

Town of Milford
Zoning Board of Adjustment
OCTOBER 7, 2021
Public Hearings
CASE #2021-23 Edward and Elaine Farrington, VARIANCE

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

Not Present: Joan Dargie, Alternate
Tracy Steele, Member
Jane Hesketh, Recording Clerk

Meeting Agenda

1. Call to Order
2. Public Hearing(s):
 - a. **Case #2021-23** Edward and Elaine Farrington for the property located at 23 Mooreland Street, Tax Map 34, Lot 4-1 is seeking a Special Exception from Milford Zoning Ordinance, Article V, Sections 5.02.2.A.8 and 5.02.5 to allow the construction of a 120 square foot accessory structure (shed) four feet from the side property boundary where a fifteen foot side dimensional setback is required in the Residential 'A' Zoning District.
3. Meeting Minutes: 9/2/2, 9/16/21
4. Other Business: TBD
5. Next Meeting: a. October 21, 2021 b. November 4, 202

1. CALL TO ORDER

Chair Plourde opened the meeting by welcoming everyone and introducing himself. He welcomed those attending in person and electronically since this meeting is being conducted in a unique manner.

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

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

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

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

Chair Plourde stated all votes taken during the meeting must be done by Roll Call vote. He started the meeting with a roll call attendance by asking each member to state their name, where they are located (for those attending remotely) and if

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2 **OCTOBER 7, 2021**
3

4 there was anyone in the room with them. This is required under the Right-to-Know Law. Roll Call Attendance: Jason
5 Plourde present; K. Lagro present; M. Thornton present; R. Costantino present.
6

7 He then stated there is currently a 4 member board. He went on to explain that with 4 voting members a 3 to 1 vote will be
8 required to pass the application; if there is a 2 to 2 vote the application will not be passed. Therefore, he asked the applicant
9 if they wanted to proceed or postpone to another date. The applicant agreed to move ahead.
10

11 He stated there is one new case with 4 voting members. He then went over the procedures for the presentation, deliberation
12 and voting.
13

14 He explained the process of the case hearings for the applicant and the public. He said a full agenda may not allow all cases
15 to be heard and that at 10:00 p.m. the meeting will end. He explained how the meeting would proceed for the cases that
16 may not be heard in that they would be continued to the next meeting or another agreed upon meeting. He also explained
17 the notification process for continued cases.
18

19 He moved on to the case to be heard.
20

21 **2. PUBLIC HEARINGS**
22

23 **a. Case #2021-23** Edward and Elaine Farrington for the property located at 23 Mooreland Street, Tax Map 34, Lot 4-1 is
24 seeking a Special Exception from Milford Zoning Ordinance, Article V, Sections 5.02.2.A.8 and 5.02.5 to allow the
25 construction of a 120 square foot accessory structure (shed) four feet from the side property boundary where a fifteen foot
26 side dimensional setback is required in the Residential 'A' Zoning District.
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28 Edward Farrington proceeded with the presentation at Milford Town Hall. He stated he would provide a summary. The
29 property came with a 50 ft. easement at the time of purchase. He explained his reasoning for placing the shed where it is
30 being proposed. He said there is a stack of wood on the abutter's property and he is planning to place the shed in back of
31 this wood pile. The 4ft. will be from the overhang of the shed and not the shed itself. This will allow room to move around
32 the shed. The shed will be used for a tractor and lawn equipment. Crushed stone will be used around the shed and brought
33 up to the property line. The spot that was chosen is level.
34

35 J. Plourde confirmed that the crushed stone, not being part of the shed, can go to the property line. M. Thornton concurred.
36 The aerial image was displayed.
37

38 M. Thornton asked if there were any negative comments had been received; this will be discussed.
39

40 J. Plourde asked about the height and it was confirmed it will not be above the allowed 35 ft.
41

42 Further discussion continued regarding the aesthetics, the placement, and concerns for the neighborhood as well as other
43 possible locations on the property such as the rear of the property. It was explained the rear location has swill.
44

45 Elaine Farrington stepped forward to the microphone and stated the abutters were contacted by her husband, Ed Farrington.
46 L. Daley confirmed the neighbors were notified. It was confirmed no letters, communication was received from the
47 abutters.
48

49 J. Plourde asked if there were any more questions or comments before moving ahead. There were none.
50

51 **Deliberations:**
52

53 J. Plourde stated deliberations will be for the 5 Special Exception criteria under 10.2.1:
54

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

56 K. Lagro: yes it is; sheds are allowed in that area

57 M. Thornton: agrees

58 R. Costantino: agrees

59 J. Plourde: ADU's are allowed by special exception; agrees
60

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2 **Public Hearings**

3
4 **Deliberations:**

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

7 M. Thornton: all locations have been considered and this is the best spot

8 R. Costantino: agrees

9 K. Lagro: agrees

10 J. Plourde: agrees it is in the most appropriate area

11
12 **c. Criteria: the use as developed will not adversely affect the adjacent area**

13 R. Costantino: there is a tree screen and it will not adversely affect area

14 K. Lagro: will not affect the neighbors

15 M. Thornton: the screen and neighbor's approval states it will not be adverse to the area

16 J. Plourde: agrees

17
18 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

19 K. Lagro: absolutely not

20 M. Thornton: vehicles and pedestrians should not be there

21 R. Costantino: agrees

22 J. Plourde: agrees

23
24 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

25 M. Thornton: no required operation

26 R. Costantino: Reeds Ferry shed which will be well constructed

27 K. Lagro: agrees

28 J. Plourde: agrees

29
30 J. Plourde stated the deliberations were over and voting would begin.

31
32 **Voting:**

33
34 The ZBA voted on the 5 criteria under Special Exception 10.2.1.

35 a. R. Costantino yes; K. Lagro yes; M. Thornton yes; chair votes yes

36 b. K. Lagro yes; M. Thornton yes; R. Costantino yes; chair votes yes.

37 c. M. Thornton yes; K. Lagro yes; R. Costantino yes; chair votes yes.

38 d. R. Costantino yes; K. Lagro yes; M. Thornton yes; chair votes yes.

39 e. K. Lagro yes; M. Thornton yes; R. Costantino yes; chair votes yes.

40
41 Is the Special Exception allowed by the Ordinance? M. Thornton yes; R. Costantino yes; K. Lagro yes; chair votes yes.

42
43 Are all the specified conditions present under which the Special Exception may be granted? R. Costantino yes; K. Lagro
44 yes; M. Thornton yes; chair votes yes.

45
46 Chair Plourde asked if there is a motion to approve **Case #2021-23** Edward and Elaine Farrington for the property located
47 at 23 Mooreland Street, Tax Map 34, Lot 4-1 is seeking a Special Exception from Milford Zoning Ordinance, Article V,
48 Sections 5.02.2.A.8 and 5.02.5 to allow the construction of a 120 square foot accessory structure (shed) four feet from the
49 side property boundary where a fifteen foot side dimensional setback is required in the Residential 'A' Zoning District.

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51 R. Costantino made a motion to approve **Case #2021-23** and K. Lagro seconded the motion.

52
53 J. Plourde: A motion has been made to approve **Case #2021-23**. Those in favor: R. Costantino yes; K. Lagro yes; M.
54 Thornton yes; chair votes yes.

55
56 Chair Plourde stated the criteria for the special exception request had been satisfied and the application approved. There is a
57 30 day appeal period that can be filed with the Zoning Board.

1 **MINUTES OF THE ZBA MEETING SEPTEMBER 2, 2021**

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3. MEETING MINUTES

9-2-2021:

M. Thornton made a motion to approve the minutes from 9/2/2021 and R. Costantino seconded. All were in favor.

9-16-2021:

R. Costantino made a motion to approve the minutes from 9/16/2021 and K. Lagro seconded. All were in favor.

4. OTHER BUSINESS

M. Thornton asked the board if there were any work session items that could be discussed.
L. Daley brought up possible changes for zoning. J. Plourde brought up the process required for zoning changes.
Discussions continued about these changes and examples were given of prior variances that were approved. Discussion also
ensued about the Planning Board's involvement along with input from the Zoning Board; a possible joint meeting but it has
been difficult to get this meeting together.

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 2021-23 WERE APPROVED _____