

**Town of Milford
Zoning Board of Adjustment
September 6, 2018
Case #2018-24
Roberta Douglas
Special Exception**

Present: Jason Plourde, Vice Chair
Michael Thornton
Rob Costantino
Wade Scott Campbell, Alternate
Karin Lagro, Alternate

Absent: Joan Dargie
Tracy Steel, Alternate
Robin Lunn, Zoning Administrator
Laura Dudziak, Board of Selectmen Representative

Secretary: Peg Ouellette

Case #2018-24

Robert Douglas, for property located at 115 Souhegan St., Milford, NH, Tax Map 27, Lot 36, in the Residential A district, is seeking a Special Exception of the Milford Zoning Ordinances per Article X, Section 10.02.3 to allow for a home occupation for a Federal Firearms License for the Merrimack Valley Sportsman Club.

APPROVED 5/2/19

Motion to Approve: _____

Seconded:

Signed:

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54 J. Plourde, Acting Chair, opened the meeting and introduced the Board members. He informed all of the
55 procedures of the Board. There was a full agenda and they may not be able to hear all cases. He
56 explained that the rules allow for a 10 p.m. adjournment. Any cases not heard would be re-scheduled to a
57 date and time certain. There would be no further notice to applicant or abutters for cases continued to a
58 date, place and time certain. He said there were three full Board members present and two alternates. He
59 asked to seat Karin Lagro and Wade Scott Campbell, Alternates, as fully participating and voting
60 members. All in favor.

61 J. Plourde read the notice of hearing and invited the applicant to present the case.

62 Michael Douglas came forward. He said he was the representative, but he was the one who applied. His
63 mother was the owner [of the property]

64 J. Plourde asked him to provide information about the issue for the license.

65 M. Douglas said Merrimack Valley Sportsmans Club, Inc. incorporation had ended. When the Alcohol,
66 Firearms and Tobacco Administration (ATF) said, because the corporation had ended, you could no
67 longer continue with the license with that name on it. He could apply for another under his name. It is
68 under Michael Douglas. Applied to the State as a d.b.a [doing business as]. Christine Kent, the ATF
69 agent, informed him he needed a business permit within a residential area. He had had the license since
70 1989 at 280 Elm St. in his business garage. In 1995 he gave it to another club member because ATF
71 changed the rules for corporations. Mandated fingerprints & pictures. He didn't want to do that.
72 Another member did. In 2000 that member was killed; M. Douglas then took it back. 115 Souhegan St.
73 is his home. He does gun transfers for organizations, such as Ducks Unlimited, Ruffled Grouse Society,
74 and Merrimack Valley Club and individuals who want to do transfers. Does 15 to 20 a year. Through the
75 events they have, Ducks Unlimited it is required – for their raffles they get/buy firearms and need to have
76 them sent to an FFL. They send them to him and he enters them into his book. After the event, the
77 winner fills out paperwork and he does a background check with NH State Police. He doesn't buy or sell
78 guns or inventory guns, or sell ammunition. He only does paper transfers to give individuals if they wish
79 to sell a firearm and they don't know somebody to do the background check. He had been doing this
80 since 2001 to the present. ATF allowed use of current license until he gets a new one and if he was able
81 to continue to do it there. No traffic. One car at a time. For some of the events like Ducks Unlimited he
82 can do transfers at the event – write in the form and fill it out, call it in, and do transfer there. Some of the
83 firearms come back to the house. He doesn't keep them; when organizations order the firearms he might
84 have them for eight weeks. He was on the Board for Ducks Unlimited and involved with them for 30
85 years. He may have them for eight weeks because Ducks Unlimited likes to request them in eight to ten
86 weeks ahead. They don't want to wait until two or three weeks before the event [to buy them] and find
87 they don't have them. Only time he may have inventory, waiting for an event. Sometimes after an event
88 – especially with handguns – events don't close until 9 p.m. State Police line shuts down early, so some
89 people may not get them until Monday after the weekend.

90 J. Plourde asked what he did with them in this case.

91 M. Douglas said he puts them in a gun safe. That was only time he would have inventory. Doesn't stock
92 inventory and doesn't acquire anything to sell. It never was a business. He doesn't charge people to do
93 the transaction. Some stores do. He might if he had to ship to another dealer out of state. Long guns and
94 shotguns and rifles you can send to border states. Others you couldn't. Person who won the event would
95 have to provide a dealer. Dealer has to send a license and he sends it to them. He buys the license. This
96 year you pay the higher price for the license but for subsequent renewals it is \$90. State requires a pistol
97 and revolver license to sell. Each year when you apply to State you provide same to the police chief in
98 town. He was surprised when ATF said he needed a home business license. He just submitted paperwork
99 and gave to them and didn't expect follow-up.

100 J. Plourde said he did research and there were four others licensed in town. That club was on there and
101 Merrimack Valley Sportsmans Club was on there, and it was the same address.

102 M. Douglas said Merrimack Valley Sportsmans Club, Inc. was at a different address. That was the way it
103 had been. His friend was killed in a shooting in Wakefield, MA. He (M. Douglas) picked up papers in
104 the spring and transferred it to his name. He keeps the same books. Book from 1989 were all the same
105 books. Out of 29 years, they had done it, there were 470 guns he transferred. 370 actually on transfer
106 paper. Some to a gun dealer and some to individuals. People at auctions buy multiple firearms and could
107 have four or five on one transfer.

108 J. Plourde asked, he was not selling ammunition?

109 M. Douglas said correct.

110 M. Thornton said as long as he was doing it legally and above board. How did he cover costs?

111 M. Douglas said he did it himself. Everybody paid for their own mailing. Shipping to somebody or
112 receiving them. It is similar to buying on-line. He uses a gun broker. You bid to buy on one of the sites
113 and are successful. You pay that dealer for the shipping and firearm. They notify him and he sends copy
114 of his FFL and they send to him by UPS, FedEx or postal service. When it arrives, he calls them and does
115 background. If they pass, they come in and get them. Never had anybody declined. He is selective; kind
116 of has to know somebody or somebody who knows him before doing transfer. Doesn't want to take
117 someone off the street he knows nothing about.

118 J. Plourde asked Board for questions.

119 R. Costantino said the applicant answered everything he was thinking about.

120 J. Plourde went through the Home Occupation criteria. He asked applicant if he was the only one
121 involved with this.

122 M. Douglas said it was in his mother's home. She is there. He was the only one that did this. It was no
123 longer a corporation with board members. In 1995 they decided they would no longer have officers. This
124 would be in his name only. He could add a name to the license later on if he felt it was needed for
125 somebody to take over if something happened to him; but right now it was just himself.

126 J. Plourde asked if there would be no signs or anything to direct people to his house.

127 M. Douglas said there was no need. People come to the home if they made an appointment and he had
128 given them the address and location. No need for a sign.

129 J. Plourde said the area was pretty much the kitchen area.

130 M. Douglas said yes.

131 J. Plourde said it was only 300 SF so it was under the 1,000 SF threshold and 4 1/2 percent of the overall
132 SF which was below the 25 percent threshold. He asked about accessory finished goods, etc. It was not a
133 gun shop; just transferring.

134 M. Douglas said no items. Only thing related was that firearms have locks. Most come with them.

135 J. Plourde remembered from the application it was 15 to 20 transfers per year.

136 M. Douglas said over the years it was about that. Some years it comes in – when you renew your license
137 you indicate approximately how many transfers you have had. Usually 45 to 60 within three years. He
138 didn't feel much more than 15. Some years with bigger events with 30 guns in an evening and will split
139 with another shop. He may take half of them. But most years, no. Events he's involved with, six or
140 seven an event. He may do two a year. Occasionally someone who wishes to buy on line.

141 J. Plourde asked about traffic impact on the neighborhood.

142 M. Douglas said he writes on his application from Noon to 5. There is some traffic on Souhegan Street.
143 Relatively quiet. People walk dogs, some kids down the street. No parking issue. Enough for four to
144 five cars in the yard.

145 J. Plourde asked if there would be one customer at a time at his house.

146 M. Douglas said that was correct.

147 J. Plourde asked for any other questions from the Board. None. He opened public comment. None. He
148 closed public comment. He asked applicant if he had anything to add. No.

149 W. Campbell said he pretty much covered it all. Really nothing left to scrutinize. He covered all the
150 bases on what he was trying to achieve. He already had a license.

151 J. Plourde said that was right. Renewing it under another entity.

152 M. Douglas said under his name and reason he continued to take Merrimack Valley Club without the
153 "Inc." on it because people recognized that name.
154 K. Lagro said it wasn't really a business the way you would normally think. Just paperwork transfer.
155 Low impact with one or two cars a month.
156 R. Costantino said applicant had done everything he needed to do for State and FFL. No issue.
157 M. Thornton said applicant was a quiet, law-abiding citizen, or he would be out of business.
158 J. Plourde said they had previously had one other applicant for home occupation for an FFL and
159 M. Thornton had impressed him with his knowledge of the process. If M. Thornton was in acceptance of
160 this.
161 M. Thornton said it was clear.
162 J. Plourde said okay and moved on to vote on the Special Exception:
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164 **VOTE: On Special Exception:**

166 **1. Is the Special Exception allowed by the ordinance?**

168 K. Lagro – yes
169 W. Campbell – yes
170 R. Costantino – yes
171 M. Thornton - yes
172 J. Plourde – yes
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175 **2. Are all the specified conditions present under which the Special Exception may be
176 granted?**

178 M. Thornton – yes
179 R. Costantino – yes
180 W. Campbell – yes
181 K. Lagro – yes
182 J. Plourde – yes
183

184 J. Plourde said the criteria for special exception were satisfied and the application was approved. He
185 reminded applicants of the 30-day appeal period.

186 M. Douglas asked if he could inform ATF agent.

187 J. Plourde said just inform her of the 30-day appeal period.

188 M. Douglas said he would do that and she will issue the license later than that.

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