

Town of Milford
Zoning Board of Adjustment
April 30, 2020
Case 2020-07
Joshua and Johanna Boyd
Special Exception

Present: Jason Plourde, Chair
Rob Costantino, Vice Chair
Wade Campbell
Joan Dargie
Lincoln Daley, Director of Community Development

Absent: Karin Lagro (Alternate)
Paul Dargie, BOS Representative
Tracy Steel
Michael Thornton

Good evening and welcome to the Town of Milford Zoning Board of Adjustment meeting for April 30, 2020. My name is Jason Plourde and I will be serving as chair tonight.

As Chair of the Board of Adjustment, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically. This meeting is held in accordance with the applicable New Hampshire State statutes, Town of Milford ordinances, and the Zoning Board of Adjustment Rules of Procedure.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

- a) *Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:*

We are utilizing ZOOM for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone #646 558 8656, and entering the meeting ID #999 9810 6664 We will also be live streaming the meeting on Granite Town Media, Government Channel 21:

[Http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2](http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2)

- b) *Providing public notice of the necessary information for accessing the meeting:*

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions

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1 have also been provided on the website of the Board at [www.milford.nh.gov/community-](http://www.milford.nh.gov/community-development)
2 [development](http://www.milford.nh.gov/community-development).

3 c) Providing a mechanism for the public to alert the public body during the meeting if there are
4 problems with access:

5 If anybody has a problem, please call 603-249-0620 or email at: ldaley@milford.nh.gov.

6 d) Adjourning the meeting if the public is unable to access the meeting:

7 In the event the public is unable to access the meeting, the meeting will be adjourned and
8 rescheduled.

9
10 Please note that all votes that are taken during this meeting shall be done by roll call vote.

11
12 Let's start the meeting by taking a roll call attendance. When each member states their pres-
13 ence, please also state whether there is anyone in the room with you during this meeting, which
14 is required under the Right-to-Know law: Jason Plourde at Town Hall with Lincoln Daley in the
15 room; Rob Costantino at home alone, Wade Campbell at home alone, Joan Dargie in her office
16 alone.

17
18 This evening, we have 4 new cases and no old cases and no minutes for review.

19
20 Each case will proceed as follows:

- 21 • The Chair will read the notice of hearing.
- 22 • The applicant will be asked present their case. Before proceeding, please state your name
23 and address.
- 24 • The board members may ask questions at any time during the presentation.
- 25 • Once the applicant has finished their presentation, Joan will either read into the record
26 any letters or emails regarding the case that the board may have received, or reference
27 them by exhibit number and provide a brief summary of the content. I will then open the
28 hearing for public comment. Those members of the audience who wish to speak must first
29 dial * and 9 and the Chair will recognize you in the order you are received. Before pro-
30 ceeding, you must state your name and address. All questions and comments should be
31 directed to the chair.
- 32 • After all interested parties have been given an opportunity to speak, the Chair will close
33 the public portion of the hearing. The board will then, at its discretion, either deliberate
34 the case, following the criteria required by the applicable statutes and ordinances, or
35 continue the deliberation until the next regularly scheduled meeting.
- 36 • Following deliberation, the board will vote on each of the required criteria.

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- *The chair will then ask for a motion to either approve or deny the request made in the application. Conditions may be attached to the final decision based on the deliberations of the Board.*

Before all cases have been heard, the Board will seat any alternates in the event that regular members are absent. After a full Board has been seated, the Board may approve minutes from previous meetings depending on the length of the agenda. Once the hearings are complete, we will discuss any "other" business. After considering the other business, the meeting will be adjourned.

This evening, we have a full agenda. Our Rules allow us to adjourn the meeting at 10:00 pm and either continue the open hearing or table any cases not yet heard until the next regularly scheduled meeting. If it is necessary, an alternate location, date and time may be scheduled at the end of the hearing for a non-regular meeting to continue the case. There will be no additional notification to the applicant or abutters when a hearing is either continued or tabled to a date, place and time certain.>>

Let us begin by seating our alternates who will hear tonight's cases-it was noted that no alternates required seating this evening as there are four regular members in attendance.

Let us move to the next case on our agenda.

Case 2020-07

Joshua and Johanna Boyd, 119 McGettigan Road, Milford Tax Map 10, Lot 78, is seeking a SPECIAL EXCEPTION of the Milford Zoning Ordinance per Article X, Section 10.2.6 to allow the construction of a 7500 sq ft accessory dwelling unit located above a proposed attached garage to the existing single-family house in the Residential "R" district.

Joshua and Johanna Boyd, applicants, presented the project. The existing two-car garage will be made into a 3-card garage with breezeway with the ADU above the garage to eventually be occupied by aging parents. R. Costantino asked if the area can be seen by neighbors from their house on either side. Joshua Boyd responded that yes at the center, just north the neighbors are just barely able to be seen in the summer. We have talked to them about this several times and there were no issues. J. Plourde said one of the criteria is the entrance and egress, explain where they will be. Joshua explained the entrance is through the breezeway, there is also a door out the back of the garage. Whenever possible, it is good to have access from the main house so access from the breezeway would qualify. R. Costantino, W. Campbell and J. Dargie had no further questions and indicated this seems pretty straightforward. J. Plourde said there have been no letters received about this. J. Plourde opened the public meeting explaining if the public would like to comment or ask a question to press *9. Seeing no one waiting to speak, J. Plourde asked if L. Daley sees anyone waiting. There was nobody waiting.

P. Dargie asked about the common wall with the main house? The ADU must have a 32" door connecting the two. Joshua Boyd explained the door going into the great room would be 32" wide. J. Dargie indicated that when the ADU is above the garage, there is not a common wall requirement. R. Costantino said sometimes the ADU is not attached to the house, that is not a requirement. J. Plourde stated when the ADU is attached to the house the requirements are a little different. ZBA members had no further questions or comments.

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J. Plourde opened the meeting to the public. J. Plourde did not see any public waiting to speak. L. Daley confirmed there were no people waiting in the waiting room to speak. J. Dargie moved to close the public meeting. R. Costantino seconded. R. Costantino yes; W. Campbell yes; J. Dargie yes; J. Plourde yes/

The ZBA deliberated the Special Exception 10.2.1 criteria:

- A. R. Costantino yes, an ADU is allowed in the Residence R zone; W. Campbell yes, J. Dargie yes the ADU is allowed by law up to 750 square feet as long as it meets the requirements, J. Plourde yes, an ADU is permitted by Special Exception.
- B. R. Costantino yes; W. Campbell yes; J. Dargie yes; J. Plourde yes.
- C. R. Costantino yes, W. Campbell yes; J. Dargie yes; J. Plourde yes
- D. R. Costantino yes, W. Campbell yes, J. Dargie yes, J. Plourde yes
- E. R. Costantino yes; W. Campbell yes; J. Dargie yes; J. Plourde yes, septic plan has been updated.

L. Daley indicated that the ADU can be owner occupied or occupy the main house.

SPECIAL EXCEPTION 10.2.1 VOTE:

- A. The proposed use is similar to those permitted in the district? R. Costantino yes; W. Campbell yes; J. Dargie yes; J. Plourde yes.
- B. The specific site is an appropriate location for the proposed use? R. Costantino yes; W. Campbell yes; J. Dargie yes; J. Plourde yes
- C. The use as developed will not adversely affect the adjacent area? W. Campbell yes, R. Costantino yes, J. Dargie yes; J. Plourde yes.
- D. There will be no nuisance or serious hazard to vehicles or pedestrian due to the proposed use? R. Costantino yes, W. Campbell yes, J. Dargie yes; J. Plourde yes.
- E. There would be adequate and appropriate facilities provided for the proper operation of the proposed use? W. Campbell yes, R. Costantino yes, J. Dargie yes; J. Plourde yes.

Is the Special Exception allowed by the Ordinance? W. Campbell yes, R. Costantino yes, J. Dargie yes; J. Plourde yes.

Are all the specified conditions present under which the Special Exception may be granted? R. Costantino yes; W. Campbell yes; J. Dargie yes; J. Plourde yes.

R. Costantino moved to grant Special Exception 2020-07. J. Dargie seconded. R. Costantino yay; W. Campbell yay; J. Dargie yay; J. Plourde yay.

Chair J. Plourde stated that the criteria of Special Exception have been satisfied and Case 2020-07 has been approved; there is a 30 day appeal process, end date for that is May 18, 2020. J. Plourde thanked the applicant for attending this ZBA virtual meeting. Ryan Emerson thanked the Board for hearing his case.

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____