

***Town of Milford***  
**Zoning Board of Adjustment**  
**MARCH 17, 2022**  
**Public Hearings**

**Case #2022-03 Wade Methe & Kyle Todd, VARIANCE**

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

**Not Present:** Jane Hesketh, Recording Clerk

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**Meeting Agenda**

1. Call to Order
2. Public Hearing(s):
  - a. Case #2022-03 Wade Methe & Kyle Todd, for the property located at 26 Amherst Street, Tax Map 26, Lot 9 are seeking a VARIANCE from the Milford Zoning Ordinance, Article V, Section 5.02 to allow the conversion of the existing two-family residence to a three-family residential dwelling in the Residential 'A' District.
3. Meeting Minutes: February 3, 2022
4. Other Business: TBD
5. Next Meeting: a. April 7, 2022 b. April 14, 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; J. Plourde present; T. Steel  
22 present remotely; J. Dargie present remotely. He stated there is a full board present and there is 1 case 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 stated that before moving ahead, since this is the first meeting after the Town Meeting, the position of Chair and  
30 Vice Chair are open for replacements/voting (Vice Chair R. Costantino ended his term).

31 M. Thornton nominated K. Lagro for Chair and it was seconded by J. Plourde; K. Lagro nominated J. Plourde.

32 Those in favor of K. Lagro for Chair voted: M. Thornton yes; J. Plourde yes; J. Dargie no; T. Steel no; K. Lagro no.

33 Those in favor of J. Plourde for Chair voted: M. Thornton yes; J. Dargie yes; T. Steel yes; K. Lagro yes; J. Plourde no.

34 J. Dargie nominated K. Lagro for Vice Chair and it was seconded by M. Thornton.

35 Those in favor of K. Lagro for Vice Chair voted: M. Thornton yes; J. Dargie yes; T. Steel yes; J. Plourde yes; K. Lagro yes.

36 For the year 2022, Chair will be Jason Plourde and Vice Chair Karin Lagro.  
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38 J. Plourde then moved ahead to the case to be heard.  
39

40 **2. PUBLIC HEARINGS**

41  
42 **a. Case #2022-03 Wade Methe & Kyle Todd, for the property located at 26 Amherst Street, Tax Map 26, Lot 9.**

43 Variance Application from the Milford Zoning Ordinance, Article V, Section 5.02 to allow the conversion of the  
44 existing two-family residence to a three-family residential dwelling in the Residential ‘A’ District.  
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46 J. Plourde explained to the applicants that even though the board has the application, the board needs to have on record the  
47 criteria for this case.  
48

49 He asked the applicant to come forward to the microphone.  
50

51 Both applicants were preset. Wade Methe began by introducing himself and proceeded to present the application and  
52 project to convert the second floor of the attached garage/barn into a 3<sup>rd</sup> residential dwelling unit. He said this will benefit  
53 the public due to the recent housing shortage. Also, the renovation of the unused structures creates housing and benefits the  
54 neighborhood.  
55

56 He further explained that it is an existing structure that will be renovated. It has three floors and is currently used primarily  
57 as a two-car garage (attached to the existing two family dwelling). The plan is to renovate the middle floor of the garage  
58 into a single family dwelling and the ground floor will continue to be used for vehicles. There will be no change to the 3<sup>rd</sup>

1 floor. There will be multiple and appropriate egresses from the new unit. No change will be made to the exterior of the  
2 existing structure. The 3<sup>rd</sup> floor is just attic space. Upgrades will include: fire proofing, insulation, bathroom and kitchen  
3 added, new windows, possibly electrical upgrades, egress points and more.  
4

5 J. Plourde reminded everyone that the financial aspects of the project cannot be considered when making a decision.  
6

7 W. Methe added what he meant was that the project will improve the overall value of the existing property as well as the  
8 surrounding properties; not how much it will cost or the financial gain that may be realized with improvements to the  
9 existing property.  
10

11 Variance Criteria:

- 12
- 13 1. This will not be contrary to the public interest.  
14 It will provide much needed housing.  
15
- 16 2. The spirit of the Ordinance is observed.  
17 Safety issues have been addressed in regards to egress, electrical, etc.  
18
- 19 3. Substantial Justice is done.  
20 Per applicant, K. Todd, there would not be a detriment to the public.  
21

22 This criteria was debated and discussed.  
23

24 J. Plourde stated to the east is the church, to the north are two single family homes, to the west are multi-family  
25 dwellings, therefore, there are 3 different types of dwellings in this area. Across the street is a commercial zoning  
26 district. Then going further down the street, there are other multi-family dwellings adjacent to the property requesting a  
27 variance. In summary, there are 5 multi-family dwellings, two single family homes and then the church.  
28

29 It was stated this change will not dramatically affect the character of the neighborhood or the property in question.  
30

31 J. Plourde clarified that the variance for a multi-family unit, in regards to this property, is specifically for a three family  
32 unit and not anything larger.  
33

34 L. Daley wanted to go over how the unit will be accessed. The applicant explained the various egress points that are  
35 currently in place.  
36

- 37 4. The Values of Surrounding Properties will not be diminished.  
38 J. Plourde stated this has been touched on already. The only change he wants to address is the question about density.  
39 He reiterated the points that have been brought up about changes to the exterior of the property, the existing parking lot  
40 which accommodates a large number of vehicles, as well as other changes.  
41 L. Daley asked if enough has been said regarding this criteria and the board stated it has been covered.  
42

- 43 5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.  
44 W. Methe stated this is an existing structure that is currently unused; the primary use was as a barn.  
45 It was again reiterated that increased property value is not considered a hardship.  
46 Hardship needs to be addressed in terms of how not granting this variance would result in a hardship to the property in  
47 question i.e. physical characteristics of the property.  
48 K. Todd stated the property does not look like a single family home. It has two distinct entrances and a large parking  
49 lot in the front yard. It was recently used by the adjacent church for housing before the applicants purchased the  
50 property. The building looks like a multi-family unit and has been used that way.  
51

52 J. Plourde summarized what K. Todd stated by saying; therefore, what is being stated is that the structure is already  
53 there making it an existing characteristic of the property. This existing structure will be re-used and not using the  
54 structure means it would simply be left empty.  
55

56 J. Plourde then asked how it will affect the adjacent properties. It is the only two family unit in that area.  
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58 K. Lagro to L. Daley: can prior use be considered as a special characteristic of the property?

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L. Daley: the original use of the property has changed over the years

K. Lagro: therefore, this could be an element that makes it unique

L. Daley: possibly

M. Thornton: other properties cannot be taken into consideration for this criteria, but only the property being evaluated for a variance; cannot discuss the finances; it is understood this will be a benefit to the community, but criteria #5 is about hardship to the existing property.

W. Methe: couldn't the absence of benefit be defined as hardship?

M. Thornton: Hardship is something that is inherent to the property; something that makes it unique.

This point was debated and discussed.

J. Plourde: the board needs to find that the use would be rendered reasonable by special characteristics of the property making it reasonable to make this property a three family unit.

K. Lagro stated that prior use was considered before by the board when granting a variance.

This point was discussed at length.

J. Dargie interjected by saying when the issue of finances comes into play. She recalled that the Town Attorney said there are times the financial aspect can be considered.

L. Daley does not recall that and feels the board should not consider financial hardship as part of their deliberations. He then added the use is a reasonable one and there is adequate space for an additional unit. He went over the parking, the space, etc. There is space to accommodate a three family unit.

K. Lagro pointed out the property is 75% complete.

More discussion continued about how the characteristics of this property create a hardship should the variance not be approved.

J. Plourde: Hardship cannot be self-created. The buildings have been there for many years.

J. Dargie: the property is in a reasonable area for a three family and the building is conducive to this change.

J. Plourde emphasized the importance of investigating all aspects of this point in view of the fact the decision by the board can be appealed.

M. Thornton asked about the egress for the two existing units; if the addition of the 3rd unit, with the common hallway, will require changes for egress from these two units.

W. Methe went over the drawing of the units to show the egress points for all the units.

L. Daley went over the inspections that need to be done.

J. Plourde asked if there were any further questions. The meeting was opened to the public.

Selectman Dargie stepped forward to state the building is very workable for a three family unit. At one point it was a three family. He feels the hardship is the size of the unit in that it is too large for a just a two family. There are limitations due to the size and the way it can be used.

Chair Plourde asked if there were any more comments from the public. He asked the applicants if they had anything more to add. There were no further comments from the public and the applicants had nothing more to add.

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2 The public portion of the meeting was closed. He stated there is a 5 member board.  
3

4 **Deliberations:**  
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6 1. This will not be contrary to the public interest.

7 M. Thornton: it will not do any harm and there is a need for housing

8 K. Lagro: agrees; will not threaten the health, safety or welfare; will not increase traffic flow

9 T. Steel: agrees; not changing the footprint, parking is in place

10 J. Dargie: would not be contrary and agrees with everything that has been said

11 J. Plourde: agrees  
12

13 2. The spirit of the Ordinance is observed.

14 K. Lagro: spirit is to create low density; the change will not make a substantial increase in density and not alter the  
15 essential characteristic of the neighborhood

16 T. Steel: agrees

17 J. Dargie: agrees

18 M. Thornton: there is no visible difference and no traffic difference; agrees

19 J. Plourde: for this stretch of land, this property fits in; agrees  
20

21 three. Substantial Justice is done.

22 T. Steel: yes it will do justice in that it will create additional living space and not disrupt the public; also an existing  
23 structure so the change may not even be noticed

24 J. Dargie: agrees

25 M. Thornton: no gain to the public if this is denied

26 K. Lagro: agrees

27 J. Plourde: agrees  
28

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

30 J. Dargie: the abutting properties will not see any changes, therefore, no values will be diminished

31 M. Thornton: no visible difference to the property; values will not be diminished

32 K. Lagro: no decrease to the surrounding properties

33 T. Steel: agrees with what has been said

34 J. Plourde: agrees  
35

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

37 M. Thornton: the property cannot be fully utilized with denial of the variance but would like more input from the rest  
38 of the board

39 K. Lagro: agrees with Selectman Dargie's assessment regarding hardship

40 T. Steel: also appreciates Selectman Dargie's comments about the size and prior use

41 J. Dargie: agrees with what has been said; size of the property makes it unique and feels it meets the criteria

42 J. Plourde: agrees with the size of the property being a unique aspect of the characteristic; other uses in the area are  
43 mostly multi-family in the single use district; the surrounding area and structure of the property make it unique and it  
44 was a multi-family dwelling at one point; a three family will fit right in with the surrounding area; agrees with the rest  
45 of the board about hardship.

46 M. Thornton: stated he is in agreement with what has been said by the board  
47

48 J. Plourde asked the board if they were ready to vote, and all were in agreement.  
49

50 **Voting:**  
51

52 1. This will not be contrary to the public interest.

53 T. Steel yes; K. Lagro yes; M. Thornton yes; J. Dargie yes; chair votes yes.  
54

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

56 K. Lagro yes; M. Thornton yes; J. Dargie yes; T. Steel yes; chair votes yes.  
57

58 three. Substantial Justice is done.

M. Thornton yes; J. Dargie yes; T. Steel yes; K. Lagro yes; chair votes yes.

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

M. Thornton yes; J. Dargie yes; T. Steel yes; K. Lagro yes; chair votes yes.

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

J. Dargie yes; T. Steel yes; K. Lagro yes; M. Thornton yes; chair votes yes.

Chair Plourde asked if there is a motion to approve Case #2022-03 Wade Methe & Kyle Todd, for the property located at 26 Amherst Street, Tax Map 26, Lot 9 are seeking a VARIANCE from the Milford Zoning Ordinance, Article V, Section 5.02 to allow the conversion of the existing two-family residence to a three-family residential dwelling in the Residential 'A' District.

J. Dargie made a motion to approve Case #2022-03 and T. Steel seconded.

J. Plourde: A motion has been made to approve Case #2022-03. Those in favor: T. Steel yes; K. Lagro yes; J. Dargie yes; M. Thornton yes; chair votes yes.

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

**3. MEETING MINUTES**

2/3/2022:

K. Lagro made a motion to approve minutes from February 3, 2022 and J. Dargie seconded.

All were in agreement.

**4. OTHER BUSINESS**

A possible new member of the ZBA, Andrea Chappell, came forward to discuss things with the board. She stated her reasons for becoming involved and highlighted her real estate experience as well as having been involved with various committees from other areas. Each member expressed their experiences as well as the amount of work that is required from each member before and during the meeting.

J. Plourde stated he feels she will make an excellent addition not just as an alternate, but a full member.

M. Thornton made a recommendation for the Board of Selectman to appoint her as a full member of the Zoning Board.

K. Lagro seconded. Everyone was in favor.

L. Daley stated that he would submit a letter on behalf of the Board to the Board of Selectmen and briefly reviewed the meeting.

**Motion to Adjourn**

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

**Motion to Approve:** \_\_\_\_\_

**Seconded:** \_\_\_\_\_

**Signed** \_\_\_\_\_

**Date:** \_\_\_\_\_