

**Town of Milford
Zoning Board of Adjustment
Case #2015-19
Eber & Trudy Currier Family Trust
along with Sunshine Six, LLC
Variance
February 18, 2016**

Present: Fletcher Seagroves, Vice Chair, Acting Chair
Michael Thornton
Joan Dargie
Len Harten, Alternate

Absent: Kevin Johnson, Chairman
Katherine Bauer – Board of Selectmen’s representative

Secretary:

The applicant, Eber & Trudy Currier Family Trust along with Sunshine Six, LLC, owner of Map 8, Lot 73, located at 211 Mont Vernon Rd, in the Residence “A” District, is requesting a Variance from Article V, Section 5.02.1, to permit a commercial use self-storage facility and an automotive repair and maintenance garage and related office occurring in the existing building within the Residence “A” District.

MINUTES APPROVED ON 11/3/16

Fletcher Seagroves Vice Chairman, opened the meeting, introduced the Board members and informed all of the procedures. He read the notice of hearing into the record. The list of abutters was read.

F. Seagroves said this was a request for a rehearing. Case was heard before.

J. Dargie said twice already.

F. Seagroves said it was last heard two weeks ago and abutters asked for a rehearing, within the 30 day limit. He asked if all Board members had read the request and asked for comments.

L. Harten commented to correct the reading of the notice of hearing to “Sunshine Six”, not “Sunset Six” as it was read.

F. Seagroves asked J. Dargie if there were any errors made in hearing the case.

J. Dargie didn’t believe there were any errors or any new information brought forward. They had basically heard this case, it seemed like six times, even though officially they heard it twice. They had gone over all possible information. They had consult with the Town Attorney on one of the points raised

re breaking up into multiple – they talked about the outside storage, they talked about the storage units, they talked about the garage. They talked about them each individually. She didn't believe there was anything they missed or did in error.

L. Harten didn't believe they made any errors in their decision in the original hearing. Not sure any new information. Only concern was Attorney Muller brought up issue of public health, safety and welfare regarding impact on the wetlands and environment and didn't remember discussing that issue.

F. Seagroves said they had.

J. Dargie said they had, in detail, and that F. Seagroves had brought up the fact for the outside storage, if someone were to change oil or something like that out there, how could that potentially impact the wetlands.

L. Harten recalled that situation but asked about the garage.

J. Dargie believed they had talked about the garage as well, regarding changing of oil. In fact that was already in place and already being done there. So if there were impact on wetland, it was already..

L. Harten said he was sure protective features now required of a garage because of oil and gas were in place, but he didn't know. He assumed they were there.

F. Seagroves asked if they hadn't asked applicants to come back after Planning Bd and tell them what they planned.

J. Dargie didn't think so. They discussed it would be handled by Planning Bd and Conservation Comm.

L. Harten said they didn't know if Conservation Comm. had come back to the Planning Bd.

J. Dargie said it hadn't gone to Planning Bd.

L. Harten understood, but sometimes they make comments.

J. Dargie said she didn't believe there was any effect. The wetland were across from where they would be building, so there would be no direct impact.

L. Harten said there was also a groundwater issue.

J. Dargie agreed, but said without diesel leaking, without 42 buses being there, would be less.

L. Harten

J. Dargie said also, it will be on a cement platform.

L. Harten said that was the only issue he had. He didn't see any reason to rehear the case.

M. Thornton didn't see anything new and didn't see any mistakes that were obvious that they made, and therefore, didn't see any reason to rehear the case.

F. Seagroves agreed with the board. He read the petition and didn't see any new information. He didn't see any mistakes the board made. Thought that with over three hours going over the case, he felt they went over it pretty well.

F. Seagroves proceeded to the questions.

1. Was the motion for rehearing filed within 30 days of the Zoning Board of Adjustment decision?

L. Harten – yes; J. Dargie – technically it was 32 days, but it was technically okay because the 30th day fell on a Saturday, bringing it to the Monday - yes; M. Thornton – yes; F. Seagroves – yes

2. Does the petitioner have standing to file the motion for rehearing?

L. Harten – yes, they were a party to the action; M. Thornton – yes; J. Dargie – yes; F. Seagroves – yes

3. a. Has the petitioner shown that the Zoning Board of Adjustment has made a technical error? and

b. Has the petitioner provided new evidence that was not available to the petitioner at the time of the hearing or an undelayed action, or would injustice be created if the motion for rehearing was denied?

M. Thornton – no; L. Harten – no; F. Segroves –no; J. Dargie – didn't think there was a technical error made; The technical error pointed out, they had a discussion with town attorney on which was breaking

up the cases. He said how they were handling breaking up the three cases was fine. There was no new evidence presented and there would not be an injustice created if the motion for rehearing was denied – no.

F. Seagroves asked or a motion.

J. Dargie moved to deny request for rehearing on Case #2015-19

L. Harten seconded.

Final Vote (to deny)

M. Thornton – yes; J. Dargie – yes; L. Harten – yes; F. Seagroves – yes.

Motion for rehearing denied.