

Town of Milford
Zoning Board of Adjustment
October 1, 2020
Case 2020-25
San-Ken Homes Inc.
Variance

Present: Jason Plourde, Chair
Rob Costantino, Vice Chair
Karin Lagro (Alternate)
Paul Dargie, BOS Representative
Tracy Steel
Michael Thornton (arrived 7:10)
Joan Dargie (Alternate)
Lincoln Daley, Director of Community Development

Absent: Wade Campbell

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 alone in the Community Development conference room at Town Hall adjacent to Lincoln Daley's office; Rob Costantino at home alone, T. Steel at home with her daughter and niece in the room, K. Lagro 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 and that J. Dargie be seated as a regular member for tonight's meeting in the absence of M. Thornton. K. Lagro and J. Dargie agreed. A poll was taken: J. Plourde yes; R. Costantino yes; T. Steel yes.

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 indicated that the two cases 2020-24 and 2020-25 are for the same property, Case 2020-24 is to allow a condominium development without the required frontage, but the multi-unit building has not been approved for this lot, which is Case 2020-25. J. Plourde asked the applicant if these could be talked about in reverse order, to talk about the multi-family application for a 7-unit condominium building (multi-family) first and if that is allowed then move into the frontage variance case 2020-24. R. Costantino and M. Thornton agreed that would be best. R. Costantino moved to hear Case 2020-25 before Case

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2020-24 and to deliberate and vote on them separately. M. Thornton seconded. A poll was taken: T. Steel yes; K. Lagro yes; R. Costantino yes, M. Thornton yes; J. Plourde yes.

Case 2020-25

San-Ken Homes, Inc. for the property located at Milford Tax 30, Lot 19 is seeking a VARIANCE from the Milford Zoning Ordinance, Article V, Sections 5.02.1 and 5.02.3 to permit the construction of a 7 unit condominium multi-family development on a property within the Residential 'A' District.

K. Lehtonen explained this is a 5.96 acre lot and this is identified as the best use for this property. Townhomes were being considered as they would fit in nicely with the area. John Rohke, engineer, said this is an almost 6 acre parcel that has been in this configuration since about 1936. The criteria were reviewed. J. Rohke said if we could put in a road, we could divide it into several lots. The homes in this area have smaller lots, there are existing multi-family homes in this Residence A district. These town homes will be single story units. The water line will be upgraded on Nashua Street. This is a unique property in the neighborhood, for which the best use would be a condominium building which will provide more things than a single family residence would. Instead of subdividing this property, where everything would be maintained by different owners, this would be one single owner. At the site walk, the bounds were looked at. The driveway will be double width. These units will all be one floor units. There has been concern about not having guest parking. With a hammerhead turn around, it is designed to allow for visitor parking which will be discussed at the Planning Board level. There will be underground detention ponds which will drain and be controlled into the wetland after treatment. J. Rohke asked for questions.

J. Dargie asked if the only way into the property is over an easement? J. Rohke answered there is 35' frontage on Wheeler Street. J. Dargie said is that the frontage? J. Rohke said the driveway will be 25' wide. L. Daley said the survey says it is 30.22'. J. Rohke said the driveway will be 20' wide to access the units. It is a driveway but it is wide enough to have two-way traffic. J. Dargie asked will this be a town road? J. Rohke said it will be privately maintained. L. Daley said it will not be a public roadway. R. Costantino asked what is the distance between the driveway and the retaining wall in the back? J. Rohke said it is 70' to the retaining wall. R. Costantino asked the width of the land where the buildings are. J. Rohke said about 300' of buildable area. J. Dargie asked how wide Farley Road and Wheeler Street are? She remembers them being pretty narrow. J. Dargie asked if we would be allowing 7 units with 30' of frontage? J. Plourde said this would be one driveway, 20' wide, to get private access to the seven units. J. Plourde does not have a problem with the driveway being 20' wide because that meets the regulations. J. Dargie said the town has a requirement for density, so that density is reduced, a single family home would be fine, she questions putting 7 units on that location with a 20' wide driveway. J. Plourde and M. Thornton both agreed with J. Dargie, the main reason to enforce the frontage is because of density. J. Dargie said this is mostly wetland and there is not much of this parcel that is buildable. M. Thornton said it is a large parcel, but only a small portion of it is buildable. L. Daley said the current plan shows that it is bisected by a large wetland area.

K. Lehtonen said he considered developing between the Souhegan River and the wetland but decided to put the units closer to Wheeler Street. L. Daley said it was mentioned that subdivision was a possibility, can K. Lehtonen elaborate on that? Did you use the Residence B multi-family allowance on this? J. Rohke said he can subdivide this lot which would include making a town road for one single family home in this zone. L. Daley said the subdivision requirements include a 50' right of way. J. Rohke said yes, we would need a public road with several lots. L. Daley asked if there were any alternatives to the density considered? J. Rohke said he looked at seven units which is what was allowed in the calculation. If the Board feels that a lesser number would be better, we can take a look at it. M. Thornton asked if it is true there is only about a half-acre of buildable land? What is the minimum lot size? The parcel is very unique in its character that it would be difficult to approve anything. L. Daley said Residence A allows

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for 15,000 sf lots. M. Thornton wants to make sure it falls in the ZBA purview to grant relief. L. Daley said the ZBA purview is with multi-family use which is not allowed in the Residence A zone. M. Thornton said we are only answering the question of multi-family, part of the analysis is the response to the criteria and the impact to the neighborhood. L. Daley said the ZBA is not making that determination right now, we need additional analysis. J. Plourde said the application states the traffic would not have an impact on the neighborhood. J. Rohke said that is based on the type of units, but a traffic study was not done. A trip generation was not done. J. Plourde said for a 7-unit multi-family development, he wants to make sure that the traffic is considered, the traffic generated needs to be talked about. J. Plourde asked if the driveway regulations were looked at? J. Rohke said they were not. J. Plourde said that needs to be looked at because there is a requirement for use for apartment driveways. J. Plourde indicated part of the criteria is the impact on surrounding properties. J. Rohke believes that the surrounding lots will not be impacted. J. Plourde asked if there are any comparable uses in this area? J. Rohke said there is one duplex on Wheeler Street and another in the neighborhood.

L. Daley suggested that the applicant provide a list of comparable houses in the neighborhood. J. Plourde said that information would be helpful. L. Daley offered to help to do that, he found about 6-7 multi-family houses in that area including Nashua Street. K. Lehtonen noted that this neighborhood is very different from the Nashua Street side. J. Plourde said this discussion is only regarding the case for multi-family in a Residence A zone. The ZBA will be continuing the meeting so the applicant and abutters have an opportunity to comment at the next meeting.

Natalie Curtis, abutter 8 Farley Street, is concerned with the impact to the traffic since is a very narrow road and people may need to park in the street. Adding a multi-family building makes it more concerning. J. Plourde read a letter from Natalie Curtis into the record. Eric McDougall sent through some criticisms on this applicant and spoke out against this. J. Plourde read the letter from E. McDougall into the record. E. McDougall feels the home values in the neighborhood will not go up but might possibly go down. R. Flurry, 2 Spruce Street, stated that the person leading the site walk was rude in the beginning and at the end of the site walk. There are wetlands on the back of this parcel and he cannot see that 7 units will add to the neighborhood. A. Somers, 16 Farley Street, asked about guest parking on the road, stating that will be a problem, this would impact the entire neighborhood and everyone in the neighborhood has come together in opposition to this application. Danielle and Jacob Sherman asked how many board members were at the site walk, he requested another site walk for members of the ZBA to walk the site again. Luke Bailey, 10 Spruce Street, is not in favor of these condos, adding 7 units does not go with the spirit of the neighborhood and it would ruin what is there and the ZBA should walk the site to see that it will be in their backyards. Kristin Makara, 6 Farley Street, feels this would affect the neighborhood, it would be a nightmare.

L. Daley asked the ZBA to pick a date for another site walk in the neighborhood and the site. Saturday October 10 at 11:00 am was agreed on. A poll was taken: R. Costantino yes; K. Lagro yes; T. Steel yes; M. Thornton yes; J. Dargie yes, J. Plourde yes. Ken Lehtonen said he can also be at the site that day.

At the end of this discussion, it was determined that the following needs to be addressed by the applicant:

- 1-analysis of the neighborhood comparable uses;
- 2-traffic analysis within the lot;
- 3-develop area to support a 7 unit density;
- 4-property value impact (provide comparables)

T. Steel moved to continue application 2020-25 to October 15, 2020. R. Costantino seconded. A poll was taken: M. Thornton yes; T. Steel yes; R. Costantino yes; K. Lagro yes; J. Plourde yes

Deliberations: There were no deliberations on this case this evening.

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Voting: There were no votes taken on this application this evening.

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

THE MINUTES OF CASE 2020-25 DATED 10/1/2020 WERE APPROVED _____