

**Town of Milford  
Zoning Board of Adjustment  
April 6, 2017  
Case #2017-05  
Darren Courtemanche  
Special Exception**

Present: Michael Thornton, Vice Chair  
Joan Dargie  
Jason Plourde  
Steven Bonczar  
Tracy Steel, Alternate)  
Robin Lunn, Zoning Administrator  
Wade Scott Campbell (not voting)

Absent: Kevin Johnson, Chair  
Rob Costantino, Alternate

Secretary: Peg Ouellette

Darren Courtemanche, for property located at 20 Prospect St., Milford, NH, Tax Map 30, Lot 70, in the Residence A District, is seeking a Special Exception per the Milford Zoning Ordinances Article X, Section 10.02.03 to allow a home occupation in an existing single family dwelling.

### **Minutes Approved on April 20, 2017**

Michael Thornton, Acting Chair, opened the meeting and introduced the Board members. He informed all of the procedures of the Board. Board members agreed to table Approval of Minutes to the next regularly scheduled meeting, since there were one old case and four new cases on the agenda. Probably not enough time to consider all of them, since rules allow adjournment by 10 p.m. Any cases not heard would be tabled, with no additional notification to applicants or abutters. He read the notice of hearing into the record.

Applicant, Darren Courtemanche stated he wanted to get a Federal Firearms License. Part of the process was approval from the zoning ordinance.

M. Thornton said he would be an FFL; would he be receiving and transmitting firearms from that location?

D. Courtemanche responded yes.

S. Bonczar said that was not in the application.

J. Dargie said the application stated there would be no inventory.

D. Courtemanche said it will be on a need to order basis. No inventory. Not running a big business; will be for friends and family.

M. Thornton said their understanding was he would have to have inventory. Even if only one or two guns that would come in and be logged in. Then the person would come in and do the paperwork, be approved, take receipt of the firearm and then take it.

D. Courtemanche agreed.

S. Bonczar said the application didn't reflect what the applicant just stated. Because of that, what type of security will there be? How will he secure guns, etc.?

D. Courtemanche said he could just put them in a safe, a gun safe. Not really any inventory there.

Somebody orders gun, comes in by appointment only. He does the transfer and they take the firearm.

M. Thornton said unless this was all going to happen in the same day, he would be keeping inventory – would be a small one, but would be inventory.

D. Courtemanche said that was correct.

M. Thornton said he would have to have safeguards. Has he spoken to any others [gun dealers] in area, such as Milford Firearms.

D. Courtemanche said no.

M. Thornton said they were good sources of information.

S. Bonczar asked about state laws for this type of activity.

D. Courtemanche stated there were no additional state requirements other than what ATF required.

S. Bonczar asked if that could be provided to the Bd. Was having difficulty saying it was OK because he didn't know enough about it. Understood what the applicant was doing and it was low impact. But if he makes appointment and someone didn't show up the next day and somebody broke in. That could be for anybody, but since this was a home occupation and potential for not just personal firearms, but others.

Would like to see more information. When he read the application he had no idea. It only said it was an internet business. Now it was more complicated.

D. Courtemanche said one of the first things ATF will be doing is contacting them to find out if he met local requirements. This was the first step. If any suggestions, he was new to this, too. When he started this process he questioned why he couldn't do this in his existing business at 6 Prospect St. UPS delivers there all the time, it has a great alarm system, and he's there all the time. Didn't know what restrictions were.

J. Dargie asked why he can't do it there.

R. Lunn said it was a pre-existing nonconforming site. Commercial operation in residential zone. He would have to get a variance for another nonconforming use at that site and get through site plan approval. Would be a much more complicated process.

J. Dargie said he would have that option if this was turned down.

R. Lunn agreed.

M. Thornton said it might be harder to achieve but make more sense. He had alarms and was able to transfer and receive, which he didn't have at his home.

J. Dargie said he stated that UPS drops off. There was no place on that part of Prospect for UPS truck to stop and make deliveries.

D. Courtemanche said they just throw packages there.

S. Bonczar said he'd like to see more information on how he would run operation there. One question was adequate appropriate facilities provided for proper use. Without additional information he couldn't answer that. Didn't know enough about process applicant had to go through. He asked how the Bd. felt about tabling this to another meeting, if applicant was willing.

Other members agreed.

J. Dargie didn't think it mattered, if you were putting trading of guns in a residential area, she didn't think she would go for it.

S. Bonczar wanted to be fair to the applicant. Didn't feel there was enough information to make a decision that was fair to the applicant and to the town.

J. Dargie said it would be a shame to have applicant go through all that and then come back.

D. Courtemanche said he couldn't even fill out papers until he had a physical address, business name, etc. Can't do anything.

S. Bonczar said it would be nice to see the documentation applicant had looked at to go through the process. Whether he voted yes or no, tonight he didn't have enough information. With information, he may say yes or may say no. Couldn't make that determination.

J. Dargie commented that they were supposed to get applications that were complete. The fact that it just said "internet" changed it.

M. Thornton said they thought he would be dealing with FFL somewhere else and brokering. It didn't say FFL on there.

S. Bonczar said the questions he had to answer based on any business, whether internet business or whatever, answers would be based on that. He was willing to make a motion to have applicant return with additional information on the process and proposed security, etc.

J. Plourde wanted to be sure the applicant knew what he had to come back with.

M. Thornton said one of the best sources was Nick at Milford Firearms. He would be willing to help him; applicant wasn't a threat to his business.

D. Courtemanche said it would be a few shotguns a year. High end firearms, Baretta shotguns - a different clientele.

S. Bonczar advised him to provide more explanation of business so Bd. could understand it. Get those to the office. State how he will secure guns prior to release to customer. There may be concerns in neighborhood about this activity and how he would alleviate those.

J. Dargie commented that people could go to the Community Development office and fill out an application and Bd was supposed to get a full application. One of the questions is adequate facilities. It was part of applicant's responsibility to show that. Not just you are going to follow all local and state requirements.

M. Thornton said what was considered appropriate was a California DOJ safe. Meeting all criteria of that code. Has to get a safe that meets that code or he won't get FFL. Must have that up front.

D. Courtemanche asked if this was something the Bd. was requesting.

M. Thornton said no, he wouldn't get FFL to deal guns without a place to store them. Has to have an armored facility which is a safe all around. Think of the business as a safe with alarm system. All have gun safe meeting standards of California DOJ.

D. Courtemanche said everything he read for State of NH didn't have those requirements.

S. Bonczar made a motion to table and ask applicant to spend a little time to put together information to educate the Bd and for them to understand how he will secure guns, exact sales per week, etc. Put a plan together. He moved to table and ask applicant to provide those things prior to the next meeting.

D. Courtemanche said he could print out that NH excluded from those.

J. Plourde said whatever information he could provide to make them comfortable.

J. Dargie mentioned lack of parking. If they were to take a vote just on location alone it may not save it, and then he could apply at the time.

D. Courtemanche said he had a driveway, only 4 to 5 guns a year.

S. Bonczar said that was what they needed to know.

J. Dargie said \*\*\*

M. Thornton asked for second to S. Bonczar's motion to table. J. Plourde seconded.

**VOTE: Yes vote was to table.**

**J. Dargie - yes**

**S. Bonczar - yes**

**T. Steel - yes**

**J. Plourde - yes**

**M. Thornton - yes**

**Case #2017-05 tabled to next regular meeting on April 20.**

M. Thornton asked applicant if that was enough time for him to get information for them.

D. Courtemanche said yes. He can print it out.

S. Bonczar said just the highlights.

M. Thornton said it was important to answer questions on application a little more thoroughly.

J. Plourde said he needed to provide that at least three days before the next meeting.