

Town of Milford
Zoning Board of Adjustment
December 17, 2020
Case 2020-30
DANIEL ILLG
Special Exception

Present: Jason Plourde, Chair
Rob Costantino, Vice Chair
Karin Lagro
Lincoln Daley, Director of Community Development
Darlene Bouffard, Recording Secretary

Excused: Wade Campbell
Tracy Steel
Joan Dargie (Alternate)
Michael Thornton
Paul Dargie, BOS Representative

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 continued by stating that there is one case to be heard tonight. He then proceeded to summarize the hearing process, rules, and procedures for Board Members, applicants and the general public. J. Plourde asked all in attendance to mute themselves unless speaking.

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: Rob Costantino at home alone; Karin Lagro at home alone, Jason Plourde at home alone; Lincoln Daley at home alone.

Case #2020-30

Daniel Illg, 21 Bear Court, Milford Tax Map 53, Lot 35-27 is seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Section 5.04.2.A.7 to allow the construction of a 432 sq. ft. addition to the existing single-family residence within 10 feet of the rear property line in the Residential "R" district.

Chairman Plourde indicated there are three regular members present tonight and no alternates, asking if the applicant would like to proceed with only three members. Daniel Illg responded that he would like to proceed. D. Illg moved forward with the presentation noting that some of

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1 the paperwork was submitted using "Variance" terminology, however it is a Special Exception to
2 add an addition to the back of his home which would impact the rear property line and setback.
3 D. Illg explained the application, the addition layout and location chosen for the addition. Due to
4 the location of utilities, the location of the addition was chosen, if this is not approved, a much
5 smaller addition would be done and would be visible on the street side of the cul-de-sac. The
6 addition being proposed will be on the back of the house. R. Costantino commended the com-
7 pleteness of the presentation and all of his questions were answered within it; it is clear that the
8 addition must be on the back of the house because of septic location. R. Costantino did caution
9 to not encroach into the open space land that Mr. Illg abuts.

10
11 L. Daley also encouraged Mr. Illg not to encroach further than what is necessary into the open
12 space since you do not want to impact that. L. Daley asked why it could not be more of a rectan-
13 gular shape instead of square shape? D. Illg said if we did that, the kitchen sink and window
14 would be impacted, and that is not a good idea. J. Plourde noted the application is thorough his
15 only question was about the shape but that was just answered. There were no further questions
16 from the Board. J. Plourde opened the meeting to the public, noting to raise your hand if you
17 wish to speak.

18
19 Jeff Wells, 24 Bear Court, said there was no elevation included in the plan, what is the level of
20 this room, and is it on the same level as the kitchen? D. Illg responded that it is the same level as
21 the rest of the house, there is no step up or step down. J. Wells asked what the height of the addi-
22 tion will be from ground level. D. Illg responded his estimate is 6-7' from the ground. J. Well
23 asked if that is to the back of the family room? L. Daley clarified asking what will be height at
24 the peak of the addition from the ground? D. Illg said 18-20' to that peak. J. Wells asked if the
25 side facing his property will have windows? D. Illg answered yes it will, with two feet in be-
26 tween. J. Plourde indicated those windows will be facing the woods based on the angle, they will
27 not be facing directly at Mr. Wells' house. If the addition was toward the cul-de-sac it would be
28 facing his property. J. Wells said this is a good presentation but in the application it states that
29 the addition will not be seen by abutters, but he will see it. D. Illg said the purpose of this hear-
30 ing is for the 5' encroachment into the setback. If this were in the front of the house, he would
31 not need to be here. J. Wells does not have any objections to this but he referenced other addi-
32 tions known to him and suggested there might be other configurations that could be considered.
33 J. Plourde responded that the ZBA looks at the case before them and makes a decision based on
34 the ordinance, the ZBA is looking at the Special Exception that is requested. If we deny this, Mr.
35 Illg might come up with something different but tonight there is a 15' setback impact and he is
36 proposing an addition to his home that will go into the setback by 5'. That is what is being pre-
37 sented tonight, that is what the ZBA is considering.

38
39 J. Wells indicated he paid a premium for his lot and would like for it to remain as it was when
40 purchased. R. Constantino commented that if Mr. Illg did what he originally wanted to do and
41 built the addition on the southern side of his house, that would not be preferable to the neighbors,
42 but he cannot do that because of the septic location. J. Wells indicated he feels that this addition
43 will reduce the value of his home. D. Illg asked if he is suggesting that this will reduce the view
44 of the trees and thereby reduce the value of his home? J. Plourde does not understand the com-
45 ments being made by Mr. Wells. L. Daley asked Mr. Wells if his issue is the visual mitigation
46 would be lessened? J. Wells said if he had to choose whether to look at the addition, with the
47 windows on that side or the trees, he would choose the trees, and the windows on that side of the

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addition will be visible from my property. K. Lagro said visual mitigation could be done with a fence or with addition foliage (trees). J. Wells indicated that would be fine. The vegetation over by the addition will grow over time, evergreens are promoted and would solve the problem. D. Illg stated that the existing trees have been thinned out by Mr. Wells since he has lived there, but he agreed that more trees could be added on that side. J. Plourde asked if there were further questions from the public. There were none. J. Plourde closed the public meeting. There were no further comments or questions from the ZBA, therefore the Board entered deliberations.

DELIBERATIONS:

10.2.1

1 - K. Lagro said this is a use allowed by Special Exception to go into the setback; R. Costantino said an addition to a single family home is allowed in this district; J. Plourde yes, this is allowed by SE in the ordinance as long as the criteria is met, this is a single family home that does not impact the visibility on the road.

2-R. Costantino said the location of the addition was discussed and it was determined that this is the only location it can be, based on septic and makes sense; K. Lagro said alternatives have been discussed and this will have the least impact for visibility; J. Plourde said the applicant would not be here if he could put the addition in another location; of the three options this is the most appropriate.

3-K. Lagro said the setback is the open common land and as long as it does not go any further in, there will not be any adverse effect; R. Costantino appreciates the comments from the abutter, however the addition of 5' will not make a substantial difference to the adjacent area, the addition will not be in the setback very much so it is a minimal impact to the side of the house; J. Plourde noted this will not cause harm to the adjacent area, this addition is not getting any closer to property lines or homes or structures.

4-R. Costantino, K. Lagro and J. Plourde all agreed that the proposed expansion will not have a negative effect on pedestrians or vehicles.

5- K. Lagro indicated the addition is small and to the back of the house and does not require additional facilities; R. Costantino said this will be inspected by the Town to ensure it meets the requirements; J. Plourde agreed and noted that D. Illg has already talked with the Building Inspector and is going through the proper requirements.

Seeing no further deliberations, J. Plourde entered voting:

VOTING:

10.2.1

1- K. Lagro yes; R. Costantino yes; J. Plourde yes.

2- R. Costantino yes; K. Lagro yes; J. Plourde yes.

10.2.1.A

1- K. Lagro yes; R. Costantino yes; J. Plourde yes.

2- R. Costantino yes; K. Lagro yes; J. Plourde yes.

3- K. Lagro yes; R. Costantino yes; J. Plourde yes.

4- R. Costantino yes; K. Lagro yes; J. Plourde yes.

5-K. Lagro no; R. Costantino yes; J. Plourde yes.

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1 R. Costantino moved to approve Case 2020-30. K. Lagro seconded. A poll was taken: K. Lagro
2 no; R. Costantino yes; J. Plourde yes.

3
4 J. Plourde stated the criteria for Case 2020-30 has been satisfied, therefore the application is ap-
5 proved. There is a 30-day appeal period which is January 17, 2021.

6
7 Due to only having 3 members present, R. Costantino moved to table the minutes for review to
8 the next ZBA meeting. K. Lagro seconded. A poll was taken: R. Costantino yes; K. Lagro yes;
9 J. Plourde yes. L. Daley thanked the ZBA for a busy year working for the Town of Milford on
10 the Zoning Board of Adjustment. R. Costantino thanked L. Daley for making it easier for the
11 members getting through this zoom year. J. Plourde thanked L. Daley and D. Bouffard for assist-
12 ing the Board through a very busy year for the ZBA.

13
14 K. Lagro moved to adjourn at 8:04 p.m. R. Costantino seconded. A poll was taken: K. Lagro
15 yes; R. Costantino yes; J. Plourde yes. The meeting was adjourned at 8:04 p.m.

16
17 Motion to Approve: _____

18
19 Seconded: _____

20
21 Signed: _____

22
23 Date: _____

24
25 **THE MINUTES OF CASE #2020-30 ON 12/17/2020 WERE APPROVED 2/18/21**