

**Town of Milford
Zoning Board of Adjustment
AUGUST 5, 2021
Public Hearings**

**CASE #2021-10 Duane S. Myers Revocable Trust, Duane S. Myers Trustee, SPECIAL EXCEPTION
CASE #2021-15 Ryan and Abby Farnsworth, SPECIAL EXCEPTION
CASE #2021-16 Gretchen Davidson, VARIANCE**

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

Not Present: Tracy Steele, Member
Jane Hesketh, Recording Clerk

Meeting Agenda

1. Call to Order
2. Public Hearing(s):
 - a. **Case #2021-10** Duane S. Myers Revocable Trust, Duane S. Myers Trustee, for the property located at 4 Fernwood Drive, Tax Map 48, Lot 55 is seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.04.2.7 to allow the construction of a 24' x 28' accessory structure (detached garage) within the 30 foot and 15 foot side dimensional setbacks in the Residential 'R' Zoning District.
 - b. **Case #2021-15** Ryan and Abby Farnsworth for the property located at 53 Valhalla Drive, Tax Map 36, Lot 74 is seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.02.2.A.8 to allow the construction of accessory structure (shed) within the 15 foot side dimensional setback in the Residential 'A' Zoning District.
 - c. **Case #2021-16** Gretchen Davidson for the property located at 64 Federal Hill Road, Tax Map 48, Lot 43 is seeking a Variance from Milford Zoning Ordinance, Article V, Section 5.02.4 to allow the creation/subdivision of a lot with less than the minimum required frontage (150') on a principle route of access on a Class V road or better in the Residential 'A' Zoning District.
3. Meeting Minutes: 6/17/21, 7/1/21
4. Other Business: TBD 5. Next Meeting: a. August 19, 2021 b. September 2, 2021

1 **MINUTES OF THE ZBA MEETING AUGUST 5, 2021**
2 **Public Hearings**
3 **CASE #2021-10 Duane S. Myers Revocable Trust, Duane S. Myers Trustee, SPECIAL EXCEPTION**
4 **CASE #2021-15 Ryan and Abby Farnsworth, SPECIAL EXCEPTION**
5 **CASE #2021-16 Gretchen Davidson, VARIANCE**
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8 **1. CALL TO ORDER**
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10 Chair Plourde opened the meeting by welcoming everyone and introducing himself. He welcomed those attending in person
11 and electronically since this meeting is being conducted in a unique manner.
12

13 He stated you may also attend this meeting in person at the Milford Town Hall, Board of Selectmen’s Meeting Room with
14 all Covid protocols in place.
15

16 If you would like to participate in the public meeting, please call this number from home: +1 646-558-8656 and enter the
17 Meeting ID: 851 6407 7601 and Password: 269952 or log in via www.zoom.com using the Meeting ID and Password
18 previously stated.
19

20 A digital copy of the meeting materials can be found on the Town website at: [https://www.milford.nh.gov/zoning-board-
21 adjustment/agenda/zba-agenda-01july2021](https://www.milford.nh.gov/zoning-board-adjustment/agenda/zba-agenda-01july2021). We will also be live streaming the meeting on Granite Town Media,
22 Government Channel 21: <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>
23

24 He then went on to inform everyone about the procedures of the Board.
25

26 Chair Plourde stated all votes taken during the meeting must be done by Roll Call vote. He started the meeting with a roll
27 call attendance by asking each member to state their name, where they are located (for those attending remotely) and if
28 there was anyone in the room with them. This is required under the Right-to-Know Law. Roll Call Attendance: Jason
29 Plourde present; K. Lagro present; M. Thornton present; R. Costantino present; J. Dargie.
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31 Chair Plourde stated there are 4 voting members present and 1 alternate, therefore, Joan Dargie will be a voting member for
32 this meeting. He then stated there are 3 cases; 1 has requested a postponement, 1 is a new case and 1 was a case previously
33 postponed.
34

35 He then explained the process of the case hearings for the applicants and the public. He said a full agenda may not allow all
36 cases to be heard and that at 10:00 p.m. the meeting will end. He explained how the meeting would proceed for the cases
37 that may not be heard in that they would be continued to the next meeting or another agreed upon meeting. He also
38 explained the notification process for continued cases.
39

40 He then asked for a motion to take the cases out of order since the last case, #2021-16, has requested a postponement. J.
41 Dargie made a motion to hear the cases out of order and R. Costantino seconded the motion. The Chair asked for a vote on
42 this motion: M. Thornton yes; R. Costantino yes; J. Dargie yes; K. Lagro yes; chair votes yes.
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44 He then moved onto the first case.
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MINUTES OF THE ZBA MEETING AUGUST 5, 2021

Public Hearings

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

CASE #2021-15 Ryan and Abby Farnsworth, SPECIAL EXCEPTION

CASE #2021-16 Gretchen Davidson, VARIANCE

2. PUBLIC HEARINGS

a. Case #2021-16 Gretchen Davidson

For the property located at 64 Federal Hill Road, Tax Map 48, Lot 43 is seeking a Variance from Milford Zoning Ordinance, Article V, Section 5.02.4 to allow the creation/subdivision of a lot with less than the minimum required frontage (150') on a principle route of access on a Class V road or better in the Residential 'A' Zoning District.

J. Dargie made a motion to postpone Case #2021-16 to September 2, 2021 and R. Costantino seconded it. J. Plourde asked for a vote on this motion: M. Thornton yes; R. Costantino yes; K. Lagro yes; J. Dargie yes; chair votes yes.

Case #2021-16 will be postponed to September 2, 2021 at 7:00 p.m.

Chair Plourde moved on to the next case.

b. Case #2021-10 Duane S. Myers Revocable Trust, Duane S. Myers Trustee

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

The applicant, Duane Myers, stepped forward to make his presentation.

He explained he needs the extra space for his cars. He showed on a map where the garage will be placed and the concerns with the septic field location. Now that he knows where the septic is located, he is able to situate the proposed garage to the left of the driveway. There was discussion regarding the portion of his driveway that is shared with the town; specifically in regards to snow plowing.

J. Plourde asked how tall the garage will be. D. Myers: 8 ft. doors and a 12' pitch roof.

D. Myers explained the map of his property that shows where the garage will be built (signified by a black outline). It shows that it will be 20' from the front property line, 10' from the septic and 1 foot from the shared town portion (notch). He also showed a layout with a mockup of the proposed garage as well as various other pictures. The pictures assisted in depicting to the board how the structure will be placed especially in relation to the turnaround for the town trucks.

J. Plourde asked the board if there were any questions in regards to the criteria. The board expressed their appreciation for the amount of work put into the presentation and felt it was very thorough. There were no further questions so Chair Plourde opened the meeting to the public. There were no comments from the public so that portion of the meeting was closed.

Deliberations:

J. Plourde stated deliberations will be for the 5 Special Exception criteria under 10.2.1:

a. Criteria: proposed use is similar to those permitted in the district

J. Dargie: it is similar; this is a 2 car garage

K. Lagro: agrees with J. Dargie

R. Costantino: nothing to add

M. Thornton: perfectly normal to have a 2 car garage

J. Plourde: agrees

1 **MINUTES OF THE ZBA MEETING AUGUST 5, 2021**

2 **Public Hearings**

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

4 **CASE #2021-15 Ryan and Abby Farnsworth, SPECIAL EXCEPTION**

5 **CASE #2021-16 Gretchen Davidson, VARIANCE**

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8 **2. PUBLIC HEARINGS**

9 **b. Criteria: specific site is in an appropriate location for the proposed use**

10 M. Thornton: the placement is appropriate for the town and the property owner

11 R. Costantino: agrees with M. Thornton and it does not change the character of the house or the neighborhood

12 K. Lagro: the location allows for the turn-around of town vehicles for snow removal

13 J. Dargie: agrees with K. Lagro

14 J. Plourde: agrees

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17 **c. Criteria: the use as developed will not adversely affect the adjacent area**

18 K. Lagro: dead end street with no possibility that this will change and allows for snow removal

19 J. Dargie: nothing is going to change in this area

20 M. Thornton: does not appear that anyone will be negatively affected

21 R. Costantino: agrees

22 J. Plourde: agrees

23
24 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

25 R. Costantino: surrounded by town property; sees no nuisance being created

26 M. Thornton: agrees

27 J. Dargie: agrees

28 K. Lagro: agrees

29 J. Plourde: agrees

30
31 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

32 J. Dargie: it will be adequate and appropriate

33 K. Lagro: the driveway is wide enough for the use of the garage and not impact the town turn-around

34 R. Costantino: agrees and pointed out there will be a town inspection

35 M. Thornton: agrees

36 J. Plourde: agrees

37
38 L. Daley pointed out there will be a second floor in the garage with a bathroom which will access the existing
39 septic.

40
41 **Voting:**

42
43 The ZBA voted on the 5 criteria under Special Exception 10.2.1.

44 a. R. Costantino yes; K. Lagro yes; M. Thornton yes; J. Dargie yes; chair votes yes

45 b. K. Lagro yes; M. Thornton yes; J. Dargie yes; R. Costantino yes; chair votes yes.

46 c. M. Thornton yes; J. Dargie yes; R. Costantino yes; K. Lagro yes; chair votes yes.

47 d. J. Dargie yes; R. Costantino yes; K. Lagro yes; M. Thornton yes; chair votes yes.

48 e. R. Costantino yes; K. Lagro yes; M. Thornton yes; J. Dargie yes; chair votes yes.

49
50 Is the Special Exception allowed by the Ordinance? K. Lagro yes; M. Thornton yes; J. Dargie yes; R. Costantino yes; chair
51 votes yes.

52
53 Are all the specified conditions present under which the Special Exception may be granted? M. Thornton yes; J. Dargie yes;
54 R. Costantino yes; K. Lagro yes; chair votes yes.

55 Chair Plourde stated all the criteria for the Special Exception has been satisfied.

56
57 Chair Plourde asked if there is a motion to approve **Case #2021-10 Duane S. Myers Revocable Trust, Duane S. Myers**
58 **Trustee** for the property located at 4 Fernwood Drive, Tax Map 48, Lot 55 is seeking a Special Exception from the Milford
59 Zoning Ordinance, Article V, Section 5.04.2.7 to allow the construction of a 24' x 28' accessory structure (detached garage)
60 within the 30 foot and 15 foot side dimensional setbacks in the Residential 'R' Zoning District.

1 **MINUTES OF THE ZBA MEETING AUGUST 5, 2021**
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5 **CASE #2021-16 Gretchen Davidson, VARIANCE**
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8 **2. PUBLIC HEARINGS (continued)**
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10 J. Dargie made a motion to approve **Case #2021-10** and K. Lagro seconded the motion.
11

12 J. Plourde: A motion has been made to approve **Case #2021-10**. Those in favor: J. Dargie yes; R. Costantino yes; K. Lagro
13 yes; M. Thornton yes; chair votes yes.
14

15 Chair Plourde stated the criteria for the special exception request had been satisfied and the application approved. There is a
16 30 day appeal period that can be filed with the Zoning Board.
17

18 **c. Case #2021-15 Ryan and Abby Farnsworth**

19 For the property located at 53 Valhalla Drive, Tax Map 36, Lot 74 is seeking a Special Exception from the Milford Zoning
20 Ordinance, Article V, Section 5.02.2.A.8 to allow the construction of accessory structure (shed) within the 15 foot side
21 dimensional setback in the Residential 'A' Zoning District.
22

23 Ryan Farnsworth stepped forward to address the board. He stated he is looking to replace the existing 2 shed. The square
24 footage will be less than the 2 sheds presently there, but it will be one large shed. He explained it will be best placed where
25 the current sheds are located, but it is within the 15 foot set back. He the access is needed to be closer to the driveway. He
26 has checked with neighbors. In addition, a survey was done of the property which determined there is more property than
27 he thought. The current sheds are within 6 feet of the property line and the proposed shed (which will be wider) will be
28 within 4 feet of the property line. He presented a picture of the current sheds and his yard. He explained how removing the
29 2 sheds with one larger shed to match the house will be more aesthetically pleasing and in line with the characteristics of
30 the neighborhood. There are letters from neighbors in the packet he submitted. He then went on to state having the shed in
31 the backyard would create a drainage problem.
32

33 J. Plourde then discussed the possibility of having the new shed sit 6 feet instead of the 4 feet from the property line;
34 especially because the square footage of the 1 shed will be less than the current 2 sheds.
35

36 R. Farnsworth: Vinyl fencing that encloses the yard with arbor would have to be moved since the new shed is wider than
37 the 2 sheds.
38

39 J. Plourde: He stated the new shed will clean the yard up and will provide privacy for the neighbors as well.
40 He asked if there were questions.
41

42 R. Costantino stated he appreciated the map of the other sheds in the neighborhood and liked the applicant's presentation.
43

44 M. Thornton: To L. Daley and J. Plourde are we discussing section 5.02.2.8? L. Daley: yes
45

46 K. Largo: no questions; stated her appreciation for the thorough presentation
47

48 J. Dargie: no questions; just confirmed the size of the shed
49

50 J. Plourde opened the meeting to the public. Hearing none and seeing none he closed the meeting to the public and moved
51 to deliberations.
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54 **Deliberations:**
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56 J. Plourde stated deliberations will be for the 5 Special Exception criteria under 10.2.1:
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1 **MINUTES OF THE ZBA MEETING AUGUST 5, 2021**

2 **Public Hearings**

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

4 **CASE #2021-15 Ryan and Abby Farnsworth, SPECIAL EXCEPTION**

5 **CASE #2021-16 Gretchen Davidson, VARIANCE**

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

9 **a. Criteria: proposed use is similar to those permitted in the district**

10 M. Thornton: absolutely; looking at the neighborhood this type of shed is common

11 R. Costantino: sheds are allowed within the setback with a special exception

12 K. Lagro: agrees

13 J. Dargie: agrees

14 J. Plourde: agrees

15
16 **b. Criteria: specific site is in an appropriate location for the proposed use**

17 R. Costantino: yes, replacing existing sheds in the same spot

18 K. Lagro: neighbors agree

19 J. Dargie: agrees

20 M. Thornton: agrees

21 J. Plourde: agrees especially by looking at it from both sides

22
23 **c. Criteria: the use as developed will not adversely affect the adjacent area**

24 K. Lagro: it will actually improve the area

25 J. Dargie: agrees it will not adversely affect the area

26 M. Thornton: it will not and neighbors are in favor

27 R. Costantino: agrees

28 J. Plourde: agrees

29
30 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

31 J. Dargie: probably a safer situation

32 M. Thornton: sees no reason this would be hazardous

33 R. Costantino: agrees

34 K. Lagro: agrees

35 J. Plourde: agrees

36
37 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

38 M. Thornton: sees no facilities that would be necessary for operating a shed

39 R. Costantino: agrees

40 K. Lagro: agrees

41 J. Dargie: agrees

42 J. Plourde: agrees

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44 **Voting:**

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47 The ZBA voted on the 5 criteria under Special Exception 10.2.1.

48 a. R. Costantino yes; K. Lagro yes; M. Thornton yes; J. Dargie yes; chair votes yes

49 b. K. Lagro yes; M. Thornton yes; J. Dargie yes; R. Costantino yes; chair votes yes.

50 c. M. Thornton yes; J. Dargie yes; R. Costantino yes; K. Lagro yes; chair votes yes.

51 d. J. Dargie yes; R. Costantino yes; K. Lagro yes; M. Thornton yes; chair votes yes.

52 e. R. Costantino yes; K. Lagro yes; M. Thornton yes; J. Dargie yes; chair votes yes.

53
54 Is the Special Exception allowed by the Ordinance? K. Lagro yes; M. Thornton yes; J. Dargie yes; R. Costantino yes; chair
55 votes yes.

56
57 Are all the specified conditions present under which the Special Exception may be granted? M. Thornton yes; J. Dargie yes;
58 R. Costantino yes; K. Lagro yes; chair votes yes.

59
60 Chair Plourde stated all the criteria for the Special Exception has been satisfied.

1 **MINUTES OF THE ZBA MEETING AUGUST 5, 2021**
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5 **CASE #2021-16 Gretchen Davidson, VARIANCE**
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8 **2. PUBLIC HEARINGS (continued)**
9

10 Chair Plourde asked if there is a motion to approve **Case #2021-15 Ryan and Abby Farnsworth** for the property located
11 at 53 Valhalla Drive, Tax Map 36, Lot 74 is seeking a Special Exception from the Milford Zoning Ordinance, Article V,
12 Section 5.02.2.A.8 to allow the construction of accessory structure (shed) within the 15 foot side dimensional setback in the
13 Residential 'A' Zoning District.
14

15 L. Daley: clarification; it is 4 feet from the side setback.
16 J. Plourde recognized this clarification.
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18 J. Dargie made a motion to approve **Case #2021-15** and R. Costantino seconded the motion.
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20 J. Plourde: A motion has been made to approve **Case #2021-15**. Those in favor: R. Costantino yes; K. Lagro yes; M.
21 Thornton yes; J. Dargie yes; chair votes yes.
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23 Chair Plourde stated the criteria for the special exception request had been satisfied and the application approved. There is a
24 30 day appeal period that can be filed with the Zoning Board.
25

26 **3. MEETING MINUTES**
27

28 J. Plourde: unable to approve minutes at this meeting since they still need to be reviewed by the board.
29

30 **4. OTHER BUSINESS**
31

32 J. Plourde asked for a vote for R. Costantino being Vice Chair. R. Costantino accepted. Vote: J. Dargie yes; K. Lagro yes;
33 M. Thornton yes; J. Plourde yes.
34

35 There were further discussions in regards to work sessions, joint meetings, meetings with the lawyers, as well as voting on
36 cases; workshops with no minutes since they are not needed at workshops. Discussion also included training especially
37 about future issues that could come up and being able to handle the cases, i.e. being able to think on the spur of the moment
38 and handle the chair position if necessary.
39

40 **Motion to Adjourn**
41

42 Chair Plourde asked if there was anything else. J. Dargie motioned for adjournment and R. Costantino seconded. All Board
43 Members were in agreement. Meeting adjourned.
44
45

46 **Motion to Approve:** _____
47
48 **Seconded:** _____
49
50 **Signed** _____
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52 **Date:** _____
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56 **THE MINUTES OF CASE 2021-10 WERE APPROVED** _____
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59 **THE MINUTES OF CASE 2021-15 WERE APPROVED** _____
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