

Town of Milford
Zoning Board of Adjustment
July 16, 2020
Case 2020-15
Patti & Paul Liamos
Special Exception

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

Absent: Wade Campbell
Joan Dargie

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 in the Community Development conference room at Town Hall adjacent to Lincoln Daley's office; Rob Costantino at home alone, T. Steel at home alone, 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.

Chairman Plourde continued by stating that there were four new cases to be heard, with no old cases and minutes of June 4 and June 18, 2020 for review. He then proceeded to summarize the hearing process, rules, and procedures for Board Members, applicants, and the general public. M. Thornton moved to review the minutes of June 4 and June 18, 2020 at the end of tonight's meeting. R. Costantino seconded. A poll was taken: M. Thornton yes; R. Costantino yes; T. Steel yes, K. Lagro yes, J. Plourde yes. Motion passed.

Case 2020-15

Patti Ann and Paul Liamos, 40 Ashley Drive, Milford Tax Map 47, Lot 27-14 is seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Section 5.04.2.A.7 and 5.04.5.B to permit

**MINUTES OF THE ZBA MEETING JULY 16, 2020 SPECIAL EXCEPTION CASE
#2020-15 LIAMOS SE - VIA ZOOM**

1 the construction of a deck for an attached accessory dwelling unit within rear dimensional property set-
2 back in the Residential "R" district.

3
4 Patti Lamos and her contractor Ed Campbell presented the application for the Accessory Dwelling Unit
5 (ADU) with deck, indicating they have built the ADU and deck and the deck came out larger than
6 planned because her parents are disabled so the stairs were widened which required the deck to be reposi-
7 tioned and become wider and it ended up going into the setback and will allow a wheelchair to go out
8 that door to exit. R. Costantino asked why this is not handled with an Equitable Waiver since it is just
9 dimensional? L. Daley explained he was not aware until now that it had already been constructed. R.
10 Costantino indicated an Equitable Waiver is usually a little easier, but if it was already built that is dif-
11 ferent. L. Daley said we should move forward with the Special Exception application. M. Thornton
12 asked if it could be administratively changed to be an Equitable Waiver not a Special Exception and
13 move forward? L. Daley said no, because the application and applicant are prepared for a Special Excep-
14 tion and they are prepared to answer the Special Exception criteria. J. Plourde commented that it is iden-
15 tified as Residence A but on the application it shows Residence R, noting that within Residence R, there
16 is a 15' front, side and rear property setback, how far is the deck from the line? Patti responded it is the
17 corner (of the deck) that is about 18" into that setback. E. Campbell said we were aware that we were
18 close and were trying to make it but it is about 18" into the rear setback. J. Plourde said that means it is
19 13.5" from the rear set back? E. Campbell said that is correct.

20
21 R. Costantino had no questions or comments. M. Thornton said the ADU was 692 sf but with dimen-
22 sions provided that does not come out to that square footage. E. Campbell said it is 40.6' x 17' but there
23 is a little jog at the north center of the ADU. That is where the kitchen sink is, this ADU is raised off the
24 ground because there is a garage under and there are no stairs on the ground. T. Steel had no questions
25 and indicated it is straightforward. K. Lagro had no questions, her questions were dimensional and have
26 been answered. L. Daley said the impact to abutting properties should be discussed, maybe the applicant
27 can describe what is around this property. Patti Lamos, owner, said the rear of the property abuts a quar-
28 ry, there are no direct abutters. There were no further questions. J. Plourde opened the hearing to the
29 public, asking for any public that wishes to speak to please dial *9. L. Daley did not see any people wait-
30 ing to speak. J. Plourde asked again if there were any members of the public that would like to speak.
31 There were none. J. Plourde closed the public hearing. J. Plourde indicated the ZBA will go into delib-
32 erations, we will discuss the Special Exception criteria.

33
34 Deliberations:

- 35
36 1-R. Costantino indicated this is similar to other ADUs; T. Steel, K. Lagro agreed with R. Costantino.
37 M. Thornton and J. Plourde also agreed.
38 2-M. Thornton indicated this is appropriate for this use; T. Steel and K. Lagro agreed, R. Costantino and
39 J. Plourde agreed it is in the back of the existing house and it is wooded back there.
40 3-K. Lagro said there is a buffer in the back and will not affect the abutters; T. Steel, R. Costantino said
41 there is no impact; T. Thornton and J. Plourde agreed.
42 4-R. Costantino stated there is no road back there for this to impact any pedestrian or vehicular traffic;
43 M. Thornton, K. Lagro, T. Steel and J. Plourde all agreed.
44 5-R. Costantino said this is a proper use with nothing further required; M. Thornton, K. Lagro, T. Steel,
45 J. Plourde all agreed.

46
47 Voting:

48
49 The ZBA voted on the Special Exception 10.2.1:

- 50
51 A. R. Costantino yes; T. Steel yes; M. Thornton yes; K. Lagro yes; J. Plourde yes
52 B. K. Lagro yes; M. Thornton yes; T. Steel yes; R. Costantino yes; J. Plourde yes.

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

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

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

4
5 Is the Special Exception allowed by the Ordinance? R. Costantino yes; T. Steel yes; K. Lagro yes; M.
6 Thornton yes; J. Plourde yes.

7
8 Are all the specified conditions present under which the Special Exception may be granted? R. Cos-
9 tantino yes; M. Thornton yes; K. Lagro yes, T. Steel yes; J. Plourde yes.

10
11 M. Thornton moved to grant Special Exception 2020-15. T. Steel seconded. A roll call was taken: R.
12 Costantino yes; K. Lagro yes; M. Thornton yes; T. Steel yes; J. Plourde yes.

13
14 Chair J. Plourde stated that the criteria of Special Exception have been satisfied and Case 2020-15 has
15 been approved; there is a 30 day appeal process, end date for that is August 16, 2020. J. Plourde thanked
16 the applicant for attending this ZBA virtual meeting.

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20 Motion to Approve: _____

21
22 Seconded: _____

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24 Signed: _____

25
26 Date: _____

27
28 **THE MINUTES OF 2020-15 DATED 7/16/2020 WERE APPROVED 9/17/2020**