

Town of Milford
Zoning Board of Adjustment
April 30, 2020
Case 2020-06
Ryan Emerson
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

Chairman Plourde welcomed everyone and declared a State of Emergency as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, the Board of Adjustment 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. He stated 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, he confirmed that the Board is:

- a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;
- b) Providing public notice of the necessary information for accessing the meeting;
- c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access.
- d) Adjourning the meeting if the public is unable to access the meeting.

Chairman Plourde stated that all votes that are taken during this meeting must be done by Roll Call vote. He started the meeting by taking roll call attendance. He asked each member to state their name and state whether there was anyone in the room with them during this meeting, which is required under the Right-to-Know law. Roll Call Attendance: Jason Plourde at Town Hall with Lincoln Daley in the room; Rob Costantino at home alone, Wade Campbell at home alone, Joan Dargie in her office alone.

Chairman Plourde continued by stating that there were four new cases to be heard, with no old cases and no minutes for review. He then proceeded to summarize the hearing process, rules, and procedures for Board Members, applicants, and the general public.

Joan Dargie was seating as a full-voting member for the public hearings.

Case 2020-06

Chairman Plourde read Case 2020-06 into the record. Ryan Emerson, 115 Wallingford Road, Milford Tax Map 56, Lot 45-1, is seeking a SPECIAL EXCEPTION of the Milford zoning Ordinance per Article V, Section 5.04.2.A.7 to allow the construction of an addition to the existing single-family home within the 30 foot front dimensional setback within the Residential "R" district.

**MINUTES OF THE ZBA MEETING APRIL 30, 2020 VARIANCE CASE #2020-06
RYAN EMERSON – VIA ZOOM**

Ryan Emerson, applicant, presented the project to members. Mr. Emerson thanked the Board for hosting this meeting and thanked Lincoln Daley for providing information to him. The purpose of this addition is for his Mother-in-law who currently lives in Amherst and he and his family have made the decision to move her to Milford with them, and for her to live in this addition, the main kitchen will be shared. The 30' setback is in question. In the ordinance, a corner lot modifies the setback, for a corner lot a 15' definition gets extended to the 30' requirement. This lot is considered a corner lot and the other lot is not traditional, and it is an unpaved road (Foster Road) that separates common land for Wallingford Estates that therefore will never be developed. All the abutting structures are very far away from any other abutting structures. There is a significant rock wall on either side of Foster Road, so this would still be consistent with the 30' setback. The location of this ADU will be on that side of the house, the intent is to flatten the property on the Wallingford Road side.

J. Plourde asked if Board members had any questions. R. Costantino, J. Dargie and W. Campbell had no questions.

J. Plourde asked why the addition is coming off the front of the house instead of the back of the house? Ryan Emerson explained he wants to maintain the integrity of the backyard. The house is pointing more toward Foster Road, but it is on a hill so having it more toward Wallingford Road would make it framed better.

R. Costantino said the land on the other side of Foster Road is Open Space for the Wallingford Road development, there is no reason that Foster Road will ever be turned into a town road. J. Plourde said he was not aware of that being open space across from Foster Road. There were no further questions from the Board. J. Plourde indicated there are no further documents to include in the record.

J. Plourde invited the public to comment or ask questions by pressing *9 so that Zoom indicates a caller has a question. Seeing no people waiting to comment, J. Plourde asked L. Daley if there is anyone waiting. L. Daley said there is nobody waiting. J. Plourde asked again if there was any public that wished to comment or ask questions. There were no people waiting to communicate to the Board. J. Plourde asked for a motion. R. Costantino moved to close the public meeting. J. Dargie seconded. R. Costantino yay, J. Dargie yay, W. Campbell yay, J. Plourde yay.

The ZBA deliberated the Special Exception 10.2.1:

- A. R. Costantino yes, people are allowed to add on to their house in the Residence R zone; W. Campbell yes, J. Dargie yes, J. Plourde yes, an ADU is permitted by Special Exception
- B. R. Costantino yes, this is an extension of the house within their property; 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 but he forgot to ask if the additional septic has been approved for one additional person? L. Daley asked Ryan Emerson if the septic can handle another person on the septic design. R. Emerson answered the house is designed with a 4 bedroom septic and we are adding a fifth person, a 5 person design was submitted and if the 4 person septic were to fail, the 5 person design would be built. L. Daley indicated that the approval of the 5 person septic should be a condition of approval. J. Plourde asked if anyone wants to discuss that condition or it can just be added to the decision.

J. Dargie moved to have a condition attached to the approval that an approved septic design for a 5 bedroom system must be received from DES. R. Costantino seconded. R. Costantino yes; W. Campbell yes; J. Dargie yes, J. Plourde yes.

**MINUTES OF THE ZBA MEETING APRIL 30, 2020 VARIANCE CASE #2020-06
RYAN EMERSON – VIA ZOOM**

SPECIAL EXCEPTION 10.2.1 VOTE: (to include 5 person septic design condition)

- 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 2020-06 with the condition that the applicant and Town of Milford receive the DES approval for a 5 bedroom septic design. J. Plourde 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 2020-06 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: _____

MINUTES APPROVED 5/21/2020