

**Town of Milford
Zoning Board of Adjustment
October 15, 2020**

Case 2020-27
Robert Kokko / Patch Hill Development LLC
Variance

Present: Jason Plourde, Chair

Rob Costantino, Vice Chair

Tracy Steel

Michael Thornton

Karin Lagro

Lincoln Daley, Director of Community Development

Darlene Bouffard, Recording Secretary

Excused:

Wade Campbell

Joan Dargie (Alternate)

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 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. J. Plourde asked members if they are in agreement to not review minutes this evening. A poll was taken: R. Costantino yes; M. Thornton yes; T. Steel yes; K. Lagro yes; J. Plourde yes. 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; Tracy Steel at home alone; Karin Lagro at home alone, Mike Thornton at home alone; Jason Plourde in the Community Development office at Town Hall in a room adjacent to Lincoln Daley's office. .

Case #2020-27

Robert Kokko and Patch Hill Development LLC for the property located at Milford Tax 9, Lot 2 is seeking a Variance from Milford Zoning Ordinance, Article V, Section 5.02.4.B to permit the construction of a single-family residence and related site improvements on a lot of record with

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1 less than the minimum required frontage (150') on a principle route of access on a Class V road
2 or better in the Residential "A" Zoning District.

3
4 Chairman Plourde asked who is representing the applicant. Bob Kokko indicated that he is the
5 applicant and will be presenting this evening. B. Kokko explained this is a ten acre lot that he
6 cannot get to, there is an easement to get to the parcel; he needs a variance because there is not
7 150' of frontage. He needs the variance for a lot with no frontage to use the easement in order to
8 build a house. L. Daley asked Mr. Kokko to provide a history of the property and how the ease-
9 ment came about the terms of the easement.

10
11 B. Kokko indicated the original intent was to extend Summer Street but it is very steep so that
12 never happened and the easement was provided when the land was subdivided and the Milford
13 and Amherst property lines were moved many years ago and the lots on Summer Street were
14 moved towards the Milford side. The easement was put into a deed when that sliver of land was
15 re-negotiated between the cell towers.

16
17 R. Costantino asked if the house is to be built on the top of this lot? B. Kokko said that is the
18 intent. J. Plourde said the driveway design has to be less than 10% and there are steep grades on
19 this lot. B. Kokko said he understands that and Meridian has done a conceptual driveway so he
20 knows it can be done. R. Costantino asked if this is just off the Patch Hill Trail? B. Kokko has
21 never heard anything about that. R. Costantino said there is a trail ahead just off Chase Lane. J.
22 Plourde said we do not know where the trail is in reference to this property. M. Thornton said
23 there is a concern of the location of the trail. R. Costantino said it is right around this area. M.
24 Thornton said if the owner is willing to allow a trail on private property, that might be a consid-
25 eration. J. Plourde said these are good questions. L. Daley said there is a trail that goes parallel
26 with the property line over into Amherst. J. Plourde asked if we can get written documentation
27 about the easement for the ZBA file? B. Kokko said he provided that with his application. J.
28 Plourde asked that the easement information from M. Foisie dated 10/14/2 be marked as "Exhibit
29 A" for the file.

30
31 L. Daley asked how Mr. Kokko anticipates that easement being finalized? B. Kokko said the
32 next step is to go to the BOS for approval and then he goes forward to get the easement in place.
33 L. Daley said if the ZBA supports the variance, it then must go to the Planning Board for an advi-
34 sory opinion for the BOS for approval in order for a Building Permit to be issued. B. Kokko
35 would need to submit the easement documentation before he can build on the lot. That would
36 not be a condition for tonight but he would need to get that easement to the town for our records.
37 J. Plourde asked if the Planning Board is involved? L. Daley said the Planning Board is only in-
38 volved for advisement to the Board of Selectmen for the issuance of a Building Permit, the re-
39 view for driveway would be reviewed by both Community Development and DPW. J. Plourde
40 asked if the ZBA would need to have any condition for the easement or for the grade of the
41 driveway? L. Daley responded yes, a driveway plan was brought tonight to at least have a con-
42 ceptual review by the ZBA so that B. Kokko can go forward with the other steps involved. L.
43 Daley said the applicant has provided information to support the agreement that is in place in the
44 zone regarding an easement as part of a subdivision plan and a draft of a conceptual driveway.
45 M. Thornton said that answers his question.

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Seeing no further questions or comments from the ZBA, J. Plourde opened the meeting to the public for comments or questions. J. Plourde indicated for the public to please press *9 if you would like to speak. Seeing no people waiting the in waiting room, J. Plourde closed the public portion of the meeting and the ZBA will now enter deliberations.

DELIBERATIONS:

1-R. Costantino said there are no safety issues and will not affect neighbors; T. Steel agreed; M. Thornton agreed; K. Lagro agreed; J. Plourde said this is in alignment with public interest.

2-T. Steel said yes, this will not affect anything; M. Thornton said there is nothing there so there is nothing to affect and would not be objectionable; R. Costantino yes; J. Plourde said the access has been set up in the past with an easement.

3-M. Thornton has no issues.

4-R. Costantino this is a very wooded area; M. Thornton said the end result will be to build a large home on a ten acre parcel which would not diminish the property values

5-R. Costantino said the hardship is the lack of frontage and there is no other reasonable use if he cannot have the variance; T. Steel indicated the variance is needed in order to develop the property; M. Thornton said without the variance it would be a hardship; K. Lagro said there is no frontage, the property could never be used without a variance, to which J. Plourde agreed.

VOTING:

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

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

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

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

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

M. Thornton moved to approve Case 2020-27. R. Costantino seconded. A poll was taken: K. Lagro yes; T. Steel yes; M. Thornton yes; R. Costantino yes; J. Plourde yes.

J. Plourde stated Case 2020-27 has been approved, there is a 30-day appeal period which is November 15, 2020.

T. Steel moved to adjourn at 9:34 p.m. R. Costantino seconded. A poll was taken: T. Steel yes; R. Costantino yes; M. Thornton yes; K. Lagro yes; J. Plourde yes.

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

THE MINUTES OF 2020-27 ON 10/15/2020 WERE APPROVED