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Town of Milford
Zoning Board of Adjustment
NOVEMBER 18, 2021
Public Hearings
Case #2021-16 Gretchen Davidson – Variance
Case #2021-25 Tara and David Williams – Special Exceptions

9 **Present:** Jason Plourde, Chair
10 Rob Costantino, Vice Chair
11 Michael Thornton, Member
12 Karin Lagro, Member
13 Paul Dargie, BOS Representative
14 Lincoln Daley, Director of Community Development

16 **Not Present:** Tracey Steele, Member
17 Joan Dargie, Alternate
18 Jane Hesketh, Recording Clerk

21 **Meeting Agenda**

22
23 **1. Call to Order**

24
25 **2. Public Hearing(s):**

- 26
27 a. **Case #2021-16** Gretchen Davidson for the property located at 64 Federal Hill Road, Tax Map 48, Lot 43
28 is seeking a VARIANCE from Milford Zoning Ordinance, Article V, Section 5.02.4 to allow the
29 creation/subdivision of a lot with less than the minimum required frontage (150') on a principle route of
30 access on a Class V road or better in the Residential 'A' Zoning District. (Continued from 9/2/21)
31
32 b. **Case #2021-25** Tara and David Williams for the property located at 409 Mason Road, Tax Map 41, Lot
33 70 are seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article VII, Section 7.12.6
34 to allow a home business (single chair beauty/barbershop) within the finished basement of the existing
35 single-family residence in the Residential 'R' District.
36

37 **3. Meeting Minutes:**

- 38 a. 10/7/21
39 b. 10/21/21

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41 **4. Other Business: TBD**

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43 **5. Next Meeting:**

- 44 a. December 2, 2021
45 b. December 16, 2021
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MINUTES OF THE ZBA MEETING NOVEMBER 18, 2021

1 **1. CALL TO ORDER**

2
3 Chair Plourde opened the meeting by welcoming everyone and introducing himself. He welcomed those
4 attending in person and electronically since this meeting is being conducted in a unique manner.
5

6 He stated that the meeting could be attended in person at the Milford Town Hall, Board of Selectmen’s Meeting
7 Room with all Covid protocols in place. He then proceeded to state the remote Zooming meeting / remote public
8 access information and online meeting information.
9

10 He then went on to summarize the procedures of the Board. Chair Plourde stated all votes taken during the
11 meeting must be done by Roll Call vote. He started the meeting with a roll call attendance by asking each
12 member to state their name (all members were at Town Hall); this is required under the Right-to-Know Law.
13 Roll Call Attendance: M. Thornton present; R. Costantino present; K. Lagro present; J. Plourde present.
14

15 He then stated there are 4 voting members present and no alternates. He explained there will need to be 3 yes
16 votes for a case to be approved; a split decision of two to two means the case does not pass. He stated that the
17 Board would hear two cases, one old and one new, and the previously postponed case is asking for another
18 postponement. He then went over the procedures for the presentation, deliberation and voting.
19

20 He explained the process of the case hearings for the applicant and the public. He said a full agenda may not
21 allow all cases to be heard and that at 10:00 p.m. the meeting will end. He explained how the meeting would
22 proceed for the cases that may not be heard in that they would be continued to the next meeting or another
23 agreed upon meeting. He also explained the notification process for continued cases.
24

25 He moved on to the cases to be heard.
26

27 **2. PUBLIC HEARINGS**

28
29 **a. Case #2021-16 Gretchen Davidson for the property located at 64 Federal Hill Road, Tax Map 48, Lot 4.
30 Variance from Milford Zoning Ordinance, Article V, Section 5.02.4 to allow the creation/subdivision of
31 a lot with less than the minimum required frontage (150’) on a principle route of access on a Class V
32 road or better in the Residential ‘A’ Zoning District. (Continued from 9/2/21)**
33

34 On November 18, 2021 Lincoln Daley received an email regarding this case. The email was read into the
35 record requesting a continuance to the meeting of January 6, 2022 in order to gain additional information. L.
36 Daley stated the applicant is waiting for additional information from the DOT concerning the driveway.
37 Another public notice will be published due to the length of time this case has taken. J. Plourde asked for a
38 motion to continue the case. R. Costantino made a motion to continue case #2021-16 to January 6, 2022 and
39 K. Lagro seconded the motion. All board members were in favor. **Case #2021-16** will be continued to January
40 6, 2022.
41

42 **b. Case #2021-25 Tara and David Williams for the property located at 409 Mason Road, Tax Map 41, Lot
43 70. Special Exception from the Milford Zoning Ordinance, Article VII, Section 7.12.6 to allow a home
44 business (single chair beauty/barbershop) within the finished basement of the existing single-family
45 residence in the Residential ‘R’ District.**
46

47 J. Plourde asked the applicant to step forward and to state their name and address. Tara Williams of 409
48 Mason Road stepped forward to the microphone in Milford Town Hall.
49

50 Chair Plourde explained to the applicant what the ZBA is looking for in regards to her proposed business.
51

MINUTES OF THE ZBA MEETING NOVEMBER 18, 2021

1 T. Williams stated it will be a hair dressing business in her basement with one chair for haircuts only; she is a
2 licensed barber. She will not be selling products. Appointments only with 6-8 expected daily; 3 days a week
3 from 8 a.m. – 6 p.m.
4

5 J. Plourde inquired about the days/hours of operations. T. Williams responded Tuesday, Thursday, Friday
6 and no weekends. She went on to state that there may be the occasional person who may want to come on a
7 different day. The business would include the installation of sink per State Regulations followed by a full
8 inspection by the State Licensing Board.
9

10 J. Plourde stated the application is already on record, but would like a review of it.
11

12 T. Williams continued by stating that there will be designated parking with a turnaround driveway and only
13 one applicant at a time. No changes will be made to the outside of the home and no sign is being proposed.
14 The entrance to the business will be from the outside side entrance to the downstairs as shown in the
15 submitted floor layout plan. She stated that the State requires a designated waiting area, but the space on the
16 layout is larger than what the town ordinance allows.
17

18 There was discussion about the size of the waiting area and how to reduce the size to be in line with the town
19 ordinance. L. Daley stated the room is more of a family room and there will rarely be anyone waiting because
20 there is only one appointment at a time. He suggested a small sign be placed at the entrance to explain where
21 to go.
22

23 J. Plourde asked about lighting. T. Williams responded that there will be plenty of lighting.
24

25 L. Daley explained the concern about the prior electrical work that was done in the basement by the previous
26 owners of the home. The work to complete the finished basement was never approved by te it was not done in
27 accordance with the town ordinance and was not up to code. L. Williams there will be a certified electrician
28 and inspections done also additional home owners insurance will be acquired for the business. J. Plourde
29 asked if this electrical work needs to be a contingency for approval and L. Daley stated it should be.
30

31 T. Williams stated she feels she has presented everything and asked if there were any questions.
32

33 M. Thornton asked if there should be a concern about the additional traffic on a daily basis; per J. Plourde this
34 should not be a concern with only one vehicle at a time.
35

36 J. Plourde stated the committee was done with the questions and would now open the meeting to the public.
37 He explained the procedures to the applicant.
38

39 Paul Dargie stepped forward. He wanted to review the previous discussion about separating the waiting area.
40 He asked that it be designated because it is a State Requirement.
41

42 L. Daley stated a letter was received on November 16, 2021. He read the letter into the record. The record was
43 from a neighbor stating she was in favor of this project and saw no problems with it.
44

45 J. Plourde stated there is a contingency about the electrical and the waiting area. T. Williams stated she can
46 put a small bench near the shop along with a sign designating a waiting area. There were discussions in
47 regards to what should or should not be a contingency for approval as well as the permits.
48

49 R. Costantino asked about where coats will be hung. T. Williams: there will be a coat rack in the shop area.
50

51 J. Plourde asked if there were more questions. Hearing none he closed the public portion of the meeting and
52 moved to deliberations.
53

MINUTES OF THE ZBA MEETING NOVEMBER 18, 2021

Deliberations:

Chair Plourde read the Home Business Criteria under 7.12.6 and told the committee to add comments and concerns if they felt they had some; none were heard.

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

- R. Costantino: yes it is allowed by Special Exception
- M. Thornton: meets Town criteria
- K. Lagro: agrees
- J. Plourde: agrees

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

- K. Lagro: yes it is a separate room to be accessed from outside the home
- M. Thornton: it is a separate area
- R. Costantino: there will be a state inspection
- J. Plourde: agrees

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

- M. Thornton: it will not affect the area because the business is within the home
- R. Costantino: traffic will be minimal
- K. Lagro: no traffic
- J. Plourde: agrees

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

- R. Costantino: sees none
- M. Thornton: sees none
- K. Lagro: agrees
- J. Plourde: agrees

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

- K. Lagro: there will be adequate facilities along with a State Inspection
- R. Costantino: agrees; electrical inspection will be done
- M. Thornton: agrees; all the tools needed will be present
- J. Plourde: agrees; separate waiting and haircutting area and many aspects have been discussed.

J. Plourde asked if there was anything that needed to be added before moving into voting.

R. Costantino wants to add a contingency in regards to the electrical inspection and this be provided to the town building department. L. Daley went back to the application that did address this issue.

J. Plourde asked if there was anything further to be added about the sink and the waiting area. K. Lagro stated that the waiting area will not exceed 25% should be added. J. Plourde agreed that the waiting area along with the salon area will not exceed 25% of the overall house and it will be up to the applicant to designate the waiting area.

J. Plourde then summarized the stated conditions: (1) the applicant must provide written certification by a NH licensed electrician to the Building Department stating that all unpermitted electrical work within the finished basement area(s) meets current building and life safety codes and (2) size of salon and waiting area not to exceed 25% of entire home where the applicant will designate the waiting area.

MINUTES OF THE ZBA MEETING NOVEMBER 18, 2021

1 J. Plourde: R. Costantino made a motion for the conditions and asked if there was a second. K. Lagro seconded
2 the motion for the conditions. All were in favor.

3
4 Chair Plourde moved to the voting keeping in mind the conditions.

5
6 **Voting: Special Exception**

7
8 The ZBA voted on the 5 criteria under Special Exception 10.2.1.

- 9 a. R. Costantino yes; K. Lagro yes; M. Thornton yes; chair votes yes
- 10 b. K. Lagro yes; M. Thornton yes; R. Costantino yes; chair votes yes.
- 11 c. M. Thornton yes; R. Costantino yes; K. Lagro yes; chair votes yes.
- 12 d. R. Costantino yes; K. Lagro yes; M. Thornton yes; chair votes yes.
- 13 e. K. Lagro yes; M. Thornton yes; R. Costantino yes; chair votes yes.

14
15 Is the Special Exception allowed by the Ordinance? M. Thornton yes; R. Costantino yes; K. Lagro yes; chair
16 votes yes.

17
18 Are all the specified conditions present under which the Special Exception may be granted? R. Costantino yes;
19 K. Lagro yes; M. Thornton yes; chair votes yes.

20
21 **Voting:**

22
23 Chair Plourde asked if there is a motion to approve **Case #2021-25** Tara and David Williams for the property
24 located at 409 Mason Road, Tax Map 41, Lot 70 are seeking a SPECIAL EXCEPTION from the Milford
25 Zoning Ordinance, Article VII, Section 7.12.6 to allow a home business (single chair beauty/barbershop) within
26 the finished basement of the existing single-family residence in the Residential ‘R’ District.

27
28 R. Costantino made a motion to approve **Case #2021-25** and K. Lagro seconded the motion.

29
30 J. Plourde: A motion has been made to approve **Case #2021-25**. Those in favor: M. Thornton yes; R. Costantino
31 yes; K. Lagro yes; chair votes yes.

32
33 Chair Plourde stated the criteria for the Special Exception request had been satisfied and the application
34 approved. There is a 30 day appeal period that can be filed with the Zoning Board.

35
36 **3. MEETING MINUTES**

37
38 10/7/21 – corrections were made as suggested and L. Daley has provided the committee members with an
39 update. Chair asked the committee if there were any other changes. No changes were suggested. M. Thornton
40 made a motion to approve the minutes from 10/7/21 and R. Costantino seconded. All were in favor.

41
42 10/21/21– corrections were made as suggested and L. Daley has provided the committee members with an
43 update. Chair asked the committee if there were any other changes. No changes were suggested. M. Thornton
44 made a motion to approve the minutes from 10/7/21 and R. Costantino seconded. All were in favor.

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47 **4. OTHER BUSINESS**

48
49 **Case #2021-24** from the meeting of 10-21-21; Ryan Winn 10 Chestnut St. stepped forward to the microphone
50 in Milford Town Hall to express his concern about the parking when this residence is converted to a 3 family
51 residence. He stated currently the parking does create a hazard with tenants parking primarily on Chestnut
52 Street.

MINUTES OF THE ZBA MEETING NOVEMBER 18, 2021

1 Chair Plourde stated that the parking issue was discussed at the hearing and it was stated the parking area will
2 be enlarged to accommodate additional cars. R. Winn stated he just received a letter about this change and that
3 is why he is at this meeting and not at the 10-21-21 meeting.
4

5 M. Thornton apologized for the delay in receiving the public notice letter, but stated they are within the 30 day
6 appeal period.
7

8 Chair Plourde reemphasized that they are within the 30 day appeal period, but the case cannot be heard at this
9 meeting. L. Daley will investigate what happened with the delay in notice and explain the appeal process to
10 Ryan Winn.
11

12 L. Daley confirmed that he will look at this and will work with Ryan Winn in filing an appeal. He said a letter
13 needs to be submitted to the Department of Community Development. He also stated if this is the only issue,
14 perhaps an arrangement can be made with the applicant.
15

16 M. Thornton to R. Winn if the applicant expands the driveway, would that solve the problem. R. Winn: if the
17 parking on Chestnut Street is discontinued and more spaces are made in the driveway.
18

19 Chair Plourde brought up some of the discussion that was brought up at the meeting of 10-21-21. He stated
20 this issue was a big part of the discussion with the applicant. The applicant indicated the parking area will be
21 enlarged.
22

23 R. Winn even on a regular basis more cars are parked on Chestnut Street that are from the tenants.
24

25 L. Daley explained what did happen with the letter, but R. Winn has time to submit a letter of appeal to the
26 Zoning Board.

27 It is recommended the letter be delivered in person. He reiterated that parking was a major issue of discussion
28 when the case was heard. He is confident he can work with the property owner to resolve this problem.
29

30 J. Plourde stated it is recommended R. Winn submit a letter to L. Daley and then whatever happens after the
31 letter is submitted and it can be resolved, the letter will be on the record
32

33 Discussion began regarding the need for new ZBA Members and how to recruit them.
34

35 J. Plourde stated that staff will be working with the Town Council to streamline the ZBA process and he is
36 going to clarify some of the questions the ZBA had on the Variance Criteria.
37

38 L. Daley stated that he will be working with Town Council and hopefully sometime in December he will have
39 answers.
40

41 There was a brief discussion about how the Town Council can assist the ZBA.
42
43

Motion to Adjourn
44

45
46 Chair Plourde asked if there was anything else. M. Thornton made a motion to adjourn and R. Costantino
47 seconded. All Board Members were in agreement. Meeting adjourned.
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MINUTES OF THE ZBA MEETING NOVEMBER 18, 2021

1 **Motion to Approve:** _____

2

3 **Seconded:** _____

4

5 **Signed:** _____

6

7 **Date:** _____

8

9

10 **THE MINUTES OF CASE 2021-25 WERE APPROVED:** _____

11

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