

**Town of Milford**  
**Zoning Board of Adjustment**  
**SEPTEMBER 15, 2022**  
**Public Hearings**

**Case #2022-16 Doug and Debra Cray, SPECIAL EXCEPTION**  
**Case #2022-19 Steven & Ann Page and Jason & Emily Golden, SPECIAL EXCEPTION**  
**Case #2022-20 Sandford Surveying and Engineering, Inc. and Utopia Revocable Trust, SPECIAL EXCEPTION**

**Present:** Jason Plourde, Chair  
Karin Lagro, Vice Chair  
Michael Thornton, Member  
Andrea Kokko Chappell, Member  
Tracy Steel, Member  
Lincoln Daley, Director of Community Development  
David Freel, BOS Representative

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

---

**Meeting Agenda**

1. Call to Order
2. Public Hearing(s):
  - a. Case #2022-16 Doug and Debra Cray, Tax Map 41, Lot 76, 360 Mason Road is seeking a Special Exception from the Milford Zoning Ordinance, Article V, Sections 5.04.2.A.7 and 5.04.5.B to allow the construction of a 30' x 26' square foot detached garage residence within the 15-foot side dimensional setback on the subject property located in the Residential 'R' District
  - b. Case #2022-19 Steven & Ann Page and Jason & Emily Golden for the property located at Tax Map 5, Lots 6 and 6-1 are seeking a Special Exception from the Milford Zoning Ordinance, Article V, Sections 5.04.2.A.7 and 5.04.5.B to allow an existing 25' x 55' square foot concrete pad structure to be located within the 15 foot side dimensional setback of Map 5, Lot 6-1 where 15 feet is required for a property located in the Residential 'R' District.
  - c. Case #2022-20 Sandford Surveying and Engineering, Inc. and Utopia Revocable Trust for the properties located at Tax Map 53, Lots 67-3 and 68-1 are seeking a Special Exception from the Milford Zoning Ordinance, Article V, Sections 5.04.2.A.7 and 5.04.5.B to allow an existing 17' x 48' square foot ancillary shed structure to be located within the 15 foot side dimensional setback of Map 53, Lot 67-1 where 15 feet is required for a property located in the Residential 'R' District. Meeting Minutes: No meeting minutes.
3. Other Business: TBD
4. Next Meeting: September 22, 2022 October 6, 2022

**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.

1 **MINUTES OF THE ZBA MEETING SEPTEMBER 15, 2022**

2  
3  
4  
5 If you would like to participate in the public meeting, please call this number from home: +1 646-558-8656 and enter the  
6 Meeting ID: 851 6407 7601 and Password: 269952 or log in via [www.zoom.com](http://www.zoom.com) using the Meeting ID and Password  
7 previously stated.  
8

9 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)  
10 [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  
11 21: <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>  
12

13 He then went on to inform everyone about the procedures of the Board.  
14

15 Chair Plourde stated all votes taken during the meeting must be done by Roll Call vote. He started the meeting with a roll  
16 call attendance by asking each member to state their name; this is required under the Right-to-Know Law. Roll Call  
17 Attendance with everyone in attendance at Milford Town Hall: M. Thornton present; Andrea Kokko Chappell present; K.  
18 Lagro present; T. Steel present; J. Plourde present. A full board is present.  
19

20 He stated there are 3 cases to be heard and then explained the process of the case hearings for the applicant and the public.  
21 He said a full agenda may not allow all cases to be heard and that at 10:00 p.m. the meeting will end. He explained how the  
22 meeting would proceed for the cases that may not be heard in that they would be continued or tabled to another agreed upon  
23 meeting. He also explained the notification process for continued cases.  
24

25 J. Plourde then moved ahead to the case to be heard.  
26

27 **2. PUBLIC HEARINGS**

28  
29 **a. Case #2022-16 Doug and Debra Cray, Tax Map 41, Lot 76, 360 Mason Road** is seeking a Special Exception from the  
30 Milford Zoning Ordinance, Article V, Sections 5.04.2.A.7 and 5.04.5.B to allow the construction of a 30' x 26' square foot  
31 detached garage residence within the 15-foot side dimensional setback on the subject property located in the Residential 'R'  
32 District.  
33

34 J. Plourde asked about the word residence and L. Daley clarified it is not a residence, just a detached garage.  
35

36 Debra Cray stepped forward and then asked to be seated at the table. She explained they have a need for 30 x 26 detached  
37 garage. They explored the idea of an attached garage instead, but this would not work for their property.  
38 J. Plourde explained the criteria and the process to the applicant. He explained the setback in this zone is 15 ft. and  
39 confirmed with the applicant that the encroachment will be 4 ft. leaving 11 ft. between the properties.  
40 He then asked if there was an overhang on the garage to determine if this would go past the encroachment. D. Cray: there  
41 will be an overhang. J. Plourde: therefore, the wall of the garage will be at 11ft. D. Cray: that is right L. Daley presented a  
42 sketch drawing of the house and proposed garage for the board to look at (this is in the application packet). The sketch  
43 depicts the garage in relation to the property line which is the stone wall according to town records. He then went on to say,  
44 should this application be approved, there should be verification from the contractor that all building requirements will be  
45 met which will include the overhang. He then explained the overhang will add a foot into the setback, therefore, the  
46 placement of the structure needs to be moved. J. Plourde then said to D. Cray you will need to confirm the stone wall is in  
47 fact the property line. L. Daley added there will need to be a certified foundation presented to the town which a surveyor  
48 will then approve. J. Plourde asked if this should be added as a condition if approval is given. L. Daley recommended this  
49 but deferred to J. Plourde. Additional comments and discussion continued.  
50

51 J. Plourde then went on to ask additional questions.  
52

53 J. Plourde to D. Cray: why is there an encroachment of 8 possibly 7 ft. and is it possible to limit the amount of  
54 encroachment. D. Cray: if the garage were attached to the home, it would impact the structure and integrity of the home due  
55 to the stone wall and the foundation of the porch. M. Thornton then asked if it cannot be attached, could it be within short  
56 distance to the home without impacting the structure of the home. D. Cray explained the reason this could not be done.  
57 L. Daley brought up the home pictures in the application to show how the porch on the side of the home would be  
58 impacted. D. Cray had pictures on her phone which she showed the committee and these pictures will be sent to L. Daley.  
59 D. Cray said she has a letter from her neighbor stating their approval (included with the application).  
60

61 J. Plourde then moved forward to the 5 Criteria.

1 **MINUTES OF THE ZBA MEETING SEPTEMBER 15, 2022**

2  
3  
4 Special Exception criteria under 10.02.1:

5  
6 **a. Criteria: proposed use is similar to those permitted in the district**

7 There are no homes in the neighborhood with a detached garage. Some homes may have garages under the house.  
8 L. Daley said he did not see a detached garage in this neighborhood, however, the ordinance states accessory  
9 structures are permitted within this zoning district.

10  
11 **b. Criteria: specific site is in an appropriate location for the proposed use**

12 This was discussed and it was determined this is the only appropriate place for the structure.

13  
14 **c. Criteria: the use as developed will not adversely affect the adjacent area**

15 There are trees that will be there as a visual buffer between the properties. J. Plourde asked about the letter from  
16 the neighbor which states their approval but also stated they would allow for trees to be removed. D. Cray  
17 explained the tree removal has nothing to do with the garage project. It was a specific request for trees in the back  
18 of the property that were a nuisance and the neighbor simply added this to the letter of approval for the garage.

19  
20 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

21 It will be back from the road. There will be a driveway to the garage and the shed will be moved to the back.

22  
23 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

24 This will not be a residence. It will only be a garage. The garage will be within the height limits for the district.  
25 It will conform to the look of the existing home.

26  
27 J. Plourde asked if there were any questions. There were none.

28  
29 J. Plourde opened the meeting to the public.

30  
31 L. Daley read into the record a letter from Jeff Aldous of 354-356 Mason Rd. dated 7/23/2022. To summarize, the letter  
32 stated his approval as a neighbor for the construction of the garage within the 15 ft. setback.

33  
34 J. Plourde asked if there were any more comments or questions from the public and from the applicant. There were none.  
35 He then closed the public portion of the meeting.

36  
37 **Deliberations:**

38  
39 Special Exception criteria under 10.02.1:

40  
41 **a. Criteria: proposed use is similar to those permitted in the district**

42 M. Thornton: yes

43 A. Kokko Chappell: accessory structures are allowed in this district

44 K. Lagro: agrees

45 T. Steel: garages are allowed in this district

46 J. Plourde: this is about the encroachment which is allowed with special exception

47  
48 **b. Criteria: specific site is in an appropriate location for the proposed use**

49 A. Kokko Chappell: yes it is in the best location for this property

50 K. Lagro: because of the existing retaining wall, this makes the placement appropriate

51 T. Steel: agrees because of the wall and the porch foundation

52 M. Thornton: a less advantageous location would not be viable due to the complexity of the construction and  
53 impact it would have to the existing home

54 J. Plourde: location is limited due to the stone wall, property line and existing foundation on the home, therefore  
55 the location is appropriate

1 MINUTES OF THE ZBA MEETING SEPTEMBER 15, 2022

2  
3 **c. Criteria: the use as developed will not adversely affect the adjacent area**

4 K. Lagro: there will still be enough room to maintain the home and the property, limited encroachment, a stone  
5 wall and row of trees between the properties and no windows facing the neighbor's property.

6 L. Daley interjected to say that the orientation of the proposed garage on the property is a very positive part of the  
7 application because the approach to the garage will not disturb the neighbors with lights, etc. J. Plourde added it is  
8 a very important point that covers the criteria for both b and c.

9 T. Steel: agrees with what has been said; also, the neighbor agrees with the project and the applicant has  
10 considered the neighbor in the placement and construction of the garage.

11 M. Thornton: agrees with everything that has been said

12 A. Kokko Chappell: also agrees and notices from the pictures in the application that the garage (even though  
13 encroaching a bit into the setback) will still be a distance from the neighbor's home.

14 J. Plourde: agrees with everything that was said

15  
16 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

17 T. Steel: the structure will be set back from the road and this is private property so it will not interfere with  
18 pedestrians

19 M. Thornton: agrees there are no hazards; this is private property

20 A. Kokko Chappell: agrees

21 K. Lagro: no additional traffic and agrees with what has been said

22 J. Plourde: agrees with what has been said

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

25 M. Thornton: it is a garage with a door provided

26 J. Plourde: need to ensure a survey is conducted and a building inspection of the foundation is conducted for the  
27 foundation certification

28 A. Kokko Chappell: yes believes there are adequate and appropriate facilities

29 K. Lagro: agrees

30 T. Steel: agrees and there will be an accessible driveway

31  
32 Before moving ahead to voting, Chair Plourde asked if the board wanted to add the conditions first and then vote or vote  
33 and then add the conditions for the approval vote. The conditions are: the survey for the property line to determine the  
34 actual location of the garage from the property line which will include the overhang and therefore, the certification of the  
35 foundation.

36  
37 Further clarification was needed for the condition and this was discussed. The condition is just one that ultimately results in  
38 the certification of the foundation and where it will be located as determined by the survey.

39  
40 J. Plourde asked for a motion to include the condition as part of the approval process. M. Thornton made a motion to  
41 include the condition as part of the approval and K. Lagro seconded. All were in favor.

42  
43 **Voting:**

44  
45 Special Exception criteria under 10.02.1:

46  
47 **a. Criteria: proposed use is similar to those permitted in the district**

48 K. Lagro yes; T. Steel yes; A. Kokko Chappell yes; M. Thornton yes; Chair votes yes.

49  
50 **b. Criteria: specific site is in an appropriate location for the proposed use**

51 T. Steel yes; A. Kokko Chappell yes; M. Thornton yes; K. Lagro yes; Chair votes yes.

52  
53 **c. Criteria: the use as developed will not adversely affect the adjacent area**

54 A. Kokko Chappell yes; M. Thornton yes; K. Lagro yes; T. Steel yes; Chair votes yes.

55  
56 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

57 M. Thornton yes; K. Lagro yes; T. Steel yes; A. Kokko Chappell yes; Chair votes yes.

58  
59 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

60 K. Lagro yes; T. Steel yes; A. Kokko Chappell yes; M. Thornton yes; Chair votes yes.

1 **MINUTES OF THE ZBA MEETING SEPTEMBER 15, 2022**

2  
3 Is the Special Exception allowed by the Ordinance?

4 T. Steel yes; A. Kokko Chappell yes; M. Thornton yes; K. Lagro yes; Chair votes yes.

5  
6 Are all the specified conditions present under which the Special Exception may be granted?

7 A. Kokko Chappell yes; M. Thornton yes; K. Lagro yes; T. Steel yes; Chair votes yes.

8  
9 J. Plourde stated there will be a condition added as agreed upon by the committee.

10  
11 Chair Plourde asked if there is a motion to approve **Case #2022-16 Doug and Debra Cray, Tax Map 41, Lot 76, 360**  
12 **Mason Road** is seeking a Special Exception from the Milford Zoning Ordinance, Article V, Sections 5.04.2.A.7 and  
13 5.04.5.B to allow the construction of a 30' x 26' square foot detached garage residence within the 15-foot side dimensional  
14 setback on the subject property located in the Residential 'R' District.

15  
16 J. Plourde specified that it will not be any closer than 11 ft.

17  
18 M. Thornton made a motion to approve **Case #2022-16 with the pad being no closer than 11.5 ft. from the property line**  
19 **to accommodate the overhang** and T. Steel seconded.

20  
21 J. Plourde: A motion has been made to approve **Case #2022-16**. Those in favor: M. Thornton yes; T. Steel yes; A. Kokko  
22 Chappell yes; K. Lagro yes; Chair votes yes.

23  
24 Chair Plourde stated the criteria for the Special Exception request had been satisfied and the application approved. There is  
25 a 30 day appeal period that can be filed with the Zoning Board.

26  
27 Chair Plourde moved to the next case.

28  
29 **b. Case #2022-19 Steven & Ann Page and Jason & Emily Golden for the property located at Tax Map 5, Lots 6 and**  
30 **6-1** are seeking a Special Exception from the Milford Zoning Ordinance, Article V, Sections 5.04.2.A.7 and 5.04.5.B to  
31 allow an existing 25' x 55' square foot concrete pad structure to be located within the 15 foot side dimensional setback of  
32 Map 5, Lot 6-1 where 15 feet is required for a property located in the Residential 'R' District.

33  
34 Nathan Chamberlain from Fieldstone Land Consultants stepped forward to make a presentation for the applicants. He  
35 explained the location of the property. He also stated it was already subdivided per ZBA approval. The concrete slab  
36 already exists on the owner's property and they would prefer not to move it. However, with the subdivision of the lot, the  
37 slab is encroaching on the 15 ft. setback. M. Thornton asked if both properties, due to the gazebo, would require a special  
38 exception. L. Daley explained the gazebo is compliant with the ordinance and not in the setback; the concrete structure is  
39 the one that is non-conforming.

40  
41 N. Chamberlain used the schematic drawing to show the location of the slab and the sheds. He stated the sheds, except the  
42 one he pointed out, are being removed. He then went on to the 5 Special Exception Criteria.

43  
44 Special Exception criteria under 10.02.1:

45  
46 **a. Criteria: proposed use is similar to those permitted in the district**

47 This is considered a structure which is allowed within this zoning district.

48  
49 **b. Criteria: specific site is in an appropriate location for the proposed use**

50 The concrete slab is already there and cannot be moved, and neither can the lot line as determined with the  
51 approved subdivision.

52  
53 **c. Criteria: the use as developed will not adversely affect the adjacent area**

54 The slab is already there and is bordered with vegetation; it is not visible.

55  
56 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

57 The existing slab is for a single family home and will not pose a hazard to vehicles or pedestrians.

58 It is for use only by the home owners.

59 J. Plourde asked if it will still be used as a pickle ball court. N. Chamberlain said it would not be.

60  
61 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

62 It will only be used by the home owners and not a pickle ball court.

1 **MINUTES OF THE ZBA MEETING SEPTEMBER 15, 2022**

2  
3  
4 K. Lagro questioned the distance from the setback and it was confirmed. A. Kokko Chappell asked if all the residents  
5 involved with the properties are in agreement about the slab. N. Chamberlain explained the new home will be for the Page's  
6 (2 of the applicants) and the other existing abutting home will be for the Golden's (the other 2 applicants).  
7

8 K. Lagro asked what would be the process if the owner decides, later on, to build something on the slab. J. Plourde stated  
9 the slab and no other structures are being considered with this decision for the special exception. L. Daley said if the owners  
10 decided to put a structure on the slab, because the slab would have been already approved by the ZBA, then the structure  
11 would be conforming. M. Thornton, went on to clarify this point by saying since the ZBA had already approved the  
12 location of the slab then any structure built would be permitted unless the ZBA puts a condition on the approval to exclude  
13 building of a structure on the slab. J. Plourde to L. Daley: can the board be specific in their decision about the slab being the  
14 only special exception that is being approved to remain within the setback. M. Thornton to L. Daley: would that be a  
15 condition for approval. L. Daley then said this may fall into an extension for a non-conforming use which would require a  
16 special exception to be filed. J. Plourde stated that would be because this application is only for the concrete slab. L. Daley  
17 said this falls into Section 2 of the Zoning Ordinance which speaks about extension of a non-conforming use. The use  
18 would be changing from one use to another, therefore requiring a special exception to be filed.  
19

20 L. Daley asked why the pickle ball court is being eliminated for use. N. Chamberlain said he really didn't know he  
21 speculated that perhaps it has to do with the subdivision and change of ownership.  
22

23 J. Plourde asked if there any further questions before opening to the public. There were none. Hearing none he asked  
24 N. Chamberlain if he had anything more to add. Nothing more was added. He closed the public portion of the meeting.  
25

26 **Deliberations:**

27  
28 Special Exception criteria under 10.02.1:

29  
30 **a. Criteria: proposed use is similar to those permitted in the district**

31 M. Thornton: it is similar to any other sub-division

32 A. Kokko Chappell: agrees

33 K. Lagro: encroachment is allowed with special exception

34 T. Steel: agrees

35 J. Plourde: yes, agrees that with special exception encroachment into the 15 ft. setback is allowed and the concrete  
36 slab will be within 8-9 ft. of the property line.  
37

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

39 A. Kokko Chappell: concrete slab is being categorized as an accessory structure and is not visible

40 K. Lagro: unique situation; the property was divided within the Zoning Ordinance criteria which caused the  
41 existing slab to be within the setback.

42 T. Steel: agrees

43 M. Thornton: agrees; as long as the future use complies with what was discussed

44 J. Plourde: agrees  
45

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

47 K. Lagro: it is an existing slab and both property owners agree; any future use will fall into an extension of a non-  
48 conforming use

49 T. Steel: everyone on the properties agree

50 M. Thornton: agrees

51 J. Plourde: agrees nothing to add  
52

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

54 T. Steel: the concrete slab is in the middle of the property

55 M. Thornton: no traffic should be where the slab is located; only the owners or guests

56 A. Kokko Chappell: agrees

57 J. Plourde: good point is that the applicants are all the property owners  
58  
59  
60  
61



1 MINUTES OF THE ZBA MEETING SEPTEMBER 15, 2022

2  
3 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

4 M. Thornton: it is a concrete slab and with no specific purpose

5 K. Lagro: agrees

6 T. Steel: agrees

7 J. Plourde: it is a concrete slab that is considered a structure and any other structure put on the slab within the  
8 setback will be considered as an extension of a non-conforming use

9  
10 **Voting:**

11  
12 Special Exception criteria under 10.02.1:

13  
14 **a. Criteria: proposed use is similar to those permitted in the district**

15 K. Lagro yes; T. Steel yes; A. Kokko Chappell yes; M. Thornton yes; Chair votes yes.

16  
17 **b. Criteria: specific site is in an appropriate location for the proposed use**

18 T. Steel yes; A. Kokko Chappell yes; M. Thornton yes; K. Lagro yes; Chair votes yes.

19  
20 **c. Criteria: the use as developed will not adversely affect the adjacent area**

21 A. Kokko Chappell yes; M. Thornton yes; K. Lagro yes; T. Steel yes; Chair votes yes.

22  
23 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

24 M. Thornton yes; K. Lagro yes; T. Steel yes; A. Kokko Chappell yes; Chair votes yes.

25  
26 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

27 K. Lagro yes; T. Steel yes; A. Kokko Chappell yes; M. Thornton yes; Chair votes yes.

28  
29 Is the Special Exception allowed by the Ordinance?

30 T. Steel yes; A. Kokko Chappell yes; M. Thornton yes; K. Lagro yes; Chair votes yes.

31  
32 Are all the specified conditions present under which the Special Exception may be granted?

33 A. Kokko Chappell yes; M. Thornton yes; K. Lagro yes; T. Steel yes; Chair votes yes.

34  
35 Chair Plourde asked if there is a motion to approve **Case #2022-19 Steven & Ann Page and Jason & Emily Golden for**  
36 **the property located at Tax Map 5, Lots 6 and 6-1** are seeking a Special Exception from the Milford Zoning Ordinance,  
37 Article V, Sections 5.04.2.A.7 and 5.04.5.B to allow an existing 25' x 55' square foot concrete pad structure to be located  
38 within the 15 foot side dimensional setback of Map 5, Lot 6-1 where 15 feet is required for a property located in the  
39 Residential 'R' District.

40  
41 J. Plourde then specified it will not be closer than 8-9 ft. from the property line.

42  
43 A. Kokko Chappell made a motion to approve **Case #2022-19** and T. Steel seconded.

44  
45 J. Plourde: A motion has been made to approve **Case #2022-19**. Those in favor: M. Thornton yes; A. Kokko Chappell yes;  
46 K. Lagro yes; T. Steel yes; Chair votes yes.

47  
48 Chair Plourde stated the criteria for the Special Exception request had been satisfied and the application approved. There is  
49 a 30 day appeal period that can be filed with the Zoning Board.

50  
51 Chair Plourde moved to the next case.

52  
53 **c. Case #2022-20 Sanford Surveying and Engineering, Inc. and Utopia Revocable Trust for the properties located**  
54 **at Tax Map 53, Lots 67-3 and 68-1** are seeking a Special Exception from the Milford Zoning Ordinance, Article V,  
55 Sections 5.04.2.A.7 and 5.04.5.B to allow an existing 17' x 48' square foot ancillary shed structure to be located within the  
56 15 foot side dimensional setback of Map 53, Lot 67-1 where 15 feet is required for a property located in the Residential 'R'  
57 District.

58  
59 A. Kokko Chappell excused herself from the meeting due to a possible conflict of interest with this case.

60  
61 The presenter, Earl Sanford from Sanford Surveying and Engineering, then stepped forward to sit at the table.

1 **MINUTES OF THE ZBA MEETING SEPTEMBER 15, 2022**

2  
3  
4 J. Plourde explained that since a member had recused themselves from the meeting there will be only 4 voting members  
5 hearing this case. This would mean a 3 to 1 vote would be required to pass and if it was a 2 to 2 vote the case would not  
6 pass. He asked if they wished to proceed. The pros and cons were discussed with the presenter, applicants, J. Plourde and L.  
7 Daley.

8 J. Plourde told the attendees they could move to a more private area to discuss the options while the board takes a break  
9 waiting for their decision.

10  
11 The parties involved returned to the room after discussing their options. E. Sanford came forward to the table and asked if  
12 he could present just some information that L. Daley pointed out. He stated the measurement from the corner of the barn  
13 includes an 11.5 inch overhang. If the figures need to be adjusted, he will do that. The new measurement from the proposed  
14 new lot line will now be measured from the overhang which means the barn will be within 1.5-1.73 ft. from the proposed  
15 lot line. E. Sanford also stated there are some other minor adjustments that need to be made to the design in the application.  
16 He went on to say that if these minor adjustments can be made as a condition for approval then they would move ahead  
17 with the hearing. L. Daley interjected by saying E. Sanford has been involved with the property for over 30 years. This  
18 property has adjusted over the years to accommodate the owner's needs for usage as well as access to the property. He  
19 added the properties are uniquely oriented and feels the applicant is trying to maintain the accessibility to the properties as  
20 well as use an existing structure to match it with a recently moved house. He affirmed (without going into detail) there are  
21 some minor adjustments to be made to the drawing.

22  
23 J. Plourde then asked of L. Daley if these adjustments need to be made (and again without going into too much detail),  
24 would a new application need to be submitted in view of the adjustments to the plan. L. Daley said that in the past there was  
25 a case where there were adjustments to the application by about a foot and, with ZBA approval, the case was heard and  
26 allowed to go forward with the modification without having to resubmit the case. However, in this case there are questions  
27 about the subdivision plan and it may be a good idea to consider re-advertising this for the October 6<sup>th</sup> meeting.

28 J. Plourde, to clarify, the adjustment for the encroachment with the overhang would increase by about 1.25 ft. but there are  
29 aspects of the plan that may need to change. L. Daley (without going into detail) we are starting to go into the application  
30 discussion, but there are some parts of the plan that need to be adjusted. J. Plourde to L. Daley would any of the internal  
31 details change the request for the special exception or will that be worked out during the Planning Board process. L. Daley  
32 the Planning Board is for an adjustment to the lot lines for exchanging 2 properties owned by the applicant in order to allow  
33 an existing structure to remain with a house that was recently moved. That is the purpose of the lot line adjustment; just to  
34 keep the same house with the existing structure it was with before the house was moved. J. Plourde stated that if the  
35 application is heard and not approved, the same application cannot be heard again. A significant change would need to be  
36 made to submit a new application.

37  
38 E. Sanford said he would like to proceed with the hearing as scheduled. L. Daley asked, will you be going forward with the  
39 same figure for the distance from the lot line. E. Sanford stated no, we would like to have a condition placed on the  
40 approval that the distance from the lot line will be changing. L. Daley then said, to clarify, you will be asking to increase  
41 the encroachment figure. E. Sanford explained, yes, the figure given was not to the overhang which will increase the  
42 encroachment. L. Daley stated that is a modification to the application and it is up to the board to decide if this is acceptable  
43 to them. He went on to explain to the board they need to decide if it is acceptable to move forward with the modification to  
44 the application, or to table the case until a further date and re-notice it. J. Plourde explained that since the applicant is  
45 requesting a modification to the application, and not the board, it is different especially since it places the existing structure  
46 closer to the property line. E. Sanford said he was hoping for some flexibility with this since nothing is changing; the  
47 location, the property line or the structure. J. Plourde explained he cannot say one way or other what the board is willing to  
48 do or not do; he can only tell him about the application, what is in the application, and what is being asked for that may  
49 differ from the application. He cannot tell him what the board would be open to. L. Daley interjected with some further  
50 points. Discussions continued on how to proceed. Discussion also centered on previous cases that had adjustments made to  
51 the application. There were discussions concerning the change to the encroachment and how the change may impact  
52 abutters. L. Daley stated both properties right now are owned by the applicant but in the future this may change.

53 He then said to the board he feels a decision needs to be made since the discussions are starting to become too detailed.  
54 J. Plourde explained to the board there are 3 choices: hear the application as it stands knowing the overhang will actually  
55 bring the encroachment further to the property line, hear the application as it stands and request the corner of the overhang  
56 be eliminated or not hear the application which will require a re-notice. These options were discussed among the board  
57 members. The applicant decided after these discussions to table the case and just re-notice with the adjustments. The case  
58 will be withdrawn without prejudice to allow for updates to the application and a re-notice.

59  
60 J. Plourde asked for a motion to withdraw **Case #2022-20**. K. Lagro made a motion to withdraw case **#2022-20** and T. Steel  
61 seconded. All were in favor.



1 **MINUTES OF THE ZBA MEETING SEPTEMBER 15, 2022**

2  
3  
4  
5 **3. MEETING MINUTES**

6 None to review.

7  
8  
9  
10 **4. OTHER BUSINESS**

11 L. Daley had information to bring to the attention of the board members in regards to the financial aspects of cases. The  
12 subject of Zoom for committee meetings was also discussed.

13  
14  
15  
16 **Motion to Adjourn**

17  
18 Chair Plourde asked if there was anything else. M. Thornton a motion to adjourn and T. Steel seconded. All Board  
19 Members were in agreement. Meeting adjourned.

20  
21  
22  
23 **Motion to Approve:**

\_\_\_\_\_

24  
25 **Seconded:**

\_\_\_\_\_

26  
27 **Signed**

\_\_\_\_\_

28  
29 **Date:**

\_\_\_\_\_