

Town of Milford
Zoning Board of Adjustment
September 17, 2020
Case 2020-21
Zach Williamson
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 (Alternate)

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 family members in the room, 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. K. Lagro agreed. A poll was taken: J. Plourde yes; M. Thornton yes; R. Costantino yes; T. Steel yes.

Chairman Plourde continued by stating that there were three new cases to be heard, with no old cases. He then proceeded to summarize the hearing process, rules, and procedures for Board Members, applicants, and the general public. J. Plourde stated that the Board can move onto the first case tonight. It was requested that the second item on the agenda be discussed first, as the applicant for the first case (2020-20) is not present yet. Robert Demers, representing the applicant for Case 2020-20, said Brad Westgate is trying to gain access. Robert asked that the cases be taken out of order.

**MINUTES OF THE ZBA MEETING SEPTEMBER 17, 2020 SPECIAL EXCEPTION
CASE #2020-21 WILLIAMSON SE - VIA ZOOM**

Case 2020-21

Zach Williamson, Milford Tax Map 31, Lot 23-1, 20 Riverview Street, is seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Section 5.02.2.A.8 to permit the construction of a 22 foot by 16 foot (352 square feet) accessory structure within the 30 foot front property setback in the Residential "A" district.

J. Plourde asked if the applicant for Case 2020-21 would like to move forward with four members tonight and out of order? Z. Williamson has no issue with moving forward. Z. Williamson corrected the agenda that the structure is 12' x 16' in depth not 22' x 16'. J. Plourde asked for a presentation for the application. Z. Williamson stated he has an 8' x 12' shed, but he does not have much other property because it slopes down to the river which is why the setback variance is being requested. J. Plourde asked if said the shed is within the front setback? Z. Williamson said it is. J. Plourde asked if he is looking to build another shed where the existing shed was, noting there is a 10 foot setback. Z. Williamson explained it is 15 feet off the property line instead of 30 feet off. There is also a retaining wall in the back. This application is to allow a 12' x 16' shed with a deck off the back side. J. Plourde asked for questions from the Board.

R. Costantino indicated the applicant is looking to put a new shed where the old shed was and it is not any closer to the lot line than the old shed was. Z. Williamson said that is correct, on the same line where the previous shed was located. R. Costantino drove by this property and it has quite a drop in the back. T. Steel had no questions. K. Lagro had no questions and commented that the new shed will not be any closer than the old shed. J. Plourde said there are other structures on neighboring lots. Z. Williamson said yes, there are other sheds on the front side and his abutters do not have any issues. J. Plourde asked if there are any utilities in the shed? Z. Williamson said only for power for a refrigerator. Z. Williamson went through the criteria. L. Daley asked how the distance was verified for the previous shed? Z. Williamson responded there is a granite post property marker that he measured from. L. Daley asked if other alternatives were considered? Z. Williamson responded they looked at turning it 90 degrees but that would use up all the flat yard area. Any other orientation for the shed would not be usable to even entertain.

J. Plourde opened the meeting to the public to ask questions or make comments, please press * and 9 so that we can see if you would like to speak. Lisa Newburg, Ponemah Hill Road, was recognized and she stated that she, likes this project very much and thinks in no way does it infringe on anyone. Hearing no other comments from the public, J. Plourde closed the public meeting so that the Board could enter deliberations.

Deliberations:

1-R. Costantino said that this application seeks relief from a setback which is allowed by Special Exception so it is a permitted use and this house was built in 1989 before the setback rules were in place, this whole area has things that would not be allowed today and several houses are all close to the road, these things would not be allowed with the current zoning but it is similar to other residences in the area.; J. Plourde agreed that the other structures in this area are in the setback; T. Steel agreed; K. Lagro said this is an appropriate place in the neighborhood; J. Plourde added that this does not come any closer to the front lot line than the previous shed..

2- T. Steel and K. Lagro agreed that the location of the shed is appropriate, R. Costantino and J. Plourde agreed it is in the back of the existing house and it is wooded back there.

3-K. Lagro said there is a buffer in the back and that will not affect the abutters; T. Steel, R. Costantino said there is no impact; M. Thornton and J. Plourde agreed.

4-R. Costantino stated there is no road back there for this to impact any pedestrian or vehicular traffic; M. Thornton, K. Lagro, T. Steel and J. Plourde all agreed.

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5-R. Costantino said this is a proper use with nothing further required; M. Thornton, K. Lagro, T. Steel, J. Plourde all agreed.

Voting:

The ZBA voted on the Special Exception 10.2.1:

1. R. Costantino yes; T. Steel yes; M. Thornton yes; K. Lagro yes; J. Plourde yes
2. K. Lagro yes; M. Thornton yes; T. Steel yes; R. Costantino yes; J. Plourde yes.
3. M. Thornton yes; K. Lagro yes; R. Costantino yes, T. Steel yes; J. Plourde yes
4. K. Lagro yes; M. Thornton yes; T. Steel yes; R. Costantino yes, J. Plourde yes
5. R. Costantino yes; T. Steel yes; M. Thornton yes; K. Lagro yes; J. Plourde yes
6. K. Lagro yes; R. Costantino yes; T. Steel yes; M. Thornton yes; J. Plourde yes
7. R. Costantino yes; T. Steel yes; K. Lagro yes; M. Thornton yes; J. Plourde yes

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

Are all the specified conditions present under which the Special Exception may be granted? R. Costantino yes; M. Thornton yes; K. Lagro yes, T. Steel yes; J. Plourde yes.

R. Costantino moved to grant Special Exception 2020-21. T. Steel seconded. A roll call was taken: R. Costantino yes; K. Lagro yes; M. Thornton yes; T. Steel yes; J. Plourde yes.

Chair J. Plourde stated that the criteria of Special Exception have been satisfied and Case 2020-21 has been approved; there is a 30 day appeal process, end date for that is October 17, 2020. J. Plourde thanked the applicant for attending this ZBA virtual meeting. Z. Williamson thanked the Board for their time.

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

THE MINUTES OF CASE 2020-21 DATED 9/17/2020 WERE APPROVED _____