

**Town of Milford  
Zoning Board of Adjustment  
May 18, 2017  
Case #2017-11  
Alexandra Hurtubise  
Special Exception**

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

Absent: Jason Plourde, Vice Chair  
Laura Dudziak, Board of Selectmen Representative

Secretary: Peg Ouellette

Alexandra Hurtubise, for property located at 17Mason Road, Milford, NH, Tax Map 42, Lot 6, in the Residence R district, is seeking a Special Exception of the Milford Zoning Ordinances per Article VI, Section 6.02.6.B to allow grading and seeding in the wetland buffer area adjacent to Osgood Pond.

**MINUTES APPROVED ON JNUE 15, 2017**

S. Bonczar, Chair, opened the meeting and introduced the Board members. He informed all of the procedures of the Board. He read the notice of hearing into the record.

Alexandra Hurtubise and Bradford Pettingell, residents of 17 Mason Rd. came forward to present the case.

A. Hurtubise referred to the plan to put in grass seed and lay a foundation for it. Will be organic. Goal was to plant grass seed in side yard. Grading about 2 to 4 inches. There was a natural berm about 25 ft. wide. Area will not be within 25 ft. of water. She referred to diagram, saying natural buffer on land side of 2 ft. and on water side of 3 ft. On property map when it was zoned it was 296 and 298 by water. It was listed they have footage on the water side. They will not touch soil any closer than 25 ft. to water. On pond side the berm was 3 ft. Will remain above ground level. Photo reflected project area; showed closest area they intended to work on. Area was approximate 25 x 80 ft.

S. Bonczar said about 1,000 SF.

A. Hurtubise showed photos.

S. Bonczar said they had copies but the ones she had were clearer, so she passed them around to Board members.

A. Hurtubise said they purchased the property as a foreclosure. They cleaned up trash and debris. Trying to put it back to the previous state after clearing out the garbage and trash. Good for the environment.

S. Bonczar asked if there would be no digging – basically spreading loam?

A. Hurtubise said no backhoe or digging. Will be a hand feeder and organic non- pesticide seed; just trying to restore it to its previous state.

S. Bonczar said normally buffer was 20 ft. Ordinance stated that for bodies of water specified at Sec. 6.02.3E the buffer shall be 50 ft. from the edge of any stream, pond, or wetland in a horizontal plane.

Osgood Pond was included in that. Otherwise, they would be talking about 25 ft. instead of 50 ft. That was why the applicant was there.

R. Costantino said he drove by there in the evening. It looked dark in the evening. It was shaded area? He asked if there was shade there all day.

A. Hurtubise said for most part of the day,

R. Costantino in his experience with grass you needed two things: water and sunshine. Or chemicals. They weren't planning to use fertilizer. What happens if it didn't grow? He asked about variety that would grow in shaded area.

B. Pettingell said they do sell seed for shaded areas.

A. Hurtubise said they wanted it to look nice and help the environment and restore it. There was grass growing there and hoping if they plant organic special seed that will happen.

R. Costantino asked if they knew you couldn't just spread seed; it needed to be tamped down.

A. Hurtubise said they weren't in any rush. If it didn't take at first go, they would plant a little more.

S. Bonczar asked if there were any more questions from the Bd. None.

S. Bonczar asked Bd. members, re Sec. 6.02.07, the criteria for evaluation, the applicant had supplied information re those 7 criteria. He asked for any questions for the applicant re those responses.

R. Costantino said he was satisfied with how they were done.

No other questions.

S. Bonczar asked, re the various Special Exception criteria besides the wetland, any concerns or comments to talk about or address? None.

S. Bonczar said he rode by the property. It was a cleared area. No trees. Probably a lot of weeds. Not high grass. He could see a little bit of the berm. He understood it was a matter of not really changing but improving the area, bringing in loam and planting seed. Not a radical change. Not digging up and putting in a structure or anything like that. There wasn't any correspondence from the Conservation Commission. He asked if applicant had spoken to the Commission.

A. Hurtubise said they met with the Conservation Commission in November and were referred to the ZBA. She spoke with Chris of the Conservation Commission who said the next step was to come to the ZBA. B. Pettingell said no decision.

R. Costantino referred to questions from R. Lunn.

S. Bonczar said the question was whether it was the Bd's concern.

R. Costantino said one was the chemical thing. And another was concern about disturbing the wetland by bringing in loam and grading. That was addressed.

S. Bonczar said basically the berm would stay.

A. Hurtubise agreed. Not touching it.

M. Thornton said R. Lunn had stated there was no information about the cumulative impact if all the people were doing something similar. What did they think would happen?

A. Hurtubise said there weren't a lot of homes on the pond. Two neighbors. The town was other neighbor. They had done extensive digging. They (applicants) were not touching the water – not within 25 ft of it. Not trying to drastically change anything.

J. Dargie commented that if everybody planted grass she didn't think the cumulative effect would be negative.

S. Bonczar said it was addressed in #6.

A. Hurtubise said if everybody had debris and cleaned it up, that would make the town a better place.

S. Bonczar said it would be impact if this was a major construction project where they were pulling out existing vegetation and trees; then the impact would be greater. S. Bonczar said they were taking out weeds and making it a useable area.

M. Thornton said done correctly it would have a positive impact.

W. Campbell said the house was visible from the road, so it would be a positive.

S. Bonczar referred to the five criteria for Special Exception in 10.02.1. Re the proposed use being similar to those permitted in the district, they have to interpret a certain way because it was wetland. Re the specific site being appropriate location for the proposed use and the use as developed not adversely

affecting the adjacent area, he felt they had discussed those and he heard pretty much agreement on that. Re nuisance or serious hazard to vehicles or pedestrians, he didn't know how everybody felt. He didn't see an issue with regard to putting down loan and grass seed. Re adequate appropriate facilities for the proposed use, he asked if everyone felt confident that applicant in response to #7 criteria had met that. Any concerns? There were none expressed.

S. Bonczar opened meeting for public comment. None. If Bd members were ready to deliberate and vote and no other questions from the Bd, he would close the public comment portion of the meeting.

R. Costantino asked if they planned to cut down any more trees.

A. Hurtubise said none at all.

S. Bonczar asked if any other questions. None. He closed the public comment. He said he didn't know of anything else they needed to discuss among themselves. Anything else?

J. Dargie said she heard there was no digging equipment and not digging up dirt, but putting down loan and seed. No tree cutting or bush cutting. Seemed very little impact.

R. Costantino said it was a small area.

S. Bonczar agreed. Improving without much change to the area. It was already flat open with no big trees or large vegetation.

S. Bonczar proceeded to the vote on the two special exception criteria:

**1. Is the Special Exception allowed by the ordinance?**

M. Thornton – yes; R. Costantino – yes; T. Steel – yes; J. Dargie – yes; S. Bonczar – yes

**2. Are all the specified conditions present under which the Special Exception may be granted?**

T. Steel – yes; J. Dargie – yes; R. Costantino – yes; M. Thornton – yes; S. Bonczar – yes

S. Bonczar asked for a motion to approve Case 2017-11 for Special Exception for property located at 17 Mason Rd, Tax Map 42, Lot 6 in the Residence R District

J. Dargie made motion to approve Case 2017-11.

T. Steel seconded.

**Final Vote:**

**J. Dargie – yes**

**T. Steel – yes**

**R. Costantino – yes**

**M. Thornton - yes**

**S. Bonczar – yes**

**Case #2017-11 approved by 5 to 0 vote.**

S. Bonczar informed applicant of unanimous approval and of the 30-day appeal period.

There being no further business, S. Bonczar asked for a motion to adjourn.

J. Dargie made motion to adjourn.

R. Costantino seconded.

All in favor.

Meeting adjourned at 7:25 p.m.

