

**Town of Milford
Zoning Board of Adjustment
AUGUST 19, 2021
Public Hearings**

**CASE #2021-17 William Gregsak, SPECIAL EXCEPTION
CASE #2021-18 Francis Asselin, SPECIAL EXCEPTION
CASE #2021-19 Vincent Forte, SPECIAL EXCEPTION**

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

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

Meeting Agenda

1. Call to Order
2. Public Hearing(s):
 - a. **Case #2021-17** William Gregsak for the property located at 106 Ridgefield Drive, Tax Map 18, Lot 71-1 is seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.02.2.A.8 and Article X, Section 10.02.1 to allow the construction of a 20' x 28' sf. detached garage within the 15 foot side dimensional setback in the Residential 'A' Zoning District.
 - b. **Case #2021-18** Francis Asselin for the property located at 79 Comstock Drive, Tax Map 52, Lot 52 is seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.04.2.A.7 and Article X, Section 10.02.1 to allow the construction of a 24' x 24' sf. detached garage within the 15 foot side dimensional setback in the Residential 'R' Zoning District.
 - c. **Case #2021-19** Vincent Forte for the property located at 40 Timber Ridge Drive, Tax Map 51, Lot 26-169 is seeking a Special Exception from the Milford Zoning Ordinance, Article X, Sections 10.02.1 and 10.02.6 to allow the construction of an accessory dwelling unit totaling approximately 600 square feet in the basement of the existing single-family residence located in the Residential 'R' Zoning District.
3. Meeting Minutes: 6/17/21, 7/1/21, 7/15/21, 8/5/21
4. Other Business: TBD
5. Next Meeting: a. September 2, 2021 b. September 16, 2021.

1 **MINUTES OF THE ZBA MEETING AUGUST 19, 2021**

2 **Public Hearings**

3 **CASE #2021-17 William Gregsak, SPECIAL EXCEPTION**

4 **CASE #2021-18 Francis Asselin, SPECIAL EXCEPTION**

5 **CASE #2021-19 Vincent Forte, SPECIAL EXCEPTION**

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8 **1. CALL TO ORDER**

9
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-](https://www.milford.nh.gov/zoning-board-adjustment/agenda/zba-agenda-01july2021)
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; M. Thornton present; R. Costantino present; J. Dargie present.

30
31 Chair Plourde stated there are 3 voting members present and 1 alternate, therefore, Joan Dargie will be a voting member for
32 this meeting.

33
34 He then explained the process of the case hearings for the applicants and the public. He said a full agenda may not allow all
35 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
36 that may not be heard in that they would be continued to the next meeting or another agreed upon meeting. He also
37 explained the notification process for continued cases.

38
39 Lincoln Daley to Jason Plourde: should we inform the applicants what the voting results could be with only 4 voting
40 members, and give them the option of moving ahead tonight or continuing their case.

41
42 J. Plourde with 4 voting members a 3 to 1 vote will be required to pass the application; if there is a 2 to 2 vote the
43 application will not be passed. Therefore, I will give each applicant the opportunity to postpone to another date.

44
45 He then asked the first applicant what they would like to do.

46
47
48 **2. PUBLIC HEARINGS**

49
50 **a. Case #2021-17 William Gregsak** for the property located at 106 Ridgefield Drive, Tax Map 18, Lot 71-1 is seeking a
51 Special Exception from the Milford Zoning Ordinance, Article V, Section 5.02.2.A.8 and Article X, Section 10.02.1 to
52 allow the construction of a 20' x 28' sf. detached garage within the 15 foot side dimensional setback in the Residential 'A'
53 Zoning District.

54
55 The applicant stepped forward to the microphone at Milford Town Hall. William Gregsak introduced himself as
56 representing the owners of 106 Ridgefield Drive. He stated they would like to proceed with their case.

57
58 He stated they are planning to build a 2 car garage in order to do some car maintenance. He would also have a lift in the
59 garage along with a work area.

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5 J. Plourde asked about the lift
6

7 W. Gregsak stated it is not a lift as seen in an auto repair shop but a lift that is used primarily for residential use.
8

9 W. Gregsak there is only storage above the garage, no running water, only heat. Garage will be a bit higher to accommodate
10 the lifts. He then asked if he should go through the answers to the questions asked for the Special Exception.
11

12 J. Plourde we have all the answers for the record so we can ask questions or you can go through all the answers; stated that
13 he would leave this up to W. Gregsak.
14

15 W. Gregsak stated that in answer to the questions, essentially what is being proposed is a 2 car garage that will be slightly
16 taller than normal.
17

18 J. Plourde in a residential 'A' district maximum height for a unit is 35 ft. (non-school/municipal building).
19

20 W. Gregsak stated the garage will be under this height; about the same height as the existing house.
21

22 J. Plourde why will it be 2 ft. into the setback.
23

24 W. Gregsak the placement of the stairs and the proposed location of the garage on the lot is needed for the overhang to
25 allow for drainage.
26

27 M. Thornton: Is it 13 ft. from the garage or the overhang?
28

29 W. Gregsak: 13 ft. to the overhang
30

31 L. Daley to clarify he referenced the architectural drawing; he stated it appears it is 12ft. and not 13 ft. so it is 3ft into the
32 side dimensional setback and not 2 ft.
33

34 W. Gregsak stated he thought his surveyor outlined the structure correctly, but if it is not correct, he agrees it should be
35 amended.
36

37 J. Plourde at this point (because there is a difference between the application and what is being sought), the board needs to
38 determine if they can just go ahead under the new information that it is 12 ft. and not 13 ft.
39

40 Discussions continued about the difference between the application and the architectural drawing, and how to proceed with
41 the application.
42

43 L. Daley: concern is that this application was advertised as being 13 ft. from the side dimensional setback, and it is a
44 consideration for any abutters that may have a concern.
45

46 R. Costantino: it is only a foot
47

48 L. Daley: the increase in the setback does not meet the guidelines for the application
49

50 R. Costantino: the increase is only for the roof and not the building
51

52 M. Costantino: could be a problem if and when the property ownership is transferred
53

54 More discussion continued on the subject.
55

56 J. Plourde: stated the board could not amend the application at this meeting because it needs to be advertised for the
57 abutters and others to know, however, it may give the applicant time to confirm the actual distance from the setback.
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M. Thornton: asked the applicant if there had been some consideration about moving the garage forward, therefore, eliminating the need for a Special Exception.

W. Gregsak: we can't because there is a drop off.

R. Costantino to W. Gregsak have you spoken to the neighbors?

W. Gregsak: yes we have, and all the neighbors are ok with the garage

Additional discussion ensued.

J. Plourde: stated we have changed applications in the past based on the boards' recommendations but only to improve the proposed changes in an application.

J. Plourde to W. Gregsak: do you want to move forward with the application knowing there is a difference, which means you will hear all the boards' questions and concerns, but we will not go forward a vote. This will allow you to confirm the distance from the setback or then change the application.

W. Gregsak: if the application needs to be changed, do we need to re-apply? Will there be a fee again?

L. Daley: it will require the full application process just like a new application.

J. Plourde: if the applicant can confirm the distance is 13 ft. and not 12 ft. then the application as presented can be voted on?

L. Daley: that is correct and no additional fees

J. Plourde: but if it is 12 ft. and not 13 ft. then they would have to re-apply because of the need to advertise?

L. Daley: stated there are not many abutters in this case, but yes, they would have to advertise again.

W. Gregsak asked how things would proceed.

J. Plourde: tonight we can proceed with questions/comments but not vote.

W. Gregsak: agreed with that

R. Costantino is not in agreement and doesn't see why the application cannot be changed at this meeting since the board has made changes in the past. He cited a case that changed the size of a proposed structure.

J. Plourde reiterated the fact board changes were made in the past because of recommendations from the board, but not changes made due to an error in an application.

R. Costantino: changes that were made were not run by the abutters again

R. Costantino is still not in agreement; feels the impact to the abutters and everyone else is insignificant. Feels time is being wasted.

J. Plourde and R. Costantino continued to debate the issue.

J. Dargie: are we going to go ahead or not?

L. Daley feels there is enough information to move ahead.

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4 Lisa Bell, owner, stepped forward to the microphone. She stated they are replacing existing structures on the property that
5 are within the setback with a garage that will enhance and not detract. It will be better than what is currently there. She feels
6 the abutters will not see that the overhang is a foot more into the setback. She stated they have been waiting a long time to
7 get to this point to even speak to the board. She is frustrated. She wants this process to be done.
8

9 J. Plourde: the board will move forward with the application.

10
11 J. Dargie: questions she had were why it could not be moved back and why it is not attached to the house have been
12 answered; there is a drop off with the property and the stairs are needed on the side of the garage.
13

14 M. Thornton: moving the location would serve no purpose
15

16 James Bell, owner, stepped forward to the microphone and talked about the property lines and the difficulty finding them.
17

18 J. Plourde: stated legally he wants to make sure everything is handled correctly, but has no problem with the application.
19

20 R. Costantino: asked about how it will look from the neighbors viewpoint, but sees there are trees and they also have a
21 garage; also getting rid of the other 2 structures will make it look better. Noted the lots are small in the neighborhood and
22 there are other structures built within setbacks. Said it appears this is not uncommon for this area.
23

24 L. Daley asked if this will be used as a business, and questioned the size; perhaps there needs to be some visual mitigation
25 between the two properties since the tree line is gone and the structure will be large (almost the size of the home).
26

27 J. Plourde: does the garage need to be that big?
28

29 W. Gregsak: Standard garages are 20-24 ft. This garage is 20 ft. cannot go any smaller for a 2 car garage.
30

31 There was discussion about the size.
32

33 M. Thornton: one wider than normal garage door may allow it be about 8 ft. smaller.
34

35 J. Plourde: the width of the garage has nothing to do with the need for the lift to stack the cars.
36

37 W. Gregsak: that is correct
38

39 J. Bell: one garage door is already larger than the other in order to accommodate trucks on one side and cars on the other;
40 also, the width has been made smaller from 24 ft. to 20 ft.
41

42 J. Plourde: asked the board how they would like to proceed.
43

44 J. Dargie is in favor of moving ahead and so is R. Costantino; M. Thornton's concern is about issues that could come up in
45 the future.
46

47 J. Plourde then opened the discussion to the public.
48

49 Selectman Dargie stepped forward to the microphone and encouraged the board to move ahead. The one foot difference is
50 insignificant and the potential for a legal situation is miniscule.
51

52 J. Plourde asked if there was anyone else that wanted to step forward or online. There were no more comments from the
53 public. He asked the applicant if there was anything more they would like to add and the applicant indicated no.
54

55 J. Plourde stated he would not close the public portion of the meeting until there was at least 3 to 1 in favor of moving
56 ahead with the application at 12 ft. and not 13 ft. If the board does decide to move ahead, he wants to make sure
57 clarification is provided to the Community Development Director and the Building Department to make sure the changed
58 plans are on file.
59

60 M. Thornton asked if the overhang could be changed in size.

1 **MINUTES OF THE ZBA MEETING AUGUST 19, 2021**

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4 J. Bell stated it is pre-fab and cannot be done since they have already been built.

5
6 M. Thornton agrees with R. Costantino but the legal aspect needs to be considered.

7
8 L. Daley pointed out the abutters have been contacted who expressed no complaints or concerns, the property will be
9 cleaned up with the new garage, will enhance the property, no complaints were heard during the public discussion, the level
10 of risk involved would be to return to the ZBA for another hearing and not going to court.

11
12 J. Plourde to L. Daley: if we move ahead, then the application will be reviewed at 12 ft. setback and not 13 ft.

13
14 L. Daley: that is correct

15
16 J. Plourde to L. Daley what is needed from the applicant to correct the plan and provide Community Development and the
17 Building Department with the correct information?

18
19 L. Daley: the surveyor should be able to update the plan to a 12 ft. setback and submit that to Community Development

20
21 J. Plourde: In order to avoid making this a condition for approval, he asked the owner, James Bell, if he would attest to the
22 fact this would be done.

23
24 James Bell: yes I will

25
26 W. Gregsak: stepped forward to the microphone at Milford Town Hall and stated the application will be changed to show a
27 12 ft. setback and a new drawing submitted.

28
29 J. Plourde then closed the public portion of the meeting and moved ahead to deliberations.

30
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32 **Deliberations:**

33
34 J. Plourde stated deliberations will be for the 5 Special Exception criteria under 10.2.1:

35
36 **a. Criteria: proposed use is similar to those permitted in the district**

37 M. Thornton: yes, in the structure and the scope of what is trying to be done

38 R. Costantino: yes it is allowed in the residence and in the setback with a special exception

39 J. Dargie: agrees

40 J. Plourde: agrees

41
42 **b. Criteria: specific site is in an appropriate location for the proposed use**

43 R. Costantino: yes at the end of the driveway, near the house and the placement on the lot due to the elevation

44 J. Dargie: agrees

45 M. Thornton: agrees; cannot go back

46 J. Plourde: agrees; due to topography

47
48 **c. Criteria: the use as developed will not adversely affect the adjacent area**

49 J. Dargie: it will be an improvement to the area

50 M. Thornton: purification

51 R. Costantino: agrees; does not affect abutter

52 J. Plourde: agrees; cleaning up the area

53
54 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

55 M. Thornton: no other vehicles or pedestrians have a right to be there

56 J. Dargie: agrees

57 K. Lagro: agrees

58 J. Plourde: agrees; setback will be 12 ft. giving sufficient space to get by the building

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1 **MINUTES OF THE ZBA MEETING AUGUST 19, 2021**

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

5 R. Costantino: agrees; only electrical will be installed and pointed out there will be a town inspection

6 J. Dargie: agrees

7 M. Thornton: agrees; internal to the garage

8 J. Plourde: agrees; no home business

9
10 L. Daley then asked about the visual mitigation between the two properties since the tree line is gone?

11 R. Costantino: stated abutters were contacted so he feels they could work it out if there is an issue

12 J. Dargie: other properties do not have this mitigation with their garages

13 L. Daley: garage is not facing other properties so headlights should not be a problem

14 J. Plourde: feels the applicant can work this out later on his own if this were to become an issue

15 Discussions continued about the visual mitigation.

16
17 J. Plourde stated he felt the board was ok with having the owner handle this on his own and not get the ZBA involved.

18
19
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21 **Voting:**

22
23 The ZBA voted on the 5 criteria under Special Exception 10.2.1.

24 a. R. Costantino yes; M. Thornton yes; J. Dargie yes; chair votes yes

25 b. M. Thornton yes; J. Dargie yes; R. Costantino yes; chair votes yes.

26 c. J. Dargie yes; R. Costantino yes; M. Thornton yes; chair votes yes.

27 d. R. Costantino yes; M. Thornton yes; J. Dargie yes; chair votes yes.

28 e. M. Thornton yes; J. Dargie yes; R. Costantino yes; chair votes yes.

29
30 Is the Special Exception allowed by the Ordinance? J. Dargie yes; R. Costantino yes; M. Thornton yes; chair votes yes.

31
32 Are all the specified conditions present under which the Special Exception may be granted? M. Thornton yes; R. Costantino
33 yes; J. Dargie yes; chair votes yes.

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

35
36 Chair Plourde asked if there is a motion to approve **Case #2021-17** William Gregsak for the property located at 106
37 Ridgefield Drive, Tax Map 18, Lot 71-1 is seeking a Special Exception from the Milford Zoning Ordinance, Article V,
38 Section 5.02.2.A.8 and Article X, Section 10.02.1 to allow the construction of a 20' x 28' sf. detached garage within the 15
39 foot side dimensional setback in the Residential 'A' Zoning District.

40
41 J. Dargie made a motion to approve **Case #2021-17** and R. Costantino seconded the motion.

42
43 L. Daley interjected to state 12 ft. within the setback.

44
45 J. Plourde asked J. Dargie to amend her motion.

46
47 J. Dargie amended her motion to approve **Case #2021-17** within 12 ft. of the 15 ft. setback and R. Costantino seconded the
48 motion.

49
50 J. Plourde: A motion has been made to approve **Case #2021-17**. Those in favor: J. Dargie yes; R. Costantino yes; M.
51 Thornton yes; chair votes yes.

52
53 Chair Plourde stated the criteria for the special exception request had been satisfied and the application approved. There is a
54 30 day appeal period that can be filed with the Zoning Board.

55
56 Chair Plourde then addressed the applicants for the next 2 cases. He reminded them that with 4 voting members a 3 to 1
57 vote will be required to pass the application; if there is a 2 to 2 vote the application will not be passed. Therefore, I am
58 giving you an opportunity to postpone to another date.

59
60 He then asked each applicant what they would like to do. Both applicants said they wanted to go ahead.

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5 **b. Case #2021-18** Francis Asselin for the property located at 79 Comstock Drive, Tax Map 52, Lot 52 is seeking a Special
6 Exception from the Milford Zoning Ordinance, Article V, Section 5.04.2.A.7 and Article X, Section 10.02.1 to allow the
7 construction of a 24' x 24' sf. detached garage within the 15 foot side dimensional setback in the Residential 'R' Zoning
8 District.
9

10 F. Asselin stepped forward to the microphone and stated he would like to construct a detached garage. He said he could
11 not locate another spot on the lot and the adjacent property is public service. He wants to put the garage within 4 ft. of the
12 property line. He currently has a canvas garage there which will be replaced with the new garage. He does have an attached
13 garage. He spoke with the manager of the adjacent property who stated he just wants to make sure of where the property
14 line is. There will only be electricity into the garage; no water.
15

16 L. Daley pointed out that in the package there is a depiction of the elevations on the property.
17

18 J. Plourde asked the board if there any questions. The board had no questions.
19

20 J. Plourde opened it up to the public. There were no comments. The public portion of the meeting was closed.
21
22

23 **Deliberations:**
24

25 J. Plourde stated deliberations will be for the 5 Special Exception criteria under 10.2.1:
26

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

28 M. Thornton: yes

29 R. Costantino: yes; garage permitted

30 J. Dargie: agrees

31 J. Plourde: agree; permitted in the district
32

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

34 R. Costantino: yes, on the side of the property and this is the best location

35 J. Dargie: agrees

36 M. Thornton: agrees

37 J. Plourde: agrees
38

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

40 J. Dargie: agrees it will not adversely affect the area and will approve it

41 M. Thornton: it will not and abutter is in favor

42 R. Costantino: agrees

43 J. Plourde: agrees
44

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

46 R. Costantino: no hazards

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

48 J. Dargie: agrees

49 J. Plourde: agrees; no pathways
50

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

52 M. Thornton: it is a garage and purification of the property

53 R. Costantino: agrees

54 J. Dargie: agrees

55 J. Plourde: agrees
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1 **MINUTES OF THE ZBA MEETING AUGUST 19, 2021**

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4 **Voting:**

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

- 7 a. R. Costantino yes; M. Thornton yes; J. Dargie yes; chair votes yes
- 8 b. M. Thornton yes; J. Dargie yes; R. Costantino yes; chair votes yes.
- 9 c. J. Dargie yes; R. Costantino yes; M. Thornton yes; chair votes yes.
- 10 d. R. Costantino yes; M. Thornton yes; J. Dargie yes; chair votes yes.
- 11 e. M. Thornton yes; J. Dargie yes; R. Costantino yes; chair votes yes.

12
13 Is the Special Exception allowed by the Ordinance? J. Dargie yes; R. Costantino yes; M. Thornton yes; chair votes yes.

14
15 Are all the specified conditions present under which the Special Exception may be granted? R. Costantino yes; M. Thornton
16 yes; J. Dargie yes; chair votes yes.

17
18 Chair Plourde stated all the criteria for the Special Exception has been satisfied.

19
20 Chair Plourde asked if there is a motion to approve **Case #2021-18** Francis Asselin for the property located at 79 Comstock
21 Drive, Tax Map 52, Lot 52 is seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section
22 5.04.2.A.7 and Article X, Section 10.02.1 to allow the construction of a 24' x 24' sf. detached garage within the 15 foot
23 side dimensional setback in the Residential 'R' Zoning District.

24
25 J. Dargie made a motion to approve **Case #2021-18** and R. Costantino seconded the motion.

26
27 L. Daley interjected to state it will be no more than 4 ft. to the property line.

28
29 J. Plourde asked J. Dargie to amend her motion.

30
31 J. Dargie amended her motion to approve **Case #2021-18** to be no more than 4 ft. to the property line and R. Costantino
32 seconded the motion.

33
34 J. Dargie stated she did not understand since this has never been done before and this is not a change to the application. She
35 asked L. Daley to please include this for future cases.

36
37 J. Plourde: A motion has been made to approve **Case #2021-18**. Those in favor: J. Dargie yes; R. Costantino yes; M.
38 Thornton yes; chair votes yes.

39
40 Chair Plourde stated the criteria for the special exception request had been satisfied and the application approved. There is a
41 30 day appeal period that can be filed with the Zoning Board.

42
43 J. Plourde moved to the next case.

44
45 **c. Case #2021-19** Vincent Forte for the property located at 40 Timber Ridge Drive, Tax Map 51, Lot 26-169 is seeking a
46 Special Exception from the Milford Zoning Ordinance, Article X, Sections 10.02.1 and 10.02.6 to allow the construction of
47 an accessory dwelling unit totaling approximately 600 square feet in the basement of the existing single-family residence
48 located in the Residential 'R' Zoning District.

49
50 J. Plourde stated while he is not an abutter, his residence is close by. Because of this, he said he would excuse himself if
51 necessary. Everyone agreed it was not necessary.

52
53 Vincent Forte stepped forward to the microphone. He stated he is proposing a full mother-in-law apartment approximately
54 600 sf. All the appropriate precautions will be taken in regards to the garage fumes and a fire door per code.

55
56 His granddaughter stepped forward to explain she will be living in the main house. Vincent Forte, her grandfather, will be
57 the owner of the home. She stated her mother will be living in the proposed in-law apartment, and her grandfather will be
58 the landlord. At some point in the future, her mother may move to another location and Vincent Forte will move into the in-
59 law apartment. The home will stay within the family.

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5 J. Plourde to L. Daley according to Zoning Ordinances, a request for a Special Exception ADU must be owner occupied.
6
7 L. Daley this is a transitional situation where the owner will live there eventually, but not right away.
8
9 J. Dargie the units in the house are not separated and there will be access from the ADU to the home upstairs.
10
11 L. Daley it is a family owned home under a family trust.
12
13 R. Costantino could you put your daughter or granddaughter on the deed.
14
15 There is no deed but a family trust where all family members are listed. This, then, satisfies the zoning ordinance.
16
17 More discussion continued.
18
19 J. Plourde asked if there were any further questions.
20
21 L. Daley: pointed out approval has been given for an addition to the existing septic
22
23 J. Plourde asked again about questions and there was nothing further from the board or the applicant.
24
25 Chairman opened up to the public. Hearing none, the public portion was closed. Moved to deliberations.
26
27

28 **Deliberations:**

29
30 J. Plourde stated deliberations will first be for the 5 Special Exception criteria under 10.2.1 and then for the ADU criteria
31 under 10.2.6:

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

33 R. Costantino: yes by Special Exception
34 J. Dargie: agrees
35 M. Thornton: yes
36 J. Plourde: agree; permitted in the district
37
38

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

40 M. Thornton: according to ADU regulations, yes
41 R. Costantino: adequate sewer, water and parking
42 J. Dargie: agrees
43 J. Plourde: agrees
44

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

46 J. Dargie: agrees it will not adversely affect the area and plenty of parking
47 R. Costantino: agrees
48 M. Thornton: agrees
49 J. Plourde: agrees; back of house
50

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

52 R. Costantino: no hazards
53 J. Dargie: agrees
54 M. Thornton: agrees
55 J. Plourde: agrees
56

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

58 M. Thornton: residential dwelling
59 R. Costantino: will be inspected
60 J. Dargie: agrees
61 J. Plourde: agrees

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2
3 J. Plourde then stated he will read the criteria for an ADU and asked the board to interject only if they disagreed.

4
5 **ACCESSORY DWELLING UNITS 10.2.6**

6
7 1. Minimal Requirements:

8 a. Only one (1) ADU shall be allowed per property.

9 yes

10 b. Either the principal dwelling unit or the ADU must be owner occupied

11 yes

12 c. The size of an ADU shall be no more than 750 SF gross floor area.

13 yes, it will be less than that

14 d. The ADU shall include no more than two (2) bedrooms.

15 yes

16 e. No additional curb cuts shall be allowed.

17 None proposed.

18 f. An attached ADU shall have and maintain at least one common interior access between the principal dwelling
19 unit and the ADU consisting of a connector that is a minimum of 36" in width or a doorway a minimum of 32" in
20 width.

21 Yes as shown on the plans

22 g. The ADU shall be located in an existing or proposed single-family dwelling, its detached accessory structure(s),
23 or as a stand-alone dwelling unit subordinate to the single-family dwelling.

24 Yes

25 h. An existing, nonconforming, single-family residential structure or its detached accessory structure shall not be
26 made more nonconforming.

27 Not an issue

28 i. An ADU shall meet all applicable local and State Building, Fire and Health Safety Codes.

29 Yes, using a licensed electrician and going through the building inspector.

30 j. Must have adequate provisions for a water supply and sewerage disposal method for the ADU, in accordance
31 with NH RSA 485-a:38 Approval to Increase Load on a Sewage Disposal System.

32 Yes and it was discussed.

33
34 2. ADU criteria:

35 a. The ADU must be developed in a manner which does not alter the character or appearance of the principal use
36 as a single-family dwelling.

37 Yes it will be.

38 b. The ADU is intended to be secondary and accessory to a principal single-family dwelling unit.

39 yes

40 c. The ADU shall not impair the residential character of the premises nor impair the reasonable use, enjoyment
41 and value of other property in the neighborhood.

42 It will not

43 d. Adequate off-street parking must be provided.

44 Correct; approximately 6 spaces.

45 e. Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.

46 Yes.

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Chairman Plourde asked if there were any questions or comments on the ADU criteria he read and responded to. Hearing none he then moved to the voting. The Special Exception under 10.2.6 for the ADU has been satisfied so voting will be only for the Special Exception criteria under 10.2.1.

Voting:

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

- a. R. Costantino yes; M. Thornton yes; J. Dargie yes; chair votes yes
- b. M. Thornton yes; J. Dargie yes; R. Costantino yes; chair votes yes.
- c. J. Dargie yes; R. Costantino yes; M. Thornton yes; chair votes yes.
- d. R. Costantino yes; M. Thornton yes; J. Dargie yes; chair votes yes.
- e. M. Thornton yes; J. Dargie yes; R. Costantino yes; chair votes yes.

Is the Special Exception allowed by the Ordinance? J. Dargie yes; R. Costantino yes; M. Thornton yes; chair votes yes.

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

Chair Plourde asked if there is a motion to approve **Case #2021-19** Vincent Forte for the property located at 40 Timber Ridge Drive, Tax Map 51, Lot 26-169 is seeking a Special Exception from the Milford Zoning Ordinance, Article X, Sections 10.02.1 and 10.02.6 to allow the construction of an accessory dwelling unit totaling approximately 600 square feet in the basement of the existing single-family residence located in the Residential ‘R’ Zoning District.

J. Dargie made a motion to approve **Case #2021-19** and R. Costantino seconded the motion.

J. Plourde: A motion has been made to approve **Case #2021-19**. Those in favor: J. Dargie yes; R. Costantino yes; M. Thornton yes; chair votes yes.

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

3. MEETING MINUTES

- J. Dargie made a motion to approve minutes from the meeting of 6/17/2021; R. Costantino seconded. All were in favor.
- J. Dargie made a motion to approve minutes from the meeting of 7/1/2021; R. Costantino seconded. All were in favor.
- J. Dargie made a motion to approve minutes from the meeting of 7/15/2021; R. Costantino seconded. All were in favor.

4. OTHER BUSINESS

R. Costantino brought up an administrative/clerical concern with the packages given to the board for meetings. This will be addressed.

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MINUTES OF THE ZBA MEETING AUGUST 19, 2021

Motion to Adjourn

Chair Plourde asked if there was anything else. M. Thornton made a motion to adjourn and R. Costantino seconded. All Board Members were in agreement. Meeting adjourned.

Motion to Approve: _____

Seconded: _____

Signed _____

Date: _____

THE MINUTES OF CASE 2021-17 WERE APPROVED _____

THE MINUTES OF CASE 2021-18 WERE APPROVED _____

THE MINUTES OF CASE 2021-19 WERE APPROVED _____