

**Town of Milford
Zoning Board of Adjustment
December 3, 2020**

Case 2020-31

LUMBARD – FEDERAL HILL ROAD
Special Exception (Wetland Crossing)

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

Excused: Wade Campbell
Tracy Steel
Joan Dargie (Alternate)

Chairman Jason 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 Jason 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, Mike Thornton at home alone and J. Plourde was at home alone in the room.

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Meridian Land Services, Inc. for the property located at Milford Tax 56, Lot 52-2 is seeking a Special Exception from Milford Zoning Ordinance, Article VI, Section 6.02.6 to disturb approximately 1,150 square feet of wetland buffer area to allow the construction of a residential driveway access within the Residential 'R' Zoning District.

Spencer Tate, Wetland Scientist at Meridian Land Services, was representing the owner John Lumbard who was also present this evening, presented the information about this property located on Federal Hill Road, which includes an existing easement for the benefit of the front lot. R. Costantino made a comment about the house location showing that it is right against the setback, so if there is any future plan to

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add on, there should be thought given by the owner to consider that, instead of having to come back to the ZBA in the future for a Special Exception. Mr. Lumbard indicated there is a stake in the plan and there are no plans to go any further. S. Tate talked about the location of two wetlands one is larger and one is smaller, the driveway was made to be closer to the smaller wetland. J. Plourde asked about sight distance and if DPW is planning to do some improvements to that stretch of Federal Hill Road. J. Plourde wants to make sure this application reflects those changes to be made by DPW. S. Tate is unaware of any change that will be done by DPW on that section. J. Plourde said it sounds like the information does not reflect what DPW is planning to do to improve the conditions.

L. Daley asked if this already meets the sight distance requirements, wouldn't the change by DPW improve the sight distance that is being proposed? J. Plourde said there is a plan to improve the road and this sight line profile is not reflective of that change. The wetland crossing, the sight distance, the driveway location all need to be synced before making a decision. M. Thornton asked if Milford Conservation Commission has had any input on this? J. Plourde read into the record the memo from MCC dated November 3, 2020, which he asked to have marked as Exhibit 1 in the file. J. Plourde indicated the DPW Director emailed his comments regarding a new location of the driveway. S. Tate asked what the date of the email was, to which J. Plourde answered it is dated December 3, 2020 but does not specify where the change is. J. Plourde said the DPW project will improve the sight lines, but does this ZBA application reflect that change? L. Daley asked if the ZBA Chair wants to have Meridian and Mr. Lumbard work with DPW to get a plan that incorporates what the changes for the future are? J. Plourde would like that to happen, noting that Federal Hill Road has a horizontal curve which is going to be improved by DPW, the DPW project will improve the sight lines and he wants to have a plan on file that reflects what is being done.

S. Tate asked if an as-built plan would suffice in order to keep this project moving forward, but not knowing the date of the DPW improvements, Mr. Lumbard can begin production of his home but we do not know the timeline of the DPW work. J. Plourde responded an as-built plan would be acceptable. L. Daley said a driveway permit needs to be filed first. This now needs to go through the driveway permits process. S. Tate responded that as proposed the sight lines will not be a problem. L. Daley asked what the function is for the two wetlands? S. Tate said the larger wetland is for some poorly drained soils and has some peepers in it; the smaller one is just poorly drained and has some vegetation but it is smaller, such as if a boulder were removed and water collects in the hole, the larger wetland is of higher value. L. Daley asked about the flow of water and if the two wetlands are connected in any way? J. Plourde added that Federal Hill Road is also a Scenic Road, will that need to go to the Planning Board? L. Daley said it will. J. Plourde asked for any questions from the applicant? Seeing none, J. Plourde opened the public portion of the meeting and noted that the public can press *9 on their phone to ask questions. L. Daley did not see anyone waiting to speak. J. Plourde asked for any other comments from the applicant, there were none so the ZBA entered deliberations.

DELIBERATIONS:

J. Plourde indicated the ZBA will now deliberate the application for #2020-31 for the Special Exception for a wetlands crossing.

10.2.1

A-R. Costantino said this is allowed by Special Exception; M. Thornton said this is a standard residential situation of his passive solar home, the sight lines meet the requirements and the future improvements to be done by DPW will only improve the sight lines; K. Lagro said this is something that has been done in the same area to access the lot.

B-M. Thornton yes this is appropriate; K. Lagro yes this is an appropriate location for the driveway; R. Costantino agrees the location is the least impact to the area; J. Plourde agreed.

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C-K. Lagro there is no connection between the two wetlands and this will not affect the adjacent area; R. Costantino feels the impact is only to this property; M. Thornton said this will not negatively impact other properties; J. Plourde agreed.

D-M. Thornton feels this will not cause issues to other lots.

E.M. Thornton does not see anything that would cause any concern; R. Costantino said there is nothing special that needs to be done; J. Plourde stated we have people that specialize in certain areas and it has been determined that adequate facilities are being provided; K. Lagro agreed.

6.02.6

1 – R. Costantino agrees with the MCC response; M. Thornton agrees with the MCC response about unpaved areas being more permeable; K. Lagro said the need has been addressed; J. Plourde said the need is obvious to cross the wetland to get to the home.

2-K. Lagro this does not disturb either wetland; R. Costantino agrees; M. Thornton we are not imposing a further barrier; J. Plourde agreed.

3-M. Thornton said there is no impact; K. Lagro the MCC addressed the impact and it is not a problem; R. Costantino had nothing to add.

4-R. Costantino had no opinion on this; M. Thornton the water will be sheeting to one or the other site of the driveway into the wetland; K. Lagro the MCC addressed these issues in their memo; J. Plourde agreed.

5-M. Thornton said MCC addressed this criteria; K. Lagro and R. Costantino agree with the MCC response as does J. Plourde.

6-K. Lagro said most people in the area have had to address this and she does not feel it is a factor here; R. Costantino said the MCC response is that the impact will be minimal; M. Thornton stated MCC has addressed this; J. Plourde said the MCC does not have an issue.

7-R. Costantino said the impact will be minimal; M. Thornton, K. Lagro and J. Plourde agree with the MCC response.

VOTE (2020-31) SPECIAL EXCEPTION 10.2.1

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

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

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

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

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

VOTE (2020-31) Wetland Buffer 6.02.6

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

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

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

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

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

6- K. Lagro yes; M. Thornton yes; R. Costantino yes; J. Plourde yes.

7-M. Thornton yes; K. Lagro yes; R. Costantino yes; J. Plourde yes.

8- M. Thornton yes; K. Lagro yes; R. Costantino yes; J. Plourde yes.

9-K. Lagro yes; M. Thornton yes; R. Costantino yes; J. Plourde yes.

R. Costantino moved to approve Case 2020-31. K. Lagro seconded. A poll was taken: M. Thornton yes; K. Lagro yes; R. Costantino yes; J. Plourde yes. The Special Exception #2020-31 has passed all the criteria and is hereby granted. There is a 30 day appeal period.

M. Thornton moved to adjourn at 9:42 p.m. R. Costantino seconded. A poll was taken: M. Thornton yes; K. Lagro yes; R. Costantino yes; J. Plourde yes. The meeting was adjourned.

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Review / Approval of Meeting Minutes: 10/15/2020

M. Thornton moved to approve the minutes of Case #2020-24, Case #2020-25, Case #2020-26 and Case #2020-26 of October 15, 2020 as presented. R. Costantino seconded. A poll was taken: M. Thornton yes; K. Lagro yes; R. Costantino yes; J. Plourde yes.

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

THE MINUTES OF 2020-31 ON 12/3/2020 WERE APPROVED