
20 ters have an opportunity to comment at the next meeting.

21
22 Natalie Curtis, abutter 8 Farley Street, is concerned with the impact to the traffic since is a very narrow
23 road and people may need to park in the street. Adding a multi-family building makes it more concern-
24 ing. J. Plourde read a letter from Natalie Curtis into the record. Eric McDougall sent through some criti-
25 cisms on this applicant and spoke out against this. J. Plourde read the letter from E. McDougall into the
26 record. E. McDougall feels the home values in the neighborhood will not go up but might possibly go
27 down. R. Flurry, 2 Spruce Street, stated that the person leading the site walk was rude in the beginning
28 and at the end of the site walk. There are wetlands on the back of this parcel and he cannot see that 7
29 units will add to the neighborhood. A. Somers, 16 Farley Street, asked about guest parking on the road,
30 stating that will be a problem, this would impact the entire neighborhood and everyone in the neigh-
31 borhood has come together in opposition to this application. Danielle and Jacob Sherman asked how many
32 board members were at the site walk, he requested another site walk for members of the ZBA to walk the
33 site again. Luke Bailey, 10 Spruce Street, is not in favor of these condos, adding 7 units does not go with
34 the spirit of the neighborhood and it would ruin what is there and the ZBA should walk the site to see that
35 it will be in their backyards. Kristin Makara, 6 Farley Street, feels this would affect the neighborhood, it
36 would be a nightmare.

37
38 L. Daley asked the ZBA to pick a date for another site walk in the neighborhood and the site. Saturday
39 October 10 at 11:00 am was agreed on. A poll was taken: R. Costantino yes; K. Lagro yes; T. Steel yes;
40 M. Thornton yes; J. Dargie yes, J. Plourde yes. Ken Lehtonen said he can also be at the site that day.

41
42 At the end of this discussion, it was determined that the following needs to be addressed by the applicant:
43 1-analysis of the neighborhood comparable uses;
44 2-traffic analysis within the lot;
45 3-develop area to support a 7 unit density;
46 4-property value impact (provide comparables)

47
48 T. Steel moved to continue application 2020-25 to October 15, 2020. R. Costantino seconded. A poll
49 was taken: M. Thornton yes; T. Steel yes; R. Costantino yes; K. Lagro yes; J. Plourde yes

50
51 Deliberations: There were no deliberations on this case this evening.

**MINUTES OF THE ZBA MEETING OCTOBER 1, 2020 VARIANCE CASE #2020-25
SAN-KEN HOMES MULTI-FAMILY - VIA ZOOM**

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Voting: There were no votes taken on this application this evening.

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

THE MINUTES OF CASE 2020-25 DATED 10/1/2020 WERE APPROVED