

**Town of Milford**  
**Zoning Board of Adjustment**  
**October 1, 2020**  
Case 2020-23  
Clark Set Back  
Special Exception

**Present:** Jason Plourde, Chair  
Rob Costantino, Vice Chair  
Karin Lagro (Alternate)  
Paul Dargie, BOS Representative  
Tracy Steel  
Michael Thornton (arrived 7:10)  
Joan Dargie (Alternate)  
Lincoln Daley, Director of Community Development

**Absent:** Wade Campbell

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 alone in the Community Development conference room at Town Hall adjacent to Lincoln Daley's office; Rob Costantino at home alone, T. Steel at home with her daughter and niece in the room, K. Lagro at home alone, M. Thornton at home alone. J. Plourde asked that K. Lagro be seated as a regular member for tonight's meeting in the absence of W. Campbell and that J. Dargie be seated as a regular member for tonight's meeting in the absence of M. Thornton.. R. Costantino, K. Lagro, and J. Dargie agreed. A poll was taken: J. Plourde yes; R. Costantino yes; T. Steel yes.

Chairman Plourde continued by stating that there were four cases to be heard tonight. He then proceeded to summarize the hearing process, rules, and procedures for Board Members, applicants and the general public.

**Case 2020-23**

Jason and Susan Clark, 28 Glenn Drive, Milford Tax Map 30, Lot 86-5 is seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.02.02.A.8 to the construction of a 150 s.f. addi-

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tion to the existing single-family residence 4 feet within the 15 foot rear dimensional setback in the Residential 'A' Zoning District.

Jason Clark, applicant, explained the application before the ZBA is to add to the kitchen which results in encroachment into the 15' setback. J. Clark said we are at the end of the cul-de-sac and this addition would allow a reasonably sized kitchen. The details of the application and criteria were reviewed and there will be no tree removal. The addition will replace the existing kitchen; this will go about 4' into the setback, so it is 11' away from the property line and there will be no trees removed. J. Clark Plourde asked for questions from the Board.

R. Costantino and T. Steel had no questions. L. Daley asked what is on the corner of the garage? J. Clark said that is a small shed with bikes stored inside that will be moved from where it is. J. Plourde opened the public portion of the meeting. J. Plourde asked if any abutters want to speak and to press \*9 if they wish to speak. L. Daley said there is no one waiting to speak. J. Plourde closed the public meeting and asked if the ZBA had further questions? A poll was taken: T. Steel no; R. Costantino; M. Thornton no; J. Plourde no. The Board entered deliberations.

Deliberations: J. Plourde asked if board members would like to deliberate the criteria:

A-R. Costantino indicated that this is allowed in the ordinance under a Special Exception. M. Thornton said there is a reasonable the proportionate need.

B-K. Lagro said this is just adding to a single family residence and otherwise there is no change; T. Steel said yes the shape of the lots in the area and the position of the house make this desired to the homeowner; R. Costantino said the kitchen is being opened up and this is a corner of the house so it is appropriate.

C-M. Thornton and T. Steel indicated this will not have any effect on the neighborhood; K. Lagro said it will not have an adverse effect on the area; R. Costantino initially had an issue with this and was looking for some buffer but the lots are small and this seems to be frequently done in this area. This is only one corner of the house that is going into the setback and has very little impact. M. Thornton said in other instances, the Planning Board and ZBA has asked the applicant to mitigate the impact in the setback. R. Costantino does not feel that is necessary since there is existing landscaping and gardens there. J. Plourde said that might be something to consider on other applications, but not does not think it is for this one.

D-T. Steel said this will not affect any traffic flow; K. Lagro added she sees no hazards; R. Costantino, M. Thornton and J. Plourde agree.

E-R. Costantino said yes; M. Thornton does not see anything that the inspector would not see that would affect any of the abutters; T. Steel agrees; K. Lagro agrees it is a small addition; J. Plourde agrees and said it will be consistent and to code.

J. Plourde noted the ZBA will now begin voting on this application.

Voting:

A-R. Costantino yes; T. Steel yes; M. Thornton yes; K. Lagro yes; J. Plourde yes.

B-T. Steel yes; M. Thornton yes; K. Lagro yes; R. Costantino yes; J. Plourde yes.

C-M. Thornton yes; K. Lagro yes; R. Costantino yes; T. Steel yes; J. Plourde yes.

D-K. Lagro yes; R. Costantino yes; T. Steel yes; M. Thornton yes; J. Plourde yes.

E-R. Costantino yes; T. Steel yes; M. Thornton yes; K. Lagro yes; J. Plourde yes.

F-T. Steel yes; M. Thornton yes; K. Lagro yes; R. Costantino yes; J. Plourde yes.

G-M. Thornton yes; K. Lagro yes; R. Costantino yes; T. Steel yes; J. Plourde yes.

R. Costantino moved to approve the Special Exception from the 15 foot setback for this addition. T. Steel seconded. A poll was taken: R. Costantino yes; T. Steel yes; M. Thornton yes; K. Lagro yes; J. Plourde yes.

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J. Plourde stated the ZBA has approved this Special Exception noting there is a 30-day appeal period during which the case can be appealed. J. Clark thanked the ZBA.

Motion to Approve: \_\_\_\_\_

Seconded: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**THE MINUTES OF CASE 2020-23 DATED 10/1/2020 WERE APPROVED \_\_\_\_\_**