

Town of Milford
Zoning Board of Adjustment
MARCH 3, 2022
Public Hearings

Case #2021-16 Gretchen Davidson, VARIANCE
Case #2021-30 Chris Moore, SPECIAL EXCEPTION
Case #2022-01 Chris Moore, VARIANCE
Case #2022-002 Andrea Kokko, VARIANCE

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

Not Present: Joan Dargie, Alternate
Jane Hesketh, Recording Clerk

Meeting Agenda

1. Call to Order
2. Public Hearing(s):
 - 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, Gretchen Davidson for the property located at 64 Federal Hill Road, Tax Map 48, Lot 43 is seeking a Variance from Milford Zoning Ordinance, 5.02.4.B to create a lot with less than the required 150 linear feet of frontage on a principle route of access on a Class V road or better for a property in Residential 'A' district not serviced by both municipal water and sewer. (Request to Withdraw Without Prejudice)
 - b. Case #2021-30 Chris Moore for the property located at 10 Oakwood Circle, Tax Map 26, Lot 29 is seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.02.2.A.13 and Article X, Section 10.02 to allow the construction of a 744 square foot accessory dwelling within an attached building addition to an existing single-family residence located in the Residential 'A' Zoning District. (Continued from February 3, 2022)
 - c. Case #2022-01 Chris Moore for the property located at 10 Oakwood Circle, Tax Map 26, Lot 29 is seeking a Variance from the Milford Zoning Ordinance, Article X, Section 10.02.6.A.1.f to construct an attached accessory dwelling unit without a common interior access between the principal dwelling unit and the ADU consisting of a connector that is a minimum of 36" in width or a doorway a minimum of 32" in width. The property falls within the Residential 'A' Zoning District. (New Application)
 - d. Case #2022-02 Andrea Kokko for the property located at 116 Osgood Road, Tax Map 42, Lot 46 is seeking a Variance from the Milford Zoning Ordinance, Article V, Section 5.02.4.B to create a lot with less than the required 150 linear feet of frontage on a principle route of access on a Class V road or better for a property in Residential 'A' district not serviced by both municipal water and sewer. (New Application)
3. Meeting Minutes: January 6, 2022, January 20, 2022
4. Other Business: TBD
5. Next Meeting: a. March 17, 2022 b. April 7, 2022

1 **1. CALL TO ORDER**

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

6 He stated you may also attend this meeting in person at the Milford Town Hall, Board of Selectmen’s Meeting Room with
7 all Covid protocols in place.
8

9 If you would like to participate in the public meeting, please call this number from home: +1 646-558-8656 and enter the
10 Meeting ID: 851 6407 7601 and Password: 269952 or log in via www.zoom.com using the Meeting ID and Password
11 previously stated.
12

13 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)
14 [adjustment/agenda/zba-agenda](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
15 21: <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>
16

17 He then went on to inform everyone about the procedures of the Board.
18

19 Chair Plourde stated all votes taken during the meeting must be done by Roll Call vote. He started the meeting with a roll
20 call attendance by asking each member to state their name; this is required under the Right-to-Know Law. Roll Call
21 Attendance: those present at Milford Town Hall; M. Thornton present; K. Lagro present; T. Steel present; J. Plourde
22 present; R. Costantino present remotely. He stated there is a full board present and there are 4 cases to be heard.
23

24 He explained the process of the case hearings for the applicant and the public. He said a full agenda may not allow all cases
25 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
26 may not be heard in that they would be continued to the next meeting or another agreed upon meeting. He also explained
27 the notification process for continued cases.
28

29 J. Plourde then moved ahead to the cases to be heard.
30
31

32 **2. PUBLIC HEARINGS**

- 33
34 **a. Case #2021-16 Gretchen Davidson for the property located at 64 Federal Hill Road, Tax Map 48, Lot 43.**
35 Variance Application from Milford Zoning Ordinance, Gretchen Davidson for the property located at 64 Federal Hill
36 Road, Tax Map 48, Lot 43 is seeking a Variance from Milford Zoning Ordinance, 5.02.4.B to create a lot with less than
37 the required 150 linear feet of frontage on a principle route of access on a Class V road or better for a property in
38 Residential ‘A’ district not serviced by both municipal water and sewer. (Request to Withdraw Without Prejudice)
39

40 Chair stated there was a request received by the applicant to withdraw the application without prejudice.
41

42 J. Plourde asked for a motion to approve the request to withdraw the application without prejudice. M. Thornton made a
43 motion to approve and T. Steel seconded the motion. He then asked for a vote: M. Thornton yes; T. Steel yes; K. Lagro yes;
44 R. Costantino yes; Chair yes. Case #2021-16 will be withdrawn without prejudice.
45

46 Chair Plourde then moved on to the next cases to be heard. He stated the next two cases are for the same property. One is
47 for a Special Exception and one is for a Variance for the same ADU. He indicated the Special Exception is the standard
48 application for an ADU. The Variance, however, is due to the fact there will not be an entrance to the ADU from the
49 existing family home. In view of this, Chair Plourde asked that the cases be heard out of turn. He then requested a motion
50 to approve having Case #2022-01 heard before Case #2021-30. M. Thornton made a motion to switch the order of the cases
51 and T. Steel seconded. All were in favor.
52

53 He moved on to the next case to be heard.
54

- 55 **b. Case #2022-01 Chris Moore for the property located at 10 Oakwood Circle, Tax Map 26, Lot 29.** Variance
56 Application from the Milford Zoning Ordinance, Article X, Section 10.02.6.A.1.f to construct an attached accessory
57 dwelling unit without a common interior access between the principal dwelling unit and the ADU consisting of a

connector that is a minimum of 36” in width or a doorway a minimum of 32” in width. The property falls within the Residential ‘A’ Zoning District. (New Application)

Chair Plourde asked Chris Moore to step forward and in his place was Stephen Gaspar serving as Chris Moore’s representative. Mr. Gaspar is the owner of Gaspar Construction.

S. Gaspar summarized the scope and intent of the project and explained there is no physical way to access the ADU from the existing home. The ADU will be on a second floor and the existing home is a single story.

J. Plourde asked to further explain the project scope and construction of the ADU so the board can understand why an access cannot be established.

S. Gaspar explained the existing home is a single story ranch style with a single garage. The single garage will be expanded to be a two car garage and the ADU will be constructed above the newly constructed attached garage addition. The ADU will not even be over the existing single family home. This does not allow for a door between both units. Instead, there will be a stair case that will give egress from the 2nd floor of the ADU to the garage. In addition, there will be egress points from the two appropriately sized windows along the front of the house facing the street.

J. Plourde stated there is documentation (*referencing Informational Bulletin 2020-03 from the State of NH Dept. of Safety, Division of Fire Safety*) provided by the applicant showing the egress windows as being acceptable form of egress. To confirm, he reiterated the ADU cannot be accessed from the existing building because the two units will be on different levels. He then went on to present the reasons for the access.

M. Thornton pointed out there is no common wall between the units.

J. Plourde went on to bring up the definition of an attached ADU. He then went on to say the criteria for an ADU variance do not cover this ADU variance due to the lack of access from the primary structure. He then cited information from the Department of Safety which was provided to the ZBA members that addresses egress windows. Reading from the Informational Bulletin 2020-03, the Chairman read the requirements for egress windows and pointed out that the windows have to be easy to exit from a 2nd floor.

Further discussion continued about the egress windows. It was pointed out there will be a fire door to the entrance to the stair case going to the 2nd floor.

S. Gaspar stated he has updated the windows to comply with the latest standards.

M. Thornton stated the door from the second floor to the stairway in the garage seems to satisfy the spirit of the ordinance.

L. Daley stated while this is not attached to the primary structure, the egress windows do satisfy the requirement.

It was confirmed that the height of the proposed addition will be less than the maximum height permitted of 35 feet and the windows are 20 ft. from the ground.

R. Costantino said he does not have any questions and the safety issues have been addressed.

J. Plourde stated he wants to go over the 5 criteria for a variance.

S. Gaspar then reviewed the five criteria for a Variance.

Variance Criteria:

1. **This will not be contrary to the public interest.**
It will be for residential use in a residential area.
2. **The spirit of the Ordinance is observed.**
Safety issues have been addressed in regards to egress from the 2nd floor.
3. **Substantial Justice is done.**

1 The proposed ADU complies with all criteria except for the attached access between the structures.
2 There was more discussion about the door access from one unit to the other. Various options were brought up.
3

4 **4. The Values of Surrounding Properties will not be diminished.**

5 S. Gaspar stated he feels it will not. There are other homes in the area with a secondary unit.
6

7 **5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.**

8 S. Gaspar stated if the ordinance is enforced as written, the existing house would have to be changed as well as the
9 ADU.
10

11 Chair Plourde went over the Zoning criteria regarding the doorway access. He read the piece concerning a
12 common access in order to show the intent of the ordinance.
13

14 R. Costantino stated the common access criteria intent is for safety reasons. There is no common wall that would
15 accommodate this. Therefore, he feels the hardship is the two story house attached to a one story house. There is a
16 stair case in the garage and two egress windows both that meet the safety codes.
17

18 J. Plourde interjected that there is a common wall, but at different levels, i.e. in the attic space.
19

20 The subject of the intent was discussed. The reasons for the lack of a common access were investigated and
21 debated. Various scenarios were presented and how the proposed ADU egress points addresses these possible
22 safety situations.
23

24 R. Costantino feels the proposed ADU complies with the intent of the ordinance.
25

26 Another part of the hardship criteria is that the proposed use is a reasonable one.

27 J. Plourde emphasized this variance needs to be looked at from this point of view: is there a reasonable way of
28 entering and exiting the ADU without a common doorway access.
29

30 K. Lagro brought up the safety criteria from the Department of Safety which states 1 of 3 criteria needs to be met
31 for egress windows to be acceptable:

- 32 1) the windows need to be within 20 feet of the ground (which they will be)
- 33 2) the windows shall be directly accessible to the Fire Department (the Fire Department has reviewed the plans)
- 34 3) the windows will open to a balcony

35 This criteria, which is not part of the proposed ADU, was discussed. It was explained by S. Gaspar why this is not
36 a viable solution.
37

38 It was stated that two of the three criteria has been met.
39

40 J. Plourde asked if there were any further questions before opening up to the public. He also asked if the applicant wanted
41 to add anything and he didn't. There were no further questions and the public portion of the meeting was closed.
42
43

44 **Deliberations:**
45

46 **1. This will not be contrary to the public interest.**

47 M. Thornton: it is exactly the same except there is no common wall to allow for a common access door

48 K. Lagro: it will not be contrary to the public interest; primary purpose of the variance is regarding the common access

49 T. Steel: it is permitted in the district

50 R. Costantino: agrees, safety has been addressed.

51 J. Plourde: safety has been dealt with and agrees with what has been said.
52

53 **2. The spirit of the Ordinance is observed.**

54 K. Lagro: only looking at one aspect of the variance and safety has been addressed

55 T. Steel: agrees

56 R. Costantino: agrees

57 M. Thornton: the spirit is maintained by incorporating acceptable egress points

1 J. Plourde: reiterated that the spirit is being observed with the egress windows and stairway for safety reasons that are
2 in compliance with the Department of Safety criteria regarding egress from an ADU.
3

4 **3. Substantial Justice is done.**

5 T. Steel: it would give substantial justice because they have addressed the safety concerns and an ADU is permitted in
6 the residential 'A' District.

7 R. Costantino: agrees

8 M. Thornton: agrees

9 K. Lagro: agrees

10 J. Plourde: agrees; the safety issues have been satisfied
11

12 **4. The Values of Surrounding Properties will not be diminished.**

13 R. Costantino: feels it will not affect surrounding properties by not having a common wall

14 M. Thornton: it is really an enhancement to the property; not having a common access will not detract from the
15 surrounding properties.

16 K. Lagro: the egress windows will be simply windows that will not take away from the surrounding properties

17 T. Steel: agrees

18 J. Plourde: not changing anything outside except the windows
19

20 **5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.**

21 R. Costantino: the purpose of the ordinance is to provide safety access to exit the building; the application provides for
22 two egress windows that comply with the safety criteria and is in line with the intent of the ordinance. He feels it is a
23 reasonable solution that has been reviewed by the Fire Department who found this to be acceptable.

24 M. Thornton: the applicant cannot comply with the exact ordinance, but it does address the spirit of the ordinance.
25

26 J. Plourde interjected that he agrees the intent of the ordinance is being met. He stated that if the ADU was placed over
27 the existing one car garage (no expansion of the existing garage), the same situation would exist.
28

29 M. Thornton agrees with this and then stated there is no space to the side of the garage which means going up is the
30 only reasonable alternative. Therefore, they are dealing with an existing situation.
31

32 J. Plourde reopened the public portion of the meeting. He stated he felt he missed a point and needs to clarify by asking
33 S. Gaspar a question.
34

35 S. Gaspar stepped forward to the microphone.
36

37 J. Plourde to S. Gaspar: where there other alternatives for placement of the ADU such as over the existing primary structure
38 or by going over the single car garage and do not expand the garage?
39

40 S. Gaspar: it was felt by the owners there would be a noise factor involved by placing the ADU over any portion of the
41 existing home.
42

43 M. Thornton pointed out that you could use the existing footprint of the single garage and move the garage toward the
44 street. This would allow both structures to be at the same level.
45

46 J. Plourde stated various alternatives needed to be investigated and they have been.
47

48 M. Thornton stated this then presents the hardship.
49

50 Since the public portion of the meeting was re-opened, Chair Plourde asked if there were any questions from the public.
51 There were none so the public portion was closed.
52

53 K. Lagro: regarding hardship, there is no way to create the common door which then presents a hardship

54 T. Steel: agrees
55

56 J. Plourde asked the board if they were ready to vote, and all were in agreement.
57
58

1 **Voting:**

- 2
- 3 1. This will not be contrary to the public interest.
- 4 R. Costantino yes; K. Lagro yes; T. Steel yes; M. Thornton yes; chair votes yes.
- 5
- 6 2. The spirit of the Ordinance is observed by creating affordable housing in keeping with the area.
- 7 K. Lagro yes; T. Steel yes; M. Thornton yes; R. Costantino yes; chair votes yes.
- 8
- 9 3. Substantial Justice is done.
- 10 T. Steel yes; M. Thornton yes; R. Costantino yes; K. Lagro yes; chair votes yes.
- 11
- 12 4. The Values of Surrounding Properties will not be diminished.
- 13 M. Thornton yes; R. Costantino yes; K. Lagro yes; T. Steel yes; chair votes yes.
- 14
- 15 5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.
- 16 R. Costantino yes; K. Lagro yes; T. Steel yes; M. Thornton yes; chair votes yes.
- 17

18 Chair Plourde asked if there is a motion to approve **Case #2022-01** Chris Moore for the property located at 10 Oakwood
19 Circle, Tax Map 26, Lot 29 is seeking a VARIANCE from the Milford Zoning Ordinance, Article X, Section 10.02.6.A.1.f
20 to construct an attached accessory dwelling unit without a common interior access between the principal dwelling unit and
21 the ADU consisting of a connector that is a minimum of 36” in width or a doorway a minimum of 32” in width. The
22 property falls within the Residential ‘A’ Zoning District. (New Application)

23

24 M. Thornton made a motion to approve **Case #2022-01** and T. Steel seconded.

25 J. Plourde: A motion has been made to approve **Case #2022-01**. Those in favor: M. Thornton yes; T. Steel yes; R.
26 Costantino yes; K. Lagro yes; chair votes yes.

27

28 Chair Plourde stated the criteria for the Variance request had been satisfied by a unanimous vote and the application
29 approved. There is a 30 day appeal period that can be filed with the Zoning Board.

30

31 Chair Plourde moved on to the next case to be heard.

- 32
- 33 **c. Case #2021-30 Chris Moore for the property located at 10 Oakwood Circle, Tax Map 26, Lot 29.** Special
34 Exception Application from the Milford Zoning Ordinance, Article V, Section 5.02.2.A.13 and Article X, Section
35 10.02 to allow the construction of a 744 square foot accessory dwelling within an attached building addition to an
36 existing single-family residence located in the Residential ‘A’ Zoning District. (Continued from February 3, 2022)

37

38 Stephen Gaspar, owner of Gaspar Construction, stepped forward and is serving as Chris Moore’s representative.

39

40 He then explained it will be 744 sq. ft. with one bedroom, one bath with a shower, small kitchen as well as an access door
41 to the garage.

42

43 L. Daley reviewed the various criteria points of the application in regards to a Special Exception for an ADU. This was to
44 illustrate the new structure will meet the size requirements, driveway requirements as well as the sewage/water/septic needs
45 (from the town).

46

47 J. Plourde then indicated there are 5 Special Exception criteria under 10.02.1 that need to be satisfied. He explained he will
48 go over this criteria with S. Gaspar so he can then affirm the criteria will be met.

49

50 Special Exception criteria under 10.02.1:

- 51
- 52 **a. Criteria: proposed use is similar to those permitted in the district**
- 53 S. Gaspar stated it is designated a residential dwelling in a residential district.
- 54
- 55 **b. Criteria: specific site is in an appropriate location for the proposed use**
- 56 S. Gaspar said it will be in conformance with the existing building exterior.
- 57 L. Daley went over the drawing and the exterior color to depict it will be appropriate.
- 58

- 1 c. Criteria: the use as developed will not adversely affect the adjacent area
2 S. Gaspar stated it will fit in with other homes in the area that are split level homes.
3 L. Daley pointed out it will not increase traffic because it is only a one bedroom unit.
4
5 d. Criteria: no nuisance or serious hazard to vehicles or pedestrians
6 S. Gaspar no additional traffic. J. Plourde no expanded driveway and no sidewalks.
7
8 e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use
9 L. Daley previously addressed these items in regards to the septic and water needs to accommodate the one bathroom
10 and small kitchen.
11

12 Chair Plourde asked if there were any questions from the board or public.

13
14 R. Costantino pointed out there is no entrance to the back of the unit but this should not be an issue. He stated he feels the
15 egress points are situated in a good place.

16 The subject of the exit door location was debated. It was agreed having the door in the front was acceptable.
17

18 The public portion of the meeting was closed.
19

20 **Deliberations:**

21
22 J. Plourde then moved to deliberations for the 5 Special Exception criteria under 10.02.1. He then indicated that after
23 deliberations for the 5 criteria, he will read the requirements for an ADU and then state either yes or no, but asked the board
24 to interject if they had comments or questions. He also stated that this is more of a check list for an ADU and the board will
25 then vote on the Special Exception criteria under 10.02.1.
26

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

28 R. Costantino: yes it is by Special Exception

29 T. Steel: yes

30 K. Lagro: yes in this district

31 M. Thornton: residential use, residential area

32 J. Plourde: yes
33

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

35 T. Steel: yes

36 K. Lagro: yes it meets all the requirements

37 M. Thornton: yes

38 R. Costantino: yes

39 J. Plourde: yes; good location
40

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

42 K. Lagro: yes; looks like an addition

43 M. Thornton: sees no impact

44 R. Costantino: agrees

45 T. Steel: agrees

46 J. Plourde: agrees
47

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

49 M. Thornton: sees no reason for nuisance or serious hazard

50 R. Costantino: agrees; sees no hazard with the ADU

51 T. Steel: agrees

52 K. Lagro: only one car being added

53 J. Plourde: agrees
54

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

56 R. Costantino: town water and sewer

57 K. Lagro: agrees

58 T. Steel: agrees

59 M. Thornton: agrees and emergency access is provided

1 J. Plourde: agrees
2

3 J. Plourde asked if there was anything that needed to be added before moving ahead to the ADU requirements under 10.2.6.
4 He then recited the requirements and responded in a positive way to all.
5

6 J. Plourde asked if there were any concerns under 10.2.6. There were no concerns expressed from the board.
7

8 **Voting:**
9

10 Special Exception
11

12 The ZBA voted on the five criteria under Special Exception 10.2.1.
13

- 14 a. R. Costantino yes; K. Lagro yes; T. Steel yes; M. Thornton yes; Chair votes yes
- 15 b. K. Lagro yes; T. Steel yes; M. Thornton yes; R. Costantino yes; Chair votes yes
- 16 c. T. Steel yes; M. Thornton yes; R. Costantino yes; K. Lagro yes; Chair votes yes
- 17 d. M. Thornton yes; R. Costantino yes; K. Lagro yes; T. Steel yes; Chair votes yes
- 18 e. R. Costantino yes; K. Lagro yes; T. Steel yes; M. Thornton yes; Chair votes yes
19

20 Is the Special Exception allowed by the Ordinance?

21 T. Steel yes; K. Lagro yes; R. Costantino yes; M. Thornton yes; Chair votes yes
22

23 Are all the specified conditions present under which the Special Exception may be granted?

24 K. Lagro yes; T. Steel yes; M. Thornton yes; R. Costantino yes; Chair votes yes
25

26 Chair Plourde asked if there is a motion to approve **Case #2021-30** Chris Moore for the property located at 10 Oakwood
27 Circle, Tax Map 26, Lot 29 is seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Section
28 5.02.2.A.13 and Article X, Section 10.02 to allow the construction of a 744 square foot accessory dwelling within an
29 attached building addition to an existing single-family residence located in the Residential 'A' Zoning District. (Continued
30 from February 3, 2022)
31

32 R. Costantino made a motion to approve **Case #2021-30** and T. Steel seconded.
33

34 J. Plourde: A motion has been made to approve **Case #2021-30**. Those in favor: R. Costantino yes; T. Steel yes; K. Lagro
35 yes; M. Thornton yes; Chair votes yes.
36

37 Chair Plourde stated the criteria for the Special Exception request had been satisfied and the application approved. There is
38 a 30 day appeal period that can be filed with the Zoning Board.
39

40 Chair Plourde moved on to the next case.
41
42

43 **d. Case #2022-02** Andrea Kokko for the property located at 116 Osgood Road, Tax Map 42, Lot 46 is seeking a
44 VARIANCE from the Milford Zoning Ordinance, Article V, Section 5.02.4.B to create a lot with less than the required 150
45 linear feet of frontage on a principle route of access on a Class V road or better for a property in Residential 'A' district not
46 serviced by both municipal water and sewer. (New Application)
47

48 Andrea Kokko via Zoom presented the application. She stated her father-in-law, Carl Chappell, will be present at the
49 meeting. She started by saying it is a 20.5 acre lot with the homestead on it as well as the logging business. She then moved
50 on to the criteria.
51

52 **Variance Criteria:**
53

- 54 1. This will not be contrary to the public interest.

55 It will not affect the lots in the area. Also, homes in the area have less than the required frontage.
56

- 57 2. The spirit of the Ordinance is observed.

58 Trying to separate the home from the logging business. There would be no change to the property.

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3. Substantial Justice is done
No changes will be made in the way of development.
4. The Values of Surrounding Properties will not be diminished.
Again, similar to other properties that have less frontage.
5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.
There would be no other way to access the back property.

A. Kokko stated there is no way the back property of 17+ acres could be accessed without this variance.

L. Daley brought up what other possibilities there could be. A. Kokko stated the various reasons other ways of accomplishing this would not be possible. She specifically cited possible wet lands in the area L. Daley had suggested.

Carl Chappell of 116 Osgood Rd. stepped forward to the microphone in Milford Town Hall. He explained the layout of the property in regards to the wet areas.

L. Daley reiterated the limitations of the property due to the wet land areas. Therefore, the proposal is the best alternative to separating the properties. There are some limitations with existing structures as well.

A. Kokko pointed out on the map that the home property has been, over the years, made very separate from the logging area. There is a line of trees that surrounds the home and this is close to where the lot line would be.

Various alternatives continued to be discussed and all were felt to be either a hazard or just not workable due to limitations that are on the property.

R. Costantino asked about what was meant by no further development.

A. Kokko stated there will be no development of homes but to simply leave it as a business with its own property. This would allow C. Chappell to sell the business portion and continue to maintain his private home separately.

J. Plourde opened the meeting to the public.

L. Daley read a letter from the abutters, specifically 115 Osgood Road, but signed by all the abutters. There were no negative comments.

J. Plourde asked the applicant if she had anything more to add and she did not.

J. Plourde closed the public portion of the meeting.

Deliberations:

1. This will not be contrary to the public interest.
R. Costantino: does not affect safety or the look of the neighborhood.
T. Steel: agrees; will not change anything
K. Lagro: agrees
M. Thornton: no substantial changes
J. Plourde: agrees
2. The spirit of the Ordinance is observed.
T. Steel: yes
K. Lagro: it will maintain the character and safety of the neighborhood
M. Thornton: public interest is protected as well as the property owners' interests
R. Costantino: agrees
J. Plourde: agrees
3. Substantial Justice is done.
K. Lagro: yes because the division will allow separation with no physical changes
T. Steel: agrees; no obvious changes

1 M. Thornton: no changes that will be seen
2 R. Thornton: no benefit to the public by denying it
3 J. Plourde: agrees

4
5 4. The Values of Surrounding Properties will not be diminished.

6 M. Thornton: no physical changes
7 R. Costantino: intent to preserve the business as is with no change
8 T. Steel: will continue to operate as it currently does
9 K. Lagro: no visible changes
10 J. Plourde: agrees

11
12 5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

13 R. Costantino: this application upholds the intent of the ordinance and it is logical to separate the properties
14 T. Steel: agrees; also no alternatives to what has been proposed
15 K. Lagro: moving the driveway would harm the property and the property limitations
16 M. Thornton: Hardship due to the unique character of the land, the unusual shape of the property and its historic nature
17 J. Plourde: agrees

18
19 J. Plourde asked the board if they were ready to vote, and all were in agreement.

20
21 **Voting:**

22
23 1. This will not be contrary to the public interest.

24 R. Costantino yes; T. Steel yes; K. Lagro yes; M. Thornton yes; chair votes yes

25
26 2. The spirit of the Ordinance is observed by creating affordable housing in keeping with the area.

27 T. Steel yes; K. Lagro yes; M. Thornton yes; R. Costantino yes; chair votes yes

28
29 3. Substantial Justice is done.

30 K. Lagro yes; M. Thornton yes; R. Costantino yes; T. Steel yes; chair votes yes

31
32 4. The Values of Surrounding Properties will not be diminished.

33 M. Thornton yes; R. Costantino yes; T. Steel yes; K. Lagro yes; chair votes yes

34
35 5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

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

37
38
39 Chair Plourde asked if there is a motion to approve Case #2022-02 Andrea Kokko for the property located at 116 Osgood
40 Road, Tax Map 42, Lot 46 is seeking a VARIANCE from the Milford Zoning Ordinance, Article V, Section 5.02.4.B to
41 create a lot with less than the required 150 linear feet of frontage on a principle route of access on a Class V road or better
42 for a property in Residential 'A' district not serviced by both municipal water and sewer. (New Application)

43
44 R. Costantino made a motion to approve Case #2022-02 and T. Steel seconded.

45
46 J. Plourde: A motion has been made to approve Case #2022-02. Those in favor: R. Costantino yes; T. Steel yes; K. Lagro
47 yes; M. Thornton yes; chair votes yes.

48
49 Chair Plourde stated the criteria for the Variance request had been satisfied by a unanimous vote and the application
50 approved. There is a 30 day appeal period that can be filed with the Zoning Board.

51
52 **3. MEETING MINUTES**

53
54 Meeting Minutes for January 6, 2022:

55 Change to T. Steel's name

56 T. Steel made a motion to approve minutes from January 6, 2022 and R. Costantino seconded.

57 All were in agreement.

58
59 Meeting Minutes for January 20, 2022:

1 Change to T. Steel's name
2 T. Steel made a motion to approve minutes from January 20, 2022 and R. Costantino seconded.
3 All were in agreement.

4
5 **4. OTHER BUSINESS**

6
7 R. Costantino will be ending his position with the Zoning Board. This was his last meeting. All members expressed their
8 appreciation for his 6 years of service.

9
10 **Motion to Adjourn**

11
12 Chair Plourde asked if there was anything else. M. Thornton made a motion to adjourn and T. Steel seconded. All Board
13 Members were in agreement. Meeting adjourned.

14
15
16 **Motion to Approve:** _____

17
18 **Seconded:** _____

19
20 **Signed** _____

21
22 **Date:** _____

23