

***Town of Milford***  
**Zoning Board of Adjustment**  
**OCTOBER 6, 2022**  
**Public Hearings**

**Case #2022-24 Jeremy Earp and Elizabeth Leone, SPECIAL EXCEPTION**  
**Case #2022-25 Sandford Surveying and Engineering, Inc. and Utopia Revocable Trust, SPECIAL EXCEPTION**

**Present:** Karin Lagro, Vice Chair  
Michael Thornton, Member (via Zoom)  
Tracy Steel, Member  
Dan Sadkowski, Alternate  
Lincoln Daley, Director of Community Development  
David Freel, BOS Representative

**Not Present:** Jason Plourde, Chair  
Andrea Kokko Chappell, Member  
Joan Dargie, Alternate  
Jane Hesketh, Recording Clerk

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**Meeting Agenda**

1. Call to Order
2. Public Hearing(s):
  - a. Case #2022-24 Jeremy Earp and Elizabeth Leone for the property located at 8 North River Road, Tax Map 8 Lot 14 are seeking a Special Exception from the Milford Zoning Ordinance, Article V, Sections 5.02.2.A.13 and 10.02.6 to allow the construction of a 425 square foot Accessory Dwelling Unit within a carriage house/garage attached to an existing single-family residence for a property located in the Residential 'A' District.
  - b. Case #2022-25 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.
3. Meeting Minutes: 9/1/22, 9/15/22
4. Other Business: TBD
5. Next Meeting: October 20, 2022 November 3, 2022

**1. CALL TO ORDER**

Vice Chair Karin Lagro (stepping in for Chair Jason Plourde) opened the meeting by welcoming everyone and introducing herself. She welcomed those attending in person and remotely.

She stated you may attend this meeting in person at the Milford Town Hall, Board of Selectmen's Meeting Room.

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

1 **MINUTES OF THE ZBA MEETING OCTOBER 6, 2022**

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3  
4 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)  
5 adjustment/agenda/zba-agenda. We will also be live streaming the meeting on Granite Town Media, Government Channel  
6 21: <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>  
7

8 She then went on to inform everyone about the procedures of the Board.  
9

10 Vice Chair Lagro stated all votes taken during the meeting must be done by Roll Call vote. She started the meeting with a  
11 roll call attendance by asking each member to state their name. Roll Call Attendance (those present at Milford Town Hall):  
12 K. Lagro present; T. Steel present; D. Sadkowski present. Present via Zoom: M. Thornton alone at home.  
13

14 K. Lagro stated D. Sadkowski will step in as a full member which allows for a 4 member board.  
15

16 She stated there are 2 cases to be heard and then went on to explain the process of the case hearings for the applicant and  
17 the public. She said a full agenda may not allow all cases to be heard and that at 10:00 p.m. the meeting will end. She  
18 explained how the meeting would proceed for the cases that may not be heard in that they would be continued or tabled to  
19 another agreed upon meeting. She also explained the notification process for continued cases.  
20

21 K. Lagro then moved ahead to the first case to be heard.  
22  
23

24 **2. PUBLIC HEARINGS**  
25

26 **a. Case #2022-24 Jeremy Earp and Elizabeth Leone for the property located at 8 North River Road, Tax Map 8**  
27 **Lot 14** are seeking a Special Exception from the Milford Zoning Ordinance, Article V, Sections 5.02.2.A.13 and 10.02.6 to  
28 allow the construction of a 425 square foot Accessory Dwelling Unit within a carriage house/garage attached to an existing  
29 single-family residence for a property located in the Residential 'A' District.  
30

31 Before beginning the presentation, K. Lagro told the applicant with a 4 member board there would need to be at least 3  
32 votes in the affirmative for the case to be approved and with a split decision (2 in favor and 2 not in favor), the case would  
33 not be approved. She then gave the applicant the option to move forward or continue the case.  
34

35 The applicant chose to move forward. The applicants Jeremy Earp and Elizabeth Leone stepped forward to sit at the table.  
36

37 K. Lagro asked the applicants to give a summary of what the purpose is for their request and to go over the criteria for a  
38 Special Exception.  
39

40 E. Leone explained that she is from a family where it is not uncommon to have a multi-generational family unit living  
41 together. Her mother has just moved to the area and she wants her to live with them in her own dwelling. She then went on  
42 to explain the unit. The unit was already partially renovated as a craft space upstairs and workshop downstairs. She  
43 displayed a picture of the property where their home is and the attached garage which was a renovated barn from the  
44 original home. K. Lagro confirmed this structure is not visible to the abutters because of tree lines on both sides of the  
45 property. L. Daley displayed the aerial view of the property that shows the tree lines.  
46

47 Jeremy Earp pointed out the cupola and a gray slab in the back which has been there from the original home. The entrance  
48 to the structure is through a set of French doors off the slab and this will remain the entrance for the renovated dwelling. He  
49 explained the slab will be replaced with a deck.  
50

51 K. Lagro asked the applicant to talk about the new dwelling. L. Daley displayed the architectural drawing of the proposed  
52 unit. J. Earp pointed out the entrance and other features of the unit along with the stairs to the 2<sup>nd</sup> floor. The 2<sup>nd</sup> floor will be  
53 a studio unit which will overlook the 1<sup>st</sup> floor.  
54

55 K. Lagro asked about access to the main house. J. Earp pointed out the access to the main house and to the garage. There is  
56 also direct access to the roof from a window. L. Daley stated if this were to be considered an actual egress window there are  
57 certain requirements. M. Thornton added, for safety reasons, there should be a railing on the part of the roof by the window  
58 should someone step out of that window. J. Earp added it has about a 15 degree pitch. E. Leone added it may be appropriate  
59 as an emergency exit but not for recreational use. It is a regular size window.  
60  
61

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2  
3  
4 L. Daley asked, since this is considered a loft apartment, will the 1<sup>st</sup> floor be part of the overall unit or for another use. J.  
5 Earp explained the 1<sup>st</sup> and 2<sup>nd</sup> floors are for only one person and then went on to describe the layout.

6  
7 J. Earp stated the only change to the outside will be the addition of the deck and a walkway from the front of the house to  
8 the back entrance of the unit.

9  
10 L. Daley to K. Lagro: prior to this meeting, it was determined 5 bedrooms are permissible for this home. K. Lagro went on  
11 to confirm there will be a kitchen and bathroom on the 1<sup>st</sup> floor then an open loft area/bedroom on the 2<sup>nd</sup>. She asked about  
12 a common shared wall. E. Leone stated both the 1<sup>st</sup> and 2<sup>nd</sup> floors are attached to the home and accessible to the home. K.  
13 Lagro confirmed the doors will be 36" wide, and confirmed the square footage will be approximately 425 sq. ft. which is  
14 well below the limit of 750 sq. ft.

15  
16 K. Lagro asked the applicants if there was anything more they wanted to add. L. Daley interjected regarding the parking.  
17 The picture of the home was displayed. The applicants explained right now the driveway is large enough for multiple cars.  
18 In the future, there may be changes made to the driveway to widen it.

19  
20 K. Lagro asked if there were any more questions. L. Daley confirmed the septic will handle the additional bedroom as  
21 previously stated and the water is provided by the town. There were no more questions and K. Lagro opened the meeting to  
22 the public for comment.

23  
24 Hearing none or seeing none K. Lagro closed the public part of the meeting and moved to deliberations.

25  
26 **Deliberations:**

27  
28 Chair Lagro: ADU information will be presented first then the Special Exception criteria. She stated she would answer the  
29 following questions and board members can add anything they feel is necessary.

30  
31 Special Exception ADU Requirements under 10.2.6:

32  
33 1. Only one ADU shall be allowed per property.  
34 Yes there will be only one unit.

35  
36 2. Either the principal dwelling unit or the ADU must be owner occupied.  
37 This was confirmed.

38  
39 3. The size of an ADU shall be no more than 750 SF gross floor area.  
40 This unit will be below the maximum at 425 sq. ft.

41  
42 4. The ADU shall include no more than two (2) bedrooms.  
43 It is a studio with one sleeping/living area.

44  
45 5. No additional curb cuts shall be allowed.  
46 None are planned.

47  
48 6. An attached ADU shall have and maintain at least one common interior access between the principal dwelling  
49 unit and the ADU consisting of a connector that is a minimum of 36" in width or a doorway a minimum of 32" in  
50 width.  
51 There will be a doorway of 36" on the second floor.

52  
53 7. The ADU shall be located in an existing or proposed single-family dwelling, its detached accessory structure(s),  
54 or as a stand-alone dwelling unit subordinate to the single-family dwelling.  
55 The carriage house is attached to the house through the garage.

56  
57 8. An existing, nonconforming, single-family residential structure or its detached accessory structure shall not be  
58 made more nonconforming.  
59 Renovation will be to an existing structure.

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3  
4 9. An ADU shall meet all applicable local and State Building, Fire and Health Safety Codes.  
5 The building permit is in process and will go through the Building Department.

6  
7 10. Must have adequate provisions for a water supply and sewerage disposal method for the ADU, in accordance  
8 with NH RSA 485-a:38 Approval to Increase Load on a Sewage Disposal System.  
9 It is on municipal water and septic is approved for 5 bedrooms.

10  
11 Special Exception ADU Requirements under 10.2.1:

12  
13 1. The ADU must be developed in a manner which does not alter the character or appearance of the principal use  
14 as a single-family dwelling.  
15 It is not visible from the front of the building so it will not affect the character or alter the appearance.

16  
17 2. The ADU is intended to be secondary and accessory to a principal single-family dwelling unit.  
18 Yes it is.

19  
20 3. The ADU shall not impair the residential character of the premises nor impair the reasonable use, enjoyment  
21 and value of other property in the neighborhood.  
22 Minimal impact and it will not change the character.

23  
24 4. Adequate off-street parking must be provided.  
25 There is enough of a parking area now with the possibility for expansion.

26  
27 5. Any necessary additional entrances or exits shall be located to the side or rear of the building whenever  
28 possible.  
29 This will be in the rear and already exists.

30  
31 K. Lagro stated all the ADU Criteria has been met. She then moved on to the Special Exception Criteria.

32  
33 Special Exception criteria under 10.02.1:

34  
35 **a. Criteria: proposed use is similar to those permitted in the district**

36 T. Steel: it is permitted in the district with a special exception

37 D. Sadkowski: agrees

38 K. Lagro: similar properties in town with ADU's and permitted by special exception

39 M. Thornton: agrees  
40

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

42 M. Thornton: it is inside the main building and using existing space, it is not visible on the outside, and therefore  
43 he believes it is appropriate

44 T. Steel: agrees with what M. Thornton stated

45 D. Sadkowski: appropriate for that use, not visible to the outside/road

46 K. Lagro: an existing space that can be converted with minimal changes to the inside  
47

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

49 D. Sadkowski: seems that it will not and the neighbors have not expressed an issue with this (L. Daley confirmed  
50 all abutters were notified and there were no responses back).

51 T. Steel: agrees it will not adversely affect the area; it is already within the existing property; changes will not be  
52 visible to the outside.

53 M. Thornton: it could not affect the area

54 K. Lagro: it is a low impact change in that it is within an existing structure in the back of the house; also minimum  
55 number of people living there which will not increase the traffic  
56

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

58 M. Thornton: private property nobody should be on the property

59 D. Sadkowski: agrees

60 T. Steel: agrees

61 K. Lagro: only one more vehicle coming in and out

1  
2 **MINUTES OF THE ZBA MEETING OCTOBER 6, 2022**  
3

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

5 T. Steel: town water and septic system that will accommodate a 5<sup>th</sup> bedroom; appropriate egress points

6 D. Sadkowski: agrees

7 M. Thornton: everything has been addressed

8 K. Lagro: agrees  
9

10 **Voting:**  
11

12 Is the Special Exception allowed by the Ordinance?

13 T. Steel: yes; M. Thornton yes; D. Sadkowski yes; Chair votes yes.  
14

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

16 M. Thornton yes; D. Sadkowski yes; T. Steel yes; Chair votes yes.  
17

18 Special Exception criteria under 10.02.1:  
19

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

21 T. Steel yes; M. Thornton yes; D. Sadkowski yes; Chair votes yes.  
22

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

24 M. Thornton yes; D. Sadkowski yes; T. Steel yes; Chair votes yes.  
25

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

27 D. Sadkowski yes; M. Thornton yes; T. Steel yes; Chair votes yes.  
28

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

30 T. Steel yes; D. Sadkowski yes; M. Thornton yes; Chair votes yes.  
31

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

33 M. Thornton yes; D. Sadkowski yes; T. Steel yes; Chair votes yes.  
34

35 Chair Lagro asked if there is a motion to approve **Case #2022-24 Jeremy Earp and Elizabeth Leone for the property**  
36 **located at 8 North River Road, Tax Map 8 Lot 14** are seeking a Special Exception from the Milford Zoning Ordinance,  
37 Article V, Sections 5.02.2.A.13 and 10.02.6 to allow the construction of a 425 square foot Accessory Dwelling Unit within  
38 a carriage house/garage attached to an existing single-family residence for a property located in the Residential 'A' District.  
39

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

41 K. Lagro a motion has been made to approve **Case #2022-24**.

42 Those in favor: M. Thornton yes; D. Sadkowski yes; T. Steel yes; Chair votes yes.  
43

44 Chair Lagro stated the criteria for the Special Exception request had been satisfied and the application approved. There is a  
45 30 day appeal period that can be filed with the Zoning Board.  
46

47 K. Lagro moved to the next case.  
48

49 **b. Case #2022-25 Sanford Surveying and Engineering, Inc. and Utopia Revocable Trust for the properties located**  
50 **at Tax Map 53, Lots 67-3 and 68-1** are seeking a Special Exception from the Milford Zoning Ordinance, Article V,  
51 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  
52 15 foot side dimensional setback of Map 53, Lot 67-1 where 15 feet is required for a property located in the Residential 'R'  
53 District.  
54

55 Before beginning the presentation, K. Lagro told the applicant with a 4 member board there would need to be at least 3  
56 votes in the affirmative for the case to be approved and with a split decision (2 in favor and 2 not in favor), the case would  
57 not be approved. She then gave the applicant the option to move forward or continue the case.  
58

59 The applicant chose to move forward. Earl Sanford of Sanford Surveying and Engineering addressed the board. Vita  
60 Viatkunas, Trustee/Applicant also came forward to address the board.  
61

1 **MINUTES OF THE ZBA MEETING OCTOBER 6, 2022**

2  
3 E. Sanford stated this case was heard at a previous ZBA Meeting but there was some confusion regarding the measurement  
4 of the shed to the lot line. This measurement has been corrected. He then displayed a picture of the shed in question. He  
5 went on to explain it is an existing shed with an existing driveway and no physical changes will be made. The house that is  
6 associated with this shed is on the parcel of land next to the lot where the shed is located. In order to keep the shed with the  
7 appropriate home for use, a lot line adjustment is needed. The shed has been there for a number of years which will not  
8 change the character of the neighborhood. He pointed out some of the historical characteristics of the shed.  
9

10 He then displayed an architectural drawing of the lots with the buildings in relation to the property lines. His previous  
11 measurement did not include the overhang/eave. He adjusted his measurement to include this part of the shed which is  
12 1.35 ft. from the property line; the building itself is 2.7 ft. from the property line.  
13

14 The lot line adjustment has been conditionally approved pending the decision of the ZBA for the special exception on the  
15 set back encroachment. E. Sanford pointed out the driveway will not change. He went on to say the request is not to change  
16 anything but to simply allow the shed to remain where it currently sits within the setback of the adjusted property line.  
17

18 K. Lagro asked about the driveway. E. Sanford said it will remain a shared driveway with easements. Using the  
19 architectural drawing, he explained the driveway location and usage. L. Daley further explained the driveway easement for  
20 the 2 lots based on the conditionally approved lot line adjustment. This change will not make the lots non-conforming.  
21 More discussion about the driveway continued.  
22

23 K. Lagro then moved on to a review of the special exception criteria. E. Sanford presented this information.  
24

25 Special Exception criteria under 10.02.1:  
26

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

28 It is an existing shed within an existing access easement. It will remain residential.  
29

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

31 The shed currently exists. The lot line adjustment places the shed within the setback on a different lot, but it will  
32 physically remain on the same spot. The topography will not be changed.  
33

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

35 The physical location of the shed will not be changed.  
36

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

38 The existing easement will remain and the lots are not for public use.  
39

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

41 The easement covers shared use of the driveway but not for the shed. This change will benefit the parties involved.  
42

43 The maintenance of the shed will not be shared but will be the sole responsibility of the owner on the lot it will be located  
44 on. K. Lagro brought up maintenance sometimes being difficult when it is so close to the lot line. She asked about the  
45 alternatives that were considered. E. Sanford said the alternative would be to tear it down but this is not something the  
46 owner would like to do and moving it would not be financially viable. He brought up who would benefit if the shed was  
47 torn down, i.e. the town, the neighbors. He again pointed out this will not change the landscape. He then added there are no  
48 negative comments from neighbors. K. Lagro, to confirm, the area of the shed in question is on the far side of the driveway  
49 and will not affect the abutter. E. Sanford: correct, there is no change.  
50

51 L. Daley asked about the site lines of the driveway given the location of the shed with the shared driveway. This point was  
52 discussed with input from the applicant regarding the shed and the driveway. Further discussions continued on this subject.  
53 M. Thornton asked about the possibility of placing a mirror in a location that would allow for a better view. E. Sanford  
54 pointed out there is a mirror at the end of the driveway going onto Federal Hill Rd. The subject of the new driveway  
55 location for the new home was discussed; this driveway has not been constructed yet.  
56

57 K. Lagro asked if there were any questions and if the applicant had anything more to add. She then opened up the public  
58 portion of the meeting.  
59

60 An abutter stepped forward to express that he has no objections and the project makes perfect sense.  
61

1 **MINUTES OF THE ZBA MEETING OCTOBER 6, 2022**

2  
3 There were no more comments or question and the public portion of the meeting was closed. K. Lagro moved to  
4 deliberations.

5  
6 **Deliberations:**

7  
8 Special Exception criteria under 10.02.1:

9  
10 **a. Criteria: proposed use is similar to those permitted in the district**

11 M. Thornton: it is allowable  
12 D. Sadkowski: it is permitted in the district  
13 T. Steel: with a special exception it is permitted  
14 K. Lagro: it is permitted

15  
16 **b. Criteria: specific site is in an appropriate location for the proposed use**

17 T. Steel: it is an existing structure right next to a driveway  
18 D. Sadkowski: agrees  
19 M. Thornton: not ideal but acceptable with a special exception  
20 K. Lagro: if this were a new shed it may be a different situation; the easement makes it doable; this is an existing  
21 shed; cost of moving it is prohibitive.

22  
23 **c. Criteria: the use as developed will not adversely affect the adjacent area**

24 D. Sadkowski: does not see any adverse effects; nothing changing  
25 T. Steel: site line is a bit difficult but it is a private driveway  
26 M. Thornton: agrees  
27 K. Lagro: being a private driveway makes a difference; it is a shared driveway

28  
29 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

30 T. Steel: private property with no public access  
31 M. Thornton: agrees  
32 D. Sadkowski: does not see any issues  
33 K. Lagro: it is a shared driveway

34  
35 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

36 M. Thornton: it is a shed that does not require much to operate safely  
37 T. Steel: agrees  
38 D. Sadkowski: agrees  
39 K. Lagro: the location is mitigated by the uses; it is unique in the way it is divided

40  
41 **Voting:**

42  
43 Is the Special Exception allowed by the Ordinance?  
44 T. Steel: yes; M. Thornton yes; D. Sadkowski yes; Chair votes yes.

45  
46 Are all the specified conditions present under which the Special Exception may be granted?  
47 D. Sadkowski yes; M. Thornton yes; T. Steel yes; Chair votes yes.

48  
49 Special Exception criteria under 10.02.1:

50  
51 **a. Criteria: proposed use is similar to those permitted in the district**

52 M. Thornton yes; D. Sadkowski yes; T. Steel yes; Chair votes yes.

53  
54 **b. Criteria: specific site is in an appropriate location for the proposed use**

55 D. Sadkowski yes; T. Steel yes; M. Thornton yes; Chair votes yes.

56  
57 **c. Criteria: the use as developed will not adversely affect the adjacent area**

58 T. Steel yes; D. Sadkowski yes; M. Thornton yes; Chair votes yes.

59  
60 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

61 D. Sadkowski yes; M. Thornton yes; T. Steel yes; Chair votes yes.



1 **MINUTES OF THE ZBA MEETING OCTOBER 6, 2022**

2  
3 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**  
4 M. Thornton yes; T. Steel yes; D. Sadkowski yes; Chair votes yes.  
5

6 Chair Lagro asked if there is a motion to approve **Case #2022-25 Sandford Surveying and Engineering, Inc. and Utopia**  
7 **Revocable Trust for the properties located at Tax Map 53, Lots 67-3 and 68-1** are seeking a Special Exception from the  
8 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  
9 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  
10 property located in the Residential 'R' District.  
11

12 L. Daley added it will be 1.35 ft. from the eave to the property line.  
13

14 T. Steel a motion to approve **Case #2022-25** and D. Sadkowski seconded.

15 K. Lagro a motion has been made to approve **Case #2022-25**.

16 Those in favor: T. Steel yes; D. Sadkowski yes; M. Thornton yes; Chair votes yes.  
17

18 Chair Lagro stated the criteria for the Special Exception request had been satisfied and the application approved. There is a  
19 30 day appeal period that can be filed with the Zoning Board.  
20  
21

22 **3. MEETING MINUTES**

23 No minutes to review; lack of membership.  
24  
25

26  
27 **4. OTHER BUSINESS**

28 Nothing to discuss.  
29  
30  
31  
32

33 **Motion to Adjourn**

34  
35 Chair Lagro asked if there was anything else. M. Thornton made a motion to adjourn and T. Steel seconded. All Board  
36 Members were in agreement. Meeting adjourned.  
37  
38  
39

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

41  
42 **Seconded:** \_\_\_\_\_

43  
44 **Signed** \_\_\_\_\_

45  
46 **Date:** \_\_\_\_\_