

**Town of Milford
Zoning Board of Adjustment
April 4, 2019
Case #2019-o4
Matthew and Cynthia Peloquin
Special Exception**

Present: Michael Thornton
Joan Dargie
Rob Costantino
Tracy Steel
Karin Lagro, Alternate

Absent: Steve Bonczar, Chair
Wade Scott Campbell, Alternate
Lincoln Daley, Director of Community Development
Laura Dudziak, Board of Selectman Representative

Secretary: Peg Ouellette

Matthew and Cynthia Peloquin, for the property located at 22 Myrtle St., Milford Tax Map 21, Lot 8, in the Residential A district is seeking a Special Exception of the Milford Zoning Ordinances per Article V, Section 5.02.2.A.8 to allow for a reduction of the front yard setback to 10 ft.

APPROVED May 2, 2019

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

Joan Dargie, acting as Chair opened the meeting and introduced the Board members. She asked for motion to seat Karin Lagro, Alternate as fully participating and voting member. M. Thornton so moved. T. Steel seconded. All in favor. J. Dargie informed all of the procedures of the Board.

There was no quorum to approve minutes, so minutes were held until the next meeting.

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

Carl Foley of Fieldstone Land Consultants came forward on behalf of the applicants, who own the lot at 22 Myrtle St., with a house and outbuildings. Plan was to take down the barn and move the shed into the setback allowing for 36 ft garage addition. Plan was, where the driveway was will be a mud room entering from the existing kitchen. To the right was the kitchen sink with large window to the back yard. Mud room will have a washer and dryer there entering garage. A four bay garage with a game room, extra space above. They were asking for relief from the front setback. Lot located on three streets with 30 ft setback on each. He brought an exhibit from the town GIS with the lot highlighted in yellow, showing the existing surrounding houses. With this exhibit he wanted to show that existing properties around this home all entered into the 30 ft setback. They want to increase setback from the street to 7.9 ft from the barn to 10 ft. shown on the plan. He read through the criteria, with responses, in the application. He provided a rendering to the Bd. and said if Bd. had specific questions regarding it, he would refer them to the applicants.

R. Costantino referred to the front picture and asked if it was where cars entered, and if it was toward the house or Myrtle St.

M. Peloquin said yes, and it was toward the street.

M. Thornton saw two entrances but no new curb cuts.

J. Dargie said two cars from the front and one from the back.

M. Peloquin said there might only be one in back because of the telephone pole.

J. Dargie said no curb cuts. They will come in and turn to get into there.

M. Peloquin said yes.

R. Costantino asked if they were 2-car garages there. All cars enter there.

M. Peloquin said one may enter off the back. Depending on where the telephone pole was.

C. Foley of Fieldstone said the pole was at the 7.9 ft.

R. Costantino was confused about cars coming in from the street.

M. Peloquin pointed out where facing Granite St. and other facing Myrtle St.

R. Costantino asked if that was where the 10 ft. was.

M. Peloquin said it was currently 7.9 ft. and will bring more toward the property.

R. Costantino asked how they would not have curb cuts from Granite St.

M. Peloquin said they already had a pull-through drive.

C. Foley pointed it out on the map.

J. Dargie and R. Costantino asked how they went in and turned into that with only 10 ft.

M. Thornton asked if they tried it.

M. Peloquin said not with the overgrown lilac bush there now. Haven't figured it out until they get dimensions.

M. Thornton concerned that angle might be sloped.

C. Foley pointed out – said they would continue to use one into the front garage there but the curb cut would be seeded and interior. The pavement would be moving north. Part with the garage would stay; he pointed out what would be revised.

M. Thornton asked the length.

C. Foley pointed it out.

J. Dargie said that was an additional curb cut.

C. Foley asked, it was?

J. Dargie said because they were widening it.

M. Thornton said it was a modification.

J. Dargie asked, why not turn the building and go lengthwise? Then you were in all setbacks.

C. Foley said regarding the location of the house, he pointed out large bay window at entering the mudroom and another that allowed them to see their children in the yard.

J. Dargie wasn't seeing that. Take this building and make it long and still have a front yard.

M. Peloquin said all the front of the new barn on Myrtle St. was already pretty much against the window. If you turned it into the setback you were still within the 10 ft.

J. Dargie said you would be redesigning it. She was saying take the addition and turning it.

M. Peloquin thought you would still be coming into the window.

J. Dargie said you would have to re-lay out the inside.

M. Peloquin said there wasn't room to get into the garage.

J. Dargie said they would have more room.

M. Peloquin said they would have to pave the whole yard.

J. Dargie said they would still go up the back.

M. Peloquin said if they turn it 90 degrees all the cars would be facing Spring St. Would have to pave a good part of the yard.

J. Dargie said if they lay it out the same way. The first part of the Special Exception was if they if they didn't have to come into the setback.

M. Thornton said if they made additional curb cuts it would give one access.

K. Lagro said you would have to go down the long side.

J. Dargie said you would have to put garage doors on the long end rather than the short end.

R. Costantino said he had no problem with Myrtle St. but back side. Problem with the design was a lot of people that have garages and don't park in them, but in front of them. If they did that, the car would be sticking out in the road.

M. Peloquin said the doors on the back side were an added thing. Plan on a complete open space in the first floor. If that was the only thing holding it up, he could access all four on Myrtle St. and shuffle stuff around.

C. Foley said that might be best to use Myrtle St and then continue this and that would become part of the yard.

M. Peloquin said that was where the barn was.

C. Foley said in doing so he would lose a curb cut.

M. Peloquin said he had no reason to park a car in the yard.

J. Dargie asked for any further questions from the Bd. She said part of the issue was Granite St. was pretty narrow and changing it to make it more in conformance was a good thing. They did have a lot of property and room to play with to get it more in conformance. It said 10 ft. from the right of way. Was it 10 ft. from the property line?

M. Peloquin said the right of way.

J. Dargie said it was making it a little bit more in the conformance part.

M. Peloquin said he had it that way but Fieldstone said to move it. That was the little bump-out toward the bay windows. Front of the mudroom and the front of the barn used to be in line with each other.

C. Foley asked, lose the curb cut?

M. Thornton said it would be more benign.

J. Dargie said when you went down Granite the buildings being close to the road were kind of obstructing. How much taller will the new addition be? Even though it would be 2.1 ft further back from the property line it will be bigger.

M. Thornton said taller.

J. Dargie agreed. That was another concern with it being that close.

C. Foley said those were all existing features with road which was a decline. It was sloping, so it was moving away from the building.

M. Peloquin said Granite St. was a dead end.

T. Steel said you would gain 12 ft if it was the long way.

J. Dargie said that was the suggestion.

C. Foley said they would have to come off Spring St. There was an elevation change and it didn't allow use of the footprint

T. Steel asked if they were going to need three garage doors

M. Peloquin said openings

T. Steel asked if they would need them to go in lengthwise, stacked.

M. Peloquin said two in front of the other.

J. Dargie said otherwise they would have to have a longer driveway.

M. Peloquin said they were already within 10 ft on that side.

J. Dargie asked for any other questions from the Bd.

K. Lagro said a difference between a barn and garage; you had people driving into a garage and pedestrian traffic and snowplow issues.

M. Peloquin said the barn was used as a garage with proposed entrance on Myrtle St. Moving further away should be less of an issue. In the eight years they lived there they had never had snow within eight ft of the barn.

R. Costantino asked how to handle a potential discussion of a condition.

J. Dargie said they would wait until after public comment.

R. Costantino wanted to make sure they said it in such a way that they understood what they were saying.

J. Dargie asked for other questions. None.

J. Dargie opened the meeting for public comment.

Michael Anderson of 23 Myrtle St pointed out that Granite St has one house and road. Two people who live on it; two cars that go up Granite St. Traffic not an issue. The barns will be moved back a bit. Plenty of room. Didn't see an issue with any of the plans. It was a great idea as far as being homeowners on the street. It was going to increase home values. Didn't understand turning it 90 degrees.

J. Dargie said then you would get out of setbacks.

M. Anderson said then you get into paving, etc. – not a good option.

M. Thornton asked, as a resident of the area he didn't see any issues as it was planned and as a modification did he see benefits?

M. Anderson said no. If you turned it, would need more paving. Pointed out where a car could fit and not be in the road.

M. Peloquin said between himself and his wife they had five vehicles.

M. Anderson said M. Peloquin liked to work on cars. Will be a work area there and added bonus with the back drive. Didn't see any problem.

M. Thornton said two additional doors for ease of access. A collector would not frequently use those.

M. Peloquin said he drives one car daily. He uses his daughter's truck for leaf and grass removal.

M. Thornton said he counted four spaces.

M. Peloquin said he has two left in the garage. Can store two in the back and his and his wife's daily drivers close to Myrtle St. On days with shows he could pull the Jeep out and pull the other out.

M. Thornton asked if there was room.

M. Peloquin said to shift cars.

M. Anderson asked if this was listed as two or three lots.

M. Peloquin said three tracts.

M. Anderson said if a car came up it was all open. Maybe a half a dozen trees and shrubs planted there.

Cynthia Peloquin said one concern was that they were the big green space on Myrtle St and shifting it would move more into that open field.

M. Peloquin said they didn't have a big front yard. Close to the road for the kids to play in.

T. Steel said they could just get away with stacking up cars. They have a pole there and some landscaping.

K. Lagro said if doors the back would increase curb cut.

M. Thornton said one door in the back would make sense. He saw in the news that a young man backing up hit his father and a child in the driveway. Doing too much back and forth was more hazardous than going straight through and out. There were arguments both ways.

J. Dargie asked for any other questions from the public. None. She closed public comment and proceeded on to discussion of the Special Exception. She asked Bd. if they wanted to go through the criteria one by one.

R. Costantino said he would definitely have a problem with having a car entrance off Granite St. with only 10 to 17 ft., or whatever. He thought it was a hazard to the public. Even if they didn't park cars in front there was a possibility that if they sell the house, somebody else may.

M. Thornton agreed, but he heard two cars up and down the street. Therefore, it was, in his opinion, unless there was some way to open and make it a through street, not as high as concern.

R. Costantino said if they park six cars in front, car will be out in the road. Even if these applicants weren't planning to do it, no guarantee that somebody in the future would not do it. Concern that anybody walking down the road would be an issue. Myrtle St. was fine, whether two or four cars it was not an issue for him. Any entrance was an issue. Would need a different curb cut. He saw that as a hazard. If he were to make a condition he would say no car entrance to the garage from Granite St. If you have no conditions, he would have a problem with the approval.

J. Dargie said on one part of the barn you were at 17 ft. so even if you pull from there would still potentially be halfway in the street

R. Costantino said it would still be an issue. They had a pre-existing that was 13 ft. J. Dargie asked if he wanted to make a motion, if it was approved.

R. Costantino made a motion to add a condition that if this was approved it would not have Granite St. car access to the garage.

M. Thornton asked, no vehicles?

R. Costantino said no vehicle doorways toward the driveway into the garage.

C. Foley said, for clarification, they were talking ten ft. from the garage. Actual distance from the corner of the barn to the pavement was 18 ft. at the northernmost point. The ten ft. was the property line and actual pavement line was 18 ft. from the northernmost point and 22 ft. to the southerly point.

J. Dargie said it was not right at the pavement.

R. Costantino said if a car were to park against the building it would not be touching the building.

T. Steel asked if there was a sidewalk there. Others said no.

R. Costantino said his wife had a Caravan which was 15 ft. Concern it would be close enough to the edge of the road to be a hazard. He didn't think cars were meant to be there.

M. Thornton said there would be no problem parallel parking on the curb.

R. Costantino said they couldn't enforce that.

M. Thornton agreed, but would like to understand if they were talking about a center line to the street or to curb or to the garage.

C. Foley pointed out the distance to the edge of the pavement was 18 ft. The pole will be an issue. If it was one bay and not two, you go to the center of the garage more or less it became 23 ft. If you did the same thing in the corner, you were talking about a curb cut, it was 25 ft. He believed there was enough for one bay. Two might be a stretch with the pole.

K. Lagro said you would have to increase the curb cut.

C. Foley said you would have to extend the curb cut. He pointed out some well into the green space.

M. Thornton they were talking more about sliding.

C. Foley said M. Peloquin would entertain one bay instead of two because the pole was an issue. Would be ample. He pointed out what would be part of the yard. Will be a clear cut.

J. Dargie asked if it was the distance from the pole to the corner, across from the pole to the barn. 24 ft?

C. Foley said yes, about 22 or 23.

J. Dargie said there could be one door in the widest area to stay away.

C. Foley said you could not access that because of the pole.

R. Costantino said that alleviated his concern.

T. Steel asked if they would have to get another the curb cut.

J. Dargie thought that it said no additional curb cuts, but there was a change.

C. Foley said shifting it.

J. Dargie said it took care of it of going away from the intersection.
 K. Lagro said it was better if it was shifted, but not if it was just widened.
 J. Dargie said C. Foley was saying shift.
 M. Thornton asked if it was the same dimension, but a slightly different spot.
 C. Foley said yes. It went right through.
 M. Thornton asked if they were talking about granite curbs.
 M. Peloquin said nothing, just grass.
 M. Thornton said there must be paperwork filed and approved because he did think it wasn't for the Bd. to go ahead and do that.
 J. Dargie said it was part of the plan.
 M. Thornton said to approve of curbs.
 J. Dargie said no. That was done by Planning Bd.
 R. Costantino said he would like to change the condition to be having only one car entrance from Granite St. on the wider end.
 C. Foley said the southern end of the garage.
 R. Costantino said southern end of the garage – one vehicle access.
 T. Steel seconded.
 All in favor.
 J. Dargie asked for any other questions or discussion.
 M. Thornton asked if they were going to go through each of them, or address them as a block.
 J. Dargie said they would go through them, have a discussion and then vote
 R. Costantino said he would like to have a comment, yes.

1. Was the proposed use similar to those permitted in the District?

R. Costantino – yes. They were proposing a garage, which was permitted in Res. A
 T. Steel – yes, because it was a reduced setback, which was allowed in Res. A

2. Was the specific site an appropriate location for the proposed use?

J. Dargie said that was where she was thinking they could flip it and not be in the setback.
 Could see reasons for not wanting to.
 R. Costantino thought it was appropriate. They did consider alternatives.
 T. Steel – yes.

3. Would the use as developed not adversely affect the adjacent area?

T. Steel said with the condition that prevented any site line or intersection problem.
 J. Dargie –her thought was in the future if the town decided to put in sidewalks.
 M. Thornton said everybody in the neighborhood would be in the same position at that time.

4. There will be no nuisance or serious hazard to vehicles or pedestrians.

M. Thornton believed R. Costantino's concerns took care of most of those. When he went by there, the feeling was of an open space. He doesn't look at height, but only at ground level, and whether he could see cars or kids. Height of the building wasn't a concern.

5. Adequate appropriate facilities will be provided for the proper operation of the proposed use.

R. Costantino didn't think getting a fire engine or ambulance in was an issue.
 K. Lagro said if you didn't move the curb cut you couldn't get into the garage.
 M. Thornton asked if they needed to make a condition.
 J. Darcie said they had.

M. Thornton made a condition for one door.

J. Dargie said in order to use the one door. The curb cuts weren't up to the Bd.

J. Dargie moved on to vote on the Special Exception:

VOTE: On Special Exception:

1. Is the Special Exception allowed by the ordinance?

K. Lagro – yes

T. Steel – yes

M. Thornton – yes

R. Costantino – yes

J. Dargie - yes

2. Are all the specified conditions present under which the Special Exception may be granted?

R. Costantino – yes

M. Thornton – yes

T. Steel – yes

K. Lagro - yes

J. Dargie - yes

J. Dargie said the application was unanimously approved. She reminded applicant of the 30-day appeal period.

There being no other business before the Bd., J. Dargie asked for a motion to adjourn.

M. Thornton made motion to adjourn.

Motion seconded. All in favor.

Meeting adjourned at 7:55 p.m.